Goals

• Understand the mandated reporting obligation and process
• Recognize child abuse, neglect, grooming, and boundary violations

Michigan Child Protection Law

• Enacted in 1975
• Requires mandated reporters to report child abuse or neglect
• Key questions:
  • Who are mandated reporters?
  • What do they need to look for?
  • How do they report?

Who is a mandatory reporter?

• Fairly long and expansive list in MCL 722.623
• School-Related Mandatory Reporters:
  • Teachers
  • Counselors
  • Administrators
  • Child care providers
  • Social workers
What is child abuse?

• The Michigan Child Protection Law definition:
  • "Child abuse" means harm or threatened harm to a child’s health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy.

What is child neglect?

• The Michigan Child Protection Law definition:
  • "Child neglect" means harm or threatened harm to a child’s health or welfare by a parent, legal guardian, or any other person responsible for the child’s health or welfare that occurs through:
    • Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, or

What is child neglect?

• Neglect continued:
  • Placing a child at an unreasonable risk to the child’s health or welfare by failure of the parent, legal guardian, or other person responsible for the child’s health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.
What about child-on-child abuse?

- People v Beardsley, 263 Mich App 408, 416; 688 NW2d 304 (2004)
- The Michigan Court of Appeals ruled that such conduct is not covered by our statute

What’s the trigger to report?

- “Reasonable cause to suspect child abuse or neglect”
  - Concrete proof is not needed
  - No duty to investigate, simply a duty to report

What’s the trigger to report?

- Examples of physical abuse
  - Beating, kicking, punching, or burning
- Common indicators of physical abuse:
  - Questionable, recurring bruises or welts
  - Crescent-shaped bruises
  - Bruising behind ears
  - Bruises or welts in the shape of an object
  - Bite marks
  - Swollen lips, chipped teeth
What’s the trigger to report?

- More common indicators of physical abuse:
  - Bald spots, missing clumps of hair
  - Cigarette or cigar burns
  - Burns in the shape of an object (iron, stove burner)
  - Immersion burns (legs, hands, buttocks)
  - Questionable, multiple, or recurring fractures

What’s the trigger to report?

- Behavioral indicators of physical abuse:
  - Self-destructive/self-mutilation.
  - Withdrawn or aggressive-behavior extremes.
  - Uncomfortable/skittish with physical contact.
  - Arrives at school late or stays late as if afraid to be at home.
  - Chronic runaway (adolescents).

What’s the trigger to report?

- More behavioral indicators of physical abuse:
  - Complains of soreness or moves uncomfortably.
  - Wears clothing inappropriate to weather to cover body.
  - Lack of impulse control (e.g. inappropriate outbursts).
What’s the trigger to report?

• Sexual Abuse and Exploitation:
  • Engaging in sexual contact or sexual penetration with a child (as defined in the criminal code) constitutes sexual abuse.
  • Sexual exploitation is defined as allowing, permitting, or encouraging a child to engage in prostitution or to be depicted in a sexual act (as defined in the penal code).

What’s the trigger to report?

• Common indicators of sexual abuse and exploitation:
  • Age-inappropriate knowledge of sexual behavior
  • Sexually explicit drawings and behavior
  • Unexplained fear of a person or place
  • Unexplained itching, pain, bruising or bleeding in the genital area

What’s the trigger to report?

• More common indicators of sexual abuse and exploitation:
  • Age-inappropriate seductive behavior
  • Pregnancy 12 years or under
  • Sexually transmitted infections, frequent urinary or yeast infections
What’s the trigger to report?

- Mental Injury:
  - The observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function.

- Maltreatment:
  - Treatment that involves cruelty or suffering that a reasonable person would recognize as excessive.

Indicators of mental injury:
- Exhibits extremes in behavior
- Overly compliant or demanding
- Extremely passive or aggressive
- Is inappropriately child-like or infantile
- Exhibits physical or emotional delays
- Has attempted suicide
- Self-reports abuse

What’s the trigger to report?

- Maltreatment
  - Treatment that involves cruelty or suffering that a reasonable person would recognize as excessive.

- Indicators include
  - Humiliation
  - Inappropriate child capability expectations
What’s the trigger to report?

• Maltreatment examples:
  • Forcing a child to eat dog food as punishment,
  • locking a child in a closet, or
  • teaching a child to assist in criminal activities.

What’s the trigger to report?

• Common Indicators of Neglect:
  • Persistent hunger
  • Stealing or hoarding food
  • Abrupt, dramatic weight change
  • Persistent poor hygiene
  • Chronic medical or dental issues
  • Ongoing lack of supervision
  • Consistently inappropriate dress
  • Excessive school absences

Matters Typically NOT Investigated

• Issues solely attributed to poverty or homelessness
• Educational neglect
• Head lice
• Sibling on sibling abuse – unless parents know and fail to take action to protect
What to do When a Child Discloses Abuse

• Move child to less public area
• Maintain eye contact
• Use soothing stance and tone
• Do not display signs of shock or disapproval
• Ask open-ended questions
• After listening, take detailed notes about conversation

Do I need proof?

• No
• Reasonable cause to suspect abuse or neglect
• Department experts will investigate

Why might people avoid reporting?

• Think of and write down least two reasons someone may avoid reporting even though they have a reasonable suspicion that abuse or neglect has occurred.
Could I be punished for reporting?

• No
• The identity of reporter is kept confidential, subject only to consent of reporter or judicial process
• Reporter are presumed to be acting in good faith and are immune from
  • Civil liability
  • Criminal liability

Could I be punished for NOT reporting?

• YES
• Knowingly failing to report
  • misdemeanor,
  • 93 days in jail, and/or
  • $500 fine
• Concerns about whether reporting will make things worse will not protect you from liability if you fail to report

How to Report

• First, immediately
  • Telephone (1-855-444-3911)
• Second, within 72 hours
  • DHHS Form 3200
• Also - Tell a supervisor
Information to Report

- Child’s name, birth date, address
- Whether alleged perpetrator lives with child
- Alleged perpetrator’s name and relationship with child
- Statement from child, context
- History of child’s behavior
- Reasons for your suspicions

CPS Next Steps

- Investigator will interview children, adults, neighbors, family, etc.
- About 75% of cases do not confirm abuse or neglect
- DHHS will inform mandated reporters in writing about the disposition of the case

Investigation Outcomes

- Category 5 – No services recommended
  - After investigation, CPS determines there is no evidence of child abuse or neglect
- Category 4 – Community services recommended
  - Child abuse or neglect unconfirmed, but services still recommended
Investigation Outcomes

- Category 3 – Community services needed
  - A preponderance of evidence supports that child abuse or neglect occurred. Risk assessment suggests low or moderate risk of future harm to child.

Investigation Outcomes

- Category 2 – Services are required to maintain child safety in caretaker’s home
  - A preponderance of evidence supports that child abuse or neglect occurred. Risk assessment indicates high or intensive risk of future harm to child.

- Category 1 – Court petition is filed
  - A preponderance of evidence supports that child abuse or neglect occurred, and court-ordered services needed or child unsafe in caretaker’s home

Preventing Sexual Abuse at School

- Grabbers vs. Groomers
- Grooming is the process a child sex abuser may use to gain trust of child, family, and/or community to perpetrate abuse
- While reliable statistics are difficult to identify, this issue is certainly in the news frequently
Preventing Sexual Abuse at School

- By design, sexual grooming is hard to identify
- But sexual grooming can be prevented by stopping inappropriate boundary invasions between adults and children

What are appropriate boundary invasions?

- Boundary invasions that make educational or medical sense
  - Helping a Kindergartener change clothes after a toilet accident
  - Lifting a bleeding child’s shirt to assess an injury
  - Treating the soccer team to a pizza party to celebrate the end of the season

What are inappropriate boundary invasions?

- Boundary invasions that serve no educational or medical purpose
  - Often, a pattern of contacts develop that, together, are not appropriate
    - May not be sexual at all
    - Special or secret relationship
Examples - inappropriate boundary invasions

- Taking an undue interest in a student
- Giving gifts or money to student for no legitimate educational reason
- Engaging in peer-like behavior
- Being overly touchy with students
- Talking to child about adult problems (marital issues)
- Giving students rides in personal vehicle without administrative approval

Boundary Invasions – Reflect & Write

- Reflect and write down an example of:
  - An appropriate boundary invasion
  - An inappropriate boundary invasion
  - Something in between

Inappropriate Boundary Invasions
Adult Bystanders

- “If I reported and I was wrong, I would have ruined the life of another teacher.”

- But?

- If you don’t report and this person had abused, you would have ruined the life of a student.

Skakeshaft, Charol. “Knowing the Warning Signs of Sexual Misconduct.” (2013)

Two Common Patterns

- Fixated Abuser
  - Elementary or early middle grades
  - Often have teaching awards and considered excellent teachers
  - Work hard to be likable
  - “When a fixated abuser is accused, victims protect them, parents refuse to believe the accusations, authorities discount the reports, communities support the predator, and juries acquit.”
  - Comprise about 1/3 of offenders

Skakeshaft, Charol. “Knowing the Warning Signs of Sexual Misconduct.” (2013)

Two Common Patterns

- Opportunistic Abuser
  - Comprise 2/3 of abusers, but are not exclusively attracted to children or teens.
  - Adults who have “boundary and judgement problems”
  - Tend to spend a lot of time around groups of students, going to the same places they go, trying to blend in
  - Comment on attractiveness of students
  - Conversations with students are inappropriately personal

Skakeshaft, Charol. “Knowing the Warning Signs of Sexual Misconduct.” (2013)
Creating Safe Environment

- Careful hiring
- Strong policies
- Annual training and education
- Monitoring
- Consistent Messaging and Investigation

Skakeshaft, Charol. "Knowing the Warning Signs of Sexual Misconduct." (2013)

Mandatory Reporter Review

- Most school employees are mandatory reporters
- If they have reasonable cause to suspect child abuse or neglect, they must report it to DHHS (1-855-444-3911)
- Failure to report is illegal
- Reporting is confidential