

HEALTHY MINDS
A WEEKLY COLUMN ALL ABOUT MENTAL WELLNESS
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Child Abuse: When To Report It



Those of us in positions where we might be privy to information or observation concerning child abuse must make a decision “to report or not to report”. An error in judgment either way could have serious consequences. In the former, reporting abuse where there was none could have a devastating affect on the family’s reputation, their emotional well-being, and even their ability to continue live comfortably in their neighborhood or town; in the latter case, a missed opportunity to report a reasonable suspicion of abuse could lead to a child’s injury or death. Our choice is not decided by a flip of the coin but by our understanding of a legal concept of “reasonable cause to suspect”. When we have suspicion, the choice is ours to make: report or do not report. It is up to each of us to be alert and fully informed so that we can make the best choice and the legal choice.

There are some vague symptoms that are known as behavioral indicators, such as unusual shyness or withdrawal, excessive friendliness towards strangers, or there are hunches or gut feelings that are really too nebulous to be the grounds for filing a report. According to Loseke et al, there should be more concrete information, such as firsthand accounts or observable physical symptoms. My friend, an ER nurse who has occasion to report neglect and abuse, gave me a few pointers. Neglected babies, she told me, are often dirty and underweight; they may be listless or have bruises on their arms, or there may be hemorrhaging spots in the whites of their eyes – sign of shaken baby syndrome. Sometimes a children returning to a father’s house from a weekend with the mother will complain that the mother’s boyfriend, etc. spanked them too hard. Sometimes children have abdominal pain, a frequent symptom of all kinds of distress and could possibly indicate abuse. Tellingly, a child with an STD (sexually transmitted disease) has probably been abused sexually.

Every state has a law requiring some form of mandatory reporting for child neglect and abuse, under the Child Abuse Prevention and Treatment Act (CAPTA). The minimum definition for child abuse or neglect is any recent act or failure to act which results in imminent risk of serious harm, physical or emotion harm, exploitation, sexual abuse, or death of a child under 18 by the person or caretaker who is responsible for the child’s well-being and care.

Many states require “any person” to report such abuse or neglect, ranging from a “reasonable cause to believe” or a “reasonable suspicion”. Other states require only if a person knows or suspects. Failure to report suspected child abuse can be considered a misdemeanor punishable by a fine and can also result in civil liability (a lawsuit). Only attorneys and clergyman are exempt from reporting if it is a breach of confidence. Of course, intentionally false reports are illegal and can be prosecuted.

It is essential that we understand that there are mandatory reporting laws in Kentucky for any crime committed against a person under the age of 18, as well as for all cases of domestic violence, and cases of abuse and neglect of persons over the age of 18 who are physically or mentally challenged. If you know of anyone in any of these categories who has been abused or neglected in any way, or have received credible information to this effect, you are obliged by law to report this to law enforcement or to the Department of Community Based Services, found in virtually every town in the Commonwealth.

The hotline for Kentucky is 800.922.5330. For the other neighboring states, the hotlines are as follows: TN 877.237.0004; OH 800-4-A-CHILD; IN 800.800.5556; IL 800.252.2873; VA 800.552.7096; WV 800.352.6513; MO 800.392.3738.

TIP OF THE WEEK: Shaken Child Syndrome is the most serious form of child abuse, destroying lives and killing children. As a certified and trained presenter for Prevent Child Abuse Kentucky (PCAKY), I will conduct an educational presentation for your group, free of charge. (See my article on Shaken Child Syndrome).