

Mandated Reporting

House of New Hope Employee Orientation

Introduction

- Some professionals are mandated by law (ORC 2151.421) to report abuse or neglect, including attorneys, physicians, day care center staff, social workers, speech pathologists, school personnel and children services agency staff.
- The Ohio Revised Code provides immunity from civil or criminal liability for those who “participating in good faith” make a report of possible abuse or neglect, and also requires children services agencies to keep confidential the referral source.
- In general, mandated reporters are individuals who work with children in a professional capacity. The ORC section 2151.421 states that if a mandated reporter knows of or suspects child abuse or neglect, he/or she must report the abuse, neglect or suspected abuse or neglect to law enforcement or to the local children services agency.
- Mandated reporters who make a report in their mandated capacity are entitled to certain information other reporters of abuse and neglect are not entitled to receive. This information includes whether the information was screened in for investigation, whether the child is safe, if the case has been closed and if there is a filing in juvenile court. A mandated reporter may call the agency to obtain this information.
- For reporters that are not determined to be mandated reports, information can only be shared if the custodial parent signs a release allowing the agency to share information regarding their involvement with the agency.

Introduction

House of New Hope and its employees are mandated reporters.

Neglected Child ORC 2151.03

Neglect: is defined as the failure of a parent or guardian(s) to provide for the necessary sustenance, education or medical needs of a child (this can be due to refusal to provide, faults, habits or abandonment on the part of the parent or guardian). Neglect includes, but is not limited to:

- Inadequate housing (conditions so dangerous that there is a threat of injury or health hazard if there is no agency intervention). No heat in cold weather.
- Supervision based on the impact on children due to being left alone/unsupervised.
- Medical Neglect (parent's refusing treatment which places a child at risk; attempting to remove child against medical advice; failing to take a child for treatment of a diagnosed condition placing a child at risk; and failing to have a mental condition treated – if that mental condition is a threat to the child's life).
- Educational neglect (Parent's refusal or inability to send children to school. If child is over the age of 13, this is considered truancy unless there is active refusal on the part of the parent).

Neglected Child ORC 2151.03

- Inadequate clothing or food (parent's failing to provide clothing that is weather appropriate or food within the limits of the parent's resources). Inadequate nutrition with identifiable physical results; failure to thrive; inoperable plumbing without access to operable plumbing.
- Emotional Neglect (chronic or ongoing failure by parents to provide child with the support and affection necessary for their development, i.e. little or no interest in the child's activities or problems, treating the child coldly and/or withhold affection – this is mainly investigated in the cases of infants or very young children).
- Drug/alcohol abuse on the part of the parent/guardian which places the child at risk: examples of this would include the mother or the infant testing positive for substance abuse, or the infant exhibiting physical evidence of withdrawal from drugs, the infant being diagnosed as FAS (fetal alcohol syndrome) or FAE (fetal alcohol effect). Typically for older children, drug/alcohol abuse has to show failure of the parent in being able to provide for the basic needs of the child.
- Failure to provide for appropriate hygiene of child, resulting in a medical problem.
- Head lice which is continuous and untreated. Parent's continuing to treat the child and the child being cleared to return to school is not considered neglect.

Neglected Child ORC 2151.03

- Neglect can be difficult because one can not bring their own personal values to determine when a situation become neglectful. Investigation will be opened when there is concern that parents or custodians are not meeting minimum standards, not optimum standards.
 - As an example, a family does not have running water, but has access. This would not be a neglectful situation.
- Parents also have the right to not give their child medication as long as the issue is not life threatening. Parents can choose not to give their child medication for ADHD, but if it is insulin for a diabetic child, not giving that medication would be life threatening and would then be considered a report of neglect to be investigated.

Abused Child

ORC 2151.031

Physical abuse: is defined as any physical injury or death inflicted other than by accidental means; an injury which is at variance with medical evidence and the history given; severe corporal punishment; discipline or restraint which is excessive and creates serious physical and/or emotional harm to the child. This includes but is not limited to the following:

- Hitting where bruises, hand prints, broken bones and/or internal injuries result. In cases of corporal punishment, discipline or restraint of a child, the resulting physical injury must show that it creates risk of physical or emotional harm to the child. Bruising on the buttocks may not be investigated, depending on the age of the child and the circumstances surrounding the incident.
- Burns or scalding.
- Poisoning or giving inappropriate non-prescription medication or prescription medication not prescribed for the particular child.

Abused Child

ORC 2151.031

- Biting (human)
- Dangerous Acts (acts which constitutes a serious risk to a child's physical health and safety but which fortuitously did not result in harm; i.e. domestic violence when a child is present; driving while intoxicated with the child in the vehicle; reckless use or placement of a lethal weapon in proximity to the child).
- Emotional Abuse (chronic attitude or acts of a parent which are detrimental to a child's development; i.e., blaming a child for things over which the child has no control, using the child as a scapegoat, threatening the child's safety and health)

Under Ohio Law, Parents and caretakers have the right to physically discipline their children. There is no provisions regarding what kind of physical discipline or the use of paddles, switches, etc. Corporal punishment resulting in a minor injury to a non-sensitive area of the body that does not require medical treatment will not be opened for investigation. Corporal punishment of an infant (under the age of one year) will be screened in for investigation.

Abused Child

ORC 2151.031

Sexual abuse: Is an act against the child as defined in Chapter 2907 of the ORC, where such activity would constitute an offense under that chapter, including:

- Rape
 - Sexual battery
 - Corruption of a minor
 - Gross sexual imposition
 - Compelling prostitution
 - Pandering obscenity involving a minor
 - Importuning
 - Other (if alleged offender is another child in the same age range and force or intimidation is involved)
- Family & Children Services conducts investigations of child sexual abuse in conjunction with law enforcement officials. If the sexual contact is between a minor who is 13 years of age or older there must be more than 4 year difference in age to be opened for investigation. (unless there is coercion or force). Any child under 18 years of age engaged in any sexual contact with any related individual will be opened for investigation. Date rape investigations and children 16 years of age and older engaging in consensual contact with a non-related person over the age of 16 will be forwarded onto law enforcement, but will not be screened in for investigation unless there are special circumstances.

Abused Child
ORC 2151.031

How to Make a Referral

- Any person can make a report to Children Services if they are concerned with the welfare of a child. Reports can be made over the phone, in person, fax or by letter. Whichever method is chosen to make a report, the agency needs the following information if it is available.
- If you have knowledge of or suspect that a child has been or is being abused or neglected, inform your supervisor immediately.
- Your supervisor will assist you in reporting your concerns to the proper authority.

Information Needed

- The name and age of the child (preferable a birth date also)
- Address of the child
- Who the alleged perpetrator is and the address
- Information on the perpetrator's access to the child
- Names of parents and/or caretakers
- Address of the legal parent and/or caretakers
- Names of any other children or adults living in the home
- Information (specific as possible) regarding the alleged abuse or neglect. The date of the incident(s), other possible victims, witnesses, etc. How long the issue has existed, if the issue has ever been addressed with the parent/caretaker
- Names and contact information for others who may know information regarding the allegations.
- Names of any known relatives and contact information
- Concerns regarding drugs, alcohol, domestic violence

This is the preferred information. However, call with whatever information you have and feel free to call us back if you find additional information. In order to investigate a report, we must have at a minimum, information to be able to identify the victim and/or a way to locate the victim.

What Children Services does When a Referral is Received

- When a referral is made regarding possible child abuse or neglect it is screened to determine if it meets the criteria for assessment and investigation. Referrals to Family & Children Services are screened to determine the presence of abuse or neglect as defined by the ORC and by guidance from the Ohio Department of Job & Family Services. A supervisor or administrator in the Family & Children Services Unit is responsible for the screening of abuse and neglect referrals. If it is determined that the custodial parent of the child resides in another county, the agency will refer that information to that county to determine if it meets the criteria for assessment and investigation.

What Children Services does When a Referral is Received

- A report may be initiated through face to face contact with the alleged child victim or by speaking with someone who can assure the well being of the child.
- If the report is determined to be an emergency, the case worker must make an attempt to see the alleged child victim within 1 hour.
- If the report is determined to be a non-emergency, face to face with the alleged child victim must be attempted or a collateral contact who can ensure the safety of the child must be made within 24 hours.
- If a collateral contact has been made, face to face contact with the child must still be made within three days. During the course of an assessment, the case worker will interview the child, interview the alleged perpetrator, interview the parents, and observe the interaction of the child with his/her caretakers. Other witnesses or individuals who know of the situation will be contacted. The case worker may make a visit to the home, the school, or other locations which will provide information.
- In all cases, investigations of the allegations and assessment of the risk of child abuse or neglect are completed within 30-45 days.

What Children Services does When a Referral is Received

- Dispositions of allegations of child abuse or neglect falls into three categories:
 - Substantiated: There is corroborated evidence that child abuse or neglect did occur.
 - Indicated: There is evidence that abuse or neglect has occurred but evidence may not be able to be corroborated.
 - Unsubstantiated: There is not significant evidence of abuse or neglect.

Confidentiality

- The identities of the reporter and any person providing information during the course of a child abuse or neglect investigation shall remain confidential.
- The identities of these individuals can not be released or affirmed by Children Services to any party other than other Children Services staff, law enforcement officials or the prosecutor's office.
- These circumstances include investigating a report of child abuse or neglect they may rise to the level of criminal charges or if they are conducting an investigation that a person has knowingly made a false report or caused another individual to make a false report.

FAQ

- Is an allegation of a dirty home sufficient cause for Children Services to accept a referral for assessment?
 - NO: An allegation of a dirty home, in and of itself, may not be sufficient cause for Children Services to initiate an assessment.
 - BUT: If factors (e.g. animal feces, broken windows, diseased pets, sharp or dangerous tools or objects, trash spilling over and rotting, rats, cluttered stairs, extensive clutter preventing child's ability to play etc.) place a child at physical or medical risk due to the child's age, special needs, or health problems, Children Services may investigate, depending on the information.

FAQ

- Is an allegation of no heat or lack of sufficient heat in winter months sufficient cause for Children Services to initiate an assessment?
 - YES: Risk to the child's physical health could result. (This does not include if the family has kerosene heaters or other means where they are keeping a room warm)
- Is an allegation of the lack of access to water in the home sufficient cause for Children Services to initiate an assessment?
 - YES: If the child does not have access to water, it could result in the risk to a child's physical health. However, if the family is buying bottled water, is showering at a neighbors, and has a way to safely assure toileting needs are met, an assessment may not be completed.

FAQ

- Is an allegation of no electricity in the home sufficient cause for Children Services to initiate an assessment?
 - No: Lack of electricity, in and of itself, is not sufficient cause for assessment.
 - BUT: If there is reason to believe that risk to the child may exist because of the situation, a referral may be accepted for assessment. Example: a child who requires a health monitor of some type; electric heat is the only source of heat in the home and the weather is cold.
- Is an allegation of a child being dirty sufficient cause for Children Services to initiate an assessment?
 - NO: An allegation that a child is dirty, in and of itself, is not sufficient cause for Children Service to initiate an assessment. This includes a child who may “smell.”
 - BUT: If there are indicators that the child’s health is at risk because of his/her uncleanness, this may be sufficient to initiate an assessment.

FAQ

- Is an allegation of not enough clothing sufficient cause for Children Services to initiate an assessment?
 - NO: Lack of clothing, in and of itself, is not sufficient cause for Children Services to conduct an assessment.
 - BUT: Failure to provide adequate and appropriate clothing within the limits of the parent's resources is considered neglect. If the child is exposed to cold weather elements, not of the child's choice, for example a teenager who refuses to wear their winter coat or takes it off after they leave home, maybe reason for an agency to assess the situation.
- Is an allegation of Domestic Violence between adults in the home where children are not involved or injured case for Children Services to initiate assessment?
 - YES: If the children were present or were aware of the domestic violence, however domestic violence does not include yelling or screaming at each other.

FAQ

- **At what age can a child be left home alone?**
 - Ohio law does not designate an age at which a child can be left alone. Many factors such as the length of time the child is left alone, the age and the maturity level of the child, the time of day, and whether or not the child is comfortable in being home alone and knows what to do in case of an emergency are all significant in determining when children can be safely left alone.
 - Acceptance of a referral for assessment is based on the age of the child; the child's self-help skills; behavior of the caretaker or parents; the time frame the child is left alone; environmental factors, and if the child is responsible for caring for other, younger children.

FAQ

- Is an allegation of excessive absence from school without justified cause a sufficient reason for children services to initiate an assessment?
 - NO: Excessive absences, in and of itself, is not sufficient reason to initiate an assessment.
 - BUT: If the child is younger school aged and there is information that the parent is keeping the child home for non-medical reasons, an assessment may be initiated. Older children are typically referred for services through a truancy officer.
- Is an allegation of substance abuse by a parent or adult caretaker cause for Children Services to initiate an assessment?
 - NO: Substance abuse by the caretaker, without an allegation of abuse or neglect to the child, is not sufficient for Children Services to initiate an assessment.
 - BUT: If the substance abuse places the child in a dangerous situation, such as in the middle of a meth lab, or if the parent passes out leaving a young child unsupervised, the report will be screened in and investigated.

FAQ

- Is an allegation of a child threatening or attempting suicide sufficient cause for an agency to initiate an assessment?
 - NO: A suicide threat or attempt, with proper and timely medical treatment and if the child is being cared for, in and of itself, is not sufficient cause for an agency to initiate an assessment. In these situations, the first call should be to the local mental health agency to assess the risk of harm to self or others. Children Services personnel are not qualified to make this determination. Parents or caretakers should also be notified.
 - BUT: If the parents did not obtain necessary medical or recommended psychological treatment for the child, or if the parent is unwilling or unable to assist the child in obtaining medical or psychological attention; or if the child is threatening or attempting suicide due to abuse or neglect in the home, an assessment be conducted. If a child is at school and is threatening suicide, the school should contact the parents and address the situation with them.

FAQ

- What are some signs of physical abuse that I should look for?
 - Some types of injuries and indicators of abuse include:
 - Burns and scalding that are suspicious (shapes such as cigarette burns, hot utensils, stove, clothing patterned burns, doughnut shaped burns on the buttocks or genitals indicative of immersion in hot liquid, rope burns on the arm, legs, neck or torso; patterned burns that show the shape of an item). Again, the type of injury should be at odds with a given explanation or the injury.
 - Cuts/bruises/welts (on face, lips or mouth, in various stages of healing on large area of torso, back, buttocks, or thighs in unusual patterns, clustered or reflective of the instrument used to inflict them; on several different surface areas).
 - Human bites
 - Unexplained sprains/dislocations or explanation is inconsistent with the injury.
 - Evidence of child being tied up.
 - Medical evidence such as brain damage, skull fracture, subdural hematoma, internal injuries, signs of torture, evidence of poisoning, fractures or old unexplained fractures

FAQ

What are some indicators of sexual abuse that I should be aware of?

- An indicator of sexual abuse is a child, age 6 and under, who is exhibiting unusual sexual knowledge and/or behavior, any child who states that they have been sexually abused, or medical evidence. Sexual activity must be detailed and beyond normal exploratory sexual curiosity.
 - Unusual sexual activity might include but not be limited to: oral/genital contact, genital contact, and anal/genital contact.
 - Normal sexual activity might include: masturbation, touching/fondling, and “show and tell” depending on the child’s age and development.
- Another indicator that a child may have been sexually abused would be when a child has aggressively initiated sexual contact with another child.
 - An example of this might be a nine-year old child who threatens or forces sexual contact with a younger child, or when any child sexually exploits another child (e.g. a 14-year-old initiates sexual contact with a mentally retarded 14 year old girl). Coercion, threats and force are key elements to justify intervention. These contacts could also occur between children of different development stages (i.e., 14-year-old initiating sexual contact with a 5 year old).

FAQ

Can a referral be made for the reason of placing a child out of the home?

- The role of Children Services is to protect children from abuse and neglect. It is not the role of Children Services to provide placement services for children whom are not abused or neglect but who may have such problems as: delinquent or unruly behavior, serious emotional problems, mental retardation, developmental disabilities or physical handicaps.
- These children and their families should be referred to the appropriate agencies to assist with their specific special need.
- Parents sometimes call and want to “turn over” their child to children services because they can no longer handle them. These are typically parents of teenagers who are tired of struggling with their unruly or defiant behavior.
- Children Services will not accept custody of these children unless there is reason to believe that the child has been abused or neglected. What Children Services will do is offer services and appropriate referrals in order to assist the family with keeping their child in their home.

FAQ

Is there a limit to the number of people that can reside in one home?

- NO: Not as far as Children Services is concerned. If the child's basic needs are being met, living in a crowded home is not enough for an investigation to be initiated.

Is the presence of cockroaches or other pests in the home enough for an investigation to be initiated?

- No: Not generally, although, to some extent it does depend upon the age of the child.
- BUT: If there is an infant and the information states that cockroaches have been seen in the crib, a report may be screened in. As in many cases, it depends upon the information provided.

FAQ

Is a child refusing to go home enough for Children Services to initiate an assessment?

- NO: The exception would be if the child is making allegations of abuse or neglect and has significant reason to believe that he/she would be in danger in the home.

What do I do if I am not sure if the information I have is enough for Children Services to accept as a report?

- Make the report anyway. Let Children Services make the decision on whether or not they will initiate an assessment. You will receive notification back on whether or not the referral was accepted as a report.

FAQ

Is spanking a child/corporal punishment considered child abuse?

- NO: Corporal punishment is not considered child abuse and it is not illegal.
- BUT: If the child is a young child, I.E. two years or younger, the report may be taken if there are bruises or marks or if the information states that a young child was hit somewhere other than the buttocks. A young child being slapped or hit in the head, chest or stomach area is more of a concern due to vital organs. The same goes for any child who is struck with force in areas where vital organs exist. However, depending on the situation, a report of marks on the buttocks of a child maybe screened in due to many bruises at different stages of healing.

What if a child consistently has lice?

- NO: Lice is not something that Children Services will investigate in relation to child abuse or neglect. BUT: If the child has open sores which are untreated due to constant infestations of lice, a report may be accepted and investigated.

FAQ

Are reports of siblings fighting and hurting each other considered child abuse or neglect?

- NO: Children fight and siblings fighting is not considered child abuse.
- BUT: It may be considered neglect if a parent is aware of the fighting and has not taken steps to stop it, has encouraged it, and the fighting has continued to the point that a sibling is seriously hurt.

Is not providing a child with medication considered medical neglect?

- NO: Parents have the right to choose whether or not to provide their children with medication, including psychotropic medications. The only time that it may be considered neglect is if the medication is for a life threatening illness.

Is the fact that a convicted sex offender is living in the home enough for Children Services to do an investigation?

- NO: As disturbing as this situation is, we are not allowed to go on a “witch hunt.” Unless there is a specific allegation of child abuse or neglect, children services can not investigate it.