

# Reporting Child Abuse and Neglect

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## Mandated reporting

Any person or institution who has cause to suspect that a child under age 18 is abused neglected or dependent must make a report to the county department of social services (G.S. 7B-301). As long as the reporter is acting in good faith, they cannot be held liable (G.S. 7B-309).

## Circumstances that must be reported

1. Abuse or neglect of a child under age 18 by a **parent, guardian, custodian, or caretaker**. When a child is harmed by someone who is not a parent, guardian, custodian or caretaker, the case may not be within DSS's jurisdiction and the report may be screened out. However, DSS is required to notify local law enforcement and the district attorney whenever it receives information that a child may have been physically harmed in violation of any criminal statute by any person other than the parent, guardian, custodian, or caretaker (G.S. 7B-307).
  - **Parent** – adoptive or biological
  - **Guardian** – person appointed by a court to care for the child
  - **Custodian** – person or agency with legal custody of a child
  - **Caretaker** – someone other than a parent, guardian, or custodian who is responsible for a child in a residential setting (stepparent, foster parent, adult member of the child's household, adult relative entrusted with child's care, certain people who supervise children in residential facilities or schools, certain child day-care providers)
2. Dependency of a child under age 18.
3. Death of a child under age 18 that is due to maltreatment (G.S. 7B-301).

## Definitions

For a report to be accepted for investigation the allegations must meet the legal definition of abuse, neglect or dependency.

**Abused juvenile** means a child under age 18 whose parent, guardian, custodian, or caretaker:

- Inflicts or allows to be inflicted upon the child a non-accidental, serious physical injury, or
- Creates or allows to be created a substantial risk of non-accidental, serious physical injury, or
- Uses or allows to be used upon the child cruel or grossly inappropriate procedures or devices to modify behavior, or
- Commits, permits, or encourages the rape of the child or other sexual crimes in which the child is a victim or
- Creates or allows to be created serious emotional damage to the child, or
- Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the child.

*Neglected juvenile* means a child under age 18 who:

- Does not receive proper care, supervision, or discipline from his or her parent, guardian, custodian, or caretaker, or
- Has been abandoned, or
- Is not provided necessary medical or remedial care, or
- Lives in an environment injurious to the child's welfare, or
- Has been placed for care or adoption in violation of the law.

*Dependent juvenile* means a child who needs assistance or placement because:

- The child has no parent, guardian, or custodian responsible for his or her care or supervision, or
- The child's parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.

*Notes on Sexual abuse:* Sexual abuse and exploitation is a subcategory of child abuse and neglect. Sexual abuse is defined as:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or
- The rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children
- This can include contact acts (such as digital penetration, fondling, or vaginal sex) or noncontact acts (such as a caregiver making sexual comments, a caregiver exposing oneself or a caregiver showing pornography to a child)
- Statutory rape:
  - Of child under age 13: – Perpetrator at least 12 years old and at least 4 years older than the victim.
  - Of child age 13, 14, or 15: – Perpetrator at least 4 years older than the victim and not married to the victim. Punishment is more serious if perpetrator is 6 or more years older than victim

Statutory rape should be reported to DSS if the child meets the definition of an abused or neglected juvenile as defined by NC law. The definitions refer to the *actions or omissions* of parents, guardians, custodians or caretakers.

## What information should you have to make the report?

- Name, address and age of the child(ren)
- Name and address of the child's parent, guardian or caretaker
- The child's condition, including the history, nature and extent of the injury or maltreatment – this could include information about the home environment or events that the child has witnessed (such as domestic violence).
- Information known about the family that could affect the safety of the child, and perhaps the safety of a social worker.

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*If you do not have all this information, still make the report. If there is reasonable suspicion, DSS can still attempt to locate the family and child to investigate.*

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*Other important questions....*

Is there any physical evidence of abuse or neglect?

Is the child in immediate danger?

Is the child afraid of the caregiver or afraid to go home?

Is there domestic violence in the home?

Are you concerned about a family member's drug or alcohol use?

*Questions Specific to Sexual abuse....*

Where was the child(ren) when the abuse occurred?

To whom did the child(ren) disclose the abuse?

Did the child(ren) disclose directly to the reporter?

What is the age of the alleged perpetrator and his/her relationship to the child(ren)?

What is the alleged perpetrator's access to the victim and other children?

What steps are being taken to prevent further contact between the perpetrator and the child(ren)?

Has the child(ren) had a medical exam?

*These questions are taken from the NC Child welfare Intake form for reports of child abuse and neglect. You do not need answers for these questions to make a report, rather they can give ideas for what questions to ask and provide more detail for the social worker.*

**How to make a report**

*By Phone:* Call the CPS Report line

Wake County: 919-212-7990 (English) or 919-212-7963 (Spanish)

Durham County: 919-560-8424

Orange County: (919) 968-2000.

*In Person:* During normal business hours (Monday through Friday, 8 a.m. to 5 p.m)

Wake County: fourth floor of the Human Services Building at 220 Swinburne St., Raleigh, NC.

Durham County: 220 E. Main Street Durham NC

Orange County: 113 Mayo Street, Hillsborough NC

*After hours, weekends and holidays:* Call 911 and say you wish to make a report of child abuse. The 911 operator will contact an after-hours social worker who will return your call.

## What happens after you make the report?

The CPS social worker who took the report will consult with a supervisor to determine if the report should be accepted for assessment under North Carolina law. An accepted report will be assigned a response time frame: immediate response, 24 hour response or 72 hour response depending on the severity of the allegations. If the report is not accepted for an assessment or investigation the family will not be contacted.

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*Reports can be made anonymously and the reporter's information is always confidential – the family will not be informed of who made the report.*

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A written notice of whether the report was accepted is mailed to the reporter within five days. A reporter who disagrees with a decision to screen out a report can request a review of the decision and/or can make another report if additional information becomes available. After an assessment/investigation is completed, reporters receive a written notice of the finding and whether ongoing services are being provided.

## What to tell a family who is being reported...

If someone has made a report because they are concerned about the safety of a child, the family may be visited by a social worker from the county Department of Social Services. These professionals are required by law to assess any report of child maltreatment. That means they need to talk with the child, talk with the caregivers, and perhaps to teachers, neighbors or others who are close to the family. The social worker will ask the family to identify collateral contacts (friends, family members or other professionals) who can speak with the social worker about the family. The worker has the right to talk with the child without the parent's permission. However, the worker will only exercise this right if the worker deems that the child's safety warrants it.

Remember that the worker is only trying to make sure the child is safe. Honesty and cooperation will make the process easier. The social worker will complete a family centered investigation/assessment and often the parent is offered needed support and services. Most of the time children reported to CPS are not removed from their homes. Children are placed away from their parents only when it becomes necessary to protect them from harm.