

CHILD ABUSE AND NEGLECT

Reporting Information For Oklahomans

Child Abuse Training and Coordination Program

Office of Child Abuse Prevention
Family Support and Prevention Service
Family Health Services
Oklahoma State Department of Health
1000 N.E. 10th Street
Oklahoma City, OK 73117-1299
(405) 271-7611

**Statewide 24-Hour
Child Abuse Hotline
1-800-522-3511**

WHAT IS CHILD ABUSE?

Child abuse is defined by law as **harm or threatened harm** to a child's health and safety by a person responsible for the child's health and safety. This includes a parent, a legal guardian, a foster parent, or a person 18 years of age or older with whom the child's parent cohabitates, or any other adult residing in the home of the child. Harm or threatened harm includes:

- **Physical Abuse:** nonaccidental physical injury to a child under the age of 18.
- **Neglect:** failure or omission to provide food, clothing, shelter, medical care, supervision or special care made necessary by the physical or mental condition of the child.
- **Sexual Abuse or Exploitation:** includes, but not limited to rape, incest, lewd or indecent acts or proposals, and allowing, permitting or encouraging a child to engage in prostitution or pornography.
- **Emotional Abuse:** mental injury from incessant rejecting, terrorizing, isolating, exploiting, corrupting, and denying emotional responsiveness.

WHO IS REQUIRED TO REPORT SUSPECTED CHILD ABUSE?

State law requires every health care professional, teacher, and every **OTHER** person who has **reason to believe** that a child under 18 is being abused or neglected, or is in danger of being abused or neglected, must report the **suspicion** of abuse promptly to the Oklahoma Department of Human Services (OKDHS). **Failure to report suspected abuse is a crime.** No person, regardless of their relationship to the child or family, is exempt from

reporting suspected abuse. A person reporting in good faith, however, is immune from both civil and criminal liability. By law, reporting child abuse is an **individual responsibility**. As the individual who suspects abuse, you are legally responsible for making certain that the report is made to OKDHS. If you have obtained the information leading to your suspicions from a professional relationship, your legal responsibility is NOT satisfied by merely reporting your suspicions to a supervisor. If applicable, it is important to follow your agency's or school's

procedures regarding *informing* a supervisor of your concerns, but permission to report is not necessary. You must not let organizational procedures or policies obstruct your duty to report **PROMPTLY** to OKDHS.

A report is a **request for an investigation** to gather facts and protect the child. The individual making the request does not need proof of the abuse prior to reporting. Investigation and validation of child abuse reports are the responsibility of OKDHS or law enforcement officials. If you become aware of additional incidents after the initial report has been made, another report to OKDHS with the additional concerns and information should be made.

IS THE REPORT I MAKE CONFIDENTIAL?

OKDHS policy and state law require **strict maintenance** of the confidentiality of reporters of child abuse. If the incident does become court involved, information on the reporter could be requested by the court. It is rare, however, for the identity of the reporter to be made known in court. Anonymous reports are also accepted.

HOW DO I REPORT A SUSPICION OF CHILD ABUSE?

Promptly contact OKDHS, Child Welfare Services in the county where the child is located or call the statewide, 24-hour hotline number. It is critical to accurately reflect the nature of the abuse. Do not overstate, nor minimize, the extent of the suspected abuse. Telephone reports are acceptable.

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WHAT INFORMATION SHOULD I BE READY TO REPORT?

1. The names, addresses and whereabouts of the child and the child's parents, or other persons responsible for the child's welfare;
2. The child's age;
3. The nature and extent of the abuse or neglect;
4. If the child has tested positive for alcohol or a controlled dangerous substance; and
5. Any other information you believe might be helpful in establishing the cause of the injuries and the identity of the person responsible.

WHAT HAPPENS AFTER THE REPORT IS MADE?

The report is screened by a OKDHS supervisor to determine if the allegation meets the statutory definition of abuse and neglect and if the report falls within the scope of responsibility of OKDHS. If the alleged abuse is perpetrated by someone other than a caretaker, OKDHS is required to forward the report to law enforcement. OKDHS is mandated to investigate or conduct assessments regarding allegations of abuse or neglect by a parent or caretaker. The difference between a Child Protective Services (CPS) investigation vs. assessment is this:

- A CPS **Investigation** is conducted when the report concerns abuse or neglect that is serious, could be extremely dangerous, or when there have been many previous reports of abuse or neglect.
- A CPS **Assessment** is conducted when the report concerns abuse or neglect that is not serious or extremely dangerous.

OKDHS has time frames for response. Assignment to either CPS Investigation or CPS Assessment is based on the potential risk to the children named in the report:

Priority One indicates imminent danger of serious injury. Response by OKDHS is generally the same day.

Priority Two indicates there is no imminent danger of serious injury but the child will not be safe without intervention. Response is within 2 to 15 calendar days depending on risk to the child.

After a report is accepted for investigation or assessment, as much information as possible is gathered. The child is often seen first. Family members, including the alleged abuser, and other persons having information are interviewed about the incident.

A determination is made regarding the findings of the CPS **Investigation**. No findings are made on CPS Assessments. All reports are forwarded to the District Attorney. One of the following findings for CPS **Investigations** will be made:

- **Services Not Needed**
- **Services Recommended**
- **Confirmed - Services Recommended**
- **Confirmed - Court Involvement**

ARE REPORTS OF SUSPECTED ABUSE EVER REJECTED BY OKDHS?

Yes, there are situations that do not meet the legislative mandate for investigation by OKDHS. Usually, this is due to:

- insufficient information to locate the family and child.
- the report does not meet the legal definition of abuse and neglect.
- the alleged perpetrator is a person other than a parent or caretaker, such as a neighbor or teacher.

Examples of screened out reports may include adolescents with behavioral problems, such as delinquency or truancy, which are not related to abuse or neglect; parent/child conflicts in which no abuse or neglect is occurring; or over reactions to poor parenting practices.

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WHAT INFORMATION SHOULD THE REPORTER EXPECT FROM OKDHS AFTER A REPORT IS MADE?

After a report is made, the reporter may obtain information on the status of the report. Information that can be obtained may include whether the case was investigated, assessed or screened out. If the report was screened out, reporters may be informed of the decision to screen out the report and the reason for this decision. If the report has been accepted for investigation or assessment, reporters may be told the finding of the investigation or that the assessment has been concluded. Reporters are **not**, however, entitled to the details of the investigation.

WHAT ARE SPECIAL REPORTING ISSUES RELATED TO SCHOOLS?

- State law specifies that schools are not responsible for notifying parents that a child was interviewed at the school regarding a child abuse report. The task for notifying parents is the responsibility of OKDHS.
- School personnel, as well as medical, public health, mental health professionals, or any other professional person interacting with children should **NOT** delve into a child's situation beyond determining whether there is a **REASON to BELIEVE** the child is being abused or neglected, or in danger of being abused or neglected, assessing the risk of harm for reporting purposes and obtaining enough information to report to OKDHS.

DO PROFESSIONAL CODES OF CONDUCT REGARDING CONFIDENTIALITY PROHIBIT PROFESSIONALS FROM REPORTING CHILD ABUSE & NEGLECT?

Oklahoma Law is very clear that professionals who maintain strict ethical guidelines related to confidentiality, such as doctors, nurses, teachers, and mental health professionals, are **required to report** child abuse and neglect just as every other person in the state. The **duty to report** supercedes professional confidentiality codes when there is reason to believe that a child is abused or neglected.

Professionals should outline the limitations of confidentiality regarding reporting abuse or neglect during their initial session with clients. Before clients give consent for treatment, professionals have the obligation to inform them regarding their legal and ethical responsibilities as mandated reporters of child abuse and neglect. When informing clients, professionals should outline the steps they must take if abuse or neglect is suspected or if a disclosure should occur during treatment.

WHAT ABOUT THE IMPACT OF REPORTING ON THE THERAPEUTIC PROCESS?

With Oklahoma's mandated reporting laws, problems can occur in reporting suspected child abuse and neglect that are likely to test the client/therapist relationship. However, state statute is quite clear in requiring **every person** to report the suspicion of abuse or neglect, regardless of their relationship to the child or family.

Often, one of the biggest obstacles to reporting is the therapist's own personal feelings or beliefs. Some therapists may have difficulty involving OKDHS or law enforcement in the lives of a family, especially if the therapeutic alliance is well-established and the client is the alleged abuser. Mistakenly, therapists may believe that they can assist the family more effectively by working with the child, the alleged perpetrator and/or the family without involving OKDHS or law enforcement.

While reporting does not guarantee the family situation will improve, not reporting guarantees that if abuse and neglect exist, the child will continue to be at risk of further harm, and perhaps more serious harm.

OTHER FACTS:

- Law enforcement is the only entity that can take a child into protective custody. Without a court order, OKDHS cannot remove children from their homes.
- If you are unsatisfied with the way an investigation was handled, it is critical to provide **feedback** through the supervised structure of an investigating agency. Within OKDHS, first contact the county's child welfare supervisor. If you are still unsatisfied, proceed through the **chain of command** of the County Director, Child Welfare Field Liaison, Area Office, and Children & Family Services Division, Oklahoma Department of Human Services. Law enforcement officers also have a chain of command.

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