

MODEL FOR
TRAINING BCPS PERSONNEL
IN THE
IDENTIFICATION, REPORTING AND TREATMENT
OF CHILD ABUSE

Baltimore City Public Schools
Office of Social and Psychological Services
Division of Pupil Services and Development
May 1977

PREFACE

This workshop model on child abuse was designed by four school social workers for the training of school faculties and personnel in the Baltimore City Public Schools. Chaired by Ms. Nelva O. Hobbs, Educational Specialist, Office of Social and Psychological Services, the committee included:

Mrs. Barbara Brody, School Social Worker, Project Impact
Mrs. Oceola Walden Duplessy, School Social Worker, Region V
Ms. Aleathea Griffin, School Social Worker, Region VII
Ms. Ellen Power, School Social Worker, Region VIII

The experiences of the Project Impact Staff in presenting workshops on child abuse to the faculties of Schools #56 and #222, the resource materials developed by H.E.L.P. Resource Project and the experiences and knowledge of school social workers in working with abused children and their families were utilized in the preparation of the model.

NEEDS ASSESSMENT

The "Educator's Responsibility to Report Child Abuse" as stated in the Maryland law (Section 35A of Article 27 code-Subheading - "Child Abuse" passed by the General Assembly in 1966 and revised in 1973 and 1974) mandates that every educator (teacher, counselor or other professional employee of a school) who believes or has reason to believe that a child may have been abused report the incident both orally and in writing to the local department of social services or law enforcement agency, in addition to notifying the school principal. Those reporting in good faith are immune from any civil liability to criminal penalty.

In addition, the Baltimore City Public School System has had a written policy and procedure requiring school staff to report suspected child abuse and/or neglect since the law's inception in Maryland. Principals and the Heads of Central and Regional Office Units, where appropriate, are required to disseminate the information regarding these policies and procedures, which are part of the "Administrative Handbook," to members of their staff.

The Mayor of Baltimore City has become deeply concerned about the problem of child abuse and has sent a letter to the heads of all city agencies requesting them to establish child protection as a top priority and communicate this to their staff members. He states, "to further this goal it is essential to have clear procedural guidelines on how your staff is to be involved in child abuse and neglect cases as well as a program of in-service training."

In response to this mandate, school social workers are prepared to institute such training of school staff beginning September 1977.

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DIRECTIONS FOR WORKSHOP PRESENTATION

The physical aspects of any workshop are important. Success depends on prior planning and preparation to assure a smooth presentation. Attention, therefore, should be paid to the following:

1. Check with H.E.L.P. Resource Project (383-5564) for reservation of films and desired handouts.
2. Announce workshop well in advance and follow up with a reminder in the daily bulletin. Include beginning and ending times.
3. Select a location with maximum comfort and adequate space.
4. Arrange seating to allow maximum eye contact for participants and facilitators.
5. Have materials available and posted in advance (schedule, objectives, posters, and sufficient newsprint).
6. Be sure a full two hours has been scheduled for workshop presentation.
7. It is recommended that the number of participants for any one workshop be kept to twenty or twenty-five persons in order to permit interaction of the members.

Presenters may contact the school social workers, who designed this model, for consultation.

SUGGESTED TIME TABLE

1:00 - 1:05 p.m.	Directions for Use of Pre-test. "How Would You Answer?"
1:05 - 1:20 p.m.	Introduction
1:20 - 1:35 p.m.	Film 1: "Child Abuse and Neglect - What the Educator Sees"
1:35 - 1:55 p.m.	Buzz Sessions
1:55 - 2:10 p.m.	Film 2: "Case Planning and Referring of Child Abuse and Neglect"
2:10 - 2:25 p.m.	Policies and Procedures for Reporting Child Abuse - What to Do
2:25 - 2:40 p.m.	Action Taken by the Department of Social Services
2:40 - 2:50 p.m.	Closing
2:50 - 3:00 p.m.	Evaluation

Circle the letter of the response which is most correct for each of the following statements:

1. Child abuse is likely to occur in my neighborhood and my school.
A. True B. False
2. A few words or a simple phone call to the proper authorities can relieve one of his legal responsibility to report child abuse.
A. True B. False
3. In most cases persons who report suspected child abuse are required to follow the case to its completion.
A. True B. False
4. Persons suspecting child abuse need to document carefully their facts in order to protect themselves from legal liability.
A. True B. False
5. Circle the responses which are most correct for each of the following statements: Cases of child abuse in the school must be reported to:
A. The principal
B. The school nurse
C. The counselor
D. The Department of Social Services
E. The school social worker
F. The regional superintendent
6. Reporting cases of suspected child abuse in the school to the Department of Social Services is legally the primary responsibility of:
A. The school nurse
B. The principal
C. The school social worker
D. The school psychologist
E. Any school person who sees it
F. The counselor
7. Teachers who have questions regarding whether or not abuse is present in a particular situation should consult with:
A. The parent
B. The counselor
C. The school social worker
D. The Department of Social Services
E. The principal
F. The school psychologist

8. QUESTIONS/COMMENTS:

DIRECTIONS FOR USE OF PRE-TEST

The pre-test is for the personal use of the participants. It is a quick, easy way to get them in touch with the subject of child abuse and especially, with their own particular knowledge of this problem. Be sure to emphasize that this is for the participant's use only! Remind the group to keep this sheet until the conclusion of the workshop.

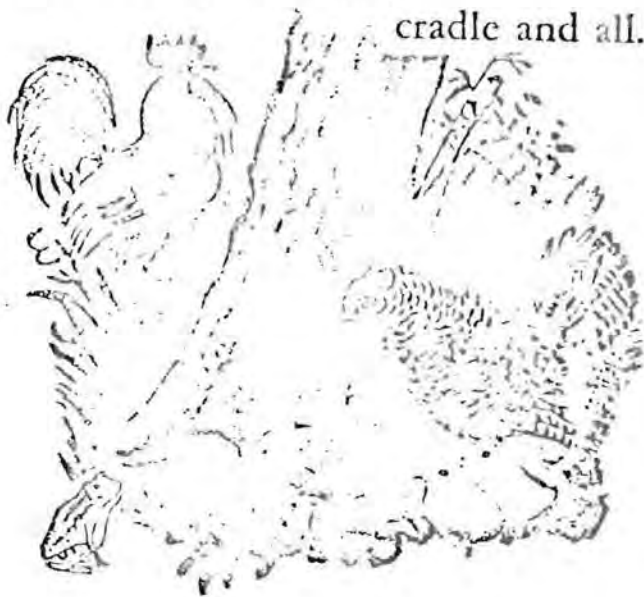
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x

Rock-a-bye, baby, on the tree top!
When the wind blows
the cradle will rock,
When the bough breaks
the cradle will fall;
Down will come baby,
cradle and all.



Neglect
Why leave
a child's care
to the will
of the wind,
especially if
you anticipate
the fall.

The Queen of Hearts,
She made some tarts,
All on a summer's day.



The Knave of Hearts,
He stole the tarts,
And took them clean away.



The King of Hearts
Called for the tarts,
X And beat the Knave full sore.



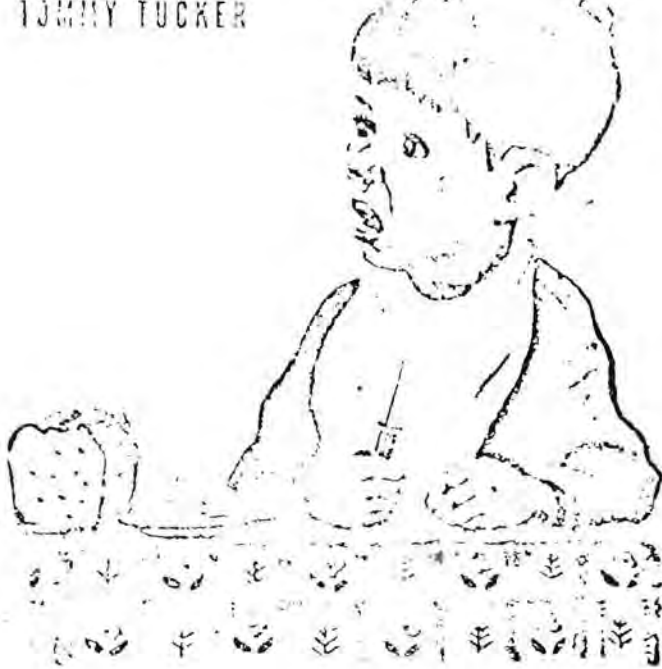
The Knave of Hearts
Brought back the tarts,
And vowed he'd steal no more.

*Beating to change
behavior.*



Three blind mice! Three blind mice!
 See how they run!
 See how they run!
 They all ran after the farmer's wife,
 She cut off their tails
 with a carving knife.
 Did you ever see such a sight
 in your life
 As three blind mice?

*Sadistic
 ways of
 handling the
 handicap of
 blindness -
 Make life more
 difficult*



Little Tommy Tucker
Sings for his supper.
What shall he eat?
White bread and butter.

How will he cut it
Without e'er a knife?
How can he marry
Without e'er a wife?

CRY BABY



Cry, baby, cry,
Put your finger in your eye,
And tell your mother it wasn't I.

*If you are hurt
and crying, you
have to apologize to
mother or
prove your
innocence*



Taffy was a Welshman,
Taffy was a thief;
Taffy came to my house
and stole a piece of beef.

I went to Taffy's house,
Taffy was not home;
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I went to Taffy's house,
Taffy was in bed;
I took up the marrow-bone
and beat him on the head.

*Solving
problems
by striking
out*

P

II

W

FILM: "CHILD ABUSE AND NEGLECT - WHAT THE EDUCATOR SEES"

The film may be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

FILM: "CASE PLANNING AND REFERRAL OF CHILD ABUSE AND NEGLECT"

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1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

ACTION TAKEN BY THE
DEPARTMENT OF SOCIAL SERVICES

Introduction:

The primary purpose of identifying and reporting child abuse is prevention of further abuse to the child. To accomplish this, appropriate help and services must be provided for the child and parents. Special Services, District "A" of the Department of Social Services, will then make a thorough inquiry into the situation. Appropriate services will be provided for the child and the family with the emphasis placed on the best interest of the child. The referring agency should cooperate with the Department of Social Services in its efforts to assist the child and the family by ensuring that the child and/or his family are provided with any needed resources which the agency customarily provides.

Activity:

Print the material which follows on newsprint or tagboard and place where it is visible to all participants.

Action Taken By The Department of Social Services

1. The local department of social services or appropriate law enforcement agency, or both, will make a thorough investigation promptly upon receiving a report of suspected child abuse. The primary purpose of the investigation is the protection of the child's welfare.
2. The investigation includes:
 - (a) a determination of the nature, extent and cause or causes of the abuse;
 - (b) the identity of the person or persons responsible;
 - (c) the name, age and condition of other children in the same household;
 - (d) an evaluation of the parents and the home environment, and all other facts found to be pertinent to the investigation.
3. The local department of social services has the capacity to remove a child from the home if the child is found to be in immediate danger.
4. The local department of social services and law enforcement agency (if that agency participated in the investigation) will submit a complete written report of its findings to the local State's attorney within five (5) working days of the completion of the investigation, which will be within ten (10) days of the receipt of the oral or written report first disclosing the existence of suspected abuse. Social Services will forward a copy of this report to the professional and will supply the name of the social worker assigned to the investigation.

CLOSING

Ask participants to take out the pre-test titled, "How Would You Answer?," which they were given at beginning of workshop. Read and let group give the answers.

It is possible that some groups may wish to hold another session on Child Abuse with the focus on a particular area. The appendix lists materials that can assist you.

APPENDIX

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1. Audiovisuals Available from H.E.L.P.	30
2. Copy of Circular No. 170, Series 1976-77, February 7, 1977, <u>Administrative Handbook Revision</u> , Policies and Procedures for Reporting Physical Abuse of Children	31 - 36
3. List of Some References Available from H.E.L.P.	37 - 38
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BALTIMORE CITY PUBLIC SCHOOLS
BALTIMORE, MARYLAND 21218
Office of
The Superintendent of Public Instruction

Circular No. 170
Series 1976-77

February 7, 1977

ADMINISTRATIVE HANDBOOK
REVISION

Policies and Procedures

Reporting Physical Abuse
of Children

TO: Regional Superintendents, All Principals and Heads of Central Office Units

FROM: John L. Crew, Sr., Superintendent of Public Instruction
John G. Gist, Deputy Superintendent of Public Instruction
Rebecca E. Carroll, Deputy Superintendent, Bureau of Education
Robert C. Lloyd, Assistant Superintendent, Pupil Services and Development

Administrative Handbook Section 1952.60 has been revised and updated. This section provides policy and procedure information regarding reporting physical abuse of children. The new section is numbered 1952.60 (2-77). The previous section dated (9-74) should be destroyed and replaced by this revised section.

It is important that Principals use appropriate means to disseminate this information to all staff in the building. It is also important that Heads of Central and Regional Office Units, where appropriate, disseminate this information to members of their staffs.

Copies of the report form, attached to the Administrative Handbook Section, may be reproduced and distributed.

It is essential that all staff members who have direct contact with children receive basic information regarding these policies and procedures.

The cooperation of staff is appreciated.

mjc

3. Law Enforcement Officer: any police officer or State trooper in the service of the State of Maryland or any county or municipality thereof;
4. Other Person: anyone who has reason to believe that a child is abused (this includes sexual abuse).

IV. DEFINITIONS

- A. "Local Department of Social Services" and "Local State's Attorney" refer to the jurisdiction in which the child lives, or where the abuse is alleged to have taken place, if different.
- B. "Abuse" shall mean any (A) Physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent, or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child; (B) any sexual abuse of a child whether physical injuries are sustained or not.
- C. "Sexual Abuse" shall mean any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices on a child by any parent, adoptive parent, or other person who has the permanent or temporary care of custody or responsibility for supervision of a minor child.

V. REPORTING OF SUSPECTED CHILD ABUSE

Whenever an educator or social worker believes or has reason to believe that a child has been abused, he is required to notify the Department of Social Services or law enforcement agency as soon as possible.

- A. The report by a health practitioner, an educator, a social worker or a law enforcement officer is to be made both orally and in writing. The oral report may be made by telephone or in person. In Baltimore City, the telephone number to be called at Special Services District "A" of the Department of Social Services is 234-2235.
- B. The written report should be made on a special form available from the Department of Social Services. The written report will be made within 48 hours of contact, examination, attention or treatment to the Department of Social Services and a copy must be sent to the local State's Attorney. Any person other than those specified above may make either an oral or written report or both. A copy of the form on which the written report is to be made is found on page 5 immediately following.

1. The original and the first copy are to be sent to:

Special Services, District "A"
Department of Social Services
312 East Oliver Street
Baltimore, Maryland 21202

brought and those persons working under the supervision of the physician or health care institution, who shall participate in the examination of the child, shall be immune from civil liability or criminal penalty that might result from failure to obtain consent from the parent, guardian or custodian to examine the child.

- C. If after examining a child in accordance with "B" above, the physician determines that immediate medical treatment is indicated, he may provide this, under the law, without the consent of the parent, guardian or custodian of the child.

VIII. ACTION TAKEN BY THE DEPARTMENT OF SOCIAL SERVICES

Promptly upon receiving a report of suspected child abuse, the Department of Social Services will make a thorough inquiry to determine all pertinent facts. The primary consideration will be the protection of the child. Based on the findings, the Department will provide services in the best interests of the child including, when indicated, petition to the Juvenile Court.

IX. CENTRAL REGISTRY OF CASES

The State Social Services Administration maintains a Central Registry of all reports of suspected child abuse. Public and voluntary social agencies, licensed health practitioners and health and educational institutions licensed or regulated by the State of Maryland are encouraged to use the Registry, especially when uncertainty exists and evidence of previous reports may be helpful.

The Central Registry may be reached by calling 383-2220. Collect calls will be accepted from anywhere in the State.

Consistent with state laws and Juvenile Court Regulations, Maryland's twenty-four local departments of social services provide protective services for neglected as well as abused children.

X. COMPETENCY OF WITNESS

In a proceeding involving the abuse of a child under eighteen (18) years of age, either the husband or the wife may be compelled to testify as an adverse party or witness in the proceeding involving his or her spouse.

XI. FOR FURTHER INFORMATION

Specific questions regarding this matter should be referred to the appropriate Regional Specialist in Pupil Services. Questions of a general nature may be referred to the Office of Social and Psychological Services on extension 6-6725.

/cw

SOME REFERENCES AVAILABLE FROM H.E.L.P.

1. Child Abuse and Neglect Programs, DHEW, 1976
2. Child Abuse and Neglect Research, Projects and Publications, DHEW, 1976
3. Model Child Protection Act With Commentary, (draft), DHEW, 1976
4. "We Can Help," A Curriculum on the Identification, Reporting, Referral and Case Management of Child Abuse and Neglect

NEWSLETTERS AND ARTICLES

5. Focus: a bimonthly newsletter from the H.E.L.P. Resource Project
6. National Child Protection Newsletter
Published by the National Center for the Prevention
and Treatment of Child Abuse and Neglect
7. Parents Anonymous Frontiers
2930 W. Imperial Highway, Suite 332
Inglewood, California 90303
8. Child Abuse: A School District's Response to Its Responsibility
Child Welfare/Volume LIII
Number 4 April 1974
9. Abused Young Children Seen in Hospitals
Journal of Social Work
October 1960
10. The Abused Child: A Survey of the Problem
Journal of Social Work, 1966

BOOKS

11. A Child Is Being Beaten: Naomi Chase
12. The Abused Child, Harold P. Martin
13. The Abusing Family, Blair & Rita Justice
14. The Battered Child, 2nd edition:
Ray E. Helfer & C. Henry Kimpe

APPENDIX 4
LIST OF PUBLICATIONS

- 39 -

Focus on Child Abuse and Neglect, Bimonthly Newsletter from H.E.L.P.
Resource Project

Maryland 4-C News, Newsletter of the Maryland 4-C Committee, Community
Coordinated Child Care

National Child Protection Newsletter, National Center for the Prevention
and Treatment of Child Abuse and Neglect, University of
Colorado Medical Center, Denver, Colorado 80220

Parents Anonymous Frontiers, Parents Anonymous, 2810 Artesia Boulevard,
Redondo Beach, California 90278



CHILD ABUSE AND NEGLECT NATIONAL
AGENCIES/ORGANIZATIONS/RESOURCES

Adam Walsh Resource Center
Mercedes Executive Park
Park View Building, Suite 306
1876 N. University Drive
Fort Lauderdale, Florida 33322
(305) 475-4847

American Federation of Teachers
AFL-CIO
555 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 879-4507

The American Humane Association
P.O. Box 1266
Denver, Colorado 80201
(303) 695-0811

Child Assault Prevention Program
P.O. Box 02084
Columbus, Ohio 43202
(614) 291-2540

C. Henry Kempe National Center
for the Prevention and Treatment
of Child Abuse and Neglect
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

Child Care Law Center
625 Market Street 815
San Francisco, California 94105
(415) 495-5498

Child Welfare League of America
67 Irving Place
New York, New York 10003
(212) 254-7410

National Association of Counsel
for Children
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

National Center on Child Abuse
and Neglect
Childrens' Bureau Administra-
tion for Children, Youth and
Families
U.S. Department of Health and
Human Services
P.O. Box 1182
Washington, D.C. 20013
(202) 245-2840

The National Center for
Missing and Exploited
Children
1835 K Street, N.W. Suite 700
Washington, D.C. 20006
(202) 634-9821

National Child Abuse Coalition
1125 15th Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 293-7550

National Clearinghouse on
Child Abuse and Neglect Infor-
mation
P.O. Box 1182
Washington, D.C. 20013
(703) 821-2086

National Coalition Against
Domestic Violence
1500 Massachusetts Avenue,
N.W.
Suite 35
Washington, D.C. 20005
(202) 347-7017

National Committee for
Citizens in Education
410 Wilde Lake Village Green
Columbia, Maryland 21044
(301) 997-9300

National Committee for Prevention
of Child Abuse
332 S. Michigan Avenue
Suite 1250
Chicago, Illinois 60604
(312) 663-3520

National Council on Child Abuse and
Family Violence
Washington Square
1050 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(202) 429-6695

National Crime Prevention Council
805 15th Street, N.W.
Room 718
Washington, D.C. 20005
(202) 393-7141

National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036
(202) 833-4000

National Legal Resource Center
for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

National P.T.A.
700 N. Rush Street
Chicago, Illinois 60611
(312) 787-0977

Prents Anonymous
22330 Hawthorne Blvd.
Suite 208
Torrance, California 90505
(213) 371-3501

Parents United, Inc.
P.O. Box 952
San Jose, California 95102
(408) 280-5055

Society's League Against Molestation
P.O. Box 33954
Washington, D.C. 20033
(202) 686-9066

Sexual Abuse Resource Center

NCCAN has established the first National Resource Center on Child Sexual Abuse with a three-year grant to the National Children's Advocacy Center of Huntsville, Alabama and the Chesapeake Institute of Wheaton, Maryland.

The new resource center will serve as a clearinghouse and as a network for information for professionals and practitioners in the field, available by phone through its WATS line -- 800/KIDS006 -- and by mail: 11141 Georgia Avenue, Suite 310, Wheaton, Maryland 20902.

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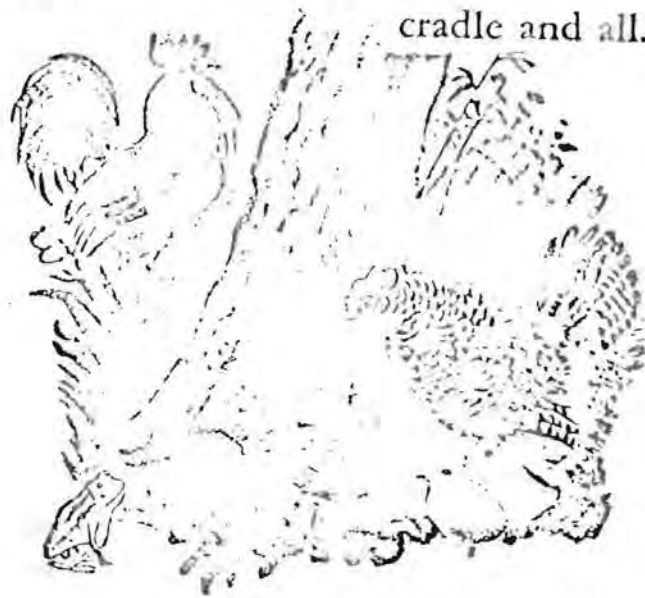
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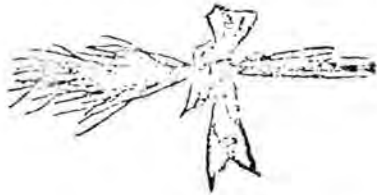


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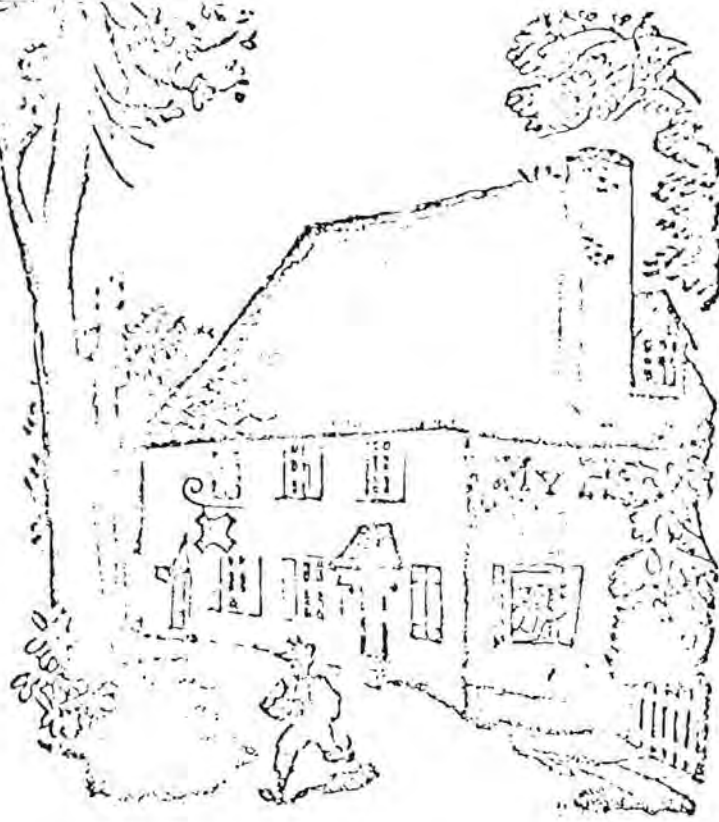
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CRY BABY



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FILM: "CHILD ABUSE AND NEGLECT - WHAT THE EDUCATOR SEES"

The film may be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

FILM: "CASE PLANNING AND REFERRAL OF CHILD ABUSE AND NEGLECT"

This film may also be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

ACTION TAKEN BY THE
DEPARTMENT OF SOCIAL SERVICES

Introduction:

The primary purpose of identifying and reporting child abuse is prevention of further abuse to the child. To accomplish this, appropriate help and services must be provided for the child and parents. Special Services, District "A" of the Department of Social Services, will then make a thorough inquiry into the situation. Appropriate services will be provided for the child and the family with the emphasis placed on the best interest of the child. The referring agency should cooperate with the Department of Social Services in its efforts to assist the child and the family by ensuring that the child and/or his family are provided with any needed resources which the agency customarily provides.

Activity:

Print the material which follows on newsprint or tagboard and place where it is visible to all participants.

Action Taken By The Department of Social Services

1. The local department of social services or appropriate law enforcement agency, or both, will make a thorough investigation promptly upon receiving a report of suspected child abuse. The primary purpose of the investigation is the protection of the child's welfare.
2. The investigation includes:
 - (a) a determination of the nature, extent and cause or causes of the abuse;
 - (b) the identity of the person or persons responsible;
 - (c) the name, age and condition of other children in the same household;
 - (d) an evaluation of the parents and the home environment, and all other facts found to be pertinent to the investigation.
3. The local department of social services has the capacity to remove a child from the home if the child is found to be in immediate danger.
4. The local department of social services and law enforcement agency (if that agency participated in the investigation) will submit a complete written report of its findings to the local State's attorney within five (5) working days of the completion of the investigation, which will be within ten (10) days of the receipt of the oral or written report first disclosing the existence of suspected abuse. Social Services will forward a copy of this report to the professional and will supply the name of the social worker assigned to the investigation.

CLOSING

Ask participants to take out the pre-test titled, "How Would You Answer?," which they were given at beginning of workshop. Read and let group give the answers.

It is possible that some groups may wish to hold another session on Child Abuse with the focus on a particular area. The appendix lists materials that can assist you.

APPENDIX

	PAGE
1. Audiovisuals Available from H.E.L.P.	30
2. Copy of Circular No. 170, Series 1976-77, February 7, 1977, <u>Administrative Handbook Revision</u> , Policies and Procedures for Reporting Physical Abuse of Children	31 - 36
3. List of Some References Available from H.E.L.P.	37 - 38
4. List of Publications	39

BALTIMORE CITY PUBLIC SCHOOLS
BALTIMORE, MARYLAND 21218
Office of
The Superintendent of Public Instruction

Circular No.170
Series 1976-77

February 7, 1977

ADMINISTRATIVE HANDBOOK
REVISION

Policies and Procedures

Reporting Physical Abuse
of Children

TO: Regional Superintendents, All Principals and Heads of Central Office Units

FROM: John L. Crew, Sr., Superintendent of Public Instruction
John G. Gist, Deputy Superintendent of Public Instruction
Rebecca E. Carroll, Deputy Superintendent, Bureau of Education
Robert C. Lloyd, Assistant Superintendent, Pupil Services and Development

Administrative Handbook Section 1952.60 has been revised and updated. This section provides policy and procedure information regarding reporting physical abuse of children. The new section is numbered 1952.60 (2-77). The previous section dated (9-74) should be destroyed and replaced by this revised section.

It is important that Principals use appropriate means to disseminate this information to all staff in the building. It is also important that Heads of Central and Regional Office Units, where appropriate, disseminate this information to members of their staffs.

Copies of the report form, attached to the Administrative Handbook Section, may be reproduced and distributed.

It is essential that all staff members who have direct contact with children receive basic information regarding these policies and procedures.

The cooperation of staff is appreciated.

mjc

3. Law Enforcement Officer: any police officer or State trooper in the service of the State of Maryland or any county or municipality thereof;
4. Other Person: anyone who has reason to believe that a child is abused (this includes sexual abuse).

IV. DEFINITIONS

- A. "Local Department of Social Services" and "Local State's Attorney" refer to the jurisdiction in which the child lives, or where the abuse is alleged to have taken place, if different.
- B. "Abuse" shall mean any (A) Physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent, or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child; (B) any sexual abuse of a child whether physical injuries are sustained or not.
- C. "Sexual Abuse" shall mean any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices on a child by any parent, adoptive parent, or other person who has the permanent or temporary care of custody or responsibility for supervision of a minor child.

V. REPORTING OF SUSPECTED CHILD ABUSE

Whenever an educator or social worker believes or has reason to believe that a child has been abused, he is required to notify the Department of Social Services or law enforcement agency as soon as possible.

- A. The report by a health practitioner, an educator, a social worker or a law enforcement officer is to be made both orally and in writing. The oral report may be made by telephone or in person. In Baltimore City, the telephone number to be called at Special Services District "A" of the Department of Social Services is 234-2235.
- B. The written report should be made on a special form available from the Department of Social Services. The written report will be made within 48 hours of contact, examination, attention or treatment to the Department of Social Services and a copy must be sent to the local State's Attorney. Any person other than those specified above may make either an oral or written report or both. A copy of the form on which the written report is to be made is found on page 5 immediately following.

1. The original and the first copy are to be sent to:

Special Services, District "A"
Department of Social Services
312 East Oliver Street
Baltimore, Maryland 21202

brought and those persons working under the supervision of the physician or health care institution, who shall participate in the examination of the child, shall be immune from civil liability or criminal penalty that might result from failure to obtain consent from the parent, guardian or custodian to examine the child.

- C. If after examining a child in accordance with "B" above, the physician determines that immediate medical treatment is indicated, he may provide this, under the law, without the consent of the parent, guardian or custodian of the child.

VIII. ACTION TAKEN BY THE DEPARTMENT OF SOCIAL SERVICES

Promptly upon receiving a report of suspected child abuse, the Department of Social Services will make a thorough inquiry to determine all pertinent facts. The primary consideration will be the protection of the child. Based on the findings, the Department will provide services in the best interests of the child including, when indicated, petition to the Juvenile Court.

IX. CENTRAL REGISTRY OF CASES

The State Social Services Administration maintains a Central Registry of all reports of suspected child abuse. Public and voluntary social agencies, licensed health practitioners and health and educational institutions licensed or regulated by the State of Maryland are encouraged to use the Registry, especially when uncertainty exists and evidence of previous reports may be helpful.

The Central Registry may be reached by calling 383-2220. Collect calls will be accepted from anywhere in the State.

Consistent with state laws and Juvenile Court Regulations, Maryland's twenty-four local departments of social services provide protective services for neglected as well as abused children.

X. COMPETENCY OF WITNESS

In a proceeding involving the abuse of a child under eighteen (18) years of age, either the husband or the wife may be compelled to testify as an adverse party or witness in the proceeding involving his or her spouse.

XI. FOR FURTHER INFORMATION

Specific questions regarding this matter should be referred to the appropriate Regional Specialist in Pupil Services. Questions of a general nature may be referred to the Office of Social and Psychological Services on extension 6-6725.

/cw

SOME REFERENCES AVAILABLE FROM H.E.L.P.

1. Child Abuse and Neglect Programs, DHEW, 1976
2. Child Abuse and Neglect Research, Projects and Publications,
DHEW, 1976
3. Model Child Protection Act With Commentary, (draft), DHEW, 1976
4. "We Can Help," A Curriculum on the Identification, Reporting,
Referral and Case Management of Child Abuse and Neglect

NEWSLETTERS AND ARTICLES

5. Focus: a bimonthly newsletter from the H.E.L.P. Resource Project
6. National Child Protection Newsletter

Published by the National Center for the Prevention
and Treatment of Child Abuse and Neglect
7. Parents Anonymous Frontiers

2930 W. Imperial Highway, Suite 332
Inglewood, California 90303
8. Child Abuse: A School District's Response to Its Responsibility

Child Welfare/Volume L111
Number 4 April 1974
9. Abused Young Children Seen in Hospitals

Journal of Social Work
October 1960
10. The Abused Child: A Survey of the Problem

Journal of Social Work, 1966

BOOKS

11. A Child Is Being Beaten: Naomi Chase
12. The Abused Child, Harold P. Martin
13. The Abusing Family, Blair & Rita Justice
14. The Battered Child, 2nd edition:
Ray E. Helfer & C. Henry Kimpe

APPENDIX 4
LIST OF PUBLICATIONS

- 39 -

Focus on Child Abuse and Neglect, Bimonthly Newsletter from H.E.L.P.
Resource Project

Maryland 4-C News, Newsletter of the Maryland 4-C Committee, Community
Coordinated Child Care

National Child Protection Newsletter, National Center for the Prevention
and Treatment of Child Abuse and Neglect, University of
Colorado Medical Center, Denver, Colorado 80220

Parents Anonymous Frontiers, Parents Anonymous, 2810 Artesia Boulevard,
Redondo Beach, California 90278

15. Child Abuse: A Community Challenge;
Children's Aid and Society for the Prevention of
Cruelty to Children of Erie County, New York
16. Child Abuse and Neglect Programs, DHEW, 1976
17. Children Under Stress: Sula Wolff
18. Effective Child Rearing; The Behaviorally Aware Parent,
F. William Gosciowski
19. Somewhere a Child Is Crying: Maltreatment--Causes and Prevention;
Vincent J. Fontane
20. Suffer the Little Ones: James H. Ryan
21. Parenting Skills, Richard R. Abiden
22. Preparing for Fatherhood, Dr. Lee Salk
23. Profile of Neglect: A Survey of the State of Knowledge of Child Neglect
24. Raising Children in a Difficult Time, Dr. Benjamin Spock

REPORT OF SUSPECTED CHILD ABUSE

TO: _____
Name of Local Department or Social Services

FROM: _____
Name of Department, Organization or Person Making Report

Name of Child _____

Address (Where child may be seen) _____

Age or Birthdate _____

Name of Person(s) Responsible for Child's Care _____

Address _____

Relationship _____

Name of Suspected Abuser _____

Address _____

Relationship (of suspected abuser) to child _____

The nature and extent of the current injury to the child in question; circumstances leading to the suspicion that the child is a victim of abuse:

Information concerning previous injury to this child or other children in this family situation, including previous action taken, if any:

Copy mailed to State's Attorney's Office - ☐

Signature of Person Making Report

Date

Complete original and 4 copies. Original and 1st copy to be mailed to local Department of Social Services; 2nd copy to be mailed to State's Attorney's Office; 3rd copy to be retained by the principal; 4th copy to be retained by person making report. Please respond to each item even if reply is "unknown" or "none".

2. The second copy is to be sent to:

State's Attorney of Baltimore City
204 Court House
Baltimore, Maryland 21202

3. The third copy is to be sent to the principal of the school or the head of the institution for which the educator or social worker examines, attends or treats the child in the capacity of a member of the staff.
4. The fourth copy is to be retained by the person making the report.

VI. CONTENT OF ORAL AND WRITTEN REPORTS

- A. These reports should contain as much of the following information as the person making the report can furnish:
 1. Name and home address or addresses of child or children and the parent or the person responsible for the care of the child or children in question.
 2. Present whereabouts of child or children if different from the home address or addresses.
 3. Age or ages of child or children.
 4. The nature and extent of injury or injuries of the child or children in question, including any evidence or information available to the person or agency rendering the report, of previous injury or injuries possibly resulting from abuse.
 5. Any information available to the reporter which would be of aid in establishing the cause of the injuries and identity of the person or persons responsible for these.

VII. IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY

- A. The law provides immunity from any civil liability or criminal penalty if you participate, in good faith, in the making of a report, in the investigation, or in any judicial proceedings resulting from such a report.
- B. Any physician licensed to practice medicine in Maryland, who shall be presented with a child pursuant to a court order or by a law-enforcement officer or by a representative of a local department of social services who has the child in his custody as a child whom he has reason to believe is an abused child, shall examine the child without the consent of the parent, guardian or custodian in order to determine the nature and extent of the injury or sexual abuse to the child. Any such physician and any public or private health care institution with which the physician might be affiliated or to which the child might be

1952.60 (2-77)
(1)

Students

Policies and Procedures

REPORTING PHYSICAL ABUSE
OF CHILDREN

I. BACKGROUND INFORMATION

Child abuse is not new in our society but it is apparent that it has now reached epidemic proportions and represents major etiologic factors in morbidity and mortality of children. Although the percentage of the population under 18 years of age has declined slightly in the past years, the reports of child abuse have increased dramatically. In Maryland, the first child abuse law for the purpose of protecting children from physical abuse was passed by the General Assembly of Maryland in 1966. In 1973 and again in 1974, this law was revised to include sexual exploitation or molestation as part of the law governing child abuse. (Section 35A of the Article 27 code-Subheading-"Child Abuse".) This law mandates the reporting of child abuse and provides immunity from any civil or criminal penalty if you participate, in good faith, in the making of a report, in the investigation, or in any judicial proceedings resulting from such a report.

II. PURPOSE OF THE LAW

The purpose of the law is to protect children from further injury and to provide services on behalf of the child to assure his maximum growth and development. Insofar as is possible every effort is made to maintain and strengthen the child's own family and only when it is deemed essential are other arrangements made for the care of the child.

III. RESPONSIBILITY

The law requires that the principal and/or any staff member who has reason to believe that a child has received physical injury as the result of cruel or inhumane treatment, or has been sexually molested or exploited by a parent or any other caretaker is to report this immediately to the Department of Social Services.

The law specifies that reporting is the responsibility of every:

1. Health Practitioner: any physician, surgeon, psychologist, dentist and any other person authorized to engage in the practice of healing, any resident or intern in any of these professions, and any registered or licensed practical nurse attending or treating a child in the absence of a practitioner of any of these professions;
2. Educator or Social Worker: any teacher, counselor or other professional employee of any public, parochial or private school, or any caseworker or social worker or other professional employee of any public or private, social, educational, health or social service agency or any probation or parole officer or any professional employee of a correctional institution;

APPENDIX I

- 30 -

AUDIOVISUALS

<u>UNIT</u>	<u>AVAILABLE FROM H.E.L.P.</u> <u>TITLE</u>	<u>TYPE</u>	<u>TIME</u>
1, 12	Working Together	16mm - color	30 minutes
3	Physical Indicators: Signs of Alert	Filmstrip/sound cassette-color	13 minutes
3	Physical Abuse: What Behavior Can Tell Us	Filmstrip/sound cassette-color	14 minutes
3	Abusive Parents	16mm - color	30 minutes
4	Identifying Neglect: Before It's Too Late	Filmstrip/sound cassette-color	12 minutes
6	Sexual Abuse: The Family	16mm - color	30 minutes
8	Issues in Reporting Child Abuse and Neglect	Filmstrip/sound cassette-color	15 minutes
9, 16	Investigating Cases of Child	16mm - color	28 minutes
10	Case Planning and Referral of Child Abuse and Neglect	Filmstrip/sound cassette-color	15 minutes
13	Presenting the Case	16mm - b/w	32 minutes
14	Medical Indicators of Child Abuse and Neglect:	Filmstrips/sound cassettes-color	
	1 & 2: Skin Trauma/ Internal Injuries		22 minutes
	3: Skeletal Injuries		17 minutes
	4: Neglect		12½ minutes
	5: Sexual Abuse		15 minutes
14	Behaviors of Parent and Children (Behavioral Vignettes)	Filmstrip	--
14	The Interview	16mm - color	35 minutes
14	The Medical Witness	16mm - color	35 minutes
15	Child Abuse and Neglect: What The Educator Sees	Filmstrip-sound cassette-color	15 minutes

EVALUATION

WORKSHOP ON CHILD ABUSE

Please check the block before the response which you feel best describes how helpful this workshop experience has been for you.

The workshop has helped me:

1. to recognize the suspected abuse of a child.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

2. to understand what action to take when I become aware of the suspected abuse of a child.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

3. to identify the persons within the school system who can assist me regarding a situation where I feel child abuse or neglect may be occurring.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

4. to identify and contact the city agency legally responsible for helping abused children and their parents.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

COMMENTS AND SUGGESTIONS

5. Upon request by the local department of social services, the local State's attorney will assist in the investigation.
6. Based upon their findings, the local department of social services will provide the appropriate service in the best interest of the child.
7. The reporting professional also may participate on a multi-disciplinary team which proposes possible treatment plans for the child and the family.
8. The local department of social services will advise the reporting professional of its final decision regarding the child's welfare.
9. The office of the local State's attorney and other appropriate law enforcement agencies having jurisdiction will take such lawful action as may be warranted.

Read and discuss any questions raised. When this has been done, let the participants know that of the total number of abuse cases reported each year to the Special Services Unit of the Baltimore City Department of Social Services, only 20% to 25% are found to require court referral. In some instances, abuse is not verified; in others, reported abuses are found to be caused by accidents; some reported abuse cases are found to be neglect rather than abuse and the majority of cases receive the help and services needed by the family concerned for correcting the problem. It is true that some situations are not satisfactorily resolved, however, continuing efforts are being made to fill existing gaps in services and resources. Some of these include the establishment of a Crisis - Respite Center which is open twenty four hours, a Child Abuse Advisory Team, comprised of professionals from different agencies, to provide consultation and assistance with difficult cases to caseworkers in the Special Services Unit of the Department of Social Services. In addition, a skilled caseworker trained for protective services work has been assigned to head the Neglect Unit in each of the decentralized district offices of the Department of Social Services.

POLICIES AND PROCEDURES OF THE BCPS FOR REPORTING CHILD ABUSE

At the conclusion of the film, immediately exhibit Maryland's law on child abuse. It is suggested that this be printed on newsprint or tagboard and be placed where it is visible to all members of the group. The task of the presenter at this point is to carefully read through the law with the group.

MARYLAND'S CHILD ABUSE LAW

Definition of Child Abuse

The Law defines abuse as "any physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor (under the age of 18); any sexual abuse, whether physical injuries are sustained or not."

Responsibility to Report

Section 35A of the Article 27 code--Subheading--"Child Abuse" passed by the General Assembly in 1966 and revised in 1973 and 1974 mandates that "every health practitioner, educator or social worker or law enforcement officer, who contacts, examines, attends, or treats a child and who believes or has reason to believe that the child has been abused is required to make a report..."

Immunity from Civil Liability

The law provides immunity from civil liability or criminal penalty in the making of a report in good faith, in an investigation, or in any judicial proceedings resulting from the report.

After discussing any questions or comments on this material, pass out, "Circular No. 170, Series 1976-77, February 7, 1977, Administrative Handbook Revision, Policies and Procedures for Reporting Physical Abuse of Children. Go through the material by topic. After discussing topic V, Reporting of Suspected Child Abuse, have the group review the form for "Reporting Suspected Child Abuse." After answering any further questions on policies and procedures move to Part V, Action Taken by the Department of Social Services.

BUZZ GROUPS

At this point, much of the information that has been presented is very emotionally charged and participants need to express their own feelings and have a chance to share personal experiences concerning situations of suspected child abuse in the classroom.

Direct the participants to form small groups of 3 or 4. They can move their chairs to form these groups. You may ask them to share the following with one another:

1. What are some of your reactions to the film?
2. Were you upset by any of the material?
3. Did it make you more aware of indicators?
4. Can you recall an experience(s) in which you suspected child abuse in your classroom?
5. What were your reactions to the abuser?

After 5 to 6 minutes of this activity, ask if anyone wants to share an experience with the total group. Ask for their reactions to the child abuser. In discussing this, again emphasize that parents are abusive owing to tragic long-term troubles and feelings of low self esteem. In most cases, threatening parents appear to be far more in control of the situation than they really are. Understanding and empathy go a long way toward reducing the parents' fright and, in turn, their anger. Tension around child abuse reporting procedures can be relieved by making sure the parents have an understanding of what is going to happen in relation to these.

INTRODUCTION

Culturally and emotionally we have all been conditioned to dealing with a child's misbehavior by spanking him. If we look at the nursery rhymes, we were taught as children, we accepted uncritically the old lady in the shoe spanking her children and putting them to bed without bread. If you notice, the children do not seem to have committed any offense. You may want to look at other nursery rhymes in terms of their cruel violent intent. The lullaby, "Rock-a-Bye Baby"-- isn't it a neglectful parent that puts the baby on the tree top leaving the rocking to the will of the wind and anticipating the fall of the child? These poetic gems may have survived because all parents have had to live with a variety of emotions toward child care; love, anger, resentment, etc. Love is the way parents are supposed to feel. It is harder to look at some of those moments when anger, uncontrolled rage, or explosive temper breaks through. Yet we must if we are to deal effectively with the growing statistics on the numbers of children killed or permanently damaged from brutal beatings. Last year in Baltimore City, the Department of Social Services handled 632 cases of suspected abuse. We are often shocked by a newspaper story of a parent killing his own child. We have learned too well the lesson of handling children by spanking them or striking out at them, "Spare the rod and spoil the child"; we are reminded to strike out.

No one has taught parents how to limit or cope with angry feelings toward their child. Most people have learned to discipline children in ways that do not permanently damage. Others don't know, and these are the parents that need our help. We can help! We can help through a process of early identification of children who are periodically bruised, deserted, or show other indications of possible abuse. The film strip and other distributed materials will help you to do some reflective thinking. The law indicates that we are all responsible for protection of children. Let us look at what the problem is and what we can do to help. The teacher is the most important person in the child's life, outside the family. Therefore, the child is most apt to turn to the teacher who is warm and receptive to talk about a situation at home. As a classroom teacher, you may have wondered what is happening with a particular child, whose appearance or behavior seems atypical.

While we share a common concern for the well being of children, we do recognize that the life styles of parents and their child rearing practices vary. A discussion regarding abuse and neglect reactivates many of our own conflicts about moments when it was difficult to control our anger or when we had to leave our own child to take care of other concerns. It is difficult to sort out our feelings when confronted with a situation of the possible abuse of a child. Remember that a parent who abuses a child is saying, "Help me! I'm at my wit's end. They are haunted by fear--fear of what they're doing, fear of what will happen if they do. And, of course, their fears are reality based. When parent and child are treated with concern and as a unit in need of help, rather than as wrongdoer and victim, there can be positive results from the recognition and reporting of child abuse. Consultation with your school social worker can be helpful in situations where you feel anxious or uncertain regarding the suspected abuse of a child.



As I was going up Pippen Hill,
 Pippen Hill was dirty;
 There I met a pretty lass
 And she dropt me a curtsy.
 "Little Miss, pretty Miss,
 Blessings light upon you;
 If I had half-a-crown a day,
 I'd spend it all upon you."

GOOSEY, GOOSEY
 GANDER



Goosey, goosey, gander! ✱
 Where shall I wander?

Upstairs and downstairs
 And in my lady's chamber.
 There I met an old man
 That would not say his prayers.
 I took him by the left leg,
 And threw him down the stairs.

*Beating
 resolves conflict*

*Sadistic violent
 punishment*

PEASE PORRIDGE HOT



porridge hot,
porridge cold,
porridge in the pot,
Nine days old.

Some like it hot,
Some like it cold,
Some like it in the pot,
Nine days old.



LITTLE POLLY FLINDERS

Little Polly Flinders
Sat among the cinders,
Warming her pretty little toes!
Her mother came and caught her,
And whipped her little daughter X
For spoiling her nice X

*Beating to
resolve
Conflict -*

*The child wants to
get warm -
mother wants her
clean*

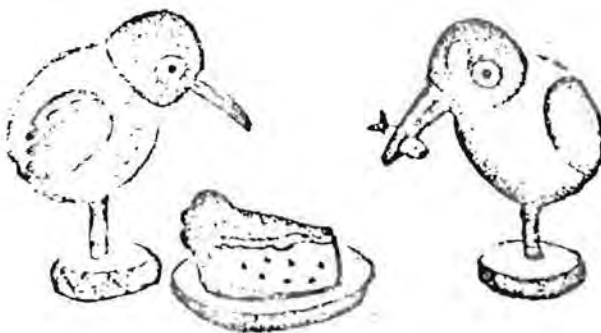


Punch and Judy
Fought for a pie;
Punch gave Judy
A knock in the eye.

Says Punch to Judy,
"Will you have any more?"
Says Judy to Punch,
"My eyes are too sore."

Sachs

*Fighting is
a way of relating!*

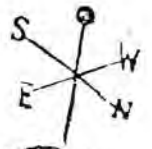




Here's Sulky Sue,
 What shall we do?
Turn her face to the wall
Till she comes to.

*Remember The newspaper
 account of the
 parent that
 kept her child
 in the closet*



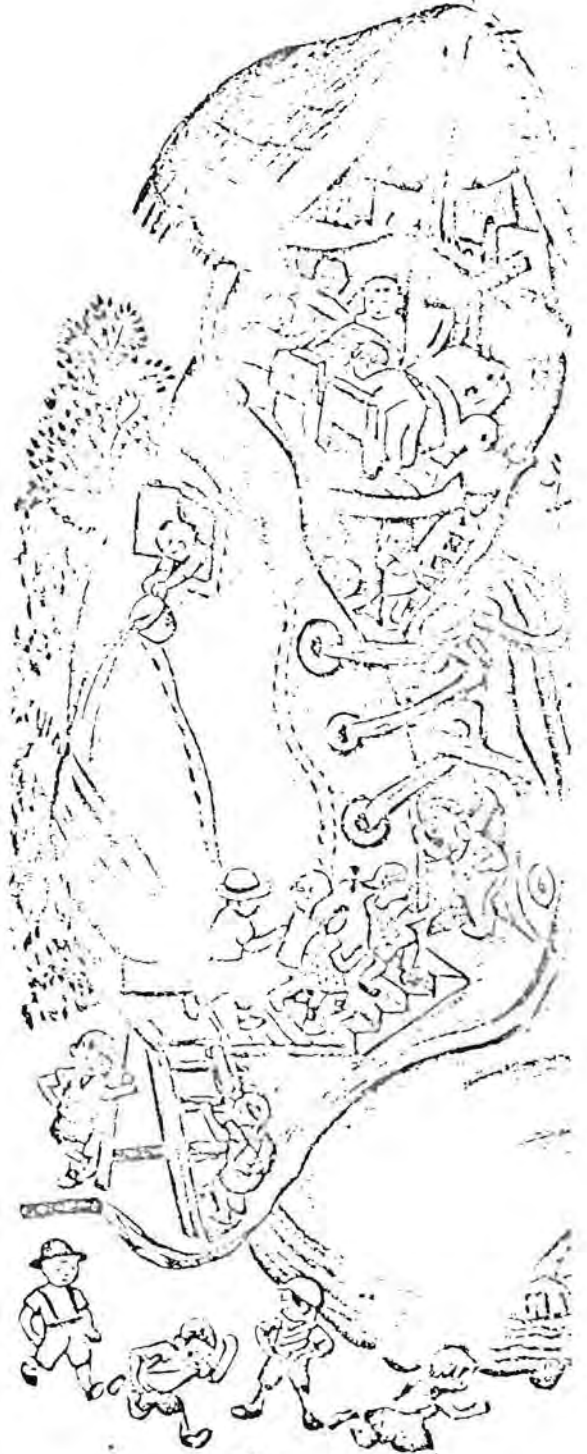


here was an old woman
who lived in a shoe.

She had so many children she
didn't know what to do.

She gave them some broth, with-
out any bread,

She whipped them all soundly,
and sent them to bed.



why!

Beating the child
to resolve conflict
of what to do.

DIRECTIONS FOR USE OF PRE-TEST

The pre-test is for the personal use of the participants. It is a quick, easy way to get them in touch with the subject of child abuse and especially, with their own particular knowledge of this problem. Be sure to emphasize that this is for the participant's use only! Remind the group to keep this sheet until the conclusion of the workshop.

Circle the letter of the response which is most correct for each of the following statements:

1. Child abuse is likely to occur in my neighborhood and my school.
A. True B. False
2. A few words or a simple phone call to the proper authorities can relieve one of his legal responsibility to report child abuse.
A. True B. False
3. In most cases persons who report suspected child abuse are required to follow the case to its completion.
A. True B. False
4. Persons suspecting child abuse need to document carefully their facts in order to protect themselves from legal liability.
A. True B. False
5. Circle the responses which are most correct for each of the following statements: Cases of child abuse in the school must be reported to:
A. The principal
B. The school nurse
C. The counselor
D. The Department of Social Services
E. The school social worker
F. The regional superintendent
6. Reporting cases of suspected child abuse in the school to the Department of Social Services is legally the primary responsibility of:
A. The school nurse
B. The principal
C. The school social worker
D. The school psychologist
E. Any school person who sees it
F. The counselor
7. Teachers who have questions regarding whether or not abuse is present in a particular situation should consult with:
A. The parent
B. The counselor
C. The school social worker
D. The Department of Social Services
E. The principal
F. The school psychologist

DIRECTIONS FOR WORKSHOP PRESENTATION

The physical aspects of any workshop are important. Success depends on prior planning and preparation to assure a smooth presentation. Attention, therefore, should be paid to the following:

1. Check with H.E.L.P. Resource Project (383-5564) for reservation of films and desired handouts.
2. Announce workshop well in advance and follow up with a reminder in the daily bulletin. Include beginning and ending times.
3. Select a location with maximum comfort and adequate space.
4. Arrange seating to allow maximum eye contact for participants and facilitators.
5. Have materials available and posted in advance (schedule, objectives, posters, and sufficient newsprint).
6. Be sure a full two hours has been scheduled for workshop presentation.
7. It is recommended that the number of participants for any one workshop be kept to twenty or twenty-five persons in order to permit interaction of the members.

Presenters may contact the school social workers, who designed this model, for consultation.

NEEDS ASSESSMENT

The "Educator's Responsibility to Report Child Abuse" as stated in the Maryland law (Section 35A of Article 27 code-Subheading - "Child Abuse" passed by the General Assembly in 1966 and revised in 1973 and 1974) mandates that every educator (teacher, counselor or other professional employee of a school) who believes or has reason to believe that a child may have been abused report the incident both orally and in writing to the local department of social services or law enforcement agency, in addition to notifying the school principal. Those reporting in good faith are immune from any civil liability to criminal penalty.

In addition, the Baltimore City Public School System has had a written policy and procedure requiring school staff to report suspected child abuse and/or neglect since the law's inception in Maryland. Principals and the Heads of Central and Regional Office Units, where appropriate, are required to disseminate the information regarding these policies and procedures, which are part of the "Administrative Handbook," to members of their staff.

The Mayor of Baltimore City has become deeply concerned about the problem of child abuse and has sent a letter to the heads of all city agencies requesting them to establish child protection as a top priority and communicate this to their staff members. He states, "to further this goal it is essential to have clear procedural guidelines on how your staff is to be involved in child abuse and neglect cases as well as a program of in-service training."

In response to this mandate, school social workers are prepared to institute such training of school staff beginning September 1977.

Subtitle 2. Appointment, Suspension, and Dismissal of Personnel.

§ 6-202. Suspension or dismissal of teachers, principals and other professional personnel.

(a) *Grounds and procedure for suspension or dismissal.* — (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

- (i) Immorality;
- (ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5-903 of the Family Law Article;
- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

(2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the individual requests a hearing within the 10 day period:

(i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board. In Baltimore City, this paragraph does not apply to the suspension and removal of assistant superintendents and higher levels.

(5) In Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the city charter.

(b) *Probationary period.* — Except for personnel of the Baltimore City public schools at the level of assistant superintendent or above, this section does not prohibit the State Board from adopting bylaws to provide for a probationary period of employment of 2 years or less. (An. Code 1957, art. 77, §§ 56D, 114; 1978, ch. 22, § 2; 1979, ch. 306; 1986, ch. 111.)

Effect of amendment. — The 1986 amendment, effective July 1, 1986, added "including knowingly failing to report suspected child abuse in violation of § 5-903 of the Family Law Article" at the end of subparagraph (ii) of paragraph (1) of subsection (a).

Editor's note. — Section 2, ch. 111, Acts 1986, provides that "this act shall be construed only prospectively and may not be applied or

interpreted to have any effect upon or application to any event or happening occurring prior to July 1, 1986."

Maryland Law Review. — For article, "Survey of Developments in Maryland Law, 1983-84," see 44 Md. L. Rev. 268 (1985).

Applied in Board of Educ. v. Ballard, 67 Md. App. 235, 507 A.2d 192 (1986).

(3) A year of successful teaching experience in the vocational subject to be taught is required of all teachers who have not completed student teaching.

.10 Causes for Suspension and Revocation of a Maryland Certificate.

Upon the recommendation of a local board of education, or the Assistant State Superintendent in Certification and Accreditation when the individual is not employed by a local board of education in Maryland, any certificate issued under these regulations may be suspended or revoked by the State Superintendent if the certificate holder:

A. Willfully and knowingly:

(1) Makes a material misrepresentation or concealment in the application for a certificate, or

(2) Files a false report or record about a material matter in the application for a certificate;

B. Fraudulently or deceptively obtains a certificate;

C. Is convicted of a crime involving:

(1) Child abuse or neglect,

(2) Contributing to the delinquency of a minor, or

(3) Moral turpitude if the offense bears directly on the individual's fitness to teach;

D. Has been dismissed by a local board of education for knowingly failing to report suspected child abuse in violation of the Family Law Article, §5-903, Annotated Code of Maryland;

E. Has had the certificate suspended or revoked in another state within the past 5 years for a cause which would be grounds for suspension or revocation under §§A — D, above;

F. Leaves the employment of a local school system after the beginning of the school year without the consent of the county board and contrary to the provisions of the Regular State Teachers Contract set forth in COMAR 13A.07.02.01B, except that only a suspension which may not exceed 365 days shall be the penalty for this cause.

.11 Procedures for Suspension or Revocation of a Certificate.

A. The local board of education, or the Assistant State Superintendent in Certification and Accreditation when an individual is not em-

danger to persons or property. If an emergency suspension continues for more than five school days, the county superintendent or his designee shall approve the emergency suspension. If a handicapped student is subject to emergency suspension, the procedures set forth in §F(1) and (2) shall be followed as soon as possible.

(b) If an emergency suspension continues for more than ten school days, the handicapped student shall be offered an interim instructional service for a minimum of 6 hours a week while the procedures set forth in §F(1) and (2) are pending. This instructional service should reflect reasonable efforts to implement the current IEP.

.07 Arrests on School Premises.

A. When possible and appropriate, arrest by police should be made during non-school hours and away from the school premises.

B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable him to fully advise the parent or guardian and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the pupil.

C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardian immediately and thereafter promptly to advise the Superintendent's Office.

D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the pupil being arrested and jeopardizing the safety and welfare of other pupils.

E. School officials may not permit questioning of a pupil under arrest on the school premises and shall request the arresting officer to remove the pupil from the premises as soon as practicable after the arrest is made.

.08 Questioning on School Premises.

A. Police investigations involving the questioning of pupils may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the pupils or other persons, provided, however, that a school official should be present throughout that questioning.

B. A local school system shall permit personnel from a local department of social services or a police officer to question a pupil on school premises during the school day in an investigation involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, or suspected child abuse under Family Law Article, Subtitle 9, Annotated Code of Maryland. The following apply:

(1) The Superintendent or the Superintendent's designated representative shall determine, after consultation with the individual from the local department of social services or the police officer, whether a school official shall be present during the questioning of a pupil pursuant to this section.

(2) Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offense under Article 88A, §6(b), Annotated Code of Maryland.

C. Except as provided in §D, whenever investigative questioning of pupils is permitted on the premises, the school official shall promptly advise the parent or guardian and the Superintendent's Office of the nature of the investigation and such other details as may be required.

D. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, and suspected child abuse under Family Law Article, Subtitle 9, Annotated Code of Maryland.

E. In the absence of an arrest, school officials may not authorize the removal of a pupil from school for the purpose of investigative questioning without the consent of the parent or guardian, except as provided below:

(1) A pupil may be removed from school premises if that pupil is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child.

(2) The Superintendent or the Superintendent's designated representative shall insure that prompt notification of a pupil's removal from school under this section is made to the pupil's parent or guardian.

from any source is promptly directed to child protective services within the local department.

D. The local department of social services shall acknowledge receipt of the report, and indicate that investigation is being made, to every source of a report of suspected child abuse or neglect. The detail shared shall depend on the source of the report and the involvement of the source in the case.

E. The local department of social services shall encourage professional sources of reports to share information about the referral with the reported family, but the department may not identify any reporting source to a reported family, unless:

(1) The reporting source is not a lay person but is a source of referral that is required by law to report suspected abuse or neglect, and this reporting source has clearly given oral or written permission to the local department to reveal its identity;

(2) A court of law has ordered the local department to reveal the identity to the reported family; or

(3) The department is otherwise required by law to reveal the identity of the reporting source.

F. Every local department shall have staff "on call" 24 hours a day, 7 days a week, to take appropriate action on reports of suspected child abuse and child neglect. The local department shall assure that the public has a means of access to the staff "on call" after office hours.

.07 Response to a Report of Suspected Child Abuse.

A. Regardless of whether a report is in the form of a telephone call, a written note or letter, a conversation, or another sort of communication, the time periods established in this chapter begin with the time of initial contact in the local department of social services.

B. The local department shall attempt to obtain from a reporting source as much of the following information as the person making the report is able to provide:

(1) The name and home address of the child and the name of the parent or other person responsible for the care of the child;

(2) The present location of the child;

(3) The age of the child;

(4) The names and ages of other children in the home;

§ 6. Misuse of public assistance lists and records.

(a) *In general.* — Except in accordance with a court order or to an authorized officer or employee of the State, or the United States, or a fiduciary institution having a right thereto in an official capacity, and as necessary to discharge responsibilities to administer public assistance, medical assistance, or social services programs, it shall be unlawful for any person or persons to divulge or make known in any manner any information concerning any applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance, directly or indirectly derived from the records, papers, files, investigations or communications of the State, county or city, or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

(b) *Child abuse or neglect.* — Except as otherwise provided in Title 5, Subtitle 9 of the Family Law Article, all records and reports concerning child abuse or neglect are confidential, and their unauthorized disclosure is a criminal offense subject to the penalty set out in subsection (e) of this section. Information contained in reports or records concerning child abuse or neglect may be disclosed only:

- (1) Under a court order;
- (2) To personnel of local or State departments of social services, law enforcement personnel, and members of multidisciplinary case consultation teams, who are investigating a report of known or suspected child abuse or neglect or who are providing services to a child or family that is the subject of the report;
- (3) To local or State officials responsible for the administration of the child protective service as necessary to carry out their official functions;
- (4) To a person who is the alleged child abuser or the person who is suspected of child neglect if that person is responsible for the child's welfare and provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;
- (5) To a licensed practitioner who, or an agency, institution, or program which is providing treatment or care to a child who is the subject of a report of child abuse or neglect; or

(6) To a parent or other person who has permanent or temporary care and custody of a child, if provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information.

(c) *Statistics; financial records.* — Nothing in this section shall be construed to prohibit:

(1) The publication, for administrative or research purposes, of statistics or other data so classified as to prevent the identification of particular persons or cases;

(2) The Department of Human Resources from obtaining an individual's financial records from a fiduciary institution in the course of verifying the individual's eligibility for public assistance; or

(3) Disclosures as permitted by § 1-303 of the Financial Institutions Article of the Code.

(d) *Regulations.* — The Social Services Administration shall issue regulations governing access to and use of confidential information which is in the possession of the Administration or local departments of social services.

(e) *Penalty.* — Any offense against the provisions of this section shall be a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for not exceeding ninety days, or both, in the discretion of the court. (An. Code, 1951, § 6; 1941, ch. 238, § 3A; 1951, ch. 82, § 3A; 1968, ch. 702, § 1; 1980, ch. 384; 1983, ch. 492, §§ 2, 3; 1984, ch. 369, § 2; ch. 683; 1986, ch. 5, § 2; ch. 234.)

Effect of amendments.

Chapter 5, Acts 1986, effective July 1, 1986, reenacted the section without change.

Chapter 234, Acts 1986, effective July 1, 1986, in subsection (b), inserted a comma following "teams" in paragraph (2) and added paragraphs (5) and (6).

Editor's note. — Section 6, ch. 5, Acts 1986, provides that "the provisions of this act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this act."

Information related to agency performance may be disclosed to the public in a case in which a child has died as a result of abuse and a parent or other person has been arrested on charges related to that abuse. In such a case, the Social Security Administration may disclose: (1) Whether the child had ever been the subject of a report of suspected abuse; (2) the date on which any such report was received; (3) the dates on which the local department of social services initiated and completed

its investigation into the validity of the report, and (4) the general nature of the department's investigation. 71 Op. Att'y Gen. — (July 25, 1986).

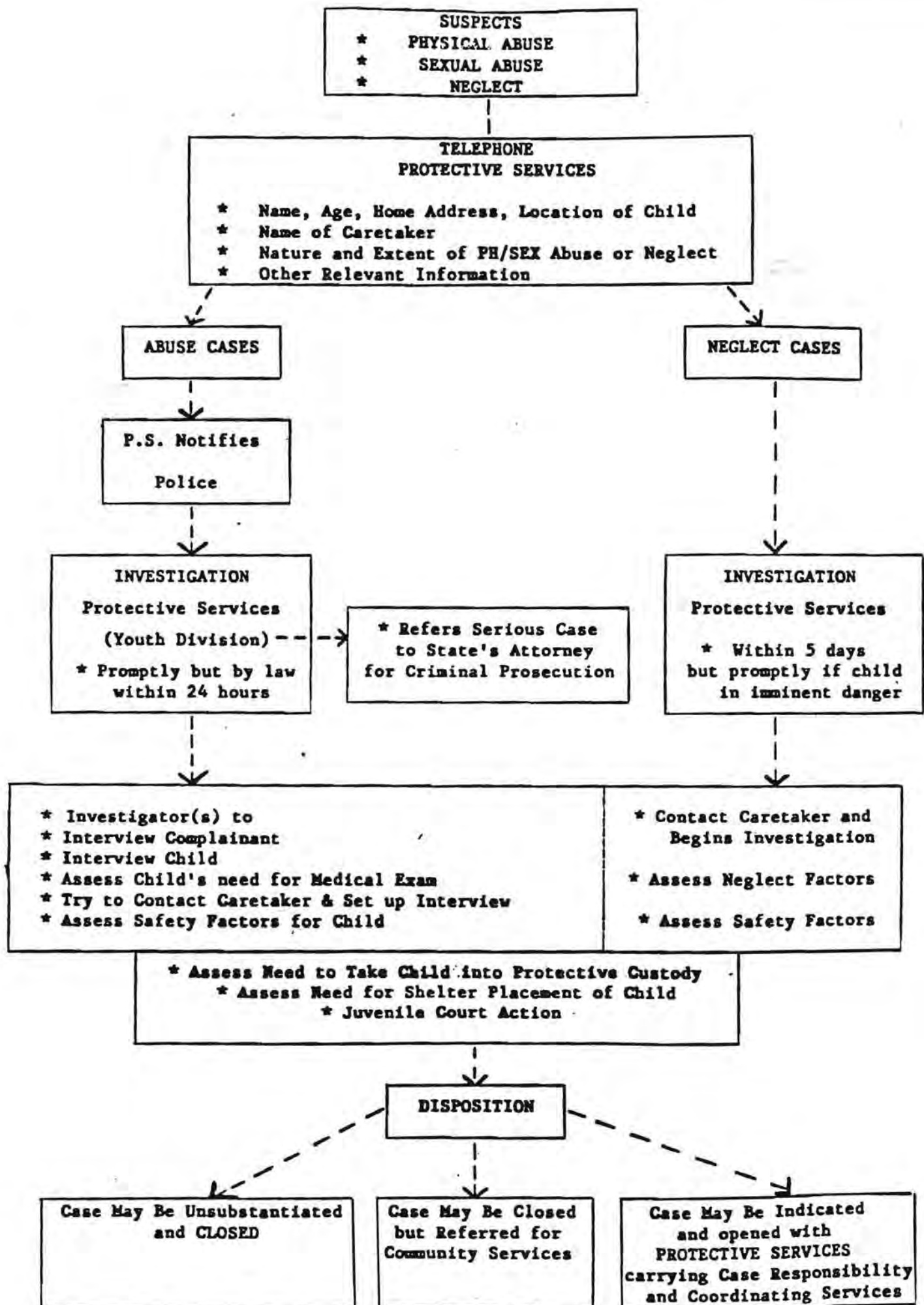
The power of a court to order disclosure is not a broad grant of authority to emasculate the protective provisions of the statutes, but it is a recognition that when the information is relevant to some other purpose such as adoption, custody, guardianship, and visitation, the court may require the agency to disclose the protested matter. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 159 (1986).

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is to encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 159 (1986).

EXHIBIT III

PHYSICAL AND BEHAVIORAL INDICATORS OF CHILD ABUSE AND NEGLECT

TYPE OF CASE	PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
PHYSICAL ABUSE	Unexplained Bruises and Welts: - on face, lips, mouth - on torso, back, buttocks, thighs - in various stages of healing - clustered, forming regular patterns reflecting shape of article used to inflict (electric cord, belt buckle) - on several different surface areas - regularly appear after absence, weekend or vacation Unexplained Burns: - cigar, cigarette burns, especially on soles, palms, back or buttocks - immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) - patterned like electric burner, iron, etc. - rope burns on arms, legs, neck or torso Unexplained Fractures: - to skull, nose, facial structure - in various stages of healing - multiple or spiral fractures Unexplained Lacerations or Abrasions: - to mouth, lips, gums, eyes - to external genitalia	Wary of Adult Contacts Apprehensive When Other Children Cry Behavioral Extremes: - aggressiveness, or - withdrawal Frightened of Parents Afraid to go Home Reports Injury by Parents
PHYSICAL NEGLECT	Consistent Hunger, Poor Hygiene, Inappropriate Dress Consistent Lack of Supervision, Especially in Dangerous Activities or Long Periods Unattended Physical Problems or Medical Needs Abandonment	Begging, Stealing Food Extended Stays at School (early arrival and late departure) Constant Fatigue, Listlessness or Falling Asleep in Class Alcohol or Drug Abuse Delinquency (e.g. thefts) Status There Is No Caretaker
SEXUAL ABUSE	Difficulty in Walking or Sitting Torn, Stained or Bloody Underclothing Pain or Itching in Genital Area Bruises or Bleeding in External Genitalia, Vaginal or Anal Areas Veneral Disease, Especially in Pre-teens Pregnancy	Unwilling to Change for Gym or Participate in Physical Education Class Withdrawal, Fantasy or Infantile Behavior Bizarre, Sophisticated, or Unusual Sexual Behavior or Knowledge Poor Peer Relationships Delinquent or Run Away Reports Sexual Assault by Caretaker
EMOTIONAL MALTREATMENT	Speech Disorders Lags in Physical Development Failure-to-thrive	Habit Disorders (sucking, biting, rocking, etc.) Conduct Disorders (antisocial, destructive, etc.) Neurotic Traits (sleep disorders, inhibition of play) Psychoneurotic Reactions (hysteria, obsession, compulsion, phobias, hypochondria) Behavior Extremes: - compliant, passive - aggressive, demanding Overly Adaptive Behavior: - inappropriately adult - inappropriately infant Developmental Lags (mental, emotional) Attempted Suicide



HIGHLIGHTS OF CHILD MALTREATMENT REPORTING DATA FOR 1988

Introduction

As a result of the passage of Senate Bill 708, significant changes in Maryland's State law pertaining to child abuse and neglect went into effect on July 1, 1988. The most important of these changes was an expansion in the definition of child abuse to include abuse by any household or family member. In addition, Child Protective Services (CPS) is now required to assess the safety of all children in the household(s) to which the alleged perpetrator has access, not simply the safety of the child(ren) alleged to have been abused.

Reflecting these changes in State law, child abuse and neglect data collection methods have been altered. Prior to 1988, the number of investigations was based on the number of children reported to have been abused or neglected. During 1988, the number of investigations has been based on the number of families and types of maltreatment reported. While this revision in reporting practices better accommodates CPS' new mandates, direct comparisons between the number of investigations during 1988 and prior years must take into consideration the change in unit of measure from reported child(ren) to family.

Incidence of Abuse and Neglect

As shown in Diagram A, during 1988 there were 23,300 investigations of child maltreatment conducted in Maryland. During these investigations, the safety of 38,120 children was assessed. The number of investigations completed in 1988 represented a nine percent increase over the number of investigations completed during 1987. This rate of increase was more than double the rate of increase experienced between 1986 and 1987 (a 4% jump). Maryland's 1988 rise in the number of maltreatment investigations was also higher than the increase reported nationally. Across the country, 1988 reports rose only three percent over the 1987 level of reporting.

Type of Maltreatment

Of the total investigations completed during 1988, 49.4 percent (11,504) were of child neglect, 34.6 percent (8071) were of child physical abuse and 16 percent (3725) were of child sexual abuse. As shown in Table I, the largest increase during 1988 was in the number of investigations of child neglect (17.1%). Investigations of child sexual and physical abuse increased less sharply (5.0% and .2% respectively). Nationwide, neglect has consistently been the most prevalent form of maltreatment (63% in 1988).

Disposition of Reports

During 1988, the percentage of investigated reports in which abuse or neglect was indicated was 38.4 percent. To a greater extent in 1987 and a somewhat lesser extent in 1988, validation rates for child sexual abuse were higher than those for either physical abuse or neglect, as shown in Table II. The only national data available on report validation rates (for 1986) show a higher rate of substantiation for investigations (53 percent). This rate was significantly higher than the level of substantiation in earlier years, and is thought to be attributable to both better reporting and more appropriate screening of reports.

Child Fatalities

As shown in Table III, the reported incidence of child maltreatment related deaths decreased from 23 to 20 between 1987 and 1988 (a 10% drop). In contrast, national child treatment fatalities rose 5% in 1988. In Maryland, abuse accounts for the majority of the child maltreatment deaths (80%). Nationally, the proportion of deaths resulting from abuse and neglect are appropriately equal. Most of the Maryland children who died in 1988 were black, female and age three or younger. Internal injuries ranked as the leading cause of death for these children. The actual number of child maltreatment deaths in Maryland may be higher than the number reported. Maltreatment related deaths, particularly neglect related deaths, are sometimes go unrecognized and are classified as accidental deaths.

Note: National data referenced in this report are taken from the National Committee for the Prevention of Child Abuse's Preliminary Report for 1988 and from the National Center on Child Abuse and Neglect's Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988.

TABLE I
Type of Child Maltreatment
(1987 and 1988)

<u>Year</u>	<u>Neglect</u>	<u>Physical Abuse</u>	<u>Sexual Abuse</u>	<u>Total</u>
1987	9820 (45.8%)	8052 (37.9%)	3548 (17.3%)	21420 (100%)
1988	11504 (49.4%)	8071 (34.6%)	3725 (16.0%)	23300 (100%)
Rise	1648 (17.1%)	19 (.2%)	177 (5.0%)	1880 (9%)

TABLE II
Disposition of Investigations
(1987 - 1988)*

	<u>Indicated</u>		<u>Unsubstantiated</u>	
	<u>1987</u>	<u>1988</u>	<u>1987</u>	<u>1988</u>
Physical Abuse	36.5%	37.5%	62.9%	62.5%
Sexual Abuse	47.6%	43.6%	45.2%	56.4%
Neglect	**	37.6%	**	62.4%
Total	40.1%	38.4%	57.5%	61.6%

** 1987 percentages do not total 100% due to absence of "non-caretaker" category.

** Data not available

DIAGRAM A
Incidence of Child Maltreatment
1983 - 1988 Investigations

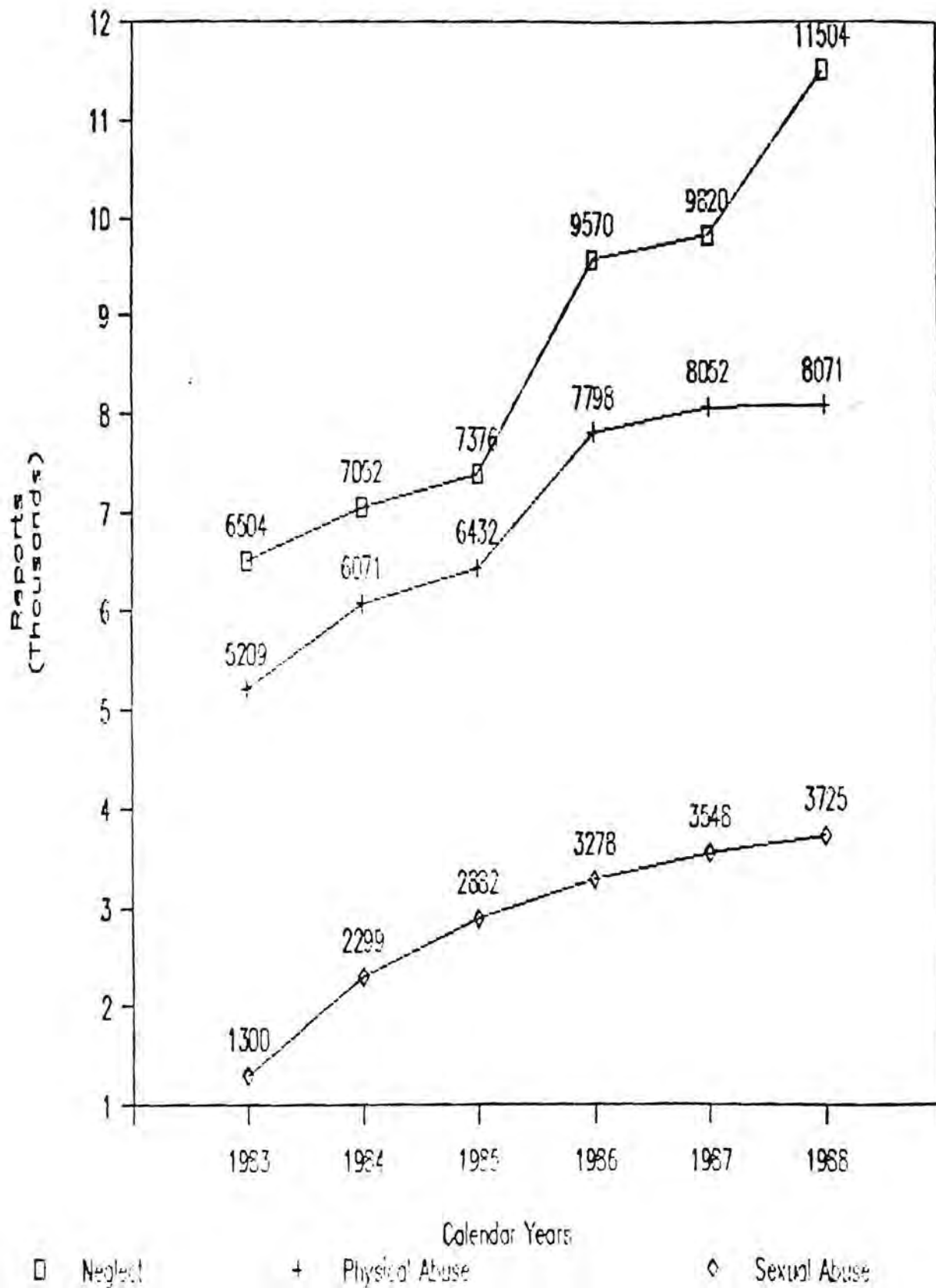


TABLE III
Child Maltreatment Deaths in Maryland

Year	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Total	16	10	8	17	23	20

PROFILE OF DEATHS

<u>Type of Maltreatment</u>	<u>1987</u>	<u>1988</u>
Abuse	17 (74%)	16 (80%)
Neglect	6 (26%)	4 (20%)
<u>Gender</u>		
Male	14 (61%)	7 (35%)
Female	9 (39%)	13 (65%)
<u>Race</u>		
Black	15 (65%)	13 (65%)
White	8 (35%)	7 (35%)
<u>Age</u>		
Less than 1 year	14	5
1 - 3 years	8	12
5 - 7 years	1	2
Over 8 years	0	1
<u>Characteristics</u>		
Average Age of Caretakers	24	23
Age Range of Caretakers	17 - 42	19 - 50
One Caretaker	16 cases	13 cases
Two Caretakers	6 cases	10 cases
Leading Cause of Death	Internal Injuries	Internal Injuries

CHILD ABUSE AND NEGLECT

I. HISTORY

1875 ASPCA Investigation of Mary Ellen
The Early 60's-Dr. Henry Kempe "The Battered Child Syndrome"
1963 Maryland's Abuse Law
Child Abuse Prevention and Treatment Act of 1973

II. SCOPE OF THE PROBLEM

National Statistics
Maryland Statistics

III. CHILD PHYSICAL ABUSE

Maryland Law
Family Law Article §5-701(b)(1)
Article 27 §35A
Physical Indicators
Behavioral Indicators

IV. CHILD SEXUAL ABUSE

Maryland Law
Family Law Article 5-701(b)(2) & (9)
Physical Indicators
Behavioral Indicators

V. CHILD NEGLECT

Maryland Law
Family Law Article 5-701(n)
Physical Indicators
Behavioral Indicators

VI. REPORTING CHILD ABUSE AND NEGLECT

Requirements
Professional Sanctions for Failing to Report
Immunity for Reporting and Participation

VII. EXPECTED OUTCOMES AFTER A REPORT IS MADE

Child Protective Services:

Screening - Definition and Purpose
Intake - Definition and Purpose
Continuing - Definition and Purpose
Confidentiality Law - Article 88A§6 of Maryland Annotated
Code

VIII. QUESTIONS AND ANSWERS

CHILD MALTREATMENT LAWS

* "SERVICE LAW"
FAMILY LAW ARTICLE SUBTITLE 7
CHILD ABUSE AND NEGLECT

* "CRIMINAL LAW"
(FOR CHILD ABUSE)

ARTICLE 27 SECTION 35A OF
MARYLAND ANNOTATED CODE

* THERE IS NO CRIMINAL LAW FOR
"CHILD NEGLECT"

PHYSICAL ABUSE

(§5-701 (b)(1))

- * SUSTAINING OF PHYSICAL INJURY
... NOT NECESSARILY VISIBLE
- * CHILD UNDER AGE 18
- * BY PARENT, CARETAKER,
HOUSEHOLD OR FAMILY MEMBER
- * UNDER CIRCUMSTANCES THAT
INDICATE CHILD'S HEALTH OR
WELFARE IS SIGNIFICANTLY
HARMED OR AT RISK OF
SIGNIFICANT HARM

SEXUAL ABUSE

(§5-701(B)(2))

- * DOES NOT REQUIRE PHYSICAL INJURY
- * CHILD UNDER AGE 18
- * PARENT, CARETAKER, HOUSEHOLD OR FAMILY MEMBER
- * SEXUAL MOLESTATION OR EXPLOITATION

DEFINITION IN COMAR .07.02.07.02(18)

* "SEXUAL MOLESTATION OR
EXPLOITATION"

INCLUDES, BUT IS NOT LIMITED
TO CONTACT OR CONDUCT WITH A
CHILD FOR THE PURPOSE OF
SEXUAL GRATIFICATION, AND MAY
RANGE FROM SEXUAL ADVANCES,
KISSING, OR FONDLING TO SEXUAL
CRIME IN ANY DEGREE, RAPE,
SODOMY, PROSTITUTION, OR
ALLOWING, PERMITTING,
ENCOURAGING OR ENGAGING IN THE
OBSCENE OR PORNOGRAPHIC
DISPLAY, PHOTOGRAPHING,
FILMING OR DEPICTION OF A
CHILD AS PROHIBITED BY LAW.

FAMILY MEMBER

(§5-701(g))

- RELATIVE BY BLOOD, ADOPTION OR MARRIAGE

HOUSEHOLD MEMBER

(§5-701(j))

- PERSON WHO LIVES WITH A CHILD OR
- HAS A REGULAR PRESENCE IN HOME OF A CHILD AT THE TIME OF ALLEGED ABUSE/NEGLECT

HOUSEHOLD

(§5-701(i))

LOCATION WHERE:

- * CHILD RESIDES
- * ABUSE/NEGLECT IS ALLEGED TO
HAVE OCCURRED OR
- * WHERE THE PERSON SUSPECTED OF
ABUSE/NEGLECT RESIDES

NEGLECT

(§-701 (n))

- * FAILURE TO GIVE PROPER CARE AND ATTENTION - INCLUDING THE LEAVING OF A CHILD UNATTENDED**
- * CHILD UNDER AGE 18**
- * ABSENCE OR FAILURE BY PARENTS, GUARDIAN, CUSTODIAN**
- * UNDER CIRCUMSTANCES THAT INDICATE THAT THE CHILD'S HEALTH OR WELFARE IS SIGNIFICANTLY HARMED OR AT RISK OF SIGNIFICANT HARM**

REPORTING ABUSE/NEGLECT

- * ALL PEOPLE ARE MANDATED TO REPORT
- * ANONYMOUS REPORTS ACCEPTED
- * IDENTITY OF THE REPORTER IS PROTECTED (UNLESS THE REPORTER IS A PROFESSIONAL AND GIVES PERMISSION)
- * IMMUNE FROM CIVIL LIABILITY AND CRIMINAL PENALTY FOR REPORTING AND PARTICIPATION IN ANY INVESTIGATION AND ANY JUDICIAL PROCEEDING (§5-708)
- * ONLY "REASON TO BELIEVE"

REPORTING ABUSE/NEGLECT (cont'd)

(\$5-704)

* PROFESSIONALS - MANDATED TO REPORT DIRECTLY TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND ALSO MUST NOTIFY THE HEAD OF THEIR INSTITUTION.

* HEALTH PRACTITIONERS

* POLICE OFFICER

* EDUCATOR

* HUMAN SERVICE WORKER

* PROFESSIONAL SANCTIONS
FOR FAILING TO REPORT

○ HEALTH PRACTITIONERS

HEALTH OCCUPATIONS
ARTICLE §7-313 AND §14-504

○ POLICE OFFICER

ARTICLE 41 §4-201

○ EDUCATOR

EDUCATION ARTICLE §6-202

○ HUMAN SERVICE WORKER

HEALTH OCCUPATIONS ARTICLE
§18-310

EXCEPTIONS TO REPORTING REQUIREMENTS

(§5-705)

* ATTORNEY REPRESENTING CLIENT
§9-108 OF THE COURTS ARTICLE

* CLERGY

1. COMMUNICATION DESCRIBED
IN §9-111 COURTS
ARTICLE

2. PROFESSIONAL CHARACTER IN
COURSE OF DISCIPLINE

3. COMMUNICATION IS
CONFIDENTIAL UNDER
CANON LAW, CHURCH
DOCTRINE OR PRACTICE

AFTER A REPORT IS MADE TO CHILD

PROTECTIVE SERVICES

- * SCREENING
- * INTAKE
- * CONTINUING

INVESTIGATION - "INTAKE"

* INITIATION

* DECISION ON SAFETY OF OTHER
CHILDREN IN CARE AND
CUSTODY OF ALLEGED ABUSER
AND IN HOUSEHOLD

* DETERMINATION OF ANY NEEDED
SERVICES

* COMPLETION

10 DAYS, IF POSSIBLE

60 DAYS - MAX

DISPOSITIONS

* SAME FOR ABUSE AND NEGLECT

* REDUCED TO TWO CATEGORIES

INDICATED

UNSUBSTANTIATED

A PREPONDERANCE OF THE EVIDENCE

"MORE LIKELY THAN NOT"

CONFIDENTIALITY

ARTICLE 88A §6(b)

CONDITIONS FOR RELEASE OF INFO
(NOT MANDATORY TO RELEASE)

1. COURT ORDER
2. LDSS, SSA, LAW ENFORCEMENT,
TEAMS (INVESTIGATING OR
SERVICE)
3. LOCAL OR STATE CPS OFFICIALS
4. ALLEGED ABUSER/NEGLECTER
(PROTECT REPORTER & OTHERS
AT RISK)
5. TREATMENT OR CARE PROVIDERS TO
CHILD INCLUDES: SCHOOL,
FOSTER CARE, DAY CARE
6. PARENT/CARETAKER (PROTECT
REPORTER & OTHERS AT RISK)

dren. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or subdivision or agency thereof shall not be binding unless it has the approval in writing of the Department of Human Resources.

Editor's note. — This paragraph is set out in this supplement in order to correct an error appearing in the bound volume.

Subtitle 7. Child Abuse and Neglect.

§ 5-701. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Abuse.* — (1) "Abuse" means:

(i) the physical injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of being significantly harmed; or

(ii) sexual abuse of a child, whether physical injuries are sustained or not.

(2) "Abuse" does not include, for that reason alone, providing a child with nonmedical religious remedial care and treatment recognized by State law.

(c) *Administration.* — "Administration" means the Social Services Administration of the Department.

(d) *Child.* — "Child" means any individual under the age of 18 years.

(e) *Court.* — "Court" means:

(1) the circuit court for a county sitting as a juvenile court; or
(2) in Montgomery County, the District Court sitting as a juvenile court.

(f) *Educator or human service worker.* — (1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;
(ii) any counselor;
(iii) any social worker;
(iv) any caseworker; and
(v) any probation or parole officer.

(g) *Family member.* — "Family member" means a relative by blood, adoption, or marriage of a child.

(h) *Health practitioner.* — "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article.

(i) *Household.* — "Household" means the location:

(1) in which the child resides;
(2) where the abuse or neglect is alleged to have taken place; or

(3) where the person suspected of abuse or neglect resides.

(j) *Household member.* — "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(k) *Law enforcement agency.* — (1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:

(i) a State, county, or municipal police department or agency;
(ii) a sheriff's office;
(iii) a State's Attorney's office; and
(iv) the Attorney General's office.

(l) *Local department.* — "Local department" means the department of social services that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or
(2) if different, where the abuse or neglect is alleged to have taken place.

(m) *Local State's Attorney.* — "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or
(2) if different, where the abuse or neglect is alleged to have taken place.

(n) *Neglect.* — (1) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm.

(2) "Neglect" does not include, for that reason alone, providing a child with nonmedical religious remedial care and treatment recognized by State law.

(o) *Police officer.* — "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(p) *Sexual abuse.* — (1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(2) "Sexual abuse" includes:

(i) incest, rape, or sexual offense in any degree;
(ii) sodomy; and

(iii) unnatural or perverted sexual practices. (1987, ch. 635, § 2; 1989, ch. 395; ch. 730, §§ 1, 2.)

Effect of amendment. — Chapter 395, Acts 1989, effective July 1, 1989, rewrote (b) and (n).

Chapter 730, Acts 1989, effective July 1, 1989, repealed former (o), and redesignated former (p) and (q) as present (o) and (p).

Revision of subtitle. — Chapter 635, Acts 1987, effective July 1, 1988, repealed former §§ 5-701 to 5-710 and the subtitle heading "Subtitle 7. Neglected Children" and enacted

present §§ 5-701 to 5-715 and the subtitle heading "Subtitle 7. Child Abuse and Neglect" in lieu thereof.

Maryland Law Review. — For article, "Survey of Developments in Maryland Law, 1983-84," see 44 Md. L. Rev. 567 (1985).

University of Baltimore Law Review. — For article concerning the hearsay exception for child abuse victims, see 17 U. Balt. L. Rev. 1 (1987).

§ 5-702. Legislative policy.

The purpose of this subtitle is to protect children who have been the subject of abuse or neglect by:

- (1) mandating the reporting of any suspected abuse or neglect;
- (2) giving immunity to any individual who reports, in good faith, a suspected incident of abuse or neglect;
- (3) requiring prompt investigation of each reported suspected incident of abuse or neglect;
- (4) causing immediate, cooperative efforts by the responsible agencies on behalf of children who have been the subject of reports of abuse or neglect; and
- (5) requiring each local department to give the appropriate service in the best interest of the abused or neglected child. (1987, ch. 635, § 2.)

§ 5-703. Scope of subtitle.

The provisions of this subtitle are in addition to and not in substitution for the provisions of Title 3, Subtitle 8 of the Courts and Judicial Proceedings Article. (1987, ch. 635, § 2.)

§ 5-704. Reporting of abuse or neglect — By health practitioner, police officer, educator or human service worker.

(a) *In general.* — Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, or educator or human service worker, acting in a professional capacity, who has reason to believe that a child has been subjected to:

- (1) (i) abuse, shall notify the local department or the appropriate law enforcement agency; or
- (ii) neglect, shall notify the local department; and
- (2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) *Oral and written reports; cooperation among departments and agencies.* — (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

- (i) an oral report, by telephone or direct communication, as soon as possible:
 1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or
 2. to the local department if the person has reason to believe that the child has been subjected to neglect; and
- (ii) a written report:
 1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney if the individual has reason to believe that the child has been subjected to abuse.

(2) (i) An agency to which an oral report of suspected abuse is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) *Contents of report.* — Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

- (1) the name, age, and home address of the child;
 - (2) the name and home address of the child's parent or other person who is responsible for the child's care;
 - (3) the whereabouts of the child;
 - (4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
 - (5) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.
- (1987, ch. 635, § 2; 1989, ch. 730, §§ 1, 2.)

Effect of amendment. — The 1989 amendment, effective July 1, 1989, repealed former (b), and redesignated former (c) and (d) as present (b) and (c).

Disclosure of material or information. — The requirements of Rule 4-263, concerning the disclosure of material or information, extend to relevant material in the hands of a sex-

ual assault center and the police and social services departments where these agencies participate in the investigation or evaluation of the action and either regularly report, or with reference to the particular action have reported, to the office of the State's Attorney. *Craig v. State*, 76 Md. App. 250, 544 A.2d 784 (1988).

§ 5-705. Same — By other persons.

(a) *In general.* — (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall:

- (i) if the person has reason to believe the child has been subjected to abuse, notify the local department or the appropriate law enforcement agency; or
- (ii) if the person has reason to believe the child has been subjected to neglect, notify the local department.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

- (i) in violation of the privilege described under § 9-106 of the Courts Article;
- (ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9-111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) *Notification of other agency; cooperative agreements.* — (1) An agency to which a report of suspected abuse is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) *Form of report.* — A report made under subsection (a) of this section may be oral or in writing.

(d) *Contents of report.* — (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5-704 (d) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5-704 (c) of this subtitle. (1987, ch. 635, § 2; 1988, chs. 769, 770; 1989, ch. 5, § 1.)

Effect of amendments. — Chapter 769, Acts 1988, effective July 1, 1988, added the "(1)" designation at the beginning of subsection (a) and deleted the former designation "(1)" preceding subparagraph (i) of subsection (a); added the exception at the beginning of, and substituted "including a law" for "including any law" in, subsection (a) (1); and added subsections (a) (2) and (3).

Chapter 770, Acts 1988, effective July 1, 1988, added the "(1)" designation at the beginning of subsection (a) and deleted the former designation "(1)" preceding subparagraph (i) of subsection (a); added the exception at the beginning of subsection (a) (1); and added subsections (a) (2) and (3).

Neither of the 1988 amendments to subsection (a) of this section referred to the other, but

both have been given effect in the section as set out above.

The 1989 amendment, approved Mar. 9, 1989, and effective from date of passage, in (d) (1), substituted "§ 5-704 (d)" for "§ 5-704 (c)."

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is: To encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 159 (1986), appeal dismissed, — U.S. —, 108 S. Ct. 49, 98 L.Ed.2d 14 (1987).

§ 5-706. Investigation.

(a) *In general.* — Promptly after receiving a report of suspected abuse or neglect:

(1) the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse to protect the health, safety, and welfare of the child or children; or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children.

(b) *Time for initiation; actions to be taken.* — Within 24 hours after receiving a report of suspected abuse and within 5 days after receiving a report of suspected neglect, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on-site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(c) *Scope.* — The investigation shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any; and

(2) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(d) *Assistance by State's Attorney.* — On request by the local department, the local State's Attorney shall assist in the investigation.

(e) *Written agreement to specify standard operating procedures.* — The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the Department's office responsible for child care regulation, and the local health officer, shall enter into a written agreement that specifies standard operating procedures for the investigation and prosecution of reported cases of suspected abuse.

(f) *Joint investigation procedure.* — (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g) *Time for completion.* — (1) To the extent possible, an investigation under this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) *Preliminary findings.* — Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) *Written report of findings.* — Within 5 business days after completion of the investigation of suspected abuse, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney. (1987, ch. 635, § 2; 1988, ch. 6, § 2; ch. 247.)

Effect of amendments. — Chapter 6, Acts 1988, effective July 1, 1988, in subsection (e), deleted "and" following "agencies" and inserted "and the local health officer" following "City."

Chapter 247, Acts 1988, effective July 1, 1988, deleted "and" following "agencies" and inserted "the Department's office responsible for child care regulation, and the local health officer" in subsection (e).

Neither of the 1988 amendments to subsection (e) of this section referred to the other, but both have been given effect in the section as set out above.

Editor's note. — Section 14, ch. 6, Acts 1988, provides that "the provisions of this act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this act."

Section 2, ch. 247, Acts 1988, as amended by § 1, ch. 6, Acts 1989, approved Mar. 9, 1989, and effective from date of passage, provides that "all persons who are, as of July 1, 1988, classified employees of the Department of Health and Mental Hygiene and whose positions are transferred to the Department of

Human Resources by this act are hereby transferred to the Department of Human Resources, effective July 1, 1988, without any change or loss of rights or status, and shall retain their merit system and retirement system status, except as otherwise specifically provided in this act."

Section 3 of ch. 247 provides that "except as expressly provided to the contrary in this act, any transaction affected by or flowing from any statute here amended, repealed, or transferred, and validly entered into before July 1, 1988 and every right, duty, or interest following from it remains valid after July 1, 1988 and may be terminated, completed, consummated, or enforced pursuant to law."

Section 4 of ch. 247 provides that "except as otherwise provided in this act, all permits and licenses, applications for permits and licenses, rules and regulations, proposed rules and regulations, standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, special funds, appropriations, grants, applications for grants, contracts, properties, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this act shall continue in effect

under the Secretary of Human Resources or the appropriate board, council, or other unit within the Department, until completed, withdrawn, cancelled, modified, or otherwise changed pursuant to law."

Section 7 of ch. 247 provides that "the Department of Human Resources may enter into an intergovernmental agreement with a local government to ensure that all persons who are classified employees of a local government and who elect to apply, and are selected for transfer, to the Department of Human Resources under this act shall be transferred without any change or loss of rights or status, and shall retain their merit system and retirement system status, except as otherwise specifically provided in this act."

Section 8 of ch. 247 provides that "the Department of Human Resources shall study the feasibility of delegating the authority for the administration of child care services to local jurisdictions and shall report back to the House Environmental Matters Committee and the Senate Economic and Environmental Affairs Committee by Dec. 1, 1988."

Section 9 of ch. 247 provides that "nothing in this act shall be construed to prohibit a local jurisdiction from enhancing the administration of Part VII of Title 5 of the Family Law Article, including:

1. Providing funds for additional licensing staff to increase inspection;
2. Providing training and education for licensees and child care center staff;

3. Providing child care information and referral to consumers; and

4. Developing an outreach program for licensees."

Section 10 of ch. 247 provides that "the Department of Human Resources shall consult with child care providers, religious organizations, local governments, and other interested parties in developing the regulations to carry out the purpose of this act."

Disclosure of material or information. — The requirements of Rule 4-263, concerning the disclosure of material or information, extend to relevant material in the hands of a sexual assault center and the police and social services departments where those agencies participate in the investigation or evaluation of the action and either regularly report, or with reference to the particular action have reported, to the office of the State's Attorney. *Craig v. State*, 76 Md. App. 250, 544 A.2d 784 (1988).

Search was reasonable under Fourth Amendment. — Search of a second child was reasonable under the Fourth Amendment to the United States Constitution where search of child about whom a report of suspected child abuse had been filed revealed markings; the search of the second child was reasonably related to the strong possibility that both children were the victims of child abuse. *Wildberger v. State*, 74 Md. App. 107, 536 A.2d 718 (1988).

§ 5-707. Reports and records.

(a) *Confidentiality.* — Subject to federal and State law, the Administration shall provide by regulation:

(1) procedures for protecting the confidentiality of reports and records made in accordance with this subtitle; and

(2) conditions under which information may be released.

(b) *Expungement.* — The local department shall expunge a report of suspected abuse or neglect 5 years after the date of the report if:

(1) the investigation under § 5-706 of this subtitle concludes that the report is unsubstantiated; and

(2) no further reports of abuse or neglect are received during the 5 years. (1987, ch. 635, § 2.)

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is: To encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 89 Md. App. 447, 518 A.2d 159 (1986), appeal dismissed, — U.S. —, 106 B. Ct. 49, 98 L. Ed. 2d 14 (1987).

§ 5-708. Immunity of person making report.

Any person who in good faith makes or participates in making a report of abuse or neglect under § 5-704 or § 5-705 of this subtitle or participates in an investigation or a resulting judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making or participating in a report of abuse or neglect or participating in an investigation or a resulting judicial proceeding. (1987, ch. 635, § 2.)

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is: To encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 169 (1986), appeal dismissed, — U.S. —, 108 S. Ct. 49, 98 L. Ed. 2d 14 (1987).

ction survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 169 (1986), appeal dismissed, — U.S. —, 108 S. Ct. 49, 98 L. Ed. 2d 14 (1987).

§ 5-709. Temporary removal of child from home without court approval.

(a) *Right of entry.* — If a representative of a local department is conducting an investigation under this subtitle, the representative may enter the household, if the representative:

- (1) previously has been denied the right of entry; and
- (2) has probable cause to believe that a child is in serious, immediate danger.

(b) *Police officer to accompany representative.* — A police officer shall accompany the representative and may use reasonable force, if necessary, to enable the representative to gain entry.

(c) *Removal of child.* — The representative may remove the child temporarily, without prior approval by the juvenile court, if the representative believes that the child is in serious, immediate danger.

(d) *Examination of child.* — If a child is removed from a household under this section, the local department shall have the child thoroughly examined by a physician and a report of this examination shall be included in a report made under § 5-706 (i) of this subtitle within the time specified. (1987, ch. 635, § 2; 1989, ch. 5, § 1.)

Effect of amendment. — The 1989 amendment, approved Mar. 9, 1989, and effective from date of passage, in (d), substituted "§ 5-706 (i)" for "§ 5-708 (g)."

Removal of the child from the home

without court approval is permitted in accordance with this section and also under CJ § 3-814. *Wildberger v. State*, 74 Md. App. 107, 536 A.2d 718 (1988).

§ 5-710. Actions by local department and State's Attorney's office.

(a) *Local department.* — Based on its findings and treatment plan, the local department shall render the appropriate services in the best interests of the child, including, when indicated, petitioning the juvenile court on behalf of

the child for appropriate relief, including the added protection to the child that either commitment or custody would provide.

(b) *State's Attorney's office.* — If a report has been made to the State's Attorney's office under § 5-706 (i) of this subtitle and the State's Attorney's office is not satisfied with the recommendation of the local department, the State's Attorney's office may petition the court, at the time of the report by the representative, to remove the child, if the State's Attorney concludes that the child is in serious physical danger and that an emergency exists. (1987, ch. 635, § 2; 1989, ch. 5, § 1.)

Effect of amendment. — The 1989 amendment, approved Mar. 9, 1989, and effective from date of passage, in (b), substituted "§ 5-706 (i)" for "§ 5-708 (g)."

§ 5-711. Access to child's medical records.

As needed by the local department as part of its investigation under this subtitle or to provide appropriate services in the best interests of the child who is the subject of a report of child abuse or neglect, upon request, the local department shall receive copies of a child's medical records from any provider of medical care. (1987, ch. 635, § 2.)

§ 5-712. Examination and treatment of abused or neglected child by physician.

(a) *Emergency medical treatment defined.* — (1) In this section "emergency medical treatment" means medical or surgical care rendered by a physician or health care institution to a child under this section:

- (i) to relieve any urgent illness or life-threatening health condition; or
- (ii) to determine the nature or extent of any abuse or neglect.

(2) "Emergency medical treatment" does not include:

- (i) nonemergency outpatient treatment; or
- (ii) periodic nonemergency health care.

(b) *Examination or treatment to determine nature and extent of abuse or neglect.* — Any physician who is licensed or authorized to practice medicine in this State shall examine or treat any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any abuse or neglect to the child if the child is brought to the physician:

- (1) in accordance with a court order;

(2) by a representative of a local department who states that the representative believes the child is an abused or neglected child; or

(3) by a police officer who states that the officer believes that the child is an abused or neglected child.

(c) *Treatment permitted if emergency medical treatment indicated.* — If a physician examines a child under subsection (b) of this section and determines that emergency medical treatment is indicated, the physician may treat the child, with or without the consent of the child's parent, guardian, or custodian.

(d) *Immunity from civil liability.* — (1) A physician who examines or treats a child under this section is immune from any civil liability that may result

from the failure to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any health care institution with which the physician is affiliated, or to which the child is brought; and

(ii) any individual working under the control or supervision of the physician or under the control or supervision of the health care institution.

(e) *Responsibility for payment of health care charges.* — (1) In accordance with regulations adopted by the Secretary of Health and Mental Hygiene, the Department of Health and Mental Hygiene shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the Department of Health and Mental Hygiene for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

(i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and

(ii) secure medical assistance benefits for any eligible child examined or treated under this section.

(f) *Funds to pay for emergency medical treatment.* — To the extent possible, the Governor shall include in the annual State budget funds for the payment of emergency medical treatment for children examined or treated under this section. (1987, ch. 635, § 2.)

§ 5-713. Supervision and monitoring of household after child's return.

(a) *In general.* — If a child is removed from a household under this subtitle or by a court order, on return of the child to the household by the local department or by the action or order of any court, State's Attorney's office, or other law enforcement agency, the local department shall establish proper supervision and monitoring of the household on a regularly scheduled basis of at least once a month for at least 3 months.

(b) *Extension of monitoring period.* — The local department may extend the monitoring period. (1987, ch. 635, § 2.)

§ 5-714. Child abuse or neglect central registry — In general.

(a) *Maintenance.* — The Social Services Administration and each local department may maintain a central registry of cases reported under this subtitle.

(b) *Source of information.* — The respective local departments throughout this State shall provide the information for the central registry.

(c) *Availability of information.* — The information in the central registry shall be at the disposal of:

- (1) the protective services staff of the Social Services Administration;
- (2) the protective services staffs of local departments who are investigating a report of suspected abuse or neglect; and
- (3) law enforcement personnel who are investigating a report of suspected abuse or neglect. (1987, ch. 635, § 2.)

§ 5-715. Same — Protection of rights of person suspected of abuse or neglect.

(a) *Rules and regulations.* — The Secretary of Human Resources shall adopt regulations necessary to protect the rights of persons suspected of abuse or neglect.

(b) *Notice of entry of name in central registry.* — Before the name of a person who is suspected of abuse or neglect is entered in the central registry, the person shall be given notice.

(c) *Hearing to appeal entry of name in central registry required; exception.* — (1) Except as provided in paragraph (3) of this subsection, on request by a person suspected of abuse or neglect, the Department shall hold an administrative hearing for the purpose of allowing the person to appeal the entry of the person's name in the central registry.

(2) The hearing shall be held in the county in which the person suspected of abuse or neglect resides.

(3) The name of a person adjudicated a child abuser may be entered in the central registry without an opportunity for a hearing under this subsection.

(d) *Requirements for entry of name in central registry.* — The Department may not enter the name of a person in the central registry unless the person has:

- (1) been adjudicated a child abuser;
- (2) unsuccessfully appealed the entry of the person's name in the central registry under procedures established by the Department and this section; or
- (3) failed to respond within 15 days to notice by the Department of the Department's intent to enter the person's name in the central registry.

(e) *Removal of name from central registry.* — On request by the person, the Department shall remove the name of a person suspected of abuse or neglect from the central registry if no entry has been made for that person for 7 years before the date of the request. (1987, ch. 635, § 2.)

Cross reference. — See Revision of subtitle note to § 5-701 of this article.

*Subtitle 8. Unattended Children.***§ 5-801. Confinement in dwelling, building, enclosure, or motor vehicle.**

(a) *In general.* — A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and the dwelling, building, enclosure, or motor vehicle is out of the sight of the person charged unless the person charged provides a reliable person at least 13 years old to remain with the child to protect the child.

(b) *Penalties for violation.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 30 days, or both. (An. Code 1957, art. 27, § 399A; 1984, ch. 296, § 2; 1986, ch. 462.)

Effect of amendment. — The 1986 amendment, effective July 1, 1986, rewrote the section.

Quoted in Carolina Freight Carriers Corp. v. Keane, 311 Md. 335, 534 A.2d 1337 (1988).

§ 5-802. Confinement in dwelling, building, or enclosure — Howard County.

Repealed by Acts 1986, ch. 462, effective July 1, 1986.

*Subtitle 9. Child Abuse.***§§ 5-801 to 5-812. Child abuse.**

Repealed by Acts 1987, ch. 635, § 1, effective July 1, 1988.

Cross references. — As to present provisions relating to child abuse, see §§ 5-701 to 5-715 of this article.

Editor's note. — Chapter 635, Acts 1987, also repealed the subtitle heading "Subtitle 9. Child Abuse."

*Subtitle 10. Paternity Proceedings.***Part I. Definitions; Legislative Policy.****§ 5-1001. Definitions.**

Maryland Law Review. — For article, "Survey of Developments in Maryland Law, 1986-87," see 47 Md. L. Rev. 739 (1988).

Cited in Smith v. Miller, 71 Md. App. 273, 525 A.2d 245 (1987).

**CHILD ABUSE AND NEGLECT NATIONAL
AGENCIES/ORGANIZATIONS/RESOURCES**

Adam Walsh Resource Center
Mercedes Executive Park
Park View Building, Suite 306
1876 N. University Drive
Fort Lauderdale, Florida 33322
(305) 475-4847

American Federation of Teachers
AFL-CIO
555 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 879-4507

The American Humane Association
P.O. Box 1266
Denver, Colorado 80201
(303) 695-0811

Child Assault Prevention Program
P.O. Box 02084
Columbus, Ohio 43202
(614) 291-2540

C. Henry Kempe National Center
for the Prevention and Treatment
of Child Abuse and Neglect
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

Child Care Law Center
625 Market Street 815
San Francisco, California 94105
(415) 495-5498

Child Welfare League of America
67 Irving Place
New York, New York 10003
(212) 254-7410

National Association of Counsel
for Children
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

National Center on Child Abuse
and Neglect
Children's Bureau Administra-
tion for Children, Youth and
Families

U.S. Department of Health and
Human Services
P.O. Box 1182
Washington, D.C. 20013
(202) 245-2840

The National Center for
Missing and Exploited
Children
1835 K Street, N.W. Suite 700
Washington, D.C. 20006
(202) 634-9821

National Child Abuse Coalition
1125 15th Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 293-7550

National Clearinghouse on
Child Abuse and Neglect Infor-
mation
P.O. Box 1182
Washington, D.C. 20013
(703) 821-2086

National Coalition Against
Domestic Violence
1500 Massachusetts Avenue,
N.W.
Suite 35
Washington, D.C. 20005
(202) 347-7017

National Committee for
Citizens in Education
410 Wilde Lake Village Green
Columbia, Maryland 21044
(301) 997-9300

National Committee for Prevention
of Child Abuse
332 S. Michigan Avenue
Suite 1250
Chicago, Illinois 60604
(312) 663-3520

National Council on Child Abuse and
Family Violence
Washington Square
1050 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(202) 429-6695

National Crime Prevention Council
805 15th Street, N.W.
Room 718
Washington, D.C. 20005
(202) 393-7141

National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036
(202) 833-4000

National Legal Resource Center
for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

National P.T.A.
700 N. Rush Street
Chicago, Illinois 60611
(312) 787-0977

Prents Anonymous
22330 Hawthorne Blvd.
Suite 208
Torrance, California 90505
(213) 371-3501

Parents United, Inc.
P.O. Box 952
San Jose, California 95102
(408) 280-5055

Society's League Against Molestation
P.O. Box 33954
Washington, D.c. 20033
(202) 686-9066

Sexual Abuse Resource Center

NCCAN has established the first National Resource Center on Child Sexual Abuse with a three-year grant to the National Children's Advocacy Center of Huntsville, Alabama and the Chesapeake Institute of Wheaton, Maryland.

The new resource center will serve as a clearinghouse and as a network for information for professionals and practitioners in the field, available by phone through its WATS line -- 800/KIDS006 -- and by mail: 11141 Georgia Avenue, Suite 310, Wheaton, Maryland 20902.

THE ELEMENTS OF CHILD ABUSE AND NEGLECT

The dynamics of abuse and neglect involves three elements: parents, children, and stressful situations. When these elements converge on each other, the potential for abuse and neglect increases dramatically. Some of the following points are included in each of the three elements:

PARENTS:

1. How they were raised - models of expressing love and anger; messages about themselves; self esteem
2. Expectations of adulthood - the wants and needs they have as adults
3. Expectations of children - knowledge of child development
4. Expectations of parenting - myths and attitudes about their role as parents

CHILDREN:

1. Children who are special - retarded; hyperactive; especially bright; slow learners; premature; colicky
2. Children who are perceived as special - seen as having special characteristics that remind parents of themselves or someone they don't like; children born at critical times in the parent's life; children who are different from what parents expected

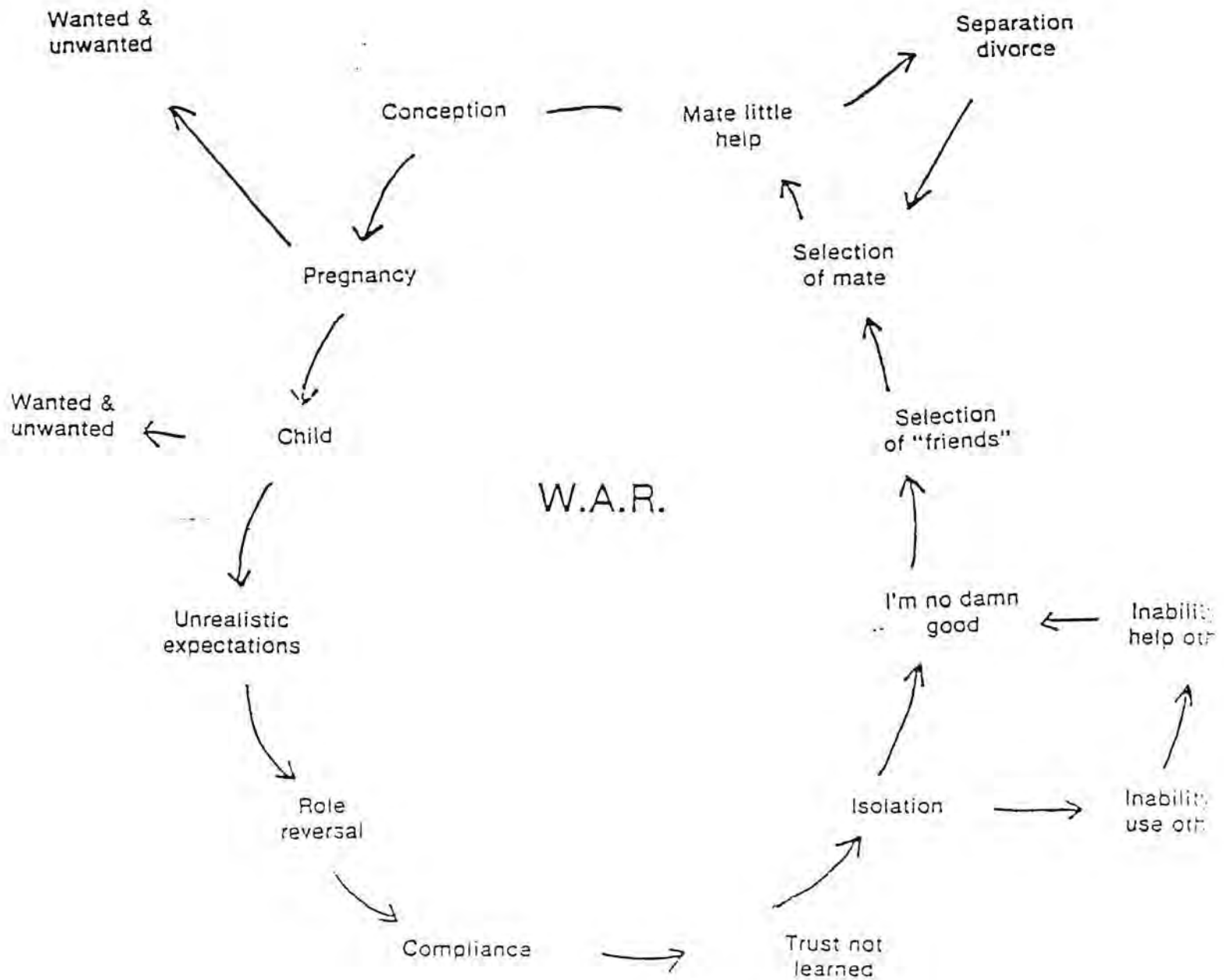
STRESS:

1. Environmental - shelter, job, food
2. Emotional - birth and death, marital, isolation
3. Misperception of parent's behavior

The factors influencing the parent's expectations of themselves, others, and their children create a cycle of abuse and neglect since the parent often repeats the experiences of his/her own childhood or tries desperately not to have the same things happen to their children thus creating high expectations, expectations impossible to fulfill.

To break this cycle, parents need new skills and increased support systems. They then can develop new ways of relating to themselves and their children, change their attitudes and expectations, and find support from others in continuing these new patterns.

When the cycle repeats itself, we see what Dr. Ray Helfer has called "The World of Abnormal Rearing." The errors resulting in the WAR cycle include both errors in omission (neglect) and commission (abuse). The cycle is depicted on the following page.



CHILDHOOD MISSED

EMOTIONAL ABUSE OF CHILDREN

EMOTIONAL NEGLECT is an act of omission, frequently the result of parental ignorance or indifference. As a result, the child is not given positive emotional support and stimulation. Parents may give adequate physical care to their child but leave him or her alone in a crib for long periods of time, seldom cuddle or talk to the child or fail to give him or her encouragement and recognition.

A child needs positive interactions, stimulation, security and a feeling of belonging and self worth which only a concerned parent or caretaker can provide. These emotional needs are continuous throughout childhood and a child whose needs are not met is at a disadvantage and handicapped in the perception of self and in interactions with others.

EMOTIONAL ASSAULT is an attack on a child inflicted by a parent or another adult or child. It may be a single incident or part of a continuing pattern. Most often it is a verbal assault -- critical, demeaning and emotionally devastating. The child feels attacked, vulnerable and frequently, as he or she grows older, defensive. This may lead to counterattacks which often escalate into estrangement and alienation of parent and child. A single, or infrequent, verbal assault is not sufficient to be considered emotional abuse, although the incident itself may be abusive.

In the extremes, both emotional neglect and emotional assault may become emotional abuse and subject to court action.

EMOTIONAL ABUSE is the most difficult type of abuse to define and diagnose. The following cases of Patty, Mark and Sandra illustrate emotional abuse resulting from an act sufficient in itself to establish abuse.

When Patty misbehaved her parents identified the behavior and made her wear signs labeling it -- "I am a liar" and "I hit my little sister," for example -- wherever she went.

As punishment for his misbehavior, Mark was made to stand in the front yard clothed only in a diaper. What was embarrassing and shameful for a child became agonizing and humiliating in the extreme for an adolescent.

Discipline and punishment for both Mark and Patty involved public humiliation. The court found both children to be emotionally abused, based on a child's right to reasonable and just discipline in the privacy of the home. Subjecting a child to public scorn was not considered reasonable or positive discipline.

Sandra's situation was similar but with a major difference: the abuse was a one-time occurrence. Because Sandra returned home late one evening, her parents shaved her head. The emotional trauma that resulted affected her school attendance, employment and relationships with others. Sandra would not voluntarily leave her house and when forced to go out she wore a stocking cap to conceal her baldness. The court deemed her punishment inappropriate, resulting in obvious long-term effects and continuing mental suffering.

A type of abuse which most frequently comes to the attention of the courts is that in which there is an observable difference in the way one child is treated compared to other children in the home. Cindy's case is such an example.

When Cindy was eight, she was referred by school authorities. Her teachers were concerned that Cindy was being treated differently at home than her brothers and sisters and felt that she needed protection from the negative attitude displayed toward her. Not only the parents but the other children in the family scapegoated Cindy.

The school staff described a "Cinderella syndrome." Cindy was the child in the family who always wore cast-off clothing, was required to do more household tasks than the other children and was not given the same privileges and opportunities. The other children were allowed to join Brownie troops and Boy Scouts but Cindy was not allowed to join or participate in any outside activities. The family ate in the dining room -- except for Cindy, who ate in the kitchen standing at the drainboard. The mother never visited Cindy's classroom nor inquired about her progress.

The contrast between her treatment and that of the other children in the family was obvious, tangible and observable. The parents felt that Cindy was different from the other children, and that her treatment was due to her own inability to integrate well into the family. She was seen as a difficult child over whom rigid discipline and control had to be exercised.

Cindy had been characterized in this way throughout her developmental years. She viewed herself as less intelligent and less desirable than the other children. She was depressed and unhappy about her inability to participate with the family but felt she was bad and did not deserve to be included.

Cindy is typical of many children who, for one reason or another, are rejected by their parents and relegated to a position in the family which makes them unloved and unwanted, and succeeds in making them feel that there is a justifiable reason for the rejection. Like many other children in her position, Cindy did not fight back. She accepted her role without question, or without antagonism. She is one of the youngsters who can become the perpetual victims of society, one of those whose low self-esteem permits them to be used and abused in an uncomplaining and compliant manner.

Paul is a child whose functioning could be linked to emotional abuse. Paul had been placed in an adoptive home when he was three weeks old. His adoptive parents, a young, professional couple, had material advantages and an unquestionable desire to be parents. As Paul grew older, however, he failed to develop some characteristics that his parents found desirable. "Paul was a cute baby, but he isn't a cute child," his mother said. She felt he was less physically attractive than she had expected and she detested the freckles he had developed.

When Paul entered school, he did not perform academically as well as the parents demanded or compete successfully in sports. His failure to be an outstanding student was upsetting to both parents, and his lack of accomplishment in sports was upsetting to the father. His parents, in many subtle ways, let Paul know that he was a disappointment to them. Paul got the message early in life that he had been adopted and given a home and, in return, was expected to perform at a standard which he was failing to achieve. Paul later said he felt "like an idiot son that had to be kept out of sight." He was also feeling guilty about failing to meet the needs of his parents.

At 12, Paul was sent to a private military school and returned home only for holidays. Paul's worst rejection by his parents came when he was 14 and was waiting for them to pick him up for Christmas vacation. The students and most of the staff at his school were already gone when he was called into the office and told that his parents were enroute to Mexico City for the holidays. They had left without talking to him or explaining why they did not include him in their holiday trip. At that point he hated his parents for not loving him, his natural mother for giving him up and himself for being incapable of holding the love of either.

Paul ran away at age 16 and was referred to court. The reduction of functioning he displayed was apparent and documented by the schools he had attended. Despite a good I.Q., he had tested progressively lower at ages 12 and 14 than he had at age seven. His school records showed lower grades, shorter attention span and acting out behavior after each incident of parental rejection. By documenting specific instances when emotional abuse had occurred and showing a chronic pattern of reduced functioning, Paul was accepted by the court as an emotionally abused minor.

Although the parents of Cindy and of Paul may not have understood all the emotional implications of their behavior, they were aware that their actions were causing their child to be distressed, disappointed and isolated. Many times, however, emotional abuse is inflicted without the parents being aware of it or recognizing that they are causing emotional damage to their child. Troy's mother was such a parent.

Troy lived with his mother and elderly grandmother. Troy's unmarried mother had been unwilling to ask a man to accept her illegitimate child. The grandmother frequently told Troy that his father had seduced her daughter and then refused to marry her. Both mother and grandmother identified Troy with the father, to whom they made continuous negative references. Troy was given no recognition for his good behavior, but when he did something wrong he was compared to the father.

By the time Troy was 12 he had successfully incorporated a negative self-image. He considered himself to be lazy, unreliable, untrustworthy and bad. He also bore considerable guilt because of his identification with the father and he saw himself as the reason his mother could not marry. By age 12 he was a chronic runaway. He accepted an image of himself as of no value and believed that he would live out his life causing problems and trouble for other people. He felt his mother would be better off and happier if he were not in the home.

When Troy's mother was interviewed it was evident that she had never thought of Troy as an individual but only as an extension of his father. She loved her son, however, and willingly accepted counseling to reevaluate her relationship with Troy and learn to recognize his good qualities and help build a more positive self-image.

Paul and Troy were referred to court for running away, not for emotional abuse. Paul was made a dependent child on the evidence of emotional abuse. No legal action was taken on behalf of Troy and proving emotional abuse would have been difficult. The pattern was evident, but specific instances of abuse were not documented or linked to dysfunctional behavior.

Many children experience more than one characteristic of emotional abuse. Perhaps the most difficult of all to define, particularly before a court of law, is that in which parents have set such high standards for their children that they can never be reached. As a result, the children experience a constant cycle of defeat and failure. The intentions of the parents may be both legitimate and positive but the results can be devastating. Many parents who set high standards and are strict with their children are not abusive. However, when the standards become so unrealistic that a child can never attain them, and the parent is constantly critical of the child's failure, it becomes abuse.

Parents can maintain high standards for their children yet give them positive feelings about themselves and their abilities. Even if children know they will never achieve the standards, they still feel good about themselves because they receive recognition for their achievements and know that they are loved and a source of pride to their parents.

Ricky's is a classic case, one in which the positive elements were missing. His hard-working, conscientious parents never demonstrated affection toward their children and drove Ricky in the same manner they drove themselves, requiring that he excel in everything. Ricky was the oldest and therefore expected to perform at maximum capability at all times. The demands on the younger children were not as extreme and their punishment for failure less severe. Ricky was an honor student and an Eagle Scout. He had little interest in football but played because it was important to his father. His parents' work ethic required that Ricky work hard and not involve himself in non-productive activities. Friendships were discouraged and when he was not at school he was at home. Family activities were done as a group and he was expected to participate.

Ricky was constantly criticized. Because his father had set Impossibly high standards, Ricky was in the untenable position of never being able to satisfy him. No matter how successfully he was viewed by his friends, classmates and teachers, he was seen at home as a failure and a disappointment. Ricky was never allowed to air his feelings at home. The father's control was total and it was evident that Ricky had been indoctrinated and conditioned to the extent that he was unable to develop the normal escape mechanisms usually available to children in similar situations—running away, asserting himself or rejecting his father's standards. Instead, with each rebuttal by his father, he tried harder and continued to experience the cycle of defeat, frustration and rejection. The constant pressure began to be reflected in his performance. His grades slipped from A's to B's and C's, he began to lose weight, and his coach commented that he sometimes seemed disoriented and confused. Under increased pressures, he attempted suicide.

This is a tragic example of a situation in which a parent makes unrealistic demands on a child without considering their effects on him or her. Ricky's parents are similar to others who feed their children well, provide them with good physical surroundings in which to grow, give them appropriate clothing and the advantages that they can afford, and yet fail to nurture them in the most important way: by helping them to develop self-esteem and the knowledge that they are wanted, loved and appreciated. If anyone had suggested to Ricky's parents that they were emotionally abusive, they would probably have been shocked at the suggestion and insisted that all they wanted was to make certain their son achieved his highest possible potential. Yet they were insensitive to the fact that his most basic need was not being met and neither parent recognized the impact of their behavior on Ricky's emotional health.

All of the children described here have one thing in common -- low self-esteem accompanied by feelings of guilt and an assumption that they are responsible for being unworthy of their parents' love.

EMOTIONAL NEGLECT OF CHILDREN

Of all situations confronting those who work with children, perhaps the most difficult to deal with is *EMOTIONAL NEGLECT*. Physically abused children can be identified more easily because of the signs of physical trauma they often bear. With increasing visibility of children's problems over the past five to ten years, more adults are willing to report physical abuse to the authorities. Those who work in the child protective field know, however, that even reports of physical abuse frequently are difficult to substantiate. Often a neighbor may observe a physical assault on a child, but later investigation reveals no outward evidence such as bruises, broken bones, or lacerations, and in situations like these, child abuse often is not found.

The protective service worker investigating such a report, however, all too frequently finds severe family dysfunction, that parents and child are having family problems. These parents frequently feel inadequate, and may handle their child or children inappropriately in ways which are, if not actually harmful to the child psychologically, at least not conducive to the child's maximum psychological growth.

In working with emotionally abused children, one must never forget that parents, too, are vulnerable people and often need help. Supportive services necessary for physically abusive families are necessary also for emotionally abusive families. Upon hearing case presentations, consultants often realize families seem unskillful in parenting techniques, and sometimes the suggested remedy is to "teach" parents how to be more effective, using demonstrations, parent education courses, parent effectiveness training groups, and other instructional programs. All these programs can be useful for a certain group of persons. However, to parents who already feel inadequate and incapable of parenting, and who do such a poor job that their children are damaged, such attempts usually succeed only in convincing them of their inadequacy. When a parent cannot hold a crying child because of feelings of revulsion or helplessness, to tell him or her: "Oh, why don't you pick him up and cuddle him? Let me show you how," is to say subtly, "You are an inadequate and helpless parent, and do not know how to care for your child."

Selma Fraiberg of the University of Michigan has worked on an infant mental health study and demonstrated an effective technique of "reparenting parents" rather than teaching them how to be more effective parents. Reparenting is not teaching parents more parenting skills, it is empathizing with parents who cannot hold a crying child because they had no one give them attention when, as children, they cried. You talk with parents about their feelings of helplessness and rage when no one hears their cry, when no one responds to their pain. It is a careful, skillful way of helping parents. It can be more effective after a child has been emotionally abused to suggest, for example, a day care center for the child, not on the basis of being better for the child but because it gives the parent an opportunity to do something he or she likes and wants, which would gratify his or her needs.

People who have their needs gratified are better able to gratify another's needs. A person sometimes can be a better part-time parent when he/she is not constantly at the beck and call of a child with whom he/she feels inadequate. But to suggest day care placement for a child's own sake sometimes can turn off parents to the extent that they no longer want to listen. Suggesting that a homemaker help a parent cope with children is more effective if the homemaker is viewed as someone who will not simply shuffle off the kids to school each morning, but instead help the mother feel better about herself, and assist her.

Casework or psychotherapy will not be effective if the client is approached from the point of "teaching" him or her how to be better. Only if they are approached with skillful understanding, compassion, and a willingness to allow the parent to become dependent in order to relive some of his or her childhood deprivations can social workers or therapists successfully accomplish their goals. Social workers have long been taught they must not allow their clients to become dependent on them, that this will engender lifelong dependence and helplessness. Dependence and independence are relative, and people who are incapable of functioning independently did not become so because a professional "fostered" their dependence. The professional may need to use this dependence to help parents become independent, and this is not done by rejecting dependent needs, or by telling them their dependent needs and demands will not be tolerated. Allowing clients to test the professional's concern, and the worker's willingness to deal with parental dependence needs sometimes can help them improve better and faster. This is better than telling them, at the beginning, that dependence is something that will not be tolerated.

Children who suffer emotional neglect or abuse are the hurt children of hurt parents. We must identify and help these children and their families whenever possible, because damage caused by emotional abuse is devastating and can affect the child permanently. The complex issues involved in defining emotional disturbance and emotional abuse may be resolved in terms of parental response to the identification of the problem: that is, emotional abuse occurs when a parent refuses to recognize or obtain help for a child's identified emotional disturbance. Family assistance should be planned carefully, and children should only be removed from their homes when life-threatening situations occur, since the removal may be more damaging than remaining in an unsuitable home. Homemakers, supportive casework services, referral for psychotherapy, day care, and special education programs may all be appropriate forms of intervention, and should be coordinated carefully.

Emotional maltreatment is perhaps one of the most difficult areas to define. Do we label this as some definable or indefinable harm to a child? Do we mean there exists some specific gap in the parent-child relationship or some defect or problem of the parent? Should this be a "reportable offense?" If it is, we need careful means of assessing individual situations and, even more, a way of "preventing" the crime and intervening in such a way that further "offenses" will not be committed. The range of parenting behaviors must be explored, and societal values clearly perceived in order that parents can be encouraged to raise children in accordance with these values.

Whiting, Leila, "Emotional Neglect of Children"

FACTORS AFFECTING PARENT/CHILD EMOTIONAL ABUSE

PARENT BEHAVIOR

CHILD BEHAVIOR

	ABUSIVE IF CONSISTENT GROSS FAILURE TO PROVIDE	TOO LITTLE	TOO MUCH
1.	Love (empathy) (Praise, acceptance, self-worth)	Psycho-social dwarfism, poor self-esteem, self-destructive behavior, apathy, depression, withdrawn	Passive, sheltered, naive, "over self-esteem"
2.	Stimulation (emotional/cognitive) (talking-feeling-touching)	Academic failure, pseudo- mental retardation, develop- mental delays, withdrawn	Hyperactivity, driven
3.	Individuation	Symbiotic, stranger and separation anxiety	Pseudo-maturity
4.	Stability/permanence/ continuity of care	Lack of integrative ability disorganization, lack of trust	Rigid-compulsive
5.	Opportunities and rewards for learning and mastering	Feelings of inadequacy, passive-dependent, poor self-esteem	Pseudo-maturity, role reversal
6.	Adequate standard of reality	Autistic, delusional, excessive fantasy, primary process, private (unshared) reality, paranoia	Lack of fantasy play
7.	Limits, (moral) guidance, consequences for behavior (socialization)	Tantrums, impulsivity, testing behavior, defiance, antisocial behavior, conduct disorder	Fearful, hyperalert, passive, lack of creativity and exploration
8.	Control for/of aggression	Impulsivity, inappropriate aggressive behavior, defiance, sado-masochistic behavior	Passive-aggressive, lack of awareness of anger in self/others
9.	Opportunity for extra- familial experience	Interpersonal difficulty (peer/ adults), developmental lags, stranger anxiety	Lack of familial attachment, excessive peer dependence
10.	Appropriate (behavior) model	Poor peer relations, role diffusion, (deviant behavior, depending on behavior modeled)	Stereotyping, rigidity, lack of creativity
11.	Gender (sexual) identity model	Gender confusion, poor peer relations, poor self-esteem	Rigid, stereotyping
12.	(Sense of) (Provision of) security/safety	Night terrors, anxiety, excessive	Oblivious to hazards and risks, naive

ABUSIVE IF PRESENT TO A SEVERE DEGREE

1. Scape-goating, ridicule, denigration		Poor self-esteem, depression
2. Ambivalence	Rigidity	Lack of purpose, determination, disorganization
3. Inappropriate expectation for behavior/performance	Poor self-esteem, passivity	Pseudo-maturity
4. Substance abuse	(Depends on behavior while Intoxicated)	Depends on behavior while Intoxicated)
5. Psychosis	(Depends on behavior/type/ frequency)	(Depends on behavior/type/ frequency)
6. Threats to safety/health		Night terrors, anxiety, excessive fears
7. Sexual abuse		Fear, anxiety, withdrawn, pseudo-sexuality, hysterical personality
8. Physical abuse		Sadomasochistic behavior, low self-esteem, anxiety, passivity, anti-social behavior, self-destructive dangerous behavior
9. Threatened withdrawal of love	Anxiety, excessive fear, dependency	
10. Shaming	"Lack" of superego, conscience	Excessive superego, self punitive
11. Exploitation	(Depends on behavior/ frequency)	(Depends on behavior/ frequency)

Lourie, Ira S. and Stefano, Lorraine, "On Defining Emotional Abuse: Results of an NIMH/NCCAN Workshop", pp 205-207

DEFINING ABUSIVE BEHAVIORS

VERBAL ABUSE

Included in the general definition of abuse is "the use of insulting, coarse, or bad language about or . . . to scold harshly, revile." We all know that we can be easily destroyed by words, especially when we're young. P.A. defines verbal abuse as words that are aimed at tearing down or destroying a child's image of himself or herself. If a child is called a stupid idiot every day of his life, for example, he'll most likely grow up believing that he is a stupid idiot.

EMOTIONAL ABUSE

All forms of abuse are emotionally abusive. Emotional abuse is present whenever a parent provides a negative emotional atmosphere for a child. This can be done in a number of subtle ways. Maybe a child isn't hit or called any names, but instead is made to feel like two cents because he didn't bring home all A's on his report card. Or maybe a child's toys are given away because she didn't clean her room. Or maybe a child is continually asked why he can't be good like his older sister. This is also called psychological abuse, and there are as many varieties of it as there are parents. It can be even more damaging in the long run than physical abuse.

EMOTIONAL NEGLECT

Emotional neglect may be described as passive emotional abuse. The parent provides neither a negative nor a positive environment for the child; the child is shown no feelings at all. He or she is shown neither anger nor warmth, he or she is neither spanked nor held closely, neither hated nor loved. It's as if the child doesn't exist. The only message he or she ever gets from the parent is "Don't bother me with your life." This form of abuse may not be as prevalent as others, but it's every bit as damaging. The child who is treated like a nothing grows to regard himself or herself as a nothing, a zero.

Wheat, Patte and Lieber, Leonard L. Hope For the Children, Winston Press, Inc., 1979
(Copied with permission of Leonard L. Lieber)

FACTORS INFLUENCING EMOTIONAL DISTURBANCE IN CHILDREN

The following material from THE EMOTIONALLY DISTURBED CHILD helps in our understanding of children who suffer from emotional deprivation.

"... recent researches indicate that other severe disorders -- psychoses, and schizophrenias in particular -- and many vegetative disorders can usually be traced back to markedly pathological parental attitudes, exhibited in excessive neglect, cruelty, and gross inconsistency.

"A cruel and inconsistent mother offers a kind of necessity for self-sufficiency in an infant. To cover the pain and anxiety resulting from these experiences at the mother's hand, it is possible that the child must avoid the discomfort by denying reality and avoiding object contact, at the same time creating in fantasy a world closer to 'his heart's content,' which forms the fabric out of which schizophrenic delusions may later be formed.

"In the last half century, tremendous advances have been made in our scientific knowledge of personality structure, its myriad variations, and the causes for these variations. We have learned that each organically sound baby possesses at birth varying potentialities for a happy, useful and rich life; but also, that these same potentialities, if thwarted, misdirected, or developed in distorted proportion, can lead to any or all of the emotional ills to which the human individual is susceptible. Such persons are crippled and handicapped in their emotions, their behavior, and their capacities. This crippling of personality has been shown to follow the same rules as those of physical crippling. The distorted pattern becomes fixed if not skillfully corrected, just as a bone made crooked by an untreated fracture heals firmly in the distorted shape and needs expert skill to correct the pathology.

"Emotional deprivation stunts normal emotional development as deprivation of vitamin D stunts bone development, producing rickets; psychic traumata injure the personality make-up and handicap its function, as rheumatic fever injures the heart and handicaps cardiac functions.

"Deprivation of needs is most marked in the realm of human love. It is within the atmosphere of warm, tender, protective love that the infant experiences his first pleasure of human relationship. Out of the first tender, protective experiences of the relationship of human mother love slowly develops the child's capacity to experiment with positive relationship to others, until, maturing more and more, he grows into a member of society, capable of positive love and cooperative social endeavor. Spitz has shown that deprivation of this love, if complete, may lead to severe infant withdrawal with only fearful reactions to persons, and final wasting away into marasmic death. The reaction seems almost to hint at the child's despair of a task way beyond his capacity and without softening aid. In a milder way, a child withdraws from the task of facing loss of love, if it occurs in its naked pain without proper adult cushioning. From this

deprivation, he withdraws his love into himself when deprived of his object, and protects himself from a repetition of pain by loving himself only -- the so-called narcissistic solution. His energy becomes dedicated to self-satisfaction, self-promotion; society and people become a means to this end; and his capacity to be an honest member of a democratic world, sacrificing when needed for the good of others, contributing to the progress of the community, remains latent and undeveloped. His behavior is guided by his own needs, never by an ethical conscience. He may become the hobo or the clever criminal, or merely a greedy, unloving, unsatisfied human being."

Emotional starvation as such is not as readily identifiable as physical malnutrition. Emotional neglect might be defined as "the deprivation suffered by children when their parents do not provide opportunities for the normal experiences producing feelings of being loved, wanted, secure and worthy, which result in the ability to form healthy object relationships."

Henrietta Gordon states: "The problem of defining neglect is always complicated by the emotional factors in the relationship between the parents and the children. The caseworker is concerned that children should have more than food, clothing and shelter. For normal development, children need to feel loved. Just as parents' capacities for and manner of giving physical care vary, so the capacity to demonstrate affection and the way in which it is demonstrated varies. A child is sensitive to his parent's feelings for him. No matter how understandable the parent's preoccupation with other matters may be, the child who is consequently deprived of loving attention feels unloved. The parent's lack of love and proper direction, and his inability to accept a child with his potentialities as well as his limitations, may constitute emotional neglect.

"The parents' failure to encourage the child's normal development by assurance of love and acceptance, is today being recognized by social workers as neglect. Parents may not even be aware of the relationship between their feelings and the disturbing conditions in which their children are found."¹

¹The Emotionally Disturbed Child, CWLA, 1958

²Casework Services for Children: Principles and Practices, Houghton-Mifflin Co., Boston, 1956

Mulford, Robert M., "Emotional Neglect of Children: A Challenge to Protective Services"

WHAT IS EMOTIONAL ABUSE?

We are seeing a move away from defining child abuse as a syndrome of specific physical injuries toward defining it as a symptom of broad family problems. Despite the many pitfalls, this change is good. Part and parcel of this movement is a growing interest in emotional abuse, something we all know exists but something that few of us can define.

Many of us are drawn to the fever analogy in explaining the meaning of child abuse and neglect. Just as fever indicates infection in the body, we speak of abuse and neglect as an indicator of underlying problems within the family. Most fevers are not, in themselves, dangerous; they are simple indicators that pose no threat to the organism. High fevers, however, can be dangerous, particularly among young children. I would liken this to child abuse and neglect. Most of the physical damage inflicted upon a child by abusive or neglectful parents -- while distressing, morally unconscionable, and requiring attentions -- is not in itself a threat to the long-term health of the child. On the other hand, a few instances of abuse and neglect are life-threatening or lead to substantial physical impairment.

Does this mean that child maltreatment is a small problem? Clearly the answer is no. Most professionals and the general public almost instinctively recognize that the problem of maltreatment goes well beyond serious physical harm to children. Consider, for example, the problem of sexual abuse. While physical assault frequently accompanies sexual misuse, the absence of physical assault in no way diminishes the seriousness of such an incident. Although our formal statements about child maltreatment focus attention on physical consequences, most of us agree that the heart of the matter lies not in the physical but in the emotional domain.

Except in the relatively few instances of serious physical injury, the emotional climate that envelops both parent and child precisely defines their relationship. Emotional abuse is the central issue, and central to it is rejection. When children are rejected, however that may be done, they are liable to serious developmental damage, which may result in hostility, active or passive aggression, low self-esteem, and a negative view of the world.¹ Rejection is the form of abuse most characteristic of the backgrounds of abusive parents. We have all heard the expression "Abusive parents were themselves abused as children." While this is most often taken to mean physical abuse, the real culprit is emotional abuse. In their classic clinical study Brandt Steel and Carl Pollock recognized this.² They characterized the background of abusive parents as being dominated by a pervasive and corrosive sense of rejection and social deprivation.

Emotional abuse has a malignant effect on the development of personality. I believe that it has this effect because it undermines an individual's competence. When placed in a broad developmental and social perspective, emotional abuse is the willful destruction or significant impairment of a child's competence.

The elements of human competence go beyond adaptivity, as intelligence is often defined. David McClelland set forth a definition of competence that is useful for the present purpose.³ In his view of competence is successful performance in specific social contexts that typically consists of the following general elements:

1. Communication skills -- "... a person able to communicate accurately by word, look, or gesture just what he intends or what he wants done."
2. Patience -- "... response delay."
3. Moderate goal setting -- "... In most life situations it is distinctly preferable to setting goals either too high or too low, which leads more often to failure."
4. Ego development -- "... a general kind of competence."

McClelland's definition of competence permits us to evaluate parental behavior, parent-child relations, and teacher-student relations in light of a development standard -- that is, to determine whether they contribute to the development of competence. Competence sets goals for the socialization process. To evaluate socialization practices, we must anticipate what life will demand of an individual and what roles -- being a parent, for example -- the individual will be called upon to play. If we start with the concept that the general goal of socialization is competence, we have the key to understanding emotional abuse. We can then proceed to deal with emotional abuse both as a scientific issue and as a problem for treatment.

Using competence as the focal point for defining emotional abuse leads to four central themes:

1. *Penalizing a child for positive, normal behaviors such as smiling, mobility, exploration, vocalization, and manipulation of objects is emotional abuse.*

Research from a variety of contexts has demonstrated that care-giver behavior can have a direct impact on the performance of these building blocks of human development. Children have a natural instinct for exploring their environment and for seeking to master it. To punish this drive and its accompanying behaviors is a clear and present danger to the child's development of competence.

2. *Discouraging care-giver and infant attachment is emotional abuse.*

The attachment of the care-giver and the infant has emerged as one of the central issues in child development. Disruptions of attachment have been linked to physical abuse, failure to thrive, and a variety of competence deficits. Systematic efforts to discourage bonding therefore pose a direct threat to adequate development.

3. *Penalizing a child for showing signs of positive self-esteem is emotional abuse.*

Self-esteem is the positive valuing of one's own characteristics. It means that an individual has a positive identity. Self-esteem rises and falls in response to the behavior of others. To discourage self-esteem is to attack a fundamental component of development.

- 4. *Penalizing a child for using interpersonal skills needed for adequate performance in nonfamiliar contexts such as schools and peer groups is emotional abuse.*

Families involved in child maltreatment do not provide positive reinforcement for key interpersonal behaviors. Abusive parents typically discourage their children from forming normal social relationships -- for example, friendships outside the family. This pattern corresponds to what has been called the "World of Abnormal Rearing."⁴

The problem of defining emotional abuse is far from solved. We can make a start in the right direction by focusing on the development of competence. It gives us something to base our judgments on, something with which to evaluate parent-child relations. Competence is the outcome of caring.

Garbarino, James (Ph.D.), "What is Emotional Abuse?"; National Committee for Prevention of Child Abuse, Volume 5, Number 2, 1979

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- Garbarino, James (Ph.D), "What Is Emotional Abuse?"; National Committee for Prevention of Child Abuse, Volume 5, Number 2, 1979
- Lourie, Ira S., M.D., and Stefano, Lorraine, "On Defining Emotional Abuse: Results of an NIMH/NCCAN Workshop", pp. 205-207
- Mulford, Robert M., "Emotional Neglect of Children: A Challenge to Protective Services"
- Wheat, Patte and Lieber, Leonard L., Hope For the Children, Winston Press, Inc., 1979
- Whiting, Leila, "Emotional Neglect of Children"

DIRECTIONS FOR USE OF PRE-TEST

The pre-test is for the personal use of the participants. It is a quick, easy way to get them in touch with the subject of child abuse and especially, with their own particular knowledge of this problem. Be sure to emphasize that this is for the participant's use only! Remind the group to keep this sheet until the conclusion of the workshop.

8. QUESTIONS/COMMENTS:

DIRECTIONS FOR USE OF THE
ILLUSTRATIONS FROM NURSERY RHYMES

These illustrations should be exhibited about the room in locations where they will attract the attention of the participants as they enter. It is suggested that large copies of these be placed on tagboard, art paper or poster sheets, etc. Teachers or art students might become involved in making these posters. Talented members of the pupil services teams, art supervisors or even artistically inclined family members might aid with this project. Copies may be xeroxed and distributed to participants but this is not nearly as effective as the use of posters.



here was an old woman
who lived in a shoe.
She had so many children she
didn't know what to do.
She gave them some broth, with-
out any bread,
She whipped them all soundly,
and sent them to bed.

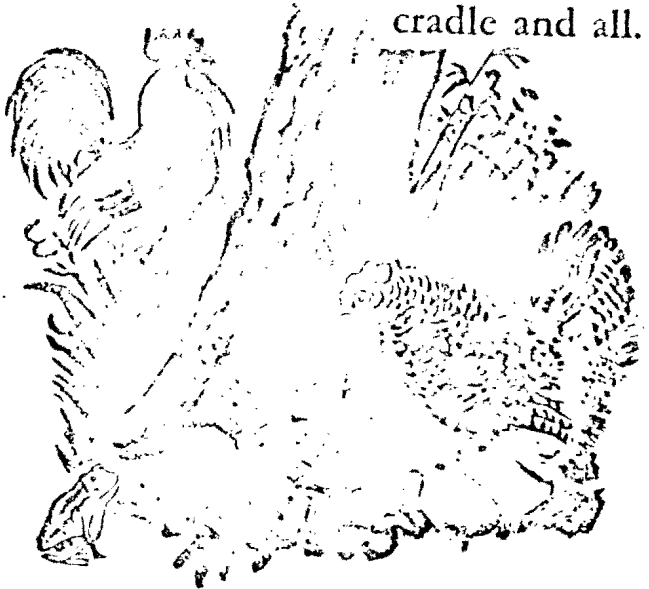


why!

{ Beating
the child
to resolve conflict
of what to do.



x Rock-a-bye, baby, on the tree top!
When the wind blows
the cradle will rock,
When the bough breaks
the cradle will fall;
Down will come baby,
cradle and all.



Neglect
why leave
a child's care
to the will
of the wind,
especially if
you anticipate
the fall.

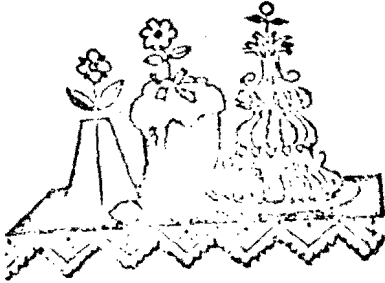


Here's Sulky Sue,
 What shall we do?
Turn her face to the wall
Till she comes to.

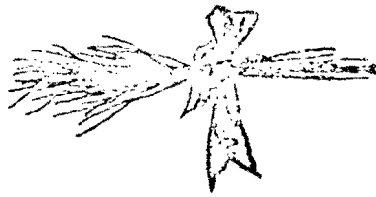
*Remember The newspaper
 account of the
 parent that
 kept her child
 in the closet*



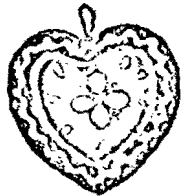
The Queen of Hearts,
She made some tarts,
All on a summer's day.



The Knave of Hearts,
He stole the tarts,
And took them clean away.



The King of Hearts
Called for the tarts,
X And beat the Knave full sore.



The Knave of Hearts
Brought back the tarts,
And vowed he'd steal no more.

*Beating to change
behaviour.*

L

H

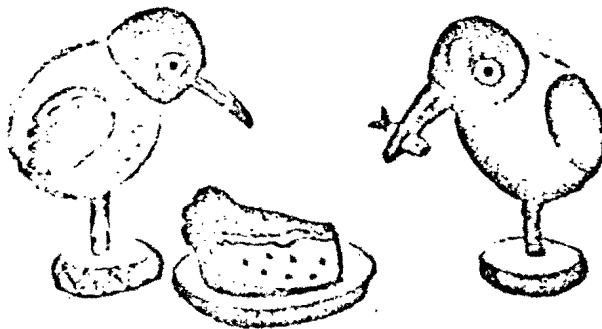


Punch and Judy
Fought for a pie;
Punch gave Judy
A knock in the eye.

Says Punch to Judy,
"Will you have any more?"
Says Judy to Punch,
"My eyes are too sore."

Sachs to

*Fighting is
a way of relating!*





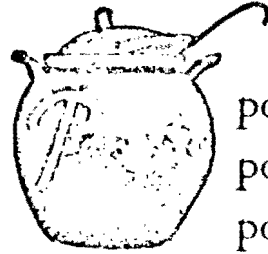
Three blind mice! Three blind mice!
See how they run!

See how they run!
They all ran after the farmer's wife,
She cut off their tails
with a carving knife.

Did you ever see such a sight
in your life
As three blind mice?

*Sadistic
ways of
handling the
handicap of
blindness -
Make life more
difficult*

PEASE PORRIDGE HOT



porridge hot,
porridge cold,
porridge in the pot,
Nine days old.

Some like it hot,
Some like it cold,
Some like it in the pot,
Nine days old.

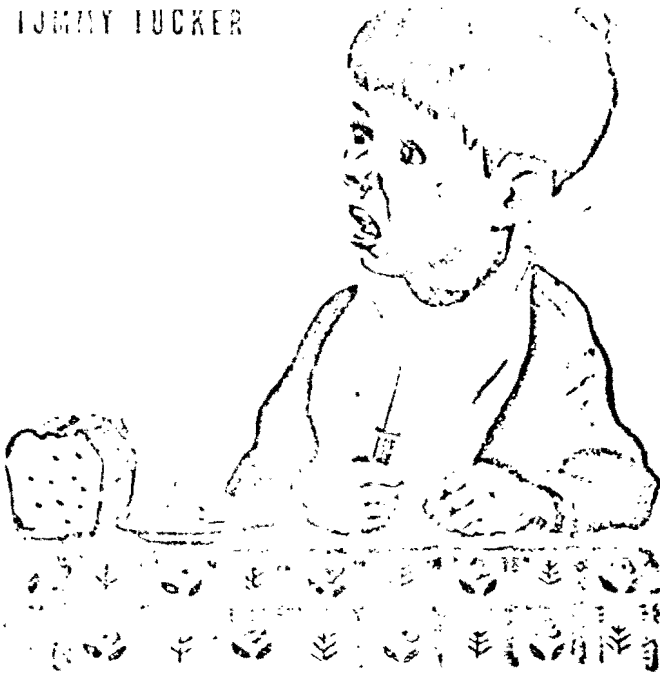


LITTLE POLLY FLINDERS

Little Polly Flinders
Sat among the cinders,
Warming her pretty little toes!
Her mother came and caught her,
And whipped her little daughter
For spoiling her nice pease porridge X

*Beating to
resolve
conflict -*

*The child wants to
get warm -
mother wants her
clean*



Little Tommy Tucker
Sings for his supper.
What shall he eat?
White bread and butter.

How will he cut it
Without e'er a knife?
How can he marry
Without e'er a wife?

CRY BABY



Cry, baby, cry,
Put your finger in your eye,
And tell your mother it wasn't I.

*If you are hurt
and crying, you
have to apologize to
mother or
prove your
innocence*



As I was going up Pippen Hill,
 Pippen Hill was dirty;
 There I met a pretty lass
 And she dropt me a curtsy.
 "Little Miss, pretty Miss,
 Blessings light upon you;
 If I had half-a-crown a day,
 I'd spend it all upon you."

GOOSEY, GOOSEY
 GANDER

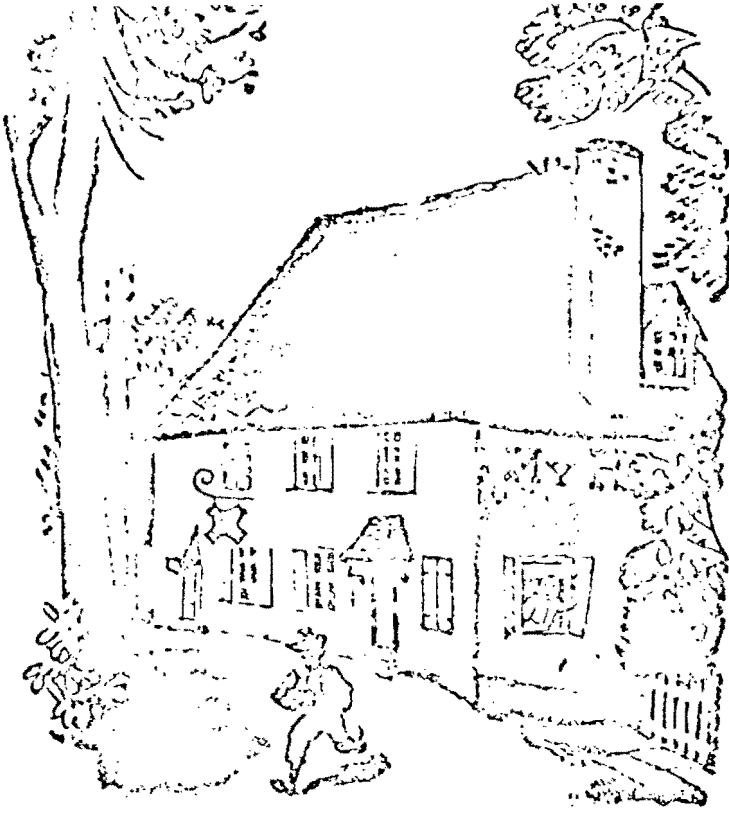


Goosey, goosey, gander! ✕
 Where shall I wander?

Upstairs and downstairs
 And in my lady's chamber.
 There I met an old man
 That would not say his prayers.
 I took him by the left leg,
 And threw him down the stairs.

*Beating
 resolves conflict*

*Sadistic violent
 punishment*



Taffy was a Welshman,
Taffy was a thief;
Taffy came to my house
and stole a piece of beef.

I went to Taffy's house,
Taffy was not home;
Taffy came to my house
and stole a marrow-bone.

I went to Taffy's house,
Taffy was in bed;
I took up the marrow-bone
and beat him on the head.

*Solving
problems
by striking
out*

P

II

W

INTRODUCTION

Culturally and emotionally we have all been conditioned to dealing with a child's misbehavior by spanking him. If we look at the nursery rhymes, we were taught as children, we accepted uncritically the old lady in the shoe spanking her children and putting them to bed without bread. If you notice, the children do not seem to have committed any offense. You may want to look at other nursery rhymes in terms of their cruel violent intent. The lullaby, "Rock-a-Bye Baby"-- isn't it a neglectful parent that puts the baby on the tree top leaving the rocking to the will of the wind and anticipating the fall of the child? These poetic gems may have survived because all parents have had to live with a variety of emotions toward child care; love, anger, resentment, etc. Love is the way parents are supposed to feel. It is harder to look at some of those moments when anger, uncontrolled rage, or explosive temper breaks through. Yet we must if we are to deal effectively with the growing statistics on the numbers of children killed or permanently damaged from brutal beatings. Last year in Baltimore City, the Department of Social Services handled 632 cases of suspected abuse. We are often shocked by a newspaper story of a parent killing his own child. We have learned too well the lesson of handling children by spanking them or striking out at them, "Spare the rod and spoil the child"; we are reminded to strike out.

No one has taught parents how to limit or cope with angry feelings toward their child. Most people have learned to discipline children in ways that do not permanently damage. Others don't know, and these are the parents that need our help. We can help! We can help through a process of early identification of children who are periodically bruised, deserted, or show other indications of possible abuse. The film strip and other distributed materials will help you to do some reflective thinking. The law indicates that we are all responsible for protection of children. Let us look at what the problem is and what we can do to help. The teacher is the most important person in the child's life, outside the family. Therefore, the child is most apt to turn to the teacher who is warm and receptive to talk about a situation at home. As a classroom teacher, you may have wondered what is happening with a particular child, whose appearance or behavior seems atypical.

While we share a common concern for the well being of children, we do recognize that the life styles of parents and their child rearing practices vary. A discussion regarding abuse and neglect reactivates many of our own conflicts about moments when it was difficult to control our anger or when we had to leave our own child to take care of other concerns. It is difficult to sort out our feelings when confronted with a situation of the possible abuse of a child. Remember that a parent who abuses a child is saying, "Help me! I'm at my wit's end. They are haunted by fear--fear of what they're doing, fear of what will happen if they do. And, of course, their fears are reality based. When parent and child are treated with concern and as a unit in need of help, rather than as wrongdoer and victim, there can be positive results from the recognition and reporting of child abuse. Consultation with your school social worker can be helpful in situations where you feel anxious or uncertain regarding the suspected abuse of a child.

FILM: "CHILD ABUSE AND NEGLECT - WHAT THE EDUCATOR SEES"

The film may be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

BUZZ GROUPS

At this point, much of the information that has been presented is very emotionally charged and participants need to express their own feelings and have a chance to share personal experiences concerning situations of suspected child abuse in the classroom.

Direct the participants to form small groups of 3 or 4. They can move their chairs to form these groups. You may ask them to share the following with one another:

1. What are some of your reactions to the film?
2. Were you upset by any of the material?
3. Did it make you more aware of indicators?
4. Can you recall an experience(s) in which you suspected child abuse in your classroom?
5. What were your reactions to the abuser?

After 5 to 6 minutes of this activity, ask if anyone wants to share an experience with the total group. Ask for their reactions to the child abuser. In discussing this, again emphasize that parents are abusive owing to tragic long-term troubles and feelings of low self esteem. In most cases, threatening parents appear to be far more in control of the situation than they really are. Understanding and empathy go a long way toward reducing the parents' fright and, in turn, their anger. Tension around child abuse reporting procedures can be relieved by making sure the parents have an understanding of what is going to happen in relation to these.

FILM: "CASE PLANNING AND REFERRAL OF CHILD ABUSE AND NEGLECT"

This film may also be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

POLICIES AND PROCEDURES OF THE BCPS FOR REPORTING CHILD ABUSE

At the conclusion of the film, immediately exhibit Maryland's law on child abuse. It is suggested that this be printed on newsprint or tagboard and be placed where it is visible to all members of the group. The task of the presenter at this point is to carefully read through the law with the group.

MARYLAND'S CHILD ABUSE LAW

Definition of Child Abuse

The Law defines abuse as "any physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor (under the age of 18); any sexual abuse, whether physical injuries are sustained or not."

Responsibility to Report

Section 35A of the Article 27 code--Subheading--"Child Abuse" passed by the General Assembly in 1966 and revised in 1973 and 1974 mandates that "every health practitioner, educator or social worker or law enforcement officer, who contacts, examines, attends, or treats a child and who believes or has reason to believe that the child has been abused is required to make a report..."

Immunity from Civil Liability

The law provides immunity from civil liability or criminal penalty in the making of a report in good faith, in an investigation, or in any judicial proceedings resulting from the report.

After discussing any questions or comments on this material, pass out, "Circular No. 170, Series 1976-77, February 7, 1977, Administrative Handbook Revision, Policies and Procedures for Reporting Physical Abuse of Children. Go through the material by topic. After discussing topic V, Reporting of Suspected Child Abuse, have the group review the form for "Reporting Suspected Child Abuse." After answering any further questions on policies and procedures move to Part V, Action Taken by the Department of Social Services.

ACTION TAKEN BY THE
DEPARTMENT OF SOCIAL SERVICES

Introduction:

The primary purpose of identifying and reporting child abuse is prevention of further abuse to the child. To accomplish this, appropriate help and services must be provided for the child and parents. Special Services, District "A" of the Department of Social Services, will then make a thorough inquiry into the situation. Appropriate services will be provided for the child and the family with the emphasis placed on the best interest of the child. The referring agency should cooperate with the Department of Social Services in its efforts to assist the child and the family by ensuring that the child and/or his family are provided with any needed resources which the agency customarily provides.

Activity:

Print the material which follows on newsprint or tagboard and place where it is visible to all participants.

Action Taken By The Department of Social Services

1. The local department of social services or appropriate law enforcement agency, or both, will make a thorough investigation promptly upon receiving a report of suspected child abuse. The primary purpose of the investigation is the protection of the child's welfare.
2. The investigation includes:
 - (a) a determination of the nature, extent and cause or causes of the abuse;
 - (b) the identity of the person or persons responsible;
 - (c) the name, age and condition of other children in the same household;
 - (d) an evaluation of the parents and the home environment, and all other facts found to be pertinent to the investigation.
3. The local department of social services has the capacity to remove a child from the home if the child is found to be in immediate danger.
4. The local department of social services and law enforcement agency (if that agency participated in the investigation) will submit a complete written report of its findings to the local State's attorney within five (5) working days of the completion of the investigation, which will be within ten (10) days of the receipt of the oral or written report first disclosing the existence of suspected abuse. Social Services will forward a copy of this report to the professional and will supply the name of the social worker assigned to the investigation.

5. Upon request by the local department of social services, the local State's attorney will assist in the investigation.
6. Based upon their findings, the local department of social services will provide the appropriate service in the best interest of the child.
7. The reporting professional also may participate on a multi-disciplinary team which proposes possible treatment plans for the child and the family.
8. The local department of social services will advise the reporting professional of its final decision regarding the child's welfare.
9. The office of the local State's attorney and other appropriate law enforcement agencies having jurisdiction will take such lawful action as may be warranted.

Read and discuss any questions raised. When this has been done, let the participants know that of the total number of abuse cases reported each year to the Special Services Unit of the Baltimore City Department of Social Services, only 20% to 25% are found to require court referral. In some instances, abuse is not verified; in others, reported abuses are found to be caused by accidents; some reported abuse cases are found to be neglect rather than abuse and the majority of cases receive the help and services needed by the family concerned for correcting the problem. It is true that some situations are not satisfactorily resolved, however, continuing efforts are being made to fill existing gaps in services and resources. Some of these include the establishment of a Crisis - Respite Center which is open twenty four hours, a Child Abuse Advisory Team, comprised of professionals from different agencies, to provide consultation and assistance with difficult cases to caseworkers in the Special Services Unit of the Department of Social Services. In addition, a skilled caseworker trained for protective services work has been assigned to head the Neglect Unit in each of the decentralized district offices of the Department of Social Services.

CLOSING

Ask participants to take out the pre-test titled, "How Would You Answer?," which they were given at beginning of workshop. Read and let group give the answers.

It is possible that some groups may wish to hold another session on Child Abuse with the focus on a particular area. The appendix lists materials that can assist you.

EVALUATION

WORKSHOP ON CHILD ABUSE

Please check the block before the response which you feel best describes how helpful this workshop experience has been for you.

The workshop has helped me:

1. to recognize the suspected abuse of a child.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

2. to understand what action to take when I become aware of the suspected abuse of a child.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

3. to identify the persons within the school system who can assist me regarding a situation where I feel child abuse or neglect may be occurring.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

4. to identify and contact the city agency legally responsible for helping abused children and their parents.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

COMMENTS AND SUGGESTIONS

APPENDIX

	PAGE
1. Audiovisuals Available from H.E.L.P.	30
2. Copy of Circular No. 170, Series 1976-77, February 7, 1977, <u>Administrative Handbook Revision</u> , Policies and Procedures for Reporting Physical Abuse of Children	31 - 36
3. List of Some References Available from H.E.L.P.	37 - 38
4. List of Publications	39

APPENDIX I

- 30 -

AUDIOVISUALS

<u>UNIT</u>	<u>TITLE</u> AVAILABLE FROM H.E.L.P.	<u>TYPE</u>	<u>TIME</u>
1, 12	Working Together	16mm - color	30 minutes
3	Physical Indicators: Signs of Alert	Filmstrip/sound cassette-color	13 minutes
3	Physical Abuse: What Behavior Can Tell Us	Filmstrip/sound cassette-color	14 minutes
3	Abusive Parents	16mm - color	30 minutes
4	Identifying Neglect: Before It's Too Late	Filmstrip/sound cassette-color	12 minutes
6	Sexual Abuse: The Family	16mm - color	30 minutes
8	Issues in Reporting Child Abuse and Neglect	Filmstrip/sound cassette-color	15 minutes
9, 16	Investigating Cases of Child	16mm - color	28 minutes
10	Case Planning and Referral of Child Abuse and Neglect	Filmstrip/sound cassette-color	15 minutes
13	Presenting the Case	16mm - b/w	32 minutes
14	Medical Indicators of Child Abuse and Neglect:	Filmstrips/sound cassettes-color	
	1 & 2: Skin Trauma/ Internal Injuries		22 minutes
	3: Skeletal Injuries		17 minutes
	4: Neglect		12½ minutes
	5: Sexual Abuse		15 minutes
14	Behaviors of Parent and Children (Behavioral Vignettes)	Filmstrip	--
14	The Interview	16mm - color	35 minutes
14	The Medical Witness	16mm - color	35 minutes
15	Child Abuse and Neglect: What The Educator Sees	Filmstrip-sound cassette-color	15 minutes

BALTIMORE CITY PUBLIC SCHOOLS
BALTIMORE, MARYLAND 21218
Office of
The Superintendent of Public Instruction

Circular No.170
Series 1976-77

February 7, 1977

ADMINISTRATIVE HANDBOOK
REVISION

Policies and Procedures

Reporting Physical Abuse
of Children

TO: Regional Superintendents, All Principals and Heads of Central Office Units

FROM: John L. Crew, Sr., Superintendent of Public Instruction
John G. Gist, Deputy Superintendent of Public Instruction
Rebecca E. Carroll, Deputy Superintendent, Bureau of Education
Robert C. Lloyd, Assistant Superintendent, Pupil Services and Development

Administrative Handbook Section 1952.60 has been revised and updated. This section provides policy and procedure information regarding reporting physical abuse of children. The new section is numbered 1952.60 (2-77). The previous section dated (9-74) should be destroyed and replaced by this revised section.

It is important that Principals use appropriate means to disseminate this information to all staff in the building. It is also important that Heads of Central and Regional Office Units, where appropriate, disseminate this information to members of their staffs.

Copies of the report form, attached to the Administrative Handbook Section, may be reproduced and distributed.

It is essential that all staff members who have direct contact with children receive basic information regarding these policies and procedures.

The cooperation of staff is appreciated.

mjc

1952.60 (2-77)
(1)

Students

Policies and Procedures

REPORTING PHYSICAL ABUSE
OF CHILDREN

I. BACKGROUND INFORMATION

Child abuse is not new in our society but it is apparent that it has now reached epidemic proportions and represents major etiologic factors in morbidity and mortality of children. Although the percentage of the population under 18 years of age has declined slightly in the past years, the reports of child abuse have increased dramatically. In Maryland, the first child abuse law for the purpose of protecting children from physical abuse was passed by the General Assembly of Maryland in 1966. In 1973 and again in 1974, this law was revised to include sexual exploitation or molestation as part of the law governing child abuse. (Section 35A of the Article 27 code-Subheading-"Child Abuse".) This law mandates the reporting of child abuse and provides immunity from any civil or criminal penalty if you participate, in good faith, in the making of a report, in the investigation, or in any judicial proceedings resulting from such a report.

II. PURPOSE OF THE LAW

The purpose of the law is to protect children from further injury and to provide services on behalf of the child to assure his maximum growth and development. Insofar as is possible every effort is made to maintain and strengthen the child's own family and only when it is deemed essential are other arrangements made for the care of the child.

III. RESPONSIBILITY

The law requires that the principal and/or any staff member who has reason to believe that a child has received physical injury as the result of cruel or inhumane treatment, or has been sexually molested or exploited by a parent or any other caretaker is to report this immediately to the Department of Social Services.

The law specifies that reporting is the responsibility of every:

1. Health Practitioner: any physician, surgeon, psychologist, dentist and any other person authorized to engage in the practice of healing, any resident or intern in any of these professions, and any registered or licensed practical nurse attending or treating a child in the absence of a practitioner of any of these professions;
2. Educator or Social Worker: any teacher, counselor or other professional employee of any public, parochial or private school, or any caseworker or social worker or other professional employee of any public or private, social, educational, health or social service agency or any probation or parole officer or any professional employee of a correctional institution;

3. Law Enforcement Officer: any police officer or State trooper in the service of the State of Maryland or any county or municipality thereof;
4. Other Person: anyone who has reason to believe that a child is abused (this includes sexual abuse).

IV. DEFINITIONS

- A. "Local Department of Social Services" and "Local State's Attorney" refer to the jurisdiction in which the child lives, or where the abuse is alleged to have taken place, if different.
- B. "Abuse" shall mean any (A) Physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent, or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child; (B) any sexual abuse of a child whether physical injuries are sustained or not.
- C. "Sexual Abuse" shall mean any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices on a child by any parent, adoptive parent, or other person who has the permanent or temporary care of custody or responsibility for supervision of a minor child.

V. REPORTING OF SUSPECTED CHILD ABUSE

Whenever an educator or social worker believes or has reason to believe that a child has been abused, he is required to notify the Department of Social Services or law enforcement agency as soon as possible.

- A. The report by a health practitioner, an educator, a social worker or a law enforcement officer is to be made both orally and in writing. The oral report may be made by telephone or in person. In Baltimore City, the telephone number to be called at Special Services District "A" of the Department of Social Services is 234-2235.
- B. The written report should be made on a special form available from the Department of Social Services. The written report will be made within 48 hours of contact, examination, attention or treatment to the Department of Social Services and a copy must be sent to the local State's Attorney. Any person other than those specified above may make either an oral or written report or both. A copy of the form on which the written report is to be made is found on page 5 immediately following.

1. The original and the first copy are to be sent to:

Special Services, District "A"
Department of Social Services
312 East Oliver Street
Baltimore, Maryland 21202

2. The second copy is to be sent to:

State's Attorney of Baltimore City
204 Court House
Baltimore, Maryland 21202

3. The third copy is to be sent to the principal of the school or the head of the institution for which the educator or social worker examines, attends or treats the child in the capacity of a member of the staff.
4. The fourth copy is to be retained by the person making the report.

VI. CONTENT OF ORAL AND WRITTEN REPORTS

- A. These reports should contain as much of the following information as the person making the report can furnish:
 1. Name and home address or addresses of child or children and the parent or the person responsible for the care of the child or children in question.
 2. Present whereabouts of child or children if different from the home address or addresses.
 3. Age or ages of child or children.
 4. The nature and extent of injury or injuries of the child or children in question, including any evidence or information available to the person or agency rendering the report, of previous injury or injuries possibly resulting from abuse.
 5. Any information available to the reporter which would be of aid in establishing the cause of the injuries and identity of the person or persons responsible for these.

VII. IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY

- A. The law provides immunity from any civil liability or criminal penalty if you participate, in good faith, in the making of a report, in the investigation, or in any judicial proceedings resulting from such a report.
- B. Any physician licensed to practice medicine in Maryland, who shall be presented with a child pursuant to a court order or by a law-enforcement officer or by a representative of a local department of social services who has the child in his custody as a child whom he has reason to believe is an abused child, shall examine the child without the consent of the parent, guardian or custodian in order to determine the nature and extent of the injury or sexual abuse to the child. Any such physician and any public or private health care institution with which the physician might be affiliated or to which the child might be

brought and those persons working under the supervision of the physician or health care institution, who shall participate in the examination of the child, shall be immune from civil liability or criminal penalty that might result from failure to obtain consent from the parent, guardian or custodian to examine the child.

- C. If after examining a child in accordance with "B" above, the physician determines that immediate medical treatment is indicated, he may provide this, under the law, without the consent of the parent, guardian or custodian of the child.

VIII. ACTION TAKEN BY THE DEPARTMENT OF SOCIAL SERVICES

Promptly upon receiving a report of suspected child abuse, the Department of Social Services will make a thorough inquiry to determine all pertinent facts. The primary consideration will be the protection of the child. Based on the findings, the Department will provide services in the best interests of the child including, when indicated, petition to the Juvenile Court.

IX. CENTRAL REGISTRY OF CASES

The State Social Services Administration maintains a Central Registry of all reports of suspected child abuse. Public and voluntary social agencies, licensed health practitioners and health and educational institutions licensed or regulated by the State of Maryland are encouraged to use the Registry, especially when uncertainty exists and evidence of previous reports may be helpful.

The Central Registry may be reached by calling 383-2220. Collect calls will be accepted from anywhere in the State.

Consistent with state laws and Juvenile Court Regulations, Maryland's twenty-four local departments of social services provide protective services for neglected as well as abused children.

X. COMPETENCY OF WITNESS

In a proceeding involving the abuse of a child under eighteen (18) years of age, either the husband or the wife may be compelled to testify as an adverse party or witness in the proceeding involving his or her spouse.

XI. FOR FURTHER INFORMATION

Specific questions regarding this matter should be referred to the appropriate Regional Specialist in Pupil Services. Questions of a general nature may be referred to the Office of Social and Psychological Services on extension 6-6725.

/cw

REPORT OF SUSPECTED CHILD ABUSE

TO: _____
Name of Local Department or Social Services

FROM: _____
Name of Department, Organization or Person Making Report

Name of Child _____

Address (Where child may be seen) _____

Age or Birthdate _____

Name of Person(s) Responsible for Child's Care _____

Address _____

Relationship _____

Name of Suspected Abuser _____

Address _____

Relationship (of suspected abuser) to child _____

The nature and extent of the current injury to the child in question; circumstances leading to the suspicion that the child is a victim of abuse:

Information concerning previous injury to this child or other children in this family situation, including previous action take, if any:

Copy mailed to State's Attorney's Office - ☐

Signature of Person Making Report Date

Complete original and 4 copies. Original and 1st copy to be mailed to local Department of Social Services; 2nd copy to be mailed to State's Attorney's Office; 3rd copy to be retained by the principal; 4th copy to be retained by person making report. Please respond to each item even if reply is "unknown" or "none".

SOME REFERENCES AVAILABLE FROM H.E.L.P.

1. Child Abuse and Neglect Programs, DHEW, 1976
2. Child Abuse and Neglect Research, Projects and Publications,
DHEW, 1976
3. Model Child Protection Act With Commentary, (draft), DHEW, 1976
4. "We Can Help," A Curriculum on the Identification, Reporting,
Referral and Case Management of Child Abuse and Neglect

NEWSLETTERS AND ARTICLES

5. Focus: a bimonthly newsletter from the H.E.L.P. Resource Project
6. National Child Protection Newsletter

Published by the National Center for the Prevention
and Treatment of Child Abuse and Neglect
7. Parents Anonymous Frontiers

2930 W. Imperial Highway, Suite 332
Inglewood, California 90303
8. Child Abuse: A School District's Response to Its Responsibility

Child Welfare/Volume L111
Number 4 April 1974
9. Abused Young Children Seen in Hospitals

Journal of Social Work
October 1960
10. The Abused Child: A Survey of the Problem

Journal of Social Work, 1966

BOOKS

11. A Child Is Being Beaten: Naomi Chase
12. The Abused Child, Harold P. Martin
13. The Abusing Family, Blair & Rita Justice
14. The Battered Child, 2nd edition:
Ray E. Helfer & C. Henry Kimpe

15. Child Abuse: A Community Challenge;
Children's Aid and Society for the Prevention of
Cruelty to Children of Erie County, New York
16. Child Abuse and Neglect Programs, DHEW, 1976
17. Children Under Stress: Sula Wolff
18. Effective Child Rearing; The Behaviorally Aware Parent,
F. William Gosciowski
19. Somewhere a Child Is Crying: Maltreatment--Causes and Prevention;
Vincent J. Fontane
20. Suffer the Little Ones: James H. Ryan
21. Parenting Skills, Richard R. Abiden
22. Preparing for Fatherhood, Dr. Lee Salk
23. Profile of Neglect: A Survey of the State of Knowledge of Child Neglect
24. Raising Children in a Difficult Time, Dr. Benjamin Spock

APPENDIX 4
LIST OF PUBLICATIONS

- 39 -

Focus on Child Abuse and Neglect, Bimonthly Newsletter from H.E.L.P.
Resource Project

Maryland 4-C News, Newsletter of the Maryland 4-C Committee, Community
Coordinated Child Care

National Child Protection Newsletter, National Center for the Prevention
and Treatment of Child Abuse and Neglect, University of
Colorado Medical Center, Denver, Colorado 80220

Parents Anonymous Frontiers, Parents Anonymous, 2810 Artesia Boulevard,
Redondo Beach, California 90278

MODEL FOR
TRAINING BCPS PERSONNEL
IN THE
IDENTIFICATION, REPORTING AND TREATMENT
OF CHILD ABUSE

Baltimore City Public Schools
Office of Social and Psychological Services
Division of Pupil Services and Development
May 1977

PREFACE

This workshop model on child abuse was designed by four school social workers for the training of school faculties and personnel in the Baltimore City Public Schools. Chaired by Ms. Nelva O. Hobbs, Educational Specialist, Office of Social and Psychological Services, the committee included:

Mrs. Barbara Brody, School Social Worker, Project Impact
Mrs. Oceola Walden Duplessy, School Social Worker, Region V
Ms. Aleathea Griffin, School Social Worker, Region VII
Ms. Ellen Power, School Social Worker, Region VIII

The experiences of the Project Impact Staff in presenting workshops on child abuse to the faculties of Schools #56 and #222, the resource materials developed by H.E.L.P. Resource Project and the experiences and knowledge of school social workers in working with abused children and their families were utilized in the preparation of the model.

NEEDS ASSESSMENT

The "Educator's Responsibility to Report Child Abuse" as stated in the Maryland law (Section 35A of Article 27 code-Subheading - "Child Abuse" passed by the General Assembly in 1966 and revised in 1973 and 1974) mandates that every educator (teacher, counselor or other professional employee of a school) who believes or has reason to believe that a child may have been abused report the incident both orally and in writing to the local department of social services or law enforcement agency, in addition to notifying the school principal. Those reporting in good faith are immune from any civil liability to criminal penalty.

In addition, the Baltimore City Public School System has had a written policy and procedure requiring school staff to report suspected child abuse and/or neglect since the law's inception in Maryland. Principals and the Heads of Central and Regional Office Units, where appropriate, are required to disseminate the information regarding these policies and procedures, which are part of the "Administrative Handbook," to members of their staff.

The Mayor of Baltimore City has become deeply concerned about the problem of child abuse and has sent a letter to the heads of all city agencies requesting them to establish child protection as a top priority and communicate this to their staff members. He states, "to further this goal it is essential to have clear procedural guidelines on how your staff is to be involved in child abuse and neglect cases as well as a program of in-service training."

In response to this mandate, school social workers are prepared to institute such training of school staff beginning September 1977.

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DIRECTIONS FOR WORKSHOP PRESENTATION

The physical aspects of any workshop are important. Success depends on prior planning and preparation to assure a smooth presentation. Attention, therefore, should be paid to the following:

1. Check with H.E.L.P. Resource Project (383-5564) for reservation of films and desired handouts.
2. Announce workshop well in advance and follow up with a reminder in the daily bulletin. Include beginning and ending times.
3. Select a location with maximum comfort and adequate space.
4. Arrange seating to allow maximum eye contact for participants and facilitators.
5. Have materials available and posted in advance (schedule, objectives, posters, and sufficient newsprint).
6. Be sure a full two hours has been scheduled for workshop presentation.
7. It is recommended that the number of participants for any one workshop be kept to twenty or twenty-five persons in order to permit interaction of the members.

Presenters may contact the school social workers, who designed this model, for consultation.

SUGGESTED TIME TABLE

1:00 - 1:05 p.m.	Directions for Use of Pre-test. "How Would You Answer?"
1:05 - 1:20 p.m.	Introduction
1:20 - 1:35 p.m.	Film 1: "Child Abuse and Neglect - What the Educator Sees"
1:35 - 1:55 p.m.	Buzz Sessions
1:55 - 2:10 p.m.	Film 2: "Case Planning and Referring of Child Abuse and Neglect"
2:10 - 2:25 p.m.	Policies and Procedures for Reporting Child Abuse - What to Do
2:25 - 2:40 p.m.	Action Taken by the Department of Social Services
2:40 - 2:50 p.m.	Closing
2:50 - 3:00 p.m.	Evaluation

HOW WOULD YOU ANSWER?

DIRECTIONS:

Circle the letter of the response which is most correct for each of the following statements:

1. Child abuse is likely to occur in my neighborhood and my school.

A. True B. False
2. A few words or a simple phone call to the proper authorities can relieve one of his legal responsibility to report child abuse.

A. True B. False
3. In most cases persons who report suspected child abuse are required to follow the case to its completion.

A. True B. False
4. Persons suspecting child abuse need to document carefully their facts in order to protect themselves from legal liability.

A. True B. False
5. Circle the responses which are most correct for each of the following statements: Cases of child abuse in the school must be reported to:

A. The principal
B. The school nurse
C. The counselor
D. The Department of Social Services
E. The school social worker
F. The regional superintendent
6. Reporting cases of suspected child abuse in the school to the Department of Social Services is legally the primary responsibility of:

A. The school nurse
B. The principal
C. The school social worker
D. The school psychologist
E. Any school person who sees it
F. The counselor
7. Teachers who have questions regarding whether or not abuse is present in a particular situation should consult with:

A. The parent
B. The counselor
C. The school social worker
D. The Department of Social Services
E. The principal
F. The school psychologist

8. QUESTIONS/COMMENTS:

DIRECTIONS FOR USE OF PRE-TEST

The pre-test is for the personal use of the participants. It is a quick, easy way to get them in touch with the subject of child abuse and especially, with their own particular knowledge of this problem. Be sure to emphasize that this is for the participant's use only! Remind the group to keep this sheet until the conclusion of the workshop.

DIRECTIONS FOR USE OF THE
ILLUSTRATIONS FROM NURSERY RHYMES

These illustrations should be exhibited about the room in locations where they will attract the attention of the participants as they enter. It is suggested that large copies of these be placed on tagboard, art paper or poster sheets, etc. Teachers or art students might become involved in making these posters. Talented members of the pupil services teams, art supervisors or even artistically inclined family members might aid with this project. Copies may be xeroxed and distributed to participants but this is not nearly as effective as the use of posters.



T

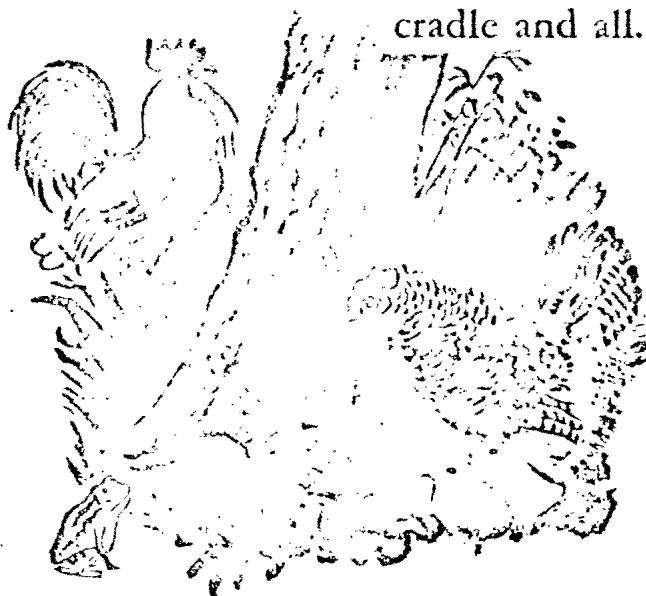
here was an old woman
who lived in a shoe.
She had so many children she
didn't know what to do.
She gave them some broth, with-
out any bread,
She whipped them all soundly,
and sent them to bed.



why! { Beating the child
to resolve conflict
of what to do.



x
Rock-a-bye, baby, on the tree top!
When the wind blows
the cradle will rock,
When the bough breaks
the cradle will fall;
Down will come baby,
cradle and all.



neglect
why leave
a child's care
to the will
of the wind,
especially if
you anticipate
the fall.

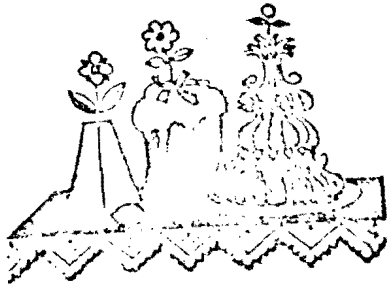


Here's Sulky Sue,
 What shall we do?
Turn her face to the wall
Till she comes to.

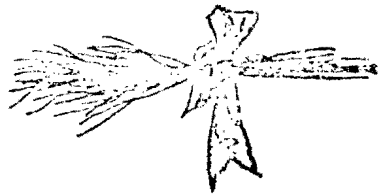
*Remember The newspaper
 account of the
 parent that
 kept her child
 in the closet*



The Queen of Hearts,
She made some tarts,
All on a summer's day.



The Knave of Hearts,
He stole the tarts,
And took them clean away.



The King of Hearts
Called for the tarts,
X And beat the Knave full sore.



L
H The Knave of Hearts
Brought back the tarts,
And vowed he'd steal no more.

*Beating to change
behaviour.*

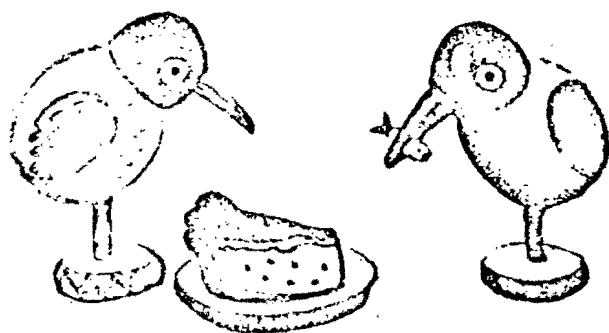


Punch and Judy
Fought for a pie;
Punch gave Judy
A knock in the eye.

Says Punch to Judy,
"Will you have any more?"
Says Judy to Punch,
"My eyes are too sore."

Sachs

*Fighting is
a way of relating!*





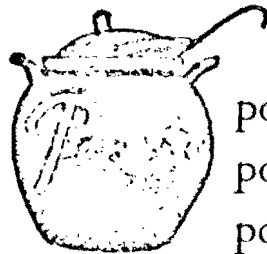
Three blind mice! Three blind mice!
See how they run!

See how they run!
They all ran after the farmer's wife,
She cut off their tails
with a carving knife.

Did you ever see such a sight
in your life
As three blind mice?

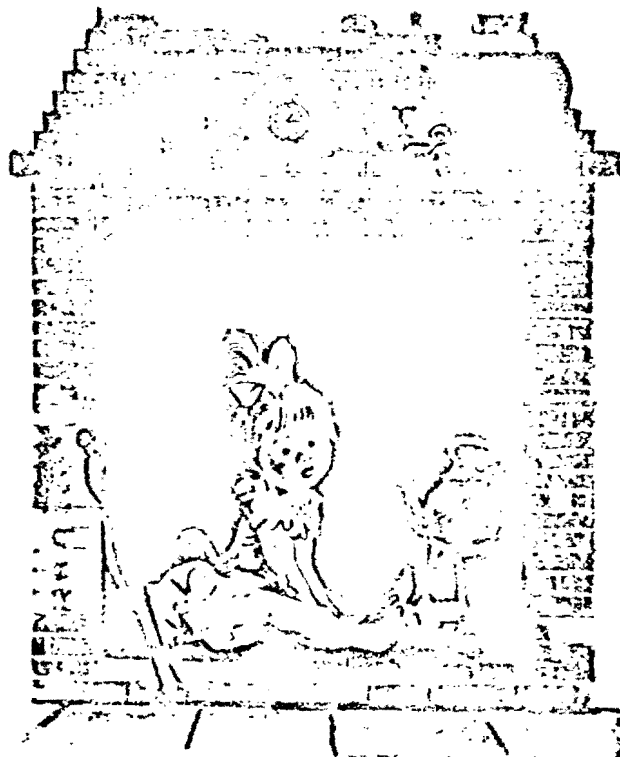
*Sadistic
ways of
handling the
handicap of
blindness -
Make life more
difficult*

PEASE PORRIDGE HOT



porridge hot,
porridge cold,
porridge in the pot,
Nine days old.

Some like it hot,
Some like it cold,
Some like it in the pot,
Nine days old.



LITTLE POLLY FLINDERS

Little Polly Flinders
Sat among the cinders,
Warming her pretty little toes!
Her mother came and caught her,
And whipped her little daughter X
For spoiling her nice pease

*Beating to
resolve
conflict -*

*The child wants to
get warm -
mother wants her
clean*



Little Tommy Tucker
Sings for his supper.
What shall he eat?
White bread and butter.

How will he cut it
Without e'er a knife?
How can he marry
Without e'er a wife?

CRY BABY



Cry, baby, cry,
Put your finger in your eye,
And tell your mother it wasn't I.

*If you are hurt
and crying, you
have to apologize to
mother or
prove your
innocence*



As I was going up Pippen Hill,
 Pippen Hill was dirty;
 There I met a pretty lass
 And she dropt me a curtsy.
 "Little Miss, pretty Miss,
 Blessings light upon you;
 If I had half-a-crown a day,
 I'd spend it all upon you."

GOOSEY, GOOSEY
 GANDER

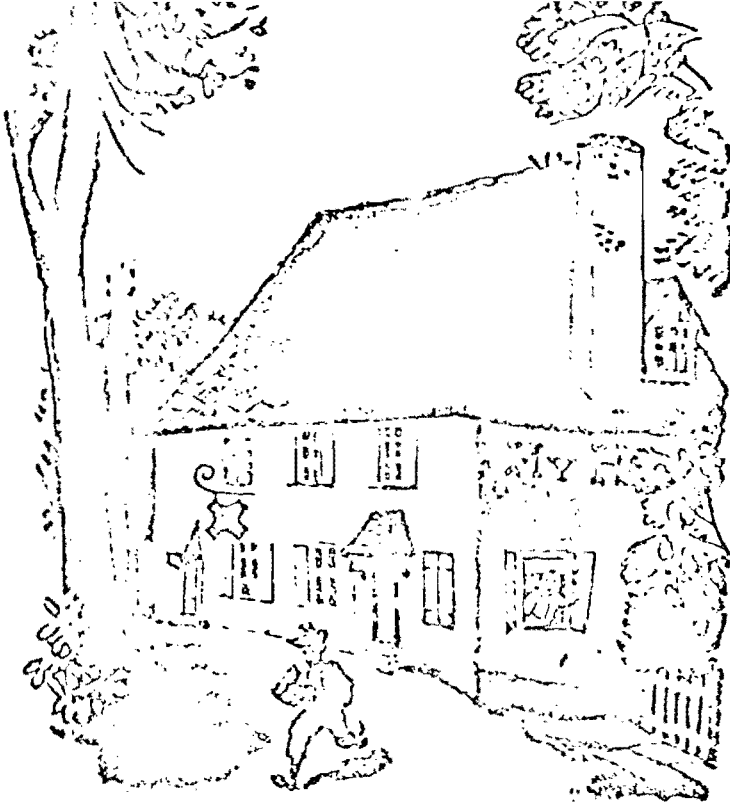


Goosey, goosey, gander! *
 Where shall I wander?

Upstairs and downstairs
 And in my lady's chamber.
 There I met an old man
 That would not say his prayers.
 I took him by the left leg,
 And threw him down the stairs.

*Beating
 resolves conflict*

*Sadistic violent
 punishment*



Taffy was a Welshman,
Taffy was a thief;
Taffy came to my house
and stole a piece of beef.

I went to Taffy's house,
Taffy was not home;
Taffy came to my house
and stole a marrow-bone.

I went to Taffy's house,
Taffy was in bed;
I took up the marrow-bone
and beat him on the head.

*Solving
problems
by striking
out*

P

II

W

INTRODUCTION

Culturally and emotionally we have all been conditioned to dealing with a child's misbehavior by spanking him. If we look at the nursery rhymes, we were taught as children, we accepted uncritically the old lady in the shoe spanking her children and putting them to bed without bread. If you notice, the children do not seem to have committed any offense. You may want to look at other nursery rhymes in terms of their cruel violent intent. The lullaby, "Rock-a-Bye Baby"-- isn't it a neglectful parent that puts the baby on the tree top leaving the rocking to the will of the wind and anticipating the fall of the child? These poetic gems may have survived because all parents have had to live with a variety of emotions toward child care; love, anger, resentment, etc. Love is the way parents are supposed to feel. It is harder to look at some of those moments when anger, uncontrolled rage, or explosive temper breaks through. Yet we must if we are to deal effectively with the growing statistics on the numbers of children killed or permanently damaged from brutal beatings. Last year in Baltimore City, the Department of Social Services handled 632 cases of suspected abuse. We are often shocked by a newspaper story of a parent killing his own child. We have learned too well the lesson of handling children by spanking them or striking out at them, "Spare the rod and spoil the child"; we are reminded to strike out.

No one has taught parents how to limit or cope with angry feelings toward their child. Most people have learned to discipline children in ways that do not permanently damage. Others don't know, and these are the parents that need our help. We can help! We can help through a process of early identification of children who are periodically bruised, deserted, or show other indications of possible abuse. The film strip and other distributed materials will help you to do some reflective thinking. The law indicates that we are all responsible for protection of children. Let us look at what the problem is and what we can do to help. The teacher is the most important person in the child's life, outside the family. Therefore, the child is most apt to turn to the teacher who is warm and receptive to talk about a situation at home. As a classroom teacher, you may have wondered what is happening with a particular child, whose appearance or behavior seems atypical.

While we share a common concern for the well being of children, we do recognize that the life styles of parents and their child rearing practices vary. A discussion regarding abuse and neglect reactivates many of our own conflicts about moments when it was difficult to control our anger or when we had to leave our own child to take care of other concerns. It is difficult to sort out our feelings when confronted with a situation of the possible abuse of a child. Remember that a parent who abuses a child is saying, "Help me! I'm at my wit's end. They are haunted by fear--fear of what they're doing, fear of what will happen if they do. And, of course, their fears are reality based. When parent and child are treated with concern and as a unit in need of help, rather than as wrongdoer and victim, there can be positive results from the recognition and reporting of child abuse. Consultation with your school social worker can be helpful in situations where you feel anxious or uncertain regarding the suspected abuse of a child.

FILM: "CHILD ABUSE AND NEGLECT - WHAT THE EDUCATOR SEES"

The film may be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

BUZZ GROUPS

At this point, much of the information that has been presented is very emotionally charged and participants need to express their own feelings and have a chance to share personal experiences concerning situations of suspected child abuse in the classroom.

Direct the participants to form small groups of 3 or 4. They can move their chairs to form these groups. You may ask them to share the following with one another:

1. What are some of your reactions to the film?
2. Were you upset by any of the material?
3. Did it make you more aware of indicators?
4. Can you recall an experience(s) in which you suspected child abuse in your classroom?
5. What were your reactions to the abuser?

After 5 to 6 minutes of this activity, ask if anyone wants to share an experience with the total group. Ask for their reactions to the child abuser. In discussing this, again emphasize that parents are abusive owing to tragic long-term troubles and feelings of low self esteem. In most cases, threatening parents appear to be far more in control of the situation than they really are. Understanding and empathy go a long way toward reducing the parents' fright and, in turn, their anger. Tension around child abuse reporting procedures can be relieved by making sure the parents have an understanding of what is going to happen in relation to these.

FILM: "CASE PLANNING AND REFERRAL OF CHILD ABUSE AND NEGLECT"

This film may also be obtained from the

H.E.L.P. Resource Project
Suite 400
1123 North Eutaw Street
Baltimore, Maryland 21201

Telephone: 383-5564

The film takes (15) fifteen minutes to run.

POLICIES AND PROCEDURES OF THE BCPS FOR REPORTING CHILD ABUSE

At the conclusion of the film, immediately exhibit Maryland's law on child abuse. It is suggested that this be printed on newsprint or tagboard and be placed where it is visible to all members of the group. The task of the presenter at this point is to carefully read through the law with the group.

MARYLAND'S CHILD ABUSE LAW

Definition of Child Abuse

The Law defines abuse as "any physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor (under the age of 18); any sexual abuse, whether physical injuries are sustained or not."

Responsibility to Report

Section 35A of the Article 27 code--Subheading--"Child Abuse" passed by the General Assembly in 1966 and revised in 1973 and 1974 mandates that "every health practitioner, educator or social worker or law enforcement officer, who contacts, examines, attends, or treats a child and who believes or has reason to believe that the child has been abused is required to make a report..."

Immunity from Civil Liability

The law provides immunity from civil liability or criminal penalty in the making of a report in good faith, in an investigation, or in any judicial proceedings resulting from the report.

After discussing any questions or comments on this material, pass out, "Circular No. 170, Series 1976-77, February 7, 1977, Administrative Handbook Revision, Policies and Procedures for Reporting Physical Abuse of Children. Go through the material by topic. After discussing topic V, Reporting of Suspected Child Abuse, have the group review the form for "Reporting Suspected Child Abuse." After answering any further questions on policies and procedures move to Part V, Action Taken by the Department of Social Services.

ACTION TAKEN BY THE
DEPARTMENT OF SOCIAL SERVICES

Introduction:

The primary purpose of identifying and reporting child abuse is prevention of further abuse to the child. To accomplish this, appropriate help and services must be provided for the child and parents. Special Services, District "A" of the Department of Social Services, will then make a thorough inquiry into the situation. Appropriate services will be provided for the child and the family with the emphasis placed on the best interest of the child. The referring agency should cooperate with the Department of Social Services in its efforts to assist the child and the family by ensuring that the child and/or his family are provided with any needed resources which the agency customarily provides.

Activity:

Print the material which follows on newsprint or tagboard and place where it is visible to all participants.

Action Taken By The Department of Social Services

1. The local department of social services or appropriate law enforcement agency, or both, will make a thorough investigation promptly upon receiving a report of suspected child abuse. The primary purpose of the investigation is the protection of the child's welfare.
2. The investigation includes:
 - (a) a determination of the nature, extent and cause or causes of the abuse;
 - (b) the identity of the person or persons responsible;
 - (c) the name, age and condition of other children in the same household;
 - (d) an evaluation of the parents and the home environment, and all other facts found to be pertinent to the investigation.
3. The local department of social services has the capacity to remove a child from the home if the child is found to be in immediate danger.
4. The local department of social services and law enforcement agency (if that agency participated in the investigation) will submit a complete written report of its findings to the local State's attorney within five (5) working days of the completion of the investigation, which will be within ten (10) days of the receipt of the oral or written report first disclosing the existence of suspected abuse. Social Services will forward a copy of this report to the professional and will supply the name of the social worker assigned to the investigation.

5. Upon request by the local department of social services, the local State's attorney will assist in the investigation.
6. Based upon their findings, the local department of social services will provide the appropriate service in the best interest of the child.
7. The reporting professional also may participate on a multi-disciplinary team which proposes possible treatment plans for the child and the family.
8. The local department of social services will advise the reporting professional of its final decision regarding the child's welfare.
9. The office of the local State's attorney and other appropriate law enforcement agencies having jurisdiction will take such lawful action as may be warranted.

Read and discuss any questions raised. When this has been done, let the participants know that of the total number of abuse cases reported each year to the Special Services Unit of the Baltimore City Department of Social Services, only 20% to 25% are found to require court referral. In some instances, abuse is not verified; in others, reported abuses are found to be caused by accidents; some reported abuse cases are found to be neglect rather than abuse and the majority of cases receive the help and services needed by the family concerned for correcting the problem. It is true that some situations are not satisfactorily resolved, however, continuing efforts are being made to fill existing gaps in services and resources. Some of these include the establishment of a Crisis - Respite Center which is open twenty four hours, a Child Abuse Advisory Team, comprised of professionals from different agencies, to provide consultation and assistance with difficult cases to caseworkers in the Special Services Unit of the Department of Social Services. In addition, a skilled caseworker trained for protective services work has been assigned to head the Neglect Unit in each of the decentralized district offices of the Department of Social Services.

CLOSING

Ask participants to take out the pre-test titled, "How Would You Answer?," which they were given at beginning of workshop. Read and let group give the answers.

It is possible that some groups may wish to hold another session on Child Abuse with the focus on a particular area. The appendix lists materials that can assist you.

EVALUATION

WORKSHOP ON CHILD ABUSE

Please check the block before the response which you feel best describes how helpful this workshop experience has been for you.

The workshop has helped me:

1. to recognize the suspected abuse of a child.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

2. to understand what action to take when I become aware of the suspected abuse of a child.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

3. to identify the persons within the school system who can assist me regarding a situation where I feel child abuse or neglect may be occurring.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

4. to identify and contact the city agency legally responsible for helping abused children and their parents.

☐ Very Helpful

☐ Partly Helpful

☐ Helpful

☐ Not Helpful

COMMENTS AND SUGGESTIONS

APPENDIX

	PAGE
1. Audiovisuals Available from H.E.L.P.	30
2. Copy of Circular No. 170, Series 1976-77, February 7, 1977, <u>Administrative Handbook Revision</u> , Policies and Procedures for Reporting Physical Abuse of Children	31 - 36
3. List of Some References Available from H.E.L.P.	37 - 38
4. List of Publications	39

AUDIOVISUALS

AVAILABLE FROM H.E.L.P.			
<u>UNIT</u>	<u>TITLE</u>	<u>TYPE</u>	<u>TIME</u>
1, 12	Working Together	16mm - color	30 minutes
3	Physical Indicators: Signs of Alert	Filmstrip/sound cassette-color	13 minutes
3	Physical Abuse: What Behavior Can Tell Us	Filmstrip/sound cassette-color	14 minutes
3	Abusive Parents	16mm - color	30 minutes
4	Identifying Neglect: Before It's Too Late	Filmstrip/sound cassette-color	12 minutes
6	Sexual Abuse: The Family	16mm - color	30 minutes
8	Issues in Reporting Child Abuse and Neglect	Filmstrip/sound cassette-color	15 minutes
9, 16	Investigating Cases of Child	16mm - color	28 minutes
10	Case Planning and Referral of Child Abuse and Neglect	Filmstrip/sound cassette-color	15 minutes
13	Presenting the Case	16mm - b/w	32 minutes
14	Medical Indicators of Child Abuse and Neglect:	Filmstrips/sound cassettes-color	
	1 & 2: Skin Trauma/ Internal Injuries		22 minutes
	3: Skeletal Injuries		17 minutes
	4: Neglect		12½ minutes
	5: Sexual Abuse		15 minutes
14	Behaviors of Parent and Children (Behavioral Vignettes)	Filmstrip	--
14	The Interview	16mm - color	35 minutes
14	The Medical Witness	16mm - color	35 minutes
15	Child Abuse and Neglect: What The Educator Sees	Filmstrip-sound cassette-color	15 minutes

BALTIMORE CITY PUBLIC SCHOOLS
BALTIMORE, MARYLAND 21218
Office of
The Superintendent of Public Instruction

Circular No.170
Series 1976-77

February 7, 1977

ADMINISTRATIVE HANDBOOK
REVISION

Policies and Procedures

Reporting Physical Abuse
of Children

TO: Regional Superintendents, All Principals and Heads of Central Office Units

FROM: John L. Crew, Sr., Superintendent of Public Instruction
John G. Gist, Deputy Superintendent of Public Instruction
Rebecca E. Carroll, Deputy Superintendent, Bureau of Education
Robert C. Lloyd, Assistant Superintendent, Pupil Services and Development

Administrative Handbook Section 1952.60 has been revised and updated. This section provides policy and procedure information regarding reporting physical abuse of children. The new section is numbered 1952.60 (2-77). The previous section dated (9-74) should be destroyed and replaced by this revised section.

It is important that Principals use appropriate means to disseminate this information to all staff in the building. It is also important that Heads of Central and Regional Office Units, where appropriate, disseminate this information to members of their staffs.

Copies of the report form, attached to the Administrative Handbook Section, may be reproduced and distributed.

It is essential that all staff members who have direct contact with children receive basic information regarding these policies and procedures.

The cooperation of staff is appreciated.

mjc

1952.60 (2-77)
(1)

Students

Policies and Procedures

REPORTING PHYSICAL ABUSE
OF CHILDREN

I. BACKGROUND INFORMATION

Child abuse is not new in our society but it is apparent that it has now reached epidemic proportions and represents major etiologic factors in morbidity and mortality of children. Although the percentage of the population under 18 years of age has declined slightly in the past years, the reports of child abuse have increased dramatically. In Maryland, the first child abuse law for the purpose of protecting children from physical abuse was passed by the General Assembly of Maryland in 1966. In 1973 and again in 1974, this law was revised to include sexual exploitation or molestation as part of the law governing child abuse. (Section 35A of the Article 27 code-Subheading-"Child Abuse".) This law mandates the reporting of child abuse and provides immunity from any civil or criminal penalty if you participate, in good faith, in the making of a report, in the investigation, or in any judicial proceedings resulting from such a report.

II. PURPOSE OF THE LAW

The purpose of the law is to protect children from further injury and to provide services on behalf of the child to assure his maximum growth and development. Insofar as is possible every effort is made to maintain and strengthen the child's own family and only when it is deemed essential are other arrangements made for the care of the child.

III. RESPONSIBILITY

The law requires that the principal and/or any staff member who has reason to believe that a child has received physical injury as the result of cruel or inhumane treatment, or has been sexually molested or exploited by a parent or any other caretaker is to report this immediately to the Department of Social Services.

The law specifies that reporting is the responsibility of every:

1. Health Practitioner: any physician, surgeon, psychologist, dentist and any other person authorized to engage in the practice of healing, any resident or intern in any of these professions, and any registered or licensed practical nurse attending or treating a child in the absence of a practitioner of any of these professions;
2. Educator or Social Worker: any teacher, counselor or other professional employee of any public, parochial or private school, or any caseworker or social worker or other professional employee of any public or private, social, educational, health or social service agency or any probation or parole officer or any professional employee of a correctional institution;

- 2 -

3. Law Enforcement Officer: any police officer or State trooper in the service of the State of Maryland or any county or municipality thereof;
4. Other Person: anyone who has reason to believe that a child is abused (this includes sexual abuse).

IV. DEFINITIONS

- A. "Local Department of Social Services" and "Local State's Attorney" refer to the jurisdiction in which the child lives, or where the abuse is alleged to have taken place, if different.
- B. "Abuse" shall mean any (A) Physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent, or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child; (B) any sexual abuse of a child whether physical injuries are sustained or not.
- C. "Sexual Abuse" shall mean any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices on a child by any parent, adoptive parent, or other person who has the permanent or temporary care of custody or responsibility for supervision of a minor child.

V. REPORTING OF SUSPECTED CHILD ABUSE

Whenever an educator or social worker believes or has reason to believe that a child has been abused, he is required to notify the Department of Social Services or law enforcement agency as soon as possible.

- A. The report by a health practitioner, an educator, a social worker or a law enforcement officer is to be made both orally and in writing. The oral report may be made by telephone or in person. In Baltimore City, the telephone number to be called at Special Services District "A" of the Department of Social Services is 234-2235.
- B. The written report should be made on a special form available from the Department of Social Services. The written report will be made within 48 hours of contact, examination, attention or treatment to the Department of Social Services and a copy must be sent to the local State's Attorney. Any person other than those specified above may make either an oral or written report or both. A copy of the form on which the written report is to be made is found on page 5 immediately following.

1. The original and the first copy are to be sent to:

Special Services, District "A"
Department of Social Services
312 East Oliver Street
Baltimore, Maryland 21202

2. The second copy is to be sent to:

State's Attorney of Baltimore City
204 Court House
Baltimore, Maryland 21202

3. The third copy is to be sent to the principal of the school or the head of the institution for which the educator or social worker examines, attends or treats the child in the capacity of a member of the staff.
4. The fourth copy is to be retained by the person making the report.

VI. CONTENT OF ORAL AND WRITTEN REPORTS

- A. These reports should contain as much of the following information as the person making the report can furnish:
 1. Name and home address or addresses of child or children and the parent or the person responsible for the care of the child or children in question.
 2. Present whereabouts of child or children if different from the home address or addresses.
 3. Age or ages of child or children.
 4. The nature and extent of injury or injuries of the child or children in question, including any evidence or information available to the person or agency rendering the report, of previous injury or injuries possibly resulting from abuse.
 5. Any information available to the reporter which would be of aid in establishing the cause of the injuries and identity of the person or persons responsible for these.

VII. IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY

- A. The law provides immunity from any civil liability or criminal penalty if you participate, in good faith, in the making of a report, in the investigation, or in any judicial proceedings resulting from such a report.
- B. Any physician licensed to practice medicine in Maryland, who shall be presented with a child pursuant to a court order or by a law-enforcement officer or by a representative of a local department of social services, who has the child in his custody as a child whom he has reason to believe is an abused child, shall examine the child without the consent of the parent, guardian or custodian in order to determine the nature and extent of the injury or sexual abuse to the child. Any such physician and any public or private health care institution with which the physician might be affiliated or to which the child might be

brought and those persons working under the supervision of the physician or health care institution, who shall participate in the examination of the child, shall be immune from civil liability or criminal penalty that might result from failure to obtain consent from the parent, guardian or custodian to examine the child.

- C. If after examining a child in accordance with "B" above, the physician determines that immediate medical treatment is indicated, he may provide this, under the law, without the consent of the parent, guardian or custodian of the child.

VIII. ACTION TAKEN BY THE DEPARTMENT OF SOCIAL SERVICES

Promptly upon receiving a report of suspected child abuse, the Department of Social Services will make a thorough inquiry to determine all pertinent facts. The primary consideration will be the protection of the child. Based on the findings, the Department will provide services in the best interests of the child including, when indicated, petition to the Juvenile Court.

IX. CENTRAL REGISTRY OF CASES

The State Social Services Administration maintains a Central Registry of all reports of suspected child abuse. Public and voluntary social agencies, licensed health practitioners and health and educational institutions licensed or regulated by the State of Maryland are encouraged to use the Registry, especially when uncertainty exists and evidence of previous reports may be helpful.

The Central Registry may be reached by calling 383-2220. Collect calls will be accepted from anywhere in the State.

Consistent with state laws and Juvenile Court Regulations, Maryland's twenty-four local departments of social services provide protective services for neglected as well as abused children.

X. COMPETENCY OF WITNESS

In a proceeding involving the abuse of a child under eighteen (18) years of age, either the husband or the wife may be compelled to testify as an adverse party or witness in the proceeding involving his or her spouse.

XI. FOR FURTHER INFORMATION

Specific questions regarding this matter should be referred to the appropriate Regional Specialist in Pupil Services. Questions of a general nature may be referred to the Office of Social and Psychological Services on extension 6-6725.

/cw

REPORT OF SUSPECTED CHILD ABUSE

TO: _____
Name of Local Department or Social Services

FROM: _____
Name of Department, Organization or Person Making Report

Name of Child _____

Address (Where child may be seen) _____

Age or Birthdate _____

Name of Person(s) Responsible for Child's Care _____

Address _____

Relationship _____

Name of Suspected Abuser _____

Address _____

Relationship (of suspected abuser) to child _____

The nature and extent of the current injury to the child in question; circumstances leading to the suspicion that the child is a victim of abuse:

Information concerning previous injury to this child or other children in this family situation, including previous action take, if any:

Copy mailed to State's Attorney's Office - ☐

Signature of Person Making Report

Date

Complete original and 4 copies. Original and 1st copy to be mailed to local Department of Social Services; 2nd copy to be mailed to State's Attorney's Office; 3rd copy to be retained by the principal; 4th copy to be retained by person making report. Please respond to each item even if reply is "unknown" or "none".

SOME REFERENCES AVAILABLE FROM H.E.L.P.

1. Child Abuse and Neglect Programs, DHEW, 1976
2. Child Abuse and Neglect Research, Projects and Publications, DHEW, 1976
3. Model Child Protection Act With Commentary, (draft), DHEW, 1976
4. "We Can Help," A Curriculum on the Identification, Reporting, Referral and Case Management of Child Abuse and Neglect

NEWSLETTERS AND ARTICLES

5. Focus: a bimonthly newsletter from the H.E.L.P. Resource Project
6. National Child Protection Newsletter

Published by the National Center for the Prevention
and Treatment of Child Abuse and Neglect

7. Parents Anonymous Frontiers

2930 W. Imperial Highway, Suite 332
Inglewood, California 90303
8. Child Abuse: A School District's Response to Its Responsibility

Child Welfare/Volume L111
Number 4 April 1974
9. Abused Young Children Seen in Hospitals

Journal of Social Work
October 1960
10. The Abused Child: A Survey of the Problem

Journal of Social Work, 1966

BOOKS

11. A Child Is Being Beaten: Naomi Chase
12. The Abused Child, Harold P. Martin
13. The Abusing Family, Blair & Rita Justice
14. The Battered Child, 2nd edition:
Ray E. Helfer & C. Henry Kimpe

15. Child Abuse: A Community Challenge;
Children's Aid and Society for the Prevention of
Cruelty to Children of Erie County, New York
16. Child Abuse and Neglect Programs, DHEW, 1976
17. Children Under Stress: Sula Wolff
18. Effective Child Rearing; The Behaviorally Aware Parent,
F. William Gosciowski
19. Somewhere a Child Is Crying: Maltreatment--Causes and Prevention;
Vincent J. Fontane
20. Suffer the Little Ones: James H. Ryan
21. Parenting Skills, Richard R. Abiden
22. Preparing for Fatherhood, Dr. Lee Salk
23. Profile of Neglect: A Survey of the State of Knowledge of Child Neglect
24. Raising Children in a Difficult Time, Dr. Benjamin Spock

APPENDIX 4
LIST OF PUBLICATIONS

- 39 -

Focus on Child Abuse and Neglect, Bimonthly Newsletter from H.E.L.P.
Resource Project

Maryland 4-C News, Newsletter of the Maryland 4-C Committee, Community
Coordinated Child Care

National Child Protection Newsletter, National Center for the Prevention
and Treatment of Child Abuse and Neglect, University of
Colorado Medical Center, Denver, Colorado 80220

Parents Anonymous Frontiers, Parents Anonymous, 2810 Artesia Boulevard,
Redondo Beach, California 90278

CHILD ABUSE AND NEGLECT NATIONAL
AGENCIES/ORGANIZATIONS/RESOURCES

Adam Walsh Resource Center
Mercedes Executive Park
Park View Building, Suite 306
1876 N. University Drive
Fort Lauderdale, Florida 33322
(305) 475-4847

American Federation of Teachers
AFL-CIO
555 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 879-4507

The American Humane Association
P.O. Box 1266
Denver, Colorado 80201
(303) 695-0811

Child Assault Prevention Program
P.O. Box 02084
Columbus, Ohio 43202
(614) 291-2540

C. Henry Kempe National Center
for the Prevention and Treatment
of Child Abuse and Neglect
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

Child Care Law Center
625 Market Street 815
San Francisco, California 94105
(415) 495-5498

Child Welfare League of America
67 Irving Place
New York, New York 10003
(212) 254-7410

National Association of Counsel
for Children
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

National Center on Child Abuse
and Neglect
Childrens' Bureau Administra-
tion for Children, Youth and
Families
U.S. Department of Health and
Human Services
P.O. Box 1182
Washington, D.C. 20013
(202) 245-2840

The National Center for
Missing and Exploited
Children
1835 K Street, N.W. Suite 700
Washington, D.C. 20006
(202) 634-9821

National Child Abuse Coalition
1125 15th Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 293-7550

National Clearinghouse on
Child Abuse and Neglect Infor-
mation
P.O. Box 1182
Washington, D.C. 20013
(703) 821-2086

National Coalition Against
Domestic Violence
1500 Massachusetts Avenue,
N.W.
Suite 35
Washington, D.C. 20005
(202) 347-7017

National Committee for
Citizens in Education
410 Wilde Lake Village Green
Columbia, Maryland 21044
(301) 997-9300

National Committee for Prevention
of Child Abuse
332 S. Michigan Avenue
Suite 1250
Chicago, Illinois 60604
(312) 663-3520

National Council on Child Abuse and
Family Violence
Washington Square
1050 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(202) 429-6695

National Crime Prevention Council
805 15th Street, N.W.
Room 718
Washington, D.C. 20005
(202) 393-7141

National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036
(202) 833-4000

National Legal Resource Center
for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

National P.T.A.
700 N. Rush Street
Chicago, Illinois 60611
(312) 787-0977

Prents Anonymous
22330 Hawthorne Blvd.
Suite 208
Torrance, California 90505
(213) 371-3501

Parents United, Inc.
P.O. Box 952
San Jose, California 95102
(408) 280-5055

Society's League Against Molestation
P.O. Box 33954
Washington, D.C. 20033
(202) 686-9066

Sexual Abuse Resource Center

NCCAN has established the first National Resource Center on Child Sexual Abuse with a three-year grant to the National Children's Advocacy Center of Huntsville, Alabama and the Chesapeake Institute of Wheaton, Maryland.

The new resource center will serve as a clearinghouse and as a network for information for professionals and practitioners in the field, available by phone through its WATS line -- 800/KIDS006 -- and by mail: 11141 Georgia Avenue, Suite 310, Wheaton, Maryland 20902.

(3) A year of successful teaching experience in the vocational subject to be taught is required of all teachers who have not completed student teaching.

.10 Causes for Suspension and Revocation of a Maryland Certificate.

Upon the recommendation of a local board of education, or the Assistant State Superintendent in Certification and Accreditation when the individual is not employed by a local board of education in Maryland, any certificate issued under these regulations may be suspended or revoked by the State Superintendent if the certificate holder:

A. Willfully and knowingly:

(1) Makes a material misrepresentation or concealment in the application for a certificate, or

(2) Files a false report or record about a material matter in the application for a certificate;

B. Fraudulently or deceptively obtains a certificate;

C. Is convicted of a crime involving:

(1) Child abuse or neglect,

(2) Contributing to the delinquency of a minor, or

(3) Moral turpitude if the offense bears directly on the individual's fitness to teach;

D. Has been dismissed by a local board of education for knowingly failing to report suspected child abuse in violation of the Family Law Article, §5-903, Annotated Code of Maryland;

E. Has had the certificate suspended or revoked in another state within the past 5 years for a cause which would be grounds for suspension or revocation under §§A — D, above;

F. Leaves the employment of a local school system after the beginning of the school year without the consent of the county board and contrary to the provisions of the Regular State Teachers Contract set forth in COMAR 13A.07.02.01B, except that only a suspension which may not exceed 365 days shall be the penalty for this cause.

.11 Procedures for Suspension or Revocation of a Certificate.

A. The local board of education, or the Assistant State Superintendent in Certification and Accreditation when an individual is not em-

danger to persons or property. If an emergency suspension continues for more than five school days, the county superintendent or his designee shall approve the emergency suspension. If a handicapped student is subject to emergency suspension, the procedures set forth in §F(1) and (2) shall be followed as soon as possible.

(b) If an emergency suspension continues for more than ten school days, the handicapped student shall be offered an interim instructional service for a minimum of 6 hours a week while the procedures set forth in §F(1) and (2) are pending. This instructional service should reflect reasonable efforts to implement the current IEP.

.07 Arrests on School Premises.

A. When possible and appropriate, arrest by police should be made during non-school hours and away from the school premises.

B. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain the facts from the arresting officer which will enable him to fully advise the parent or guardian and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the pupil.

C. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardian immediately and thereafter promptly to advise the Superintendent's Office.

D. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the pupil being arrested and jeopardizing the safety and welfare of other pupils.

E. School officials may not permit questioning of a pupil under arrest on the school premises and shall request the arresting officer to remove the pupil from the premises as soon as practicable after the arrest is made.

.08 Questioning on School Premises.

A. Police investigations involving the questioning of pupils may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the pupils or other persons, provided, however, that a school official should be present throughout that questioning.

B. A local school system shall permit personnel from a local department of social services or a police officer to question a pupil on school premises during the school day in an investigation involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, or suspected child abuse under Family Law Article, Subtitle 9, Annotated Code of Maryland. The following apply:

(1) The Superintendent or the Superintendent's designated representative shall determine, after consultation with the individual from the local department of social services or the police officer, whether a school official shall be present during the questioning of a pupil pursuant to this section.

(2) Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offense under Article 88A, §6(b), Annotated Code of Maryland.

C. Except as provided in §D, whenever investigative questioning of pupils is permitted on the premises, the school official shall promptly advise the parent or guardian and the Superintendent's Office of the nature of the investigation and such other details as may be required.

D. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, and suspected child abuse under Family Law Article, Subtitle 9, Annotated Code of Maryland.

E. In the absence of an arrest, school officials may not authorize the removal of a pupil from school for the purpose of investigative questioning without the consent of the parent or guardian, except as provided below:

(1) A pupil may be removed from school premises if that pupil is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child.

(2) The Superintendent or the Superintendent's designated representative shall insure that prompt notification of a pupil's removal from school under this section is made to the pupil's parent or guardian.

from any source is promptly directed to child protective services within the local department.

D. The local department of social services shall acknowledge receipt of the report, and indicate that investigation is being made, to every source of a report of suspected child abuse or neglect. The detail shared shall depend on the source of the report and the involvement of the source in the case.

E. The local department of social services shall encourage professional sources of reports to share information about the referral with the reported family, but the department may not identify any reporting source to a reported family, unless:

(1) The reporting source is not a lay person but is a source of referral that is required by law to report suspected abuse or neglect, and this reporting source has clearly given oral or written permission to the local department to reveal its identity;

(2) A court of law has ordered the local department to reveal the identity to the reported family; or

(3) The department is otherwise required by law to reveal the identity of the reporting source.

F. Every local department shall have staff "on call" 24 hours a day, 7 days a week, to take appropriate action on reports of suspected child abuse and child neglect. The local department shall assure that the public has a means of access to the staff "on call" after office hours.

.07 Response to a Report of Suspected Child Abuse.

A. Regardless of whether a report is in the form of a telephone call, a written note or letter, a conversation, or another sort of communication, the time periods established in this chapter begin with the time of initial contact in the local department of social services.

B. The local department shall attempt to obtain from a reporting source as much of the following information as the person making the report is able to provide:

(1) The name and home address of the child and the name of the parent or other person responsible for the care of the child;

(2) The present location of the child;

(3) The age of the child;

(4) The names and ages of other children in the home;

§ 6. Misuse of public assistance lists and records.

(a) *In general.* — Except in accordance with a court order or to an authorized officer or employee of the State, or the United States, or a fiduciary institution having a right thereto in an official capacity, and as necessary to discharge responsibilities to administer public assistance, medical assistance, or social services programs, it shall be unlawful for any person or persons to divulge or make known in any manner any information concerning any applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance, directly or indirectly derived from the records, papers, files, investigations or communications of the State, county or city, or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

(b) *Child abuse or neglect.* — Except as otherwise provided in Title 5, Subtitle 9 of the Family Law Article, all records and reports concerning child abuse or neglect are confidential, and their unauthorized disclosure is a criminal offense subject to the penalty set out in subsection (e) of this section. Information contained in reports or records concerning child abuse or neglect may be disclosed only:

- (1) Under a court order;
- (2) To personnel of local or State departments of social services, law enforcement personnel, and members of multidisciplinary case consultation teams, who are investigating a report of known or suspected child abuse or neglect or who are providing services to a child or family that is the subject of the report;
- (3) To local or State officials responsible for the administration of the child protective service as necessary to carry out their official functions;
- (4) To a person who is the alleged child abuser or the person who is suspected of child neglect if that person is responsible for the child's welfare and provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;
- (5) To a licensed practitioner who, or an agency, institution, or program which is providing treatment or care to a child who is the subject of a report of child abuse or neglect; or

(6) To a parent or other person who has permanent or temporary care and custody of a child, if provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information.

(c) *Statistics; financial records.* — Nothing in this section shall be construed to prohibit:

(1) The publication, for administrative or research purposes, of statistics or other data so classified as to prevent the identification of particular persons or cases;

(2) The Department of Human Resources from obtaining an individual's financial records from a fiduciary institution in the course of verifying the individual's eligibility for public assistance; or

(3) Disclosures as permitted by § 1-303 of the Financial Institutions Article of the Code.

(d) *Regulations.* — The Social Services Administration shall issue regulations governing access to and use of confidential information which is in the possession of the Administration or local departments of social services.

(e) *Penalty.* — Any offense against the provisions of this section shall be a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for not exceeding ninety days, or both, in the discretion of the court. (An. Code, 1951, § 6; 1941, ch. 238, § 3A; 1951, ch. 82, § 3A; 1968, ch. 702, § 1; 1980, ch. 384; 1983, ch. 492, §§ 2, 3; 1984, ch. 369, § 2; ch. 683; 1986, ch. 5, § 2; ch. 234.)

Effect of amendments.

Chapter 5, Acts 1986, effective July 1, 1986, reenacted the section without change.

Chapter 234, Acts 1986, effective July 1, 1986, in subsection (b), inserted a comma following "teams" in paragraph (2) and added paragraphs (5) and (6).

Editor's note. — Section 6, ch. 5, Acts 1986, provides that "the provisions of this act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this act."

Information related to agency performance may be disclosed to the public in a case in which a child has died as a result of abuse and a parent or other person has been arrested on charges related to that abuse. In such a case, the Social Security Administration may disclose: (1) Whether the child had ever been the subject of a report of suspected abuse; (2) the date on which any such report was received; (3) the dates on which the local department of social services initiated and completed

its investigation into the validity of the report, and (4) the general nature of the department's investigation. 71 Op. Att'y Gen. — (July 25, 1986).

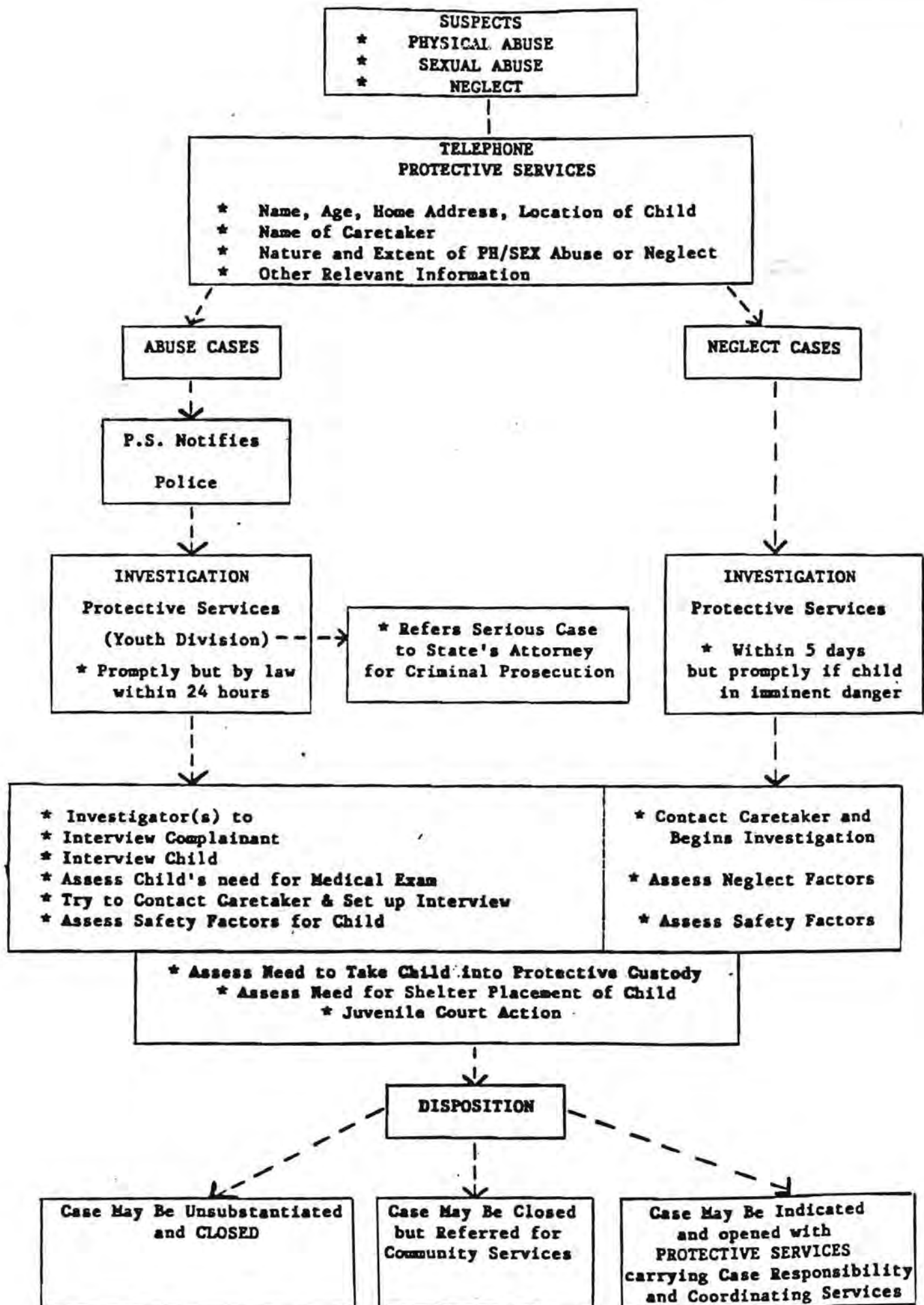
The power of a court to order disclosure is not a broad grant of authority to emasculate the protective provisions of the statutes, but it is a recognition that when the information is relevant to some other purpose such as adoption, custody, guardianship, and visitation, the court may require the agency to disclose the protested matter. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 159 (1986).

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is to encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 159 (1986).

EXHIBIT III

PHYSICAL AND BEHAVIORAL INDICATORS OF CHILD ABUSE AND NEGLECT

TYPE OF CASE	PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
PHYSICAL ABUSE	Unexplained Bruises and Welts: - on face, lips, mouth - on torso, back, buttocks, thighs - in various stages of healing - clustered, forming regular patterns reflecting shape of article used to inflict (electric cord, belt buckle) - on several different surface areas - regularly appear after absence, weekend or vacation Unexplained Burns: - cigar, cigarette burns, especially on soles, palms, back or buttocks - immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) - patterned like electric burner, iron, etc. - rope burns on arms, legs, neck or torso Unexplained Fractures: - to skull, nose, facial structure - in various stages of healing - multiple or spiral fractures Unexplained Lacerations or Abrasions: - to mouth, lips, gums, eyes - to external genitalia	Wary of Adult Contacts Apprehensive When Other Children Cry Behavioral Extremes: - aggressiveness, or - withdrawal Frightened of Parents Afraid to go Home Reports Injury by Parents
PHYSICAL NEGLECT	Consistent Hunger, Poor Hygiene, Inappropriate Dress Consistent Lack of Supervision, Especially in Dangerous Activities or Long Periods Unattended Physical Problems or Medical Needs Abandonment	Begging, Stealing Food Extended Stays at School (early arrival and late departure) Constant Fatigue, Listlessness or Falling Asleep in Class Alcohol or Drug Abuse Delinquency (e.g. thefts) Status There Is No Caretaker
SEXUAL ABUSE	Difficulty in Walking or Sitting Torn, Stained or Bloody Underclothing Pain or Itching in Genital Area Bruises or Bleeding in External Genitalia, Vaginal or Anal Areas Veneral Disease, Especially in Pre-teens Pregnancy	Unwilling to Change for Gym or Participate in Physical Education Class Withdrawal, Fantasy or Infantile Behavior Bizarre, Sophisticated, or Unusual Sexual Behavior or Knowledge Poor Peer Relationships Delinquent or Run Away Reports Sexual Assault by Caretaker
EMOTIONAL MALTREATMENT	Speech Disorders Lags in Physical Development Failure-to-thrive	Habit Disorders (sucking, biting, rocking, etc.) Conduct Disorders (antisocial, destructive, etc.) Neurotic Traits (sleep disorders, inhibition of play) Psychoneurotic Reactions (hysteria, obsession, compulsion, phobias, neurochondria) Behavior Extremes: - compliant, passive - aggressive, demanding Overly Adaptive Behavior: - inappropriately adult - inappropriately infant Developmental Lags (mental, emotional) Attempted Suicide



HIGHLIGHTS OF CHILD MALTREATMENT REPORTING DATA FOR 1988

Introduction

As a result of the passage of Senate Bill 708, significant changes in Maryland's State law pertaining to child abuse and neglect went into effect on July 1, 1988. The most important of these changes was an expansion in the definition of child abuse to include abuse by any household or family member. In addition, Child Protective Services (CPS) is now required to assess the safety of all children in the household(s) to which the alleged perpetrator has access, not simply the safety of the child(ren) alleged to have been abused.

Reflecting these changes in State law, child abuse and neglect data collection methods have been altered. Prior to 1988, the number of investigations was based on the number of children reported to have been abused or neglected. During 1988, the number of investigations has been based on the number of families and types of maltreatment reported. While this revision in reporting practices better accommodates CPS' new mandates, direct comparisons between the number of investigations during 1988 and prior years must take into consideration the change in unit of measure from reported child(ren) to family.

Incidence of Abuse and Neglect

As shown in Diagram A, during 1988 there were 23,300 investigations of child maltreatment conducted in Maryland. During these investigations, the safety of 38,120 children was assessed. The number of investigations completed in 1988 represented a nine percent increase over the number of investigations completed during 1987. This rate of increase was more than double the rate of increase experienced between 1986 and 1987 (a 4% jump). Maryland's 1988 rise in the number of maltreatment investigations was also higher than the increase reported nationally. Across the country, 1988 reports rose only three percent over the 1987 level of reporting.

Type of Maltreatment

Of the total investigations completed during 1988, 49.4 percent (11,504) were of child neglect, 34.6 percent (8071) were of child physical abuse and 16 percent (3725) were of child sexual abuse. As shown in Table I, the largest increase during 1988 was in the number of investigations of child neglect (17.1%). Investigations of child sexual and physical abuse increased less sharply (5.0% and .2% respectively). Nationwide, neglect has consistently been the most prevalent form of maltreatment (63% in 1988).

Disposition of Reports

During 1988, the percentage of investigated reports in which abuse or neglect was indicated was 38.4 percent. To a greater extent in 1987 and a somewhat lesser extent in 1988, validation rates for child sexual abuse were higher than those for either physical abuse or neglect, as shown in Table II. The only national data available on report validation rates (for 1986) show a higher rate of substantiation for investigations (53 percent). This rate was significantly higher than the level of substantiation in earlier years, and is thought to be attributable to both better reporting and more appropriate screening of reports.

Child Fatalities

As shown in Table III, the reported incidence of child maltreatment related deaths decreased from 23 to 20 between 1987 and 1988 (a 10% drop). In contrast, national child treatment fatalities rose 5% in 1988. In Maryland, abuse accounts for the majority of the child maltreatment deaths (80%). Nationally, the proportion of deaths resulting from abuse and neglect are appropriately equal. Most of the Maryland children who died in 1988 were black, female and age three or younger. Internal injuries ranked as the leading cause of death for these children. The actual number of child maltreatment deaths in Maryland may be higher than the number reported. Maltreatment related deaths, particularly neglect related deaths, are sometimes go unrecognized and are classified as accidental deaths.

Note: National data referenced in this report are taken from the National Committee for the Prevention of Child Abuse's Preliminary Report for 1988 and from the National Center on Child Abuse and Neglect's Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988.

TABLE I
Type of Child Maltreatment
(1987 and 1988)

<u>Year</u>	<u>Neglect</u>	<u>Physical Abuse</u>	<u>Sexual Abuse</u>	<u>Total</u>
1987	9820 (45.8%)	8052 (37.9%)	3548 (17.3%)	21420 (100%)
1988	11504 (49.4%)	8071 (34.6%)	3725 (16.0%)	23300 (100%)
Rise	1648 (17.1%)	19 (.2%)	177 (5.0%)	1880 (9%)

TABLE II
Disposition of Investigations
(1987 - 1988)*

	<u>Indicated</u>		<u>Unsubstantiated</u>	
	<u>1987</u>	<u>1988</u>	<u>1987</u>	<u>1988</u>
Physical Abuse	36.5%	37.5%	62.9%	62.5%
Sexual Abuse	47.6%	43.6%	45.2%	56.4%
Neglect	**	37.6%	**	62.4%
Total	40.1%	38.4%	57.5%	61.6%

** 1987 percentages do not total 100% due to absence of "non-caretaker" category.

** Data not available

DIAGRAM A
Incidence of Child Maltreatment
1983 - 1988 Investigations

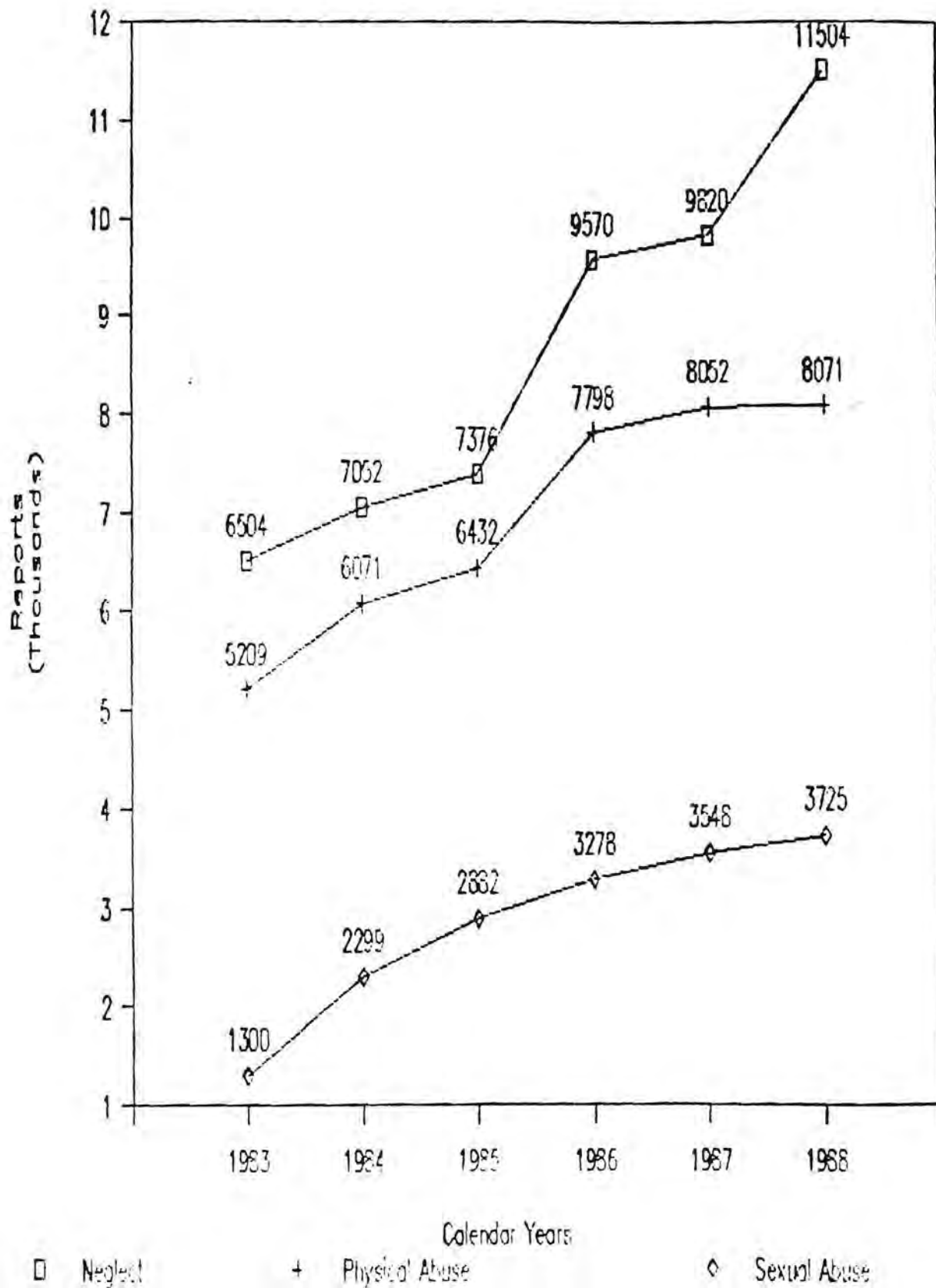


TABLE III
Child Maltreatment Deaths in Maryland

Year	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Total	16	10	8	17	23	20

PROFILE OF DEATHS

<u>Type of Maltreatment</u>	<u>1987</u>	<u>1988</u>
Abuse	17 (74%)	16 (80%)
Neglect	6 (26%)	4 (20%)
<u>Gender</u>		
Male	14 (61%)	7 (35%)
Female	9 (39%)	13 (65%)
<u>Race</u>		
Black	15 (65%)	13 (65%)
White	8 (35%)	7 (35%)
<u>Age</u>		
Less than 1 year	14	5
1 - 3 years	8	12
5 - 7 years	1	2
Over 8 years	0	1
<u>Characteristics</u>		
Average Age of Caretakers	24	23
Age Range of Caretakers	17 - 42	19 - 50
One Caretaker	16 cases	13 cases
Two Caretakers	6 cases	10 cases
Leading Cause of Death	Internal Injuries	Internal Injuries

CHILD ABUSE AND NEGLECT

I. HISTORY

1875 ASPCA Investigation of Mary Ellen
The Early 60's-Dr. Henry Kempe "The Battered Child Syndrome"
1963 Maryland's Abuse Law
Child Abuse Prevention and Treatment Act of 1973

II. SCOPE OF THE PROBLEM

National Statistics
Maryland Statistics

III. CHILD PHYSICAL ABUSE

Maryland Law
Family Law Article §5-701(b)(1)
Article 27 §35A
Physical Indicators
Behavioral Indicators

IV. CHILD SEXUAL ABUSE

Maryland Law
Family Law Article 5-701(b)(2) & (9)
Physical Indicators
Behavioral Indicators

V. CHILD NEGLECT

Maryland Law
Family Law Article 5-701(n)
Physical Indicators
Behavioral Indicators

VI. REPORTING CHILD ABUSE AND NEGLECT

Requirements
Professional Sanctions for Failing to Report
Immunity for Reporting and Participation

VII. EXPECTED OUTCOMES AFTER A REPORT IS MADE

Child Protective Services:

Screening - Definition and Purpose
Intake - Definition and Purpose
Continuing - Definition and Purpose
Confidentiality Law - Article 88A§6 of Maryland Annotated Code

VIII. QUESTIONS AND ANSWERS

CHILD MALTREATMENT LAWS

- * "SERVICE LAW"
FAMILY LAW ARTICLE SUBTITLE 7
CHILD ABUSE AND NEGLECT

- * "CRIMINAL LAW"
(FOR CHILD ABUSE)

ARTICLE 27 SECTION 35A OF
MARYLAND ANNOTATED CODE

- * THERE IS NO CRIMINAL LAW FOR
"CHILD NEGLECT"

PHYSICAL ABUSE

(§5-701 (b)(1))

- * SUSTAINING OF PHYSICAL INJURY
... NOT NECESSARILY VISIBLE
- * CHILD UNDER AGE 18
- * BY PARENT, CARETAKER,
HOUSEHOLD OR FAMILY MEMBER
- * UNDER CIRCUMSTANCES THAT
INDICATE CHILD'S HEALTH OR
WELFARE IS SIGNIFICANTLY
HARMED OR AT RISK OF
SIGNIFICANT HARM

SEXUAL ABUSE

(§5-701(B)(2))

- * DOES NOT REQUIRE PHYSICAL INJURY
- * CHILD UNDER AGE 18
- * PARENT, CARETAKER, HOUSEHOLD OR FAMILY MEMBER
- * SEXUAL MOLESTATION OR EXPLOITATION

DEFINITION IN COMAR .07.02.07.02(18)

* "SEXUAL MOLESTATION OR
EXPLOITATION"

INCLUDES, BUT IS NOT LIMITED
TO CONTACT OR CONDUCT WITH A
CHILD FOR THE PURPOSE OF
SEXUAL GRATIFICATION, AND MAY
RANGE FROM SEXUAL ADVANCES,
KISSING, OR FONDLING TO SEXUAL
CRIME IN ANY DEGREE, RAPE,
SODOMY, PROSTITUTION, OR
ALLOWING, PERMITTING,
ENCOURAGING OR ENGAGING IN THE
OBSCENE OR PORNOGRAPHIC
DISPLAY, PHOTOGRAPHING,
FILMING OR DEPICTION OF A
CHILD AS PROHIBITED BY LAW.

FAMILY MEMBER

(§5-701(g))

- RELATIVE BY BLOOD, ADOPTION OR MARRIAGE

HOUSEHOLD MEMBER

(§5-701(j))

- PERSON WHO LIVES WITH A CHILD OR
- HAS A REGULAR PRESENCE IN HOME OF A CHILD AT THE TIME OF ALLEGED ABUSE/NEGLECT

HOUSEHOLD

(§5-701(i))

LOCATION WHERE:

- * CHILD RESIDES
- * ABUSE/NEGLECT IS ALLEGED TO HAVE OCCURRED OR
- * WHERE THE PERSON SUSPECTED OF ABUSE/NEGLECT RESIDES

NEGLECT

(§-701 (n))

- * FAILURE TO GIVE PROPER CARE AND ATTENTION - INCLUDING THE LEAVING OF A CHILD UNATTENDED
- * CHILD UNDER AGE 18
- * ABSENCE OR FAILURE BY PARENTS, GUARDIAN, CUSTODIAN
- * UNDER CIRCUMSTANCES THAT INDICATE THAT THE CHILD'S HEALTH OR WELFARE IS SIGNIFICANTLY HARMED OR AT RISK OF SIGNIFICANT HARM

REPORTING ABUSE/NEGLECT

- * ALL PEOPLE ARE MANDATED TO REPORT
- * ANONYMOUS REPORTS ACCEPTED
- * IDENTITY OF THE REPORTER IS PROTECTED (UNLESS THE REPORTER IS A PROFESSIONAL AND GIVES PERMISSION)
- * IMMUNE FROM CIVIL LIABILITY AND CRIMINAL PENALTY FOR REPORTING AND PARTICIPATION IN ANY INVESTIGATION AND ANY JUDICIAL PROCEEDING (§5-708)
- * ONLY "REASON TO BELIEVE"

REPORTING ABUSE/NEGLECT (cont'd)

(\$5-704)

* PROFESSIONALS - MANDATED TO REPORT DIRECTLY TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND ALSO MUST NOTIFY THE HEAD OF THEIR INSTITUTION.

* HEALTH PRACTITIONERS

* POLICE OFFICER

* EDUCATOR

* HUMAN SERVICE WORKER

* PROFESSIONAL SANCTIONS
FOR FAILING TO REPORT

○ HEALTH PRACTITIONERS

HEALTH OCCUPATIONS
ARTICLE §7-313 AND §14-504

○ POLICE OFFICER

ARTICLE 41 §4-201

○ EDUCATOR

EDUCATION ARTICLE §6-202

○ HUMAN SERVICE WORKER

HEALTH OCCUPATIONS ARTICLE
§18-310

EXCEPTIONS TO REPORTING REQUIREMENTS

(§5-705)

* ATTORNEY REPRESENTING CLIENT
§9-108 OF THE COURTS ARTICLE

* CLERGY

1. COMMUNICATION DESCRIBED
IN §9-111 COURTS
ARTICLE

2. PROFESSIONAL CHARACTER IN
COURSE OF DISCIPLINE

3. COMMUNICATION IS
CONFIDENTIAL UNDER
CANON LAW, CHURCH
DOCTRINE OR PRACTICE

AFTER A REPORT IS MADE TO CHILD

PROTECTIVE SERVICES

- * SCREENING
- * INTAKE
- * CONTINUING

INVESTIGATION - "INTAKE"

* INITIATION

* DECISION ON SAFETY OF OTHER
CHILDREN IN CARE AND
CUSTODY OF ALLEGED ABUSER
AND IN HOUSEHOLD

* DETERMINATION OF ANY NEEDED
SERVICES

* COMPLETION

10 DAYS, IF POSSIBLE

60 DAYS - MAX

DISPOSITIONS

* SAME FOR ABUSE AND NEGLECT

* REDUCED TO TWO CATEGORIES

INDICATED

UNSUBSTANTIATED

A PREPONDERANCE OF THE EVIDENCE

"MORE LIKELY THAN NOT"

CONFIDENTIALITY

ARTICLE 88A §6(b)

CONDITIONS FOR RELEASE OF INFO
(NOT MANDATORY TO RELEASE)

1. COURT ORDER
2. LDSS, SSA, LAW ENFORCEMENT,
TEAMS (INVESTIGATING OR
SERVICE)
3. LOCAL OR STATE CPS OFFICIALS
4. ALLEGED ABUSER/NEGLECTER
(PROTECT REPORTER & OTHERS
AT RISK)
5. TREATMENT OR CARE PROVIDERS TO
CHILD INCLUDES: SCHOOL,
FOSTER CARE, DAY CARE
6. PARENT/CARETAKER (PROTECT
REPORTER & OTHERS AT RISK)

dren. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or subdivision or agency thereof shall not be binding unless it has the approval in writing of the Department of Human Resources.

Editor's note. — This paragraph is set out in this supplement in order to correct an error appearing in the bound volume.

Subtitle 7. Child Abuse and Neglect.

§ 5-701. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Abuse.* — (1) "Abuse" means:

(i) the physical injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of being significantly harmed; or

(ii) sexual abuse of a child, whether physical injuries are sustained or not.

(2) "Abuse" does not include, for that reason alone, providing a child with nonmedical religious remedial care and treatment recognized by State law.

(c) *Administration.* — "Administration" means the Social Services Administration of the Department.

(d) *Child.* — "Child" means any individual under the age of 18 years.

(e) *Court.* — "Court" means:

(1) the circuit court for a county sitting as a juvenile court; or
(2) in Montgomery County, the District Court sitting as a juvenile court.

(f) *Educator or human service worker.* — (1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;
(ii) any counselor;
(iii) any social worker;
(iv) any caseworker; and
(v) any probation or parole officer.

(g) *Family member.* — "Family member" means a relative by blood, adoption, or marriage of a child.

(h) *Health practitioner.* — "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article.

(i) *Household.* — "Household" means the location:

(1) in which the child resides;
(2) where the abuse or neglect is alleged to have taken place; or

(3) where the person suspected of abuse or neglect resides.

(j) *Household member.* — "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(k) *Law enforcement agency.* — (1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:

(i) a State, county, or municipal police department or agency;
(ii) a sheriff's office;
(iii) a State's Attorney's office; and
(iv) the Attorney General's office.

(l) *Local department.* — "Local department" means the department of social services that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or
(2) if different, where the abuse or neglect is alleged to have taken place.

(m) *Local State's Attorney.* — "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or
(2) if different, where the abuse or neglect is alleged to have taken place.

(n) *Neglect.* — (1) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm.

(2) "Neglect" does not include, for that reason alone, providing a child with nonmedical religious remedial care and treatment recognized by State law.

(o) *Police officer.* — "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(p) *Sexual abuse.* — (1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(2) "Sexual abuse" includes:

(i) incest, rape, or sexual offense in any degree;
(ii) sodomy; and

(iii) unnatural or perverted sexual practices. (1987, ch. 635, § 2; 1989, ch. 395; ch. 730, §§ 1, 2.)

Effect of amendment. — Chapter 395, Acts 1989, effective July 1, 1989, rewrote (b) and (n).

Chapter 730, Acts 1989, effective July 1, 1989, repealed former (o), and redesignated former (p) and (q) as present (o) and (p).

Revision of subtitle. — Chapter 635, Acts 1987, effective July 1, 1988, repealed former §§ 5-701 to 5-710 and the subtitle heading "Subtitle 7. Neglected Children" and enacted

present §§ 5-701 to 5-715 and the subtitle heading "Subtitle 7. Child Abuse and Neglect" in lieu thereof.

Maryland Law Review. — For article, "Survey of Developments in Maryland Law, 1983-84," see 44 Md. L. Rev. 567 (1985).

University of Baltimore Law Review. — For article concerning the hearsay exception for child abuse victims, see 17 U. Balt. L. Rev. 1 (1987).

§ 5-702. Legislative policy.

The purpose of this subtitle is to protect children who have been the subject of abuse or neglect by:

- (1) mandating the reporting of any suspected abuse or neglect;
- (2) giving immunity to any individual who reports, in good faith, a suspected incident of abuse or neglect;
- (3) requiring prompt investigation of each reported suspected incident of abuse or neglect;
- (4) causing immediate, cooperative efforts by the responsible agencies on behalf of children who have been the subject of reports of abuse or neglect; and
- (5) requiring each local department to give the appropriate service in the best interest of the abused or neglected child. (1987, ch. 635, § 2.)

§ 5-703. Scope of subtitle.

The provisions of this subtitle are in addition to and not in substitution for the provisions of Title 3, Subtitle 8 of the Courts and Judicial Proceedings Article. (1987, ch. 635, § 2.)

§ 5-704. Reporting of abuse or neglect — By health practitioner, police officer, educator or human service worker.

(a) *In general.* — Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, or educator or human service worker, acting in a professional capacity, who has reason to believe that a child has been subjected to:

- (1) (i) abuse, shall notify the local department or the appropriate law enforcement agency; or
- (ii) neglect, shall notify the local department; and
- (2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) *Oral and written reports; cooperation among departments and agencies.* — (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

- (i) an oral report, by telephone or direct communication, as soon as possible:
 1. to the local department or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse; or
 2. to the local department if the person has reason to believe that the child has been subjected to neglect; and
- (ii) a written report:
 1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney if the individual has reason to believe that the child has been subjected to abuse.

(2) (i) An agency to which an oral report of suspected abuse is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) *Contents of report.* — Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

- (1) the name, age, and home address of the child;
 - (2) the name and home address of the child's parent or other person who is responsible for the child's care;
 - (3) the whereabouts of the child;
 - (4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
 - (5) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.
- (1987, ch. 635, § 2; 1989, ch. 730, §§ 1, 2.)

Effect of amendment. — The 1989 amendment, effective July 1, 1989, repealed former (b), and redesignated former (c) and (d) as present (b) and (c).

Disclosure of material or information. — The requirements of Rule 4-263, concerning the disclosure of material or information, extend to relevant material in the hands of a sex-

ual assault center and the police and social services departments where these agencies participate in the investigation or evaluation of the action and either regularly report, or with reference to the particular action have reported, to the office of the State's Attorney. *Craig v. State*, 76 Md. App. 250, 544 A.2d 784 (1988).

§ 5-705. Same — By other persons.

(a) *In general.* — (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall:

- (i) if the person has reason to believe the child has been subjected to abuse, notify the local department or the appropriate law enforcement agency; or
- (ii) if the person has reason to believe the child has been subjected to neglect, notify the local department.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

- (i) in violation of the privilege described under § 9-106 of the Courts Article;
- (ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9-111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) *Notification of other agency; cooperative agreements.* — (1) An agency to which a report of suspected abuse is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) *Form of report.* — A report made under subsection (a) of this section may be oral or in writing.

(d) *Contents of report.* — (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5-704 (d) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5-704 (c) of this subtitle. (1987, ch. 635, § 2; 1988, chs. 769, 770; 1989, ch. 5, § 1.)

Effect of amendments. — Chapter 769, Acts 1988, effective July 1, 1988, added the "(1)" designation at the beginning of subsection (a) and deleted the former designation "(1)" preceding subparagraph (i) of subsection (a); added the exception at the beginning of, and substituted "including a law" for "including any law" in, subsection (a) (1); and added subsections (a) (2) and (3).

Chapter 770, Acts 1988, effective July 1, 1988, added the "(1)" designation at the beginning of subsection (a) and deleted the former designation "(1)" preceding subparagraph (i) of subsection (a); added the exception at the beginning of subsection (a) (1); and added subsections (a) (2) and (3).

Neither of the 1988 amendments to subsection (a) of this section referred to the other, but

both have been given effect in the section as set out above.

The 1989 amendment, approved Mar. 9, 1989, and effective from date of passage, in (d) (1), substituted "§ 5-704 (d)" for "§ 5-704 (c)."

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is: To encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 159 (1986), appeal dismissed, — U.S. —, 106 S. Ct. 49, 98 L.Ed.2d 14 (1987).

§ 5-706. Investigation.

(a) *In general.* — Promptly after receiving a report of suspected abuse or neglect:

(1) the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse to protect the health, safety, and welfare of the child or children; or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children.

(b) *Time for initiation; actions to be taken.* — Within 24 hours after receiving a report of suspected abuse and within 5 days after receiving a report of suspected neglect, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on-site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(c) *Scope.* — The investigation shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any; and

(2) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(d) *Assistance by State's Attorney.* — On request by the local department, the local State's Attorney shall assist in the investigation.

(e) *Written agreement to specify standard operating procedures.* — The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the Department's office responsible for child care regulation, and the local health officer, shall enter into a written agreement that specifies standard operating procedures for the investigation and prosecution of reported cases of suspected abuse.

(f) *Joint investigation procedure.* — (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g) *Time for completion.* — (1) To the extent possible, an investigation under this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) *Preliminary findings.* — Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) *Written report of findings.* — Within 5 business days after completion of the investigation of suspected abuse, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney. (1987, ch. 635, § 2; 1988, ch. 6, § 2; ch. 247.)

Effect of amendments. — Chapter 6, Acts 1988, effective July 1, 1988, in subsection (e), deleted "and" following "agencies" and inserted "and the local health officer" following "City."

Chapter 247, Acts 1988, effective July 1, 1988, deleted "and" following "agencies" and inserted "the Department's office responsible for child care regulation, and the local health officer" in subsection (e).

Neither of the 1988 amendments to subsection (e) of this section referred to the other, but both have been given effect in the section as set out above.

Editor's note. — Section 14, ch. 6, Acts 1988, provides that "the provisions of this act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this act."

Section 2, ch. 247, Acts 1988, as amended by § 1, ch. 6, Acts 1989, approved Mar. 9, 1989, and effective from date of passage, provides that "all persons who are, as of July 1, 1988, classified employees of the Department of Health and Mental Hygiene and whose positions are transferred to the Department of

Human Resources by this act are hereby transferred to the Department of Human Resources, effective July 1, 1988, without any change or loss of rights or status, and shall retain their merit system and retirement system status, except as otherwise specifically provided in this act."

Section 3 of ch. 247 provides that "except as expressly provided to the contrary in this act, any transaction affected by or flowing from any statute here amended, repealed, or transferred, and validly entered into before July 1, 1988 and every right, duty, or interest following from it remains valid after July 1, 1988 and may be terminated, completed, consummated, or enforced pursuant to law."

Section 4 of ch. 247 provides that "except as otherwise provided in this act, all permits and licenses, applications for permits and licenses, rules and regulations, proposed rules and regulations, standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, special funds, appropriations, grants, applications for grants, contracts, properties, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this act shall continue in effect

under the Secretary of Human Resources or the appropriate board, council, or other unit within the Department, until completed, withdrawn, cancelled, modified, or otherwise changed pursuant to law."

Section 7 of ch. 247 provides that "the Department of Human Resources may enter into an intergovernmental agreement with a local government to ensure that all persons who are classified employees of a local government and who elect to apply, and are selected for transfer, to the Department of Human Resources under this act shall be transferred without any change or loss of rights or status, and shall retain their merit system and retirement system status, except as otherwise specifically provided in this act."

Section 8 of ch. 247 provides that "the Department of Human Resources shall study the feasibility of delegating the authority for the administration of child care services to local jurisdictions and shall report back to the House Environmental Matters Committee and the Senate Economic and Environmental Affairs Committee by Dec. 1, 1988."

Section 9 of ch. 247 provides that "nothing in this act shall be construed to prohibit a local jurisdiction from enhancing the administration of Part VII of Title 5 of the Family Law Article, including:

1. Providing funds for additional licensing staff to increase inspection;
2. Providing training and education for licensees and child care center staff;

3. Providing child care information and referral to consumers; and

4. Developing an outreach program for licensees."

Section 10 of ch. 247 provides that "the Department of Human Resources shall consult with child care providers, religious organizations, local governments, and other interested parties in developing the regulations to carry out the purpose of this act."

Disclosure of material or information. — The requirements of Rule 4-263, concerning the disclosure of material or information, extend to relevant material in the hands of a sexual assault center and the police and social services departments where those agencies participate in the investigation or evaluation of the action and either regularly report, or with reference to the particular action have reported, to the office of the State's Attorney. *Craig v. State*, 76 Md. App. 250, 544 A.2d 784 (1988).

Search was reasonable under Fourth Amendment. — Search of a second child was reasonable under the Fourth Amendment to the United States Constitution where search of child about whom a report of suspected child abuse had been filed revealed markings; the search of the second child was reasonably related to the strong possibility that both children were the victims of child abuse. *Wildberger v. State*, 74 Md. App. 107, 536 A.2d 718 (1988).

§ 5-707. Reports and records.

(a) *Confidentiality.* — Subject to federal and State law, the Administration shall provide by regulation:

(1) procedures for protecting the confidentiality of reports and records made in accordance with this subtitle; and

(2) conditions under which information may be released.

(b) *Expungement.* — The local department shall expunge a report of suspected abuse or neglect 5 years after the date of the report if:

(1) the investigation under § 5-706 of this subtitle concludes that the report is unsubstantiated; and

(2) no further reports of abuse or neglect are received during the 5 years. (1987, ch. 635, § 2.)

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is: To encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 89 Md. App. 447, 518 A.2d 159 (1986), appeal dismissed, — U.S. —, 106 B. Ct. 49, 98 L. Ed. 2d 14 (1987).

§ 5-708. Immunity of person making report.

Any person who in good faith makes or participates in making a report of abuse or neglect under § 5-704 or § 5-705 of this subtitle or participates in an investigation or a resulting judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making or participating in a report of abuse or neglect or participating in an investigation or a resulting judicial proceeding. (1987, ch. 635, § 2.)

Protecting identity of reporters of child neglect. — The State has a rational basis for protecting reporters of child neglect, which is: To encourage reports of child neglect, concomitantly discourage incidents thereof, and simultaneously provide protection to those least able to protect themselves. Such a statutory classification

survives a constitutional challenge of denial of equal protection by persons mistakenly reported. *Freed v. Worcester County Dep't of Social Servs.*, 69 Md. App. 447, 518 A.2d 169 (1986), appeal dismissed, — U.S. —, 108 S. Ct. 49, 98 L. Ed. 2d 14 (1987).

§ 5-709. Temporary removal of child from home without court approval.

(a) *Right of entry.* — If a representative of a local department is conducting an investigation under this subtitle, the representative may enter the household, if the representative:

- (1) previously has been denied the right of entry; and
- (2) has probable cause to believe that a child is in serious, immediate danger.

(b) *Police officer to accompany representative.* — A police officer shall accompany the representative and may use reasonable force, if necessary, to enable the representative to gain entry.

(c) *Removal of child.* — The representative may remove the child temporarily, without prior approval by the juvenile court, if the representative believes that the child is in serious, immediate danger.

(d) *Examination of child.* — If a child is removed from a household under this section, the local department shall have the child thoroughly examined by a physician and a report of this examination shall be included in a report made under § 5-706 (i) of this subtitle within the time specified. (1987, ch. 635, § 2; 1989, ch. 5, § 1.)

Effect of amendment. — The 1989 amendment, approved Mar. 9, 1989, and effective from date of passage, in (d), substituted "§ 5-706 (i)" for "§ 5-706 (g)."

Removal of the child from the home

without court approval is permitted in accordance with this section and also under CJ § 3-814. *Wildberger v. State*, 74 Md. App. 107, 536 A.2d 718 (1988).

§ 5-710. Actions by local department and State's Attorney's office.

(a) *Local department.* — Based on its findings and treatment plan, the local department shall render the appropriate services in the best interests of the child, including, when indicated, petitioning the juvenile court on behalf of

the child for appropriate relief, including the added protection to the child that either commitment or custody would provide.

(b) *State's Attorney's office.* — If a report has been made to the State's Attorney's office under § 5-706 (i) of this subtitle and the State's Attorney's office is not satisfied with the recommendation of the local department, the State's Attorney's office may petition the court, at the time of the report by the representative, to remove the child, if the State's Attorney concludes that the child is in serious physical danger and that an emergency exists. (1987, ch. 635, § 2; 1989, ch. 5, § 1.)

Effect of amendment. — The 1989 amendment, approved Mar. 9, 1989, and effective from date of passage, in (b), substituted "§ 5-706 (i)" for "§ 5-706 (g)."

§ 5-711. Access to child's medical records.

As needed by the local department as part of its investigation under this subtitle or to provide appropriate services in the best interests of the child who is the subject of a report of child abuse or neglect, upon request, the local department shall receive copies of a child's medical records from any provider of medical care. (1987, ch. 635, § 2.)

§ 5-712. Examination and treatment of abused or neglected child by physician.

(a) *Emergency medical treatment defined.* — (1) In this section "emergency medical treatment" means medical or surgical care rendered by a physician or health care institution to a child under this section:

- (i) to relieve any urgent illness or life-threatening health condition; or
- (ii) to determine the nature or extent of any abuse or neglect.

(2) "Emergency medical treatment" does not include:

- (i) nonemergency outpatient treatment; or
- (ii) periodic nonemergency health care.

(b) *Examination or treatment to determine nature and extent of abuse or neglect.* — Any physician who is licensed or authorized to practice medicine in this State shall examine or treat any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any abuse or neglect to the child if the child is brought to the physician:

- (1) in accordance with a court order;

(2) by a representative of a local department who states that the representative believes the child is an abused or neglected child; or

(3) by a police officer who states that the officer believes that the child is an abused or neglected child.

(c) *Treatment permitted if emergency medical treatment indicated.* — If a physician examines a child under subsection (b) of this section and determines that emergency medical treatment is indicated, the physician may treat the child, with or without the consent of the child's parent, guardian, or custodian.

(d) *Immunity from civil liability.* — (1) A physician who examines or treats a child under this section is immune from any civil liability that may result

from the failure to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any health care institution with which the physician is affiliated, or to which the child is brought; and

(ii) any individual working under the control or supervision of the physician or under the control or supervision of the health care institution.

(e) *Responsibility for payment of health care charges.* — (1) In accordance with regulations adopted by the Secretary of Health and Mental Hygiene, the Department of Health and Mental Hygiene shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the Department of Health and Mental Hygiene for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

(i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and

(ii) secure medical assistance benefits for any eligible child examined or treated under this section.

(f) *Funds to pay for emergency medical treatment.* — To the extent possible, the Governor shall include in the annual State budget funds for the payment of emergency medical treatment for children examined or treated under this section. (1987, ch. 635, § 2.)

§ 5-713. Supervision and monitoring of household after child's return.

(a) *In general.* — If a child is removed from a household under this subtitle or by a court order, on return of the child to the household by the local department or by the action or order of any court, State's Attorney's office, or other law enforcement agency, the local department shall establish proper supervision and monitoring of the household on a regularly scheduled basis of at least once a month for at least 3 months.

(b) *Extension of monitoring period.* — The local department may extend the monitoring period. (1987, ch. 635, § 2.)

§ 5-714. Child abuse or neglect central registry — In general.

(a) *Maintenance.* — The Social Services Administration and each local department may maintain a central registry of cases reported under this subtitle.

(b) *Source of information.* — The respective local departments throughout this State shall provide the information for the central registry.

(c) *Availability of information.* — The information in the central registry shall be at the disposal of:

- (1) the protective services staff of the Social Services Administration;
- (2) the protective services staffs of local departments who are investigating a report of suspected abuse or neglect; and
- (3) law enforcement personnel who are investigating a report of suspected abuse or neglect. (1987, ch. 635, § 2.)

§ 5-715. Same — Protection of rights of person suspected of abuse or neglect.

(a) *Rules and regulations.* — The Secretary of Human Resources shall adopt regulations necessary to protect the rights of persons suspected of abuse or neglect.

(b) *Notice of entry of name in central registry.* — Before the name of a person who is suspected of abuse or neglect is entered in the central registry, the person shall be given notice.

(c) *Hearing to appeal entry of name in central registry required; exception.* — (1) Except as provided in paragraph (3) of this subsection, on request by a person suspected of abuse or neglect, the Department shall hold an administrative hearing for the purpose of allowing the person to appeal the entry of the person's name in the central registry.

(2) The hearing shall be held in the county in which the person suspected of abuse or neglect resides.

(3) The name of a person adjudicated a child abuser may be entered in the central registry without an opportunity for a hearing under this subsection.

(d) *Requirements for entry of name in central registry.* — The Department may not enter the name of a person in the central registry unless the person has:

- (1) been adjudicated a child abuser;
- (2) unsuccessfully appealed the entry of the person's name in the central registry under procedures established by the Department and this section; or
- (3) failed to respond within 15 days to notice by the Department of the Department's intent to enter the person's name in the central registry.

(e) *Removal of name from central registry.* — On request by the person, the Department shall remove the name of a person suspected of abuse or neglect from the central registry if no entry has been made for that person for 7 years before the date of the request. (1987, ch. 635, § 2.)

Cross reference. — See Revision of subtitle note to § 5-701 of this article.

*Subtitle 8. Unattended Children.***§ 5-801. Confinement in dwelling, building, enclosure, or motor vehicle.**

(a) *In general.* — A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and the dwelling, building, enclosure, or motor vehicle is out of the sight of the person charged unless the person charged provides a reliable person at least 13 years old to remain with the child to protect the child.

(b) *Penalties for violation.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 30 days, or both. (An. Code 1957, art. 27, § 399A; 1984, ch. 296, § 2; 1986, ch. 462.)

Effect of amendment. — The 1986 amendment, effective July 1, 1986, rewrote the section.

Quoted in Carolina Freight Carriers Corp. v. Keane, 311 Md. 335, 534 A.2d 1337 (1988).

§ 5-802. Confinement in dwelling, building, or enclosure — Howard County.

Repealed by Acts 1986, ch. 462, effective July 1, 1986.

*Subtitle 9. Child Abuse.***§§ 5-801 to 5-812. Child abuse.**

Repealed by Acts 1987, ch. 635, § 1, effective July 1, 1988.

Cross references. — As to present provisions relating to child abuse, see §§ 5-701 to 5-715 of this article.

Editor's note. — Chapter 635, Acts 1987, also repealed the subtitle heading "Subtitle 9. Child Abuse."

*Subtitle 10. Paternity Proceedings.***Part I. Definitions; Legislative Policy.****§ 5-1001. Definitions.**

Maryland Law Review. — For article, "Survey of Developments in Maryland Law, 1986-87," see 47 Md. L. Rev. 739 (1988).

Cited in Smith v. Miller, 71 Md. App. 273, 525 A.2d 245 (1987).

**CHILD ABUSE AND NEGLECT NATIONAL
AGENCIES/ORGANIZATIONS/RESOURCES**

Adam Walsh Resource Center
Mercedes Executive Park
Park View Building, Suite 306
1876 N. University Drive
Fort Lauderdale, Florida 33322
(305) 475-4847

American Federation of Teachers
AFL-CIO
555 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 879-4507

The American Humane Association
P.O. Box 1266
Denver, Colorado 80201
(303) 695-0811

Child Assault Prevention Program
P.O. Box 02084
Columbus, Ohio 43202
(614) 291-2540

C. Henry Kempe National Center
for the Prevention and Treatment
of Child Abuse and Neglect
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

Child Care Law Center
625 Market Street 815
San Francisco, California 94105
(415) 495-5498

Child Welfare League of America
67 Irving Place
New York, New York 10003
(212) 254-7410

National Association of Counsel
for Children
1205 Oneida Street
Denver, Colorado 80220
(303) 321-3963

National Center on Child Abuse
and Neglect
Children's Bureau Administra-
tion for Children, Youth and
Families

U.S. Department of Health and
Human Services
P.O. Box 1182
Washington, D.C. 20013
(202) 245-2840

The National Center for
Missing and Exploited
Children
1835 K Street, N.W. Suite 700
Washington, D.C. 20006
(202) 634-9821

National Child Abuse Coalition
1125 15th Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 293-7550

National Clearinghouse on
Child Abuse and Neglect Infor-
mation
P.O. Box 1182
Washington, D.C. 20013
(703) 821-2086

National Coalition Against
Domestic Violence
1500 Massachusetts Avenue,
N.W.
Suite 35
Washington, D.C. 20005
(202) 347-7017

National Committee for
Citizens in Education
410 Wilde Lake Village Green
Columbia, Maryland 21044
(301) 997-9300

National Committee for Prevention
of Child Abuse
332 S. Michigan Avenue
Suite 1250
Chicago, Illinois 60604
(312) 663-3520

National Council on Child Abuse and
Family Violence
Washington Square
1050 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(202) 429-6695

National Crime Prevention Council
805 15th Street, N.W.
Room 718
Washington, D.C. 20005
(202) 393-7141

National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036
(202) 833-4000

National Legal Resource Center
for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

National P.T.A.
700 N. Rush Street
Chicago, Illinois 60611
(312) 787-0977

Prents Anonymous
22330 Hawthorne Blvd.
Suite 208
Torrance, California 90505
(213) 371-3501

Parents United, Inc.
P.O. Box 952
San Jose, California 95102
(408) 280-5055

Society's League Against Molestation
P.O. Box 33954
Washington, D.c. 20033
(202) 686-9066

Sexual Abuse Resource Center

NCCAN has established the first National Resource Center on Child Sexual Abuse with a three-year grant to the National Children's Advocacy Center of Huntsville, Alabama and the Chesapeake Institute of Wheaton, Maryland.

The new resource center will serve as a clearinghouse and as a network for information for professionals and practitioners in the field, available by phone through its WATS line -- 800/KIDS006 -- and by mail: 11141 Georgia Avenue, Suite 310, Wheaton, Maryland 20902.

THE ELEMENTS OF CHILD ABUSE AND NEGLECT

The dynamics of abuse and neglect involves three elements: parents, children, and stressful situations. When these elements converge on each other, the potential for abuse and neglect increases dramatically. Some of the following points are included in each of the three elements:

PARENTS:

1. How they were raised - models of expressing love and anger; messages about themselves; self esteem
2. Expectations of adulthood - the wants and needs they have as adults
3. Expectations of children - knowledge of child development
4. Expectations of parenting - myths and attitudes about their role as parents

CHILDREN:

1. Children who are special - retarded; hyperactive; especially bright; slow learners; premature; colicky
2. Children who are perceived as special - seen as having special characteristics that remind parents of themselves or someone they don't like; children born at critical times in the parent's life; children who are different from what parents expected

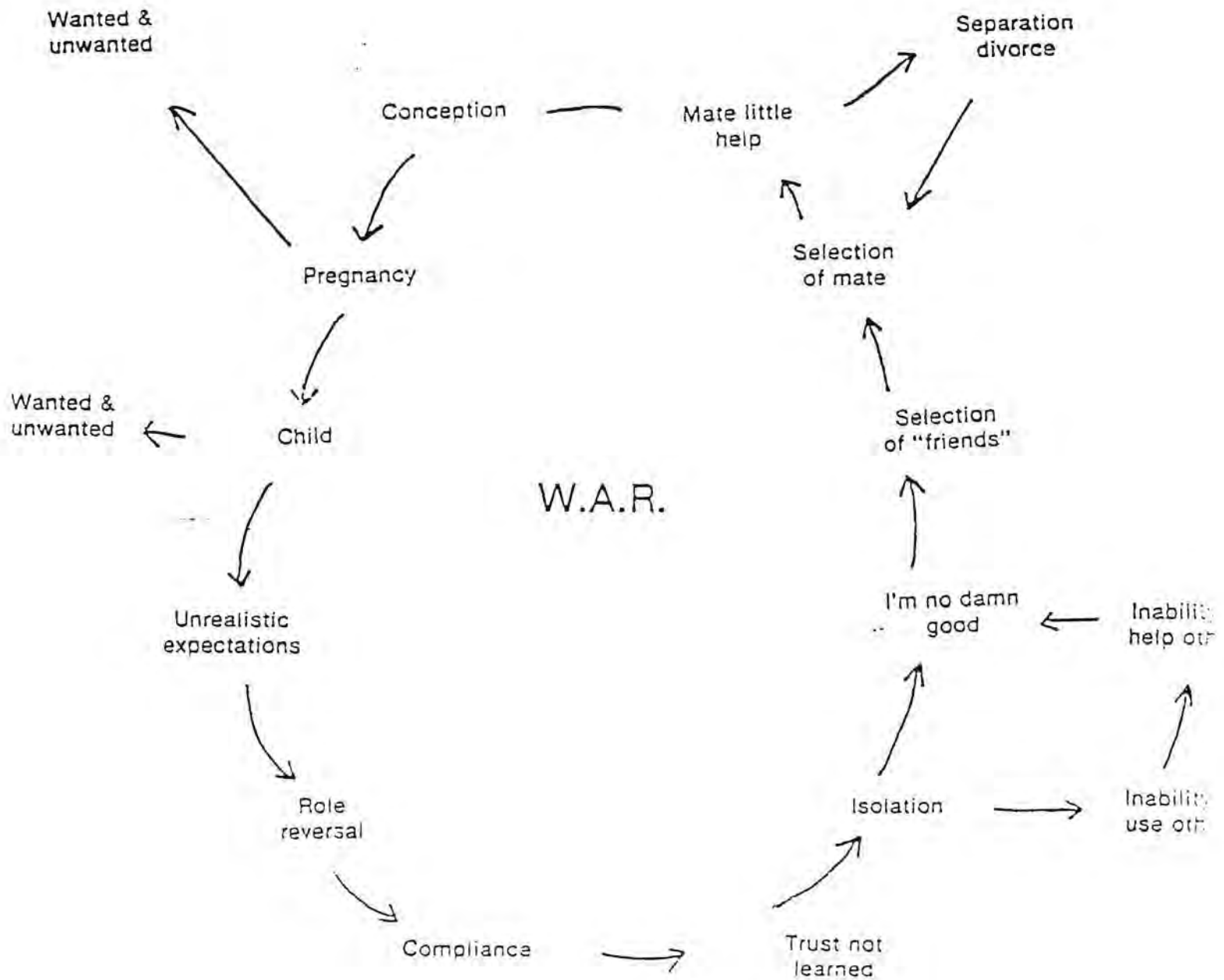
STRESS:

1. Environmental - shelter, job, food
2. Emotional - birth and death, marital, isolation
3. Misperception of parent's behavior

The factors influencing the parent's expectations of themselves, others, and their children create a cycle of abuse and neglect since the parent often repeats the experiences of his/her own childhood or tries desperately not to have the same things happen to their children thus creating high expectations, expectations impossible to fulfill.

To break this cycle, parents need new skills and increased support systems. They then can develop new ways of relating to themselves and their children, change their attitudes and expectations, and find support from others in continuing these new patterns.

When the cycle repeats itself, we see what Dr. Ray Helfer has called "The World of Abnormal Rearing." The errors resulting in the WAR cycle include both errors in omission (neglect) and commission (abuse). The cycle is depicted on the following page.



CHILDHOOD MISSED

EMOTIONAL ABUSE OF CHILDREN

EMOTIONAL NEGLECT is an act of omission, frequently the result of parental ignorance or indifference. As a result, the child is not given positive emotional support and stimulation. Parents may give adequate physical care to their child but leave him or her alone in a crib for long periods of time, seldom cuddle or talk to the child or fail to give him or her encouragement and recognition.

A child needs positive interactions, stimulation, security and a feeling of belonging and self worth which only a concerned parent or caretaker can provide. These emotional needs are continuous throughout childhood and a child whose needs are not met is at a disadvantage and handicapped in the perception of self and in interactions with others.

EMOTIONAL ASSAULT is an attack on a child inflicted by a parent or another adult or child. It may be a single incident or part of a continuing pattern. Most often it is a verbal assault -- critical, demeaning and emotionally devastating. The child feels attacked, vulnerable and frequently, as he or she grows older, defensive. This may lead to counterattacks which often escalate into estrangement and alienation of parent and child. A single, or infrequent, verbal assault is not sufficient to be considered emotional abuse, although the incident itself may be abusive.

In the extremes, both emotional neglect and emotional assault may become emotional abuse and subject to court action.

EMOTIONAL ABUSE is the most difficult type of abuse to define and diagnose. The following cases of Patty, Mark and Sandra illustrate emotional abuse resulting from an act sufficient in itself to establish abuse.

When Patty misbehaved her parents identified the behavior and made her wear signs labeling it -- "I am a liar" and "I hit my little sister," for example -- wherever she went.

As punishment for his misbehavior, Mark was made to stand in the front yard clothed only in a diaper. What was embarrassing and shameful for a child became agonizing and humiliating in the extreme for an adolescent.

Discipline and punishment for both Mark and Patty involved public humiliation. The court found both children to be emotionally abused, based on a child's right to reasonable and just discipline in the privacy of the home. Subjecting a child to public scorn was not considered reasonable or positive discipline.

Sandra's situation was similar but with a major difference: the abuse was a one-time occurrence. Because Sandra returned home late one evening, her parents shaved her head. The emotional trauma that resulted affected her school attendance, employment and relationships with others. Sandra would not voluntarily leave her house and when forced to go out she wore a stocking cap to conceal her baldness. The court deemed her punishment inappropriate, resulting in obvious long-term effects and continuing mental suffering.

A type of abuse which most frequently comes to the attention of the courts is that in which there is an observable difference in the way one child is treated compared to other children in the home. Cindy's case is such an example.

When Cindy was eight, she was referred by school authorities. Her teachers were concerned that Cindy was being treated differently at home than her brothers and sisters and felt that she needed protection from the negative attitude displayed toward her. Not only the parents but the other children in the family scapegoated Cindy.

The school staff described a "Cinderella syndrome." Cindy was the child in the family who always wore cast-off clothing, was required to do more household tasks than the other children and was not given the same privileges and opportunities. The other children were allowed to join Brownie troops and Boy Scouts but Cindy was not allowed to join or participate in any outside activities. The family ate in the dining room -- except for Cindy, who ate in the kitchen standing at the drainboard. The mother never visited Cindy's classroom nor inquired about her progress.

The contrast between her treatment and that of the other children in the family was obvious, tangible and observable. The parents felt that Cindy was different from the other children, and that her treatment was due to her own inability to integrate well into the family. She was seen as a difficult child over whom rigid discipline and control had to be exercised.

Cindy had been characterized in this way throughout her developmental years. She viewed herself as less intelligent and less desirable than the other children. She was depressed and unhappy about her inability to participate with the family but felt she was bad and did not deserve to be included.

Cindy is typical of many children who, for one reason or another, are rejected by their parents and relegated to a position in the family which makes them unloved and unwanted, and succeeds in making them feel that there is a justifiable reason for the rejection. Like many other children in her position, Cindy did not fight back. She accepted her role without question, or without antagonism. She is one of the youngsters who can become the perpetual victims of society, one of those whose low self-esteem permits them to be used and abused in an uncomplaining and compliant manner.

Paul is a child whose functioning could be linked to emotional abuse. Paul had been placed in an adoptive home when he was three weeks old. His adoptive parents, a young, professional couple, had material advantages and an unquestionable desire to be parents. As Paul grew older, however, he failed to develop some characteristics that his parents found desirable. "Paul was a cute baby, but he isn't a cute child," his mother said. She felt he was less physically attractive than she had expected and she detested the freckles he had developed.

When Paul entered school, he did not perform academically as well as the parents demanded or compete successfully in sports. His failure to be an outstanding student was upsetting to both parents, and his lack of accomplishment in sports was upsetting to the father. His parents, in many subtle ways, let Paul know that he was a disappointment to them. Paul got the message early in life that he had been adopted and given a home and, in return, was expected to perform at a standard which he was failing to achieve. Paul later said he felt "like an idiot son that had to be kept out of sight." He was also feeling guilty about failing to meet the needs of his parents.

At 12, Paul was sent to a private military school and returned home only for holidays. Paul's worst rejection by his parents came when he was 14 and was waiting for them to pick him up for Christmas vacation. The students and most of the staff at his school were already gone when he was called into the office and told that his parents were enroute to Mexico City for the holidays. They had left without talking to him or explaining why they did not include him in their holiday trip. At that point he hated his parents for not loving him, his natural mother for giving him up and himself for being incapable of holding the love of either.

Paul ran away at age 16 and was referred to court. The reduction of functioning he displayed was apparent and documented by the schools he had attended. Despite a good I.Q., he had tested progressively lower at ages 12 and 14 than he had at age seven. His school records showed lower grades, shorter attention span and acting out behavior after each incident of parental rejection. By documenting specific instances when emotional abuse had occurred and showing a chronic pattern of reduced functioning, Paul was accepted by the court as an emotionally abused minor.

Although the parents of Cindy and of Paul may not have understood all the emotional implications of their behavior, they were aware that their actions were causing their child to be distressed, disappointed and isolated. Many times, however, emotional abuse is inflicted without the parents being aware of it or recognizing that they are causing emotional damage to their child. Troy's mother was such a parent.

Troy lived with his mother and elderly grandmother. Troy's unmarried mother had been unwilling to ask a man to accept her illegitimate child. The grandmother frequently told Troy that his father had seduced her daughter and then refused to marry her. Both mother and grandmother identified Troy with the father, to whom they made continuous negative references. Troy was given no recognition for his good behavior, but when he did something wrong he was compared to the father.

By the time Troy was 12 he had successfully incorporated a negative self-image. He considered himself to be lazy, unreliable, untrustworthy and bad. He also bore considerable guilt because of his identification with the father and he saw himself as the reason his mother could not marry. By age 12 he was a chronic runaway. He accepted an image of himself as of no value and believed that he would live out his life causing problems and trouble for other people. He felt his mother would be better off and happier if he were not in the home.

When Troy's mother was interviewed it was evident that she had never thought of Troy as an individual but only as an extension of his father. She loved her son, however, and willingly accepted counseling to reevaluate her relationship with Troy and learn to recognize his good qualities and help build a more positive self-image.

Paul and Troy were referred to court for running away, not for emotional abuse. Paul was made a dependent child on the evidence of emotional abuse. No legal action was taken on behalf of Troy and proving emotional abuse would have been difficult. The pattern was evident, but specific instances of abuse were not documented or linked to dysfunctional behavior.

Many children experience more than one characteristic of emotional abuse. Perhaps the most difficult of all to define, particularly before a court of law, is that in which parents have set such high standards for their children that they can never be reached. As a result, the children experience a constant cycle of defeat and failure. The intentions of the parents may be both legitimate and positive but the results can be devastating. Many parents who set high standards and are strict with their children are not abusive. However, when the standards become so unrealistic that a child can never attain them, and the parent is constantly critical of the child's failure, it becomes abuse.

Parents can maintain high standards for their children yet give them positive feelings about themselves and their abilities. Even if children know they will never achieve the standards, they still feel good about themselves because they receive recognition for their achievements and know that they are loved and a source of pride to their parents.

Ricky's is a classic case, one in which the positive elements were missing. His hard-working, conscientious parents never demonstrated affection toward their children and drove Ricky in the same manner they drove themselves, requiring that he excel in everything. Ricky was the oldest and therefore expected to perform at maximum capability at all times. The demands on the younger children were not as extreme and their punishment for failure less severe. Ricky was an honor student and an Eagle Scout. He had little interest in football but played because it was important to his father. His parents' work ethic required that Ricky work hard and not involve himself in non-productive activities. Friendships were discouraged and when he was not at school he was at home. Family activities were done as a group and he was expected to participate.

Ricky was constantly criticized. Because his father had set Impossibly high standards, Ricky was in the untenable position of never being able to satisfy him. No matter how successfully he was viewed by his friends, classmates and teachers, he was seen at home as a failure and a disappointment. Ricky was never allowed to air his feelings at home. The father's control was total and it was evident that Ricky had been indoctrinated and conditioned to the extent that he was unable to develop the normal escape mechanisms usually available to children in similar situations—running away, asserting himself or rejecting his father's standards. Instead, with each rebuttal by his father, he tried harder and continued to experience the cycle of defeat, frustration and rejection. The constant pressure began to be reflected in his performance. His grades slipped from A's to B's and C's, he began to lose weight, and his coach commented that he sometimes seemed disoriented and confused. Under increased pressures, he attempted suicide.

This is a tragic example of a situation in which a parent makes unrealistic demands on a child without considering their effects on him or her. Ricky's parents are similar to others who feed their children well, provide them with good physical surroundings in which to grow, give them appropriate clothing and the advantages that they can afford, and yet fail to nurture them in the most important way: by helping them to develop self-esteem and the knowledge that they are wanted, loved and appreciated. If anyone had suggested to Ricky's parents that they were emotionally abusive, they would probably have been shocked at the suggestion and insisted that all they wanted was to make certain their son achieved his highest possible potential. Yet they were insensitive to the fact that his most basic need was not being met and neither parent recognized the impact of their behavior on Ricky's emotional health.

All of the children described here have one thing in common -- low self-esteem accompanied by feelings of guilt and an assumption that they are responsible for being unworthy of their parents' love.

EMOTIONAL NEGLECT OF CHILDREN

Of all situations confronting those who work with children, perhaps the most difficult to deal with is *EMOTIONAL NEGLECT*. Physically abused children can be identified more easily because of the signs of physical trauma they often bear. With increasing visibility of children's problems over the past five to ten years, more adults are willing to report physical abuse to the authorities. Those who work in the child protective field know, however, that even reports of physical abuse frequently are difficult to substantiate. Often a neighbor may observe a physical assault on a child, but later investigation reveals no outward evidence such as bruises, broken bones, or lacerations, and in situations like these, child abuse often is not found.

The protective service worker investigating such a report, however, all too frequently finds severe family dysfunction, that parents and child are having family problems. These parents frequently feel inadequate, and may handle their child or children inappropriately in ways which are, if not actually harmful to the child psychologically, at least not conducive to the child's maximum psychological growth.

In working with emotionally abused children, one must never forget that parents, too, are vulnerable people and often need help. Supportive services necessary for physically abusive families are necessary also for emotionally abusive families. Upon hearing case presentations, consultants often realize families seem unskillful in parenting techniques, and sometimes the suggested remedy is to "teach" parents how to be more effective, using demonstrations, parent education courses, parent effectiveness training groups, and other instructional programs. All these programs can be useful for a certain group of persons. However, to parents who already feel inadequate and incapable of parenting, and who do such a poor job that their children are damaged, such attempts usually succeed only in convincing them of their inadequacy. When a parent cannot hold a crying child because of feelings of revulsion or helplessness, to tell him or her: "Oh, why don't you pick him up and cuddle him? Let me show you how," is to say subtly, "You are an inadequate and helpless parent, and do not know how to care for your child."

Selma Fraiberg of the University of Michigan has worked on an infant mental health study and demonstrated an effective technique of "reparenting parents" rather than teaching them how to be more effective parents. Reparenting is not teaching parents more parenting skills, it is empathizing with parents who cannot hold a crying child because they had no one give them attention when, as children, they cried. You talk with parents about their feelings of helplessness and rage when no one hears their cry, when no one responds to their pain. It is a careful, skillful way of helping parents. It can be more effective after a child has been emotionally abused to suggest, for example, a day care center for the child, not on the basis of being better for the child but because it gives the parent an opportunity to do something he or she likes and wants, which would gratify his or her needs.

People who have their needs gratified are better able to gratify another's needs. A person sometimes can be a better part-time parent when he/she is not constantly at the beck and call of a child with whom he/she feels inadequate. But to suggest day care placement for a child's own sake sometimes can turn off parents to the extent that they no longer want to listen. Suggesting that a homemaker help a parent cope with children is more effective if the homemaker is viewed as someone who will not simply shuffle off the kids to school each morning, but instead help the mother feel better about herself, and assist her.

Casework or psychotherapy will not be effective if the client is approached from the point of "teaching" him or her how to be better. Only if they are approached with skillful understanding, compassion, and a willingness to allow the parent to become dependent in order to relive some of his or her childhood deprivations can social workers or therapists successfully accomplish their goals. Social workers have long been taught they must not allow their clients to become dependent on them, that this will engender lifelong dependence and helplessness. Dependence and independence are relative, and people who are incapable of functioning independently did not become so because a professional "fostered" their dependence. The professional may need to use this dependence to help parents become independent, and this is not done by rejecting dependent needs, or by telling them their dependent needs and demands will not be tolerated. Allowing clients to test the professional's concern, and the worker's willingness to deal with parental dependence needs sometimes can help them improve better and faster. This is better than telling them, at the beginning, that dependence is something that will not be tolerated.

Children who suffer emotional neglect or abuse are the hurt children of hurt parents. We must identify and help these children and their families whenever possible, because damage caused by emotional abuse is devastating and can affect the child permanently. The complex issues involved in defining emotional disturbance and emotional abuse may be resolved in terms of parental response to the identification of the problem: that is, emotional abuse occurs when a parent refuses to recognize or obtain help for a child's identified emotional disturbance. Family assistance should be planned carefully, and children should only be removed from their homes when life-threatening situations occur, since the removal may be more damaging than remaining in an unsuitable home. Homemakers, supportive casework services, referral for psychotherapy, day care, and special education programs may all be appropriate forms of intervention, and should be coordinated carefully.

Emotional maltreatment is perhaps one of the most difficult areas to define. Do we label this as some definable or indefinable harm to a child? Do we mean there exists some specific gap in the parent-child relationship or some defect or problem of the parent? Should this be a "reportable offense?" If it is, we need careful means of assessing individual situations and, even more, a way of "preventing" the crime and intervening in such a way that further "offenses" will not be committed. The range of parenting behaviors must be explored, and societal values clearly perceived in order that parents can be encouraged to raise children in accordance with these values.

Whiting, Leila, "Emotional Neglect of Children"

FACTORS AFFECTING PARENT/CHILD EMOTIONAL ABUSE

PARENT BEHAVIOR

CHILD BEHAVIOR

	ABUSIVE IF CONSISTENT GROSS FAILURE TO PROVIDE	TOO LITTLE	TOO MUCH
1.	Love (empathy) (Praise, acceptance, self-worth)	Psycho-social dwarfism, poor self-esteem, self-destructive behavior, apathy, depression, withdrawn	Passive, sheltered, naive, "over self-esteem"
2.	Stimulation (emotional/cognitive) (talking-feeling-touching)	Academic failure, pseudo- mental retardation, develop- mental delays, withdrawn	Hyperactivity, driven
3.	Individuation	Symbiotic, stranger and separation anxiety	Pseudo-maturity
4.	Stability/permanence/ continuity of care	Lack of integrative ability disorganization, lack of trust	Rigid-compulsive
5.	Opportunities and rewards for learning and mastering	Feelings of inadequacy, passive-dependent, poor self-esteem	Pseudo-maturity, role reversal
6.	Adequate standard of reality	Autistic, delusional, excessive fantasy, primary process, private (unshared) reality, paranoia	Lack of fantasy play
7.	Limits, (moral) guidance, consequences for behavior (socialization)	Tantrums, impulsivity, testing behavior, defiance, antisocial behavior, conduct disorder	Fearful, hyperalert, passive, lack of creativity and exploration
8.	Control for/of aggression	Impulsivity, inappropriate aggressive behavior, defiance, sado-masochistic behavior	Passive-aggressive, lack of awareness of anger in self/others
9.	Opportunity for extra- familial experience	Interpersonal difficulty (peer/ adults), developmental lags, stranger anxiety	Lack of familial attachment, excessive peer dependence
10.	Appropriate (behavior) model	Poor peer relations, role diffusion, (deviant behavior, depending on behavior modeled)	Stereotyping, rigidity, lack of creativity
11.	Gender (sexual) identity model	Gender confusion, poor peer relations, poor self-esteem	Rigid, stereotyping
12.	(Sense of) (Provision of) security/safety	Night terrors, anxiety, excessive	Oblivious to hazards and risks, naive

ABUSIVE IF PRESENT TO A SEVERE DEGREE

1. Scape-goating, ridicule, denigration		Poor self-esteem, depression
2. Ambivalence	Rigidity	Lack of purpose, determination, disorganization
3. Inappropriate expectation for behavior/performance	Poor self-esteem, passivity	Pseudo-maturity
4. Substance abuse	(Depends on behavior while Intoxicated)	Depends on behavior while Intoxicated)
5. Psychosis	(Depends on behavior/type/ frequency)	(Depends on behavior/type/ frequency)
6. Threats to safety/health		Night terrors, anxiety, excessive fears
7. Sexual abuse		Fear, anxiety, withdrawn, pseudo-sexuality, hysterical personality
8. Physical abuse		Sadomasochistic behavior, low self-esteem, anxiety, passivity, anti-social behavior, self-destructive dangerous behavior
9. Threatened withdrawal of love	Anxiety, excessive fear, dependency	
10. Shaming	"Lack" of superego, conscience	Excessive superego, self punitive
11. Exploitation	(Depends on behavior/ frequency)	(Depends on behavior/ frequency)

Lourie, Ira S. and Stefano, Lorraine, "On Defining Emotional Abuse: Results of an NIMH/NCCAN Workshop", pp 205-207

DEFINING ABUSIVE BEHAVIORS

VERBAL ABUSE

Included in the general definition of abuse is "the use of insulting, coarse, or bad language about or . . . to scold harshly, revile." We all know that we can be easily destroyed by words, especially when we're young. P.A. defines verbal abuse as words that are aimed at tearing down or destroying a child's image of himself or herself. If a child is called a stupid idiot every day of his life, for example, he'll most likely grow up believing that he is a stupid idiot.

EMOTIONAL ABUSE

All forms of abuse are emotionally abusive. Emotional abuse is present whenever a parent provides a negative emotional atmosphere for a child. This can be done in a number of subtle ways. Maybe a child isn't hit or called any names, but instead is made to feel like two cents because he didn't bring home all A's on his report card. Or maybe a child's toys are given away because she didn't clean her room. Or maybe a child is continually asked why he can't be good like his older sister. This is also called psychological abuse, and there are as many varieties of it as there are parents. It can be even more damaging in the long run than physical abuse.

EMOTIONAL NEGLECT

Emotional neglect may be described as passive emotional abuse. The parent provides neither a negative nor a positive environment for the child; the child is shown no feelings at all. He or she is shown neither anger nor warmth, he or she is neither spanked nor held closely, neither hated nor loved. It's as if the child doesn't exist. The only message he or she ever gets from the parent is "Don't bother me with your life." This form of abuse may not be as prevalent as others, but it's every bit as damaging. The child who is treated like a nothing grows to regard himself or herself as a nothing, a zero.

Wheat, Patte and Lieber, Leonard L. Hope For the Children, Winston Press, Inc., 1979
(Copied with permission of Leonard L. Lieber)

FACTORS INFLUENCING EMOTIONAL DISTURBANCE IN CHILDREN

The following material from THE EMOTIONALLY DISTURBED CHILD helps in our understanding of children who suffer from emotional deprivation.

"... recent researches indicate that other severe disorders -- psychoses, and schizophrenias in particular -- and many vegetative disorders can usually be traced back to markedly pathological parental attitudes, exhibited in excessive neglect, cruelty, and gross inconsistency.

"A cruel and inconsistent mother offers a kind of necessity for self-sufficiency in an infant. To cover the pain and anxiety resulting from these experiences at the mother's hand, it is possible that the child must avoid the discomfort by denying reality and avoiding object contact, at the same time creating in fantasy a world closer to 'his heart's content,' which forms the fabric out of which schizophrenic delusions may later be formed.

"In the last half century, tremendous advances have been made in our scientific knowledge of personality structure, its myriad variations, and the causes for these variations. We have learned that each organically sound baby possesses at birth varying potentialities for a happy, useful and rich life; but also, that these same potentialities, if thwarted, misdirected, or developed in distorted proportion, can lead to any or all of the emotional ills to which the human individual is susceptible. Such persons are crippled and handicapped in their emotions, their behavior, and their capacities. This crippling of personality has been shown to follow the same rules as those of physical crippling. The distorted pattern becomes fixed if not skillfully corrected, just as a bone made crooked by an untreated fracture heals firmly in the distorted shape and needs expert skill to correct the pathology.

"Emotional deprivation stunts normal emotional development as deprivation of vitamin D stunts bone development, producing rickets; psychic traumata injure the personality make-up and handicap its function, as rheumatic fever injures the heart and handicaps cardiac functions.

"Deprivation of needs is most marked in the realm of human love. It is within the atmosphere of warm, tender, protective love that the infant experiences his first pleasure of human relationship. Out of the first tender, protective experiences of the relationship of human mother love slowly develops the child's capacity to experiment with positive relationship to others, until, maturing more and more, he grows into a member of society, capable of positive love and cooperative social endeavor. Spitz has shown that deprivation of this love, if complete, may lead to severe infant withdrawal with only fearful reactions to persons, and final wasting away into marasmic death. The reaction seems almost to hint at the child's despair of a task way beyond his capacity and without softening aid. In a milder way, a child withdraws from the task of facing loss of love, if it occurs in its naked pain without proper adult cushioning. From this

deprivation, he withdraws his love into himself when deprived of his object, and protects himself from a repetition of pain by loving himself only -- the so-called narcissistic solution. His energy becomes dedicated to self-satisfaction, self-promotion; society and people become a means to this end; and his capacity to be an honest member of a democratic world, sacrificing when needed for the good of others, contributing to the progress of the community, remains latent and undeveloped. His behavior is guided by his own needs, never by an ethical conscience. He may become the hobo or the clever criminal, or merely a greedy, unloving, unsatisfied human being."

Emotional starvation as such is not as readily identifiable as physical malnutrition. Emotional neglect might be defined as "the deprivation suffered by children when their parents do not provide opportunities for the normal experiences producing feelings of being loved, wanted, secure and worthy, which result in the ability to form healthy object relationships."

Henrietta Gordon states: "The problem of defining neglect is always complicated by the emotional factors in the relationship between the parents and the children. The caseworker is concerned that children should have more than food, clothing and shelter. For normal development, children need to feel loved. Just as parents' capacities for and manner of giving physical care vary, so the capacity to demonstrate affection and the way in which it is demonstrated varies. A child is sensitive to his parent's feelings for him. No matter how understandable the parent's preoccupation with other matters may be, the child who is consequently deprived of loving attention feels unloved. The parent's lack of love and proper direction, and his inability to accept a child with his potentialities as well as his limitations, may constitute emotional neglect.

"The parents' failure to encourage the child's normal development by assurance of love and acceptance, is today being recognized by social workers as neglect. Parents may not even be aware of the relationship between their feelings and the disturbing conditions in which their children are found."¹

¹The Emotionally Disturbed Child, CWLA, 1958

²Casework Services for Children: Principles and Practices, Houghton-Mifflin Co., Boston, 1956

Mulford, Robert M., "Emotional Neglect of Children: A Challenge to Protective Services"

WHAT IS EMOTIONAL ABUSE?

We are seeing a move away from defining child abuse as a syndrome of specific physical injuries toward defining it as a symptom of broad family problems. Despite the many pitfalls, this change is good. Part and parcel of this movement is a growing interest in emotional abuse, something we all know exists but something that few of us can define.

Many of us are drawn to the fever analogy in explaining the meaning of child abuse and neglect. Just as fever indicates infection in the body, we speak of abuse and neglect as an indicator of underlying problems within the family. Most fevers are not, in themselves, dangerous; they are simple indicators that pose no threat to the organism. High fevers, however, can be dangerous, particularly among young children. I would liken this to child abuse and neglect. Most of the physical damage inflicted upon a child by abusive or neglectful parents -- while distressing, morally unconscionable, and requiring attentions -- is not in itself a threat to the long-term health of the child. On the other hand, a few instances of abuse and neglect are life-threatening or lead to substantial physical impairment.

Does this mean that child maltreatment is a small problem? Clearly the answer is no. Most professionals and the general public almost instinctively recognize that the problem of maltreatment goes well beyond serious physical harm to children. Consider, for example, the problem of sexual abuse. While physical assault frequently accompanies sexual misuse, the absence of physical assault in no way diminishes the seriousness of such an incident. Although our formal statements about child maltreatment focus attention on physical consequences, most of us agree that the heart of the matter lies not in the physical but in the emotional domain.

Except in the relatively few instances of serious physical injury, the emotional climate that envelops both parent and child precisely defines their relationship. Emotional abuse is the central issue, and central to it is rejection. When children are rejected, however that may be done, they are liable to serious developmental damage, which may result in hostility, active or passive aggression, low self-esteem, and a negative view of the world.¹ Rejection is the form of abuse most characteristic of the backgrounds of abusive parents. We have all heard the expression "Abusive parents were themselves abused as children." While this is most often taken to mean physical abuse, the real culprit is emotional abuse. In their classic clinical study Brandt Steel and Carl Pollock recognized this.² They characterized the background of abusive parents as being dominated by a pervasive and corrosive sense of rejection and social deprivation.

Emotional abuse has a malignant effect on the development of personality. I believe that it has this effect because it undermines an individual's competence. When placed in a broad developmental and social perspective, emotional abuse is the willful destruction or significant impairment of a child's competence.

The elements of human competence go beyond adaptivity, as intelligence is often defined. David McClelland set forth a definition of competence that is useful for the present purpose.³ In his view of competence is successful performance in specific social contexts that typically consists of the following general elements:

1. Communication skills -- "... a person able to communicate accurately by word, look, or gesture just what he intends or what he wants done."
2. Patience -- "... response delay."
3. Moderate goal setting -- "... In most life situations it is distinctly preferable to setting goals either too high or too low, which leads more often to failure."
4. Ego development -- "... a general kind of competence."

McClelland's definition of competence permits us to evaluate parental behavior, parent-child relations, and teacher-student relations in light of a development standard -- that is, to determine whether they contribute to the development of competence. Competence sets goals for the socialization process. To evaluate socialization practices, we must anticipate what life will demand of an individual and what roles -- being a parent, for example -- the individual will be called upon to play. If we start with the concept that the general goal of socialization is competence, we have the key to understanding emotional abuse. We can then proceed to deal with emotional abuse both as a scientific issue and as a problem for treatment.

Using competence as the focal point for defining emotional abuse leads to four central themes:

1. *Penalizing a child for positive, normal behaviors such as smiling, mobility, exploration, vocalization, and manipulation of objects is emotional abuse.*

Research from a variety of contexts has demonstrated that care-giver behavior can have a direct impact on the performance of these building blocks of human development. Children have a natural instinct for exploring their environment and for seeking to master it. To punish this drive and its accompanying behaviors is a clear and present danger to the child's development of competence.

2. *Discouraging care-giver and infant attachment is emotional abuse.*

The attachment of the care-giver and the infant has emerged as one of the central issues in child development. Disruptions of attachment have been linked to physical abuse, failure to thrive, and a variety of competence deficits. Systematic efforts to discourage bonding therefore pose a direct threat to adequate development.

3. *Penalizing a child for showing signs of positive self-esteem is emotional abuse.*

Self-esteem is the positive valuing of one's own characteristics. It means that an individual has a positive identity. Self-esteem rises and falls in response to the behavior of others. To discourage self-esteem is to attack a fundamental component of development.

- 4. *Penalizing a child for using interpersonal skills needed for adequate performance in nonfamiliar contexts such as schools and peer groups is emotional abuse.*

Families involved in child maltreatment do not provide positive reinforcement for key interpersonal behaviors. Abusive parents typically discourage their children from forming normal social relationships -- for example, friendships outside the family. This pattern corresponds to what has been called the "World of Abnormal Rearing."⁴

The problem of defining emotional abuse is far from solved. We can make a start in the right direction by focusing on the development of competence. It gives us something to base our judgments on, something with which to evaluate parent-child relations. Competence is the outcome of caring.

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