ABUSE AND NEGLECT

Reporting Requirements
Child Protective Services

• Established by Public Act 238 of 1975

• Defines child abuse and neglect as “harm or threatened harm to a child’s health or welfare by a parent, legal guardian, or any other person responsible for the child’s health or welfare.”
What must be reported?

- Physical Abuse
- Neglect
- Sexual Abuse and Sexual Exploitation
- Maltreatment
Physical Abuse

• Infliction of any non-accidental physical injury to a child.
  – Examples: Hitting, kicking, slapping, shoving, burning, pinching, hair pulling, biting, choking, throwing, or otherwise harming a child.

• Injuries may be result of over-discipline or physical punishment.
Indicators of Physical Abuse

- Multiple injuries in different stage of healing
- Pattern bruises or scars
- Bruises or burns on non-ambulating infant
- Bruises on earlobes
- Flinches when touched
- Bite marks
- Rib fractures
- Liver or kidney laceration
- Pattern contact burns
- Any injury not consistent with history provided by the adult or child
Neglect

• Failure to provide for the child’s basic needs.

• Lack of adequate nourishment, shelter, clothing, education, medical care, proper supervision, and/or safe living environment
Indicators of Neglect

- Persistent hunger
- Stealing or hoarding food
- Dramatic weight changes
- Excessive school absences
- Recurring untreated medical issues
- Ongoing lack of supervision
- Consistently inappropriate dress
- Persistent poor hygiene
Sexual Abuse

• Any sexual contact or penetration with a child.
  – Usually involves forcing, tricking, bribing, threatening or pressuring a child into sexual awareness or activity.

• Examples: Fondling, rape, incest, sodomy, exhibitionism
Sexual Exploitation

- Allowing, permitting or encouraging a child to be depicted in a sexual act.
  - The use of a child for the sexual pleasure and gratification of someone else.

- Examples: Prostitution, production of pornographic materials
Indicators of Sexual Abuse and Sexual Exploitation

- Age-inappropriate knowledge or sexual behavior
- Sexually explicit drawings and behavior
- Unexplained fear of a person or place
- Pregnancy
- Venereal disease
- Frequent urinary tract infections and/or yeast infections
- Unexplained itching, burning, pain, or bleeding in the genital area
**Maltreatment**

- Treatment of a child that involves cruelty or suffering that a reasonable person would regard as excessive.

- Examples: Locking child in a closet as punishment, forcing child to eat non-human foods (e.g. dog food), teaching child to assist in criminal activities.
Adult Protective Services

- Established by Public Act 519 of 1982
- Investigates allegations of abuse, neglect or exploitation and provides protection to vulnerable adults.
What must be reported?

- Physical Abuse
- Sexual Abuse
- Neglect
- Exploitation
- Maltreatment
Physical Abuse

• Non-accidental use of force against an elder or disabled person that results in physical pain, injury, or impairment.
  – Physical assaults - such as hitting, shoving, pushing, biting, etc.
  – Inappropriate use of drugs, restraints, or confinement
Indicators of Physical Abuse

- Unexplained signs of injury such as bruises, welts, or scars
- Broken bones, sprains, or dislocations
- Report of drug overdose or apparent failure to take medication regularly
- Broken eyeglasses or frames
- Signs of being restrained, such as rope marks on wrists
- Caregiver’s refusal to allow you to see the elder/disabled person alone
Sexual Abuse

• Sexual contact with an elder or disabled person without the individual’s consent.
  – Can involve physical sex acts as well as activities such as showing pornographic material, forcing the person to watch sex acts, or forcing the individual to undress.
Neglect

• Self Neglect: Harm to an adult’s health or welfare caused by the inability of the adult to respond to a harmful situation

• Neglect by Caregivers: Conduct of a person who assumes responsibility for a significant aspect of the adult’s health or welfare.
Indicators of Neglect

- Unusual weight loss, malnutrition, dehydration
- Untreated physical problems, such as bed sores
- Unsanitary living conditions: dirt, bugs, soiled bedding and clothes
- Consistent poor hygiene
- Unsuitable clothing or covering for the weather
- Unsafe living conditions (no heat or running water; faulty electrical wiring, other fire hazards)
- Desertion of the adult at a public place
Exploitation

• Unauthorized use of an elder or disabled person’s funds or property.

  – An unscrupulous caregiver might:
    • misuse personal checks, credit cards, or accounts
    • steal cash, income checks, or household goods
    • forge a signature
    • engage in identity theft

  – Typical rackets include:
    • Announcements of a “prize” that the person has won but must pay money to claim
    • Phony charities
    • Investment fraud
Indicators of Financial Exploitation

- Significant withdrawals from accounts
- Sudden changes in financial condition
- Items or cash missing from the household
- Suspicious changes in wills, power of attorney, titles, and other policies

- Addition of name(s) to bank/credit/debit cards
- Unpaid bills or lack of medical care, although the elder has enough money to pay
- Financial activity the senior couldn’t have done, such as an ATM withdrawal when the account holder is bedridden
- Unnecessary services, goods, or subscriptions
Maltreatment

• Treatment of an elder or disabled person that involves cruelty or suffering that a reasonable person would regard as excessive.
  – Verbal:
    • intimidation through yelling or threats
    • humiliation and ridicule
    • habitual blaming or scapegoating
  – Nonverbal:
    • ignoring the person
    • isolating from friends or activities
    • terrorizing or menacing the person
Criteria for Reporting

• “Reasonable cause to suspect”

• Anything that makes you suspicious.

• When in doubt…error on the side of caution!
Who is required to report?

• The law requires it of “Mandated Reporters”
  – Physicians, nurses, social workers, psychologists, family therapists, medical examiners, licensed emergency medical care personnel, school administrators, school teachers/counselors, law enforcement, child care providers.
What reports must be made?

- Verbal report - Immediately

- Written report - Form DHS 3200
  - DHS-3200 can be requested from any DHS office
  - DHS-3200 is available online:
Where to Report

• Verbal and written reports go to Child Protective Services through the DHS centralized intake system.
  – Notify your supervisor if you need to make a report to DHS.
Where to Report

Department of Human Services
Centralized Intake
5321 28th Street Court SE
Grand Rapids, MI 49546
phone: (855) 444-3911
fax: (616) 977-1154 or (616) 977-1158
Who is required to report?

• “Any person employed, licensed, registered or certified to provide, or an employee of an agency licensed to provide health care, educational, social welfare, mental health or other human services.”

-- Michigan Department of Community Health
What reports must be made?

- Verbal report - Immediately
- Written report at the discretion of reporting person
Where to Report

• Verbal and written reports go to Adult Protective Services in the DHS office in the county where the violation is alleged to have occurred.
  – Notify your supervisor if you need to make a report to DHS.
• Civil liability for damages caused by failure to report.

• Misdemeanor offense punishable by a fine not to exceed $1,000 or by confinement in the county correctional institution or other jail, for a total term not to exceed 12 months, or both.
Reporters’ Immunity from Liability

- The identity of a person making a written report is confidential and will only be made available under limited circumstances.
  - Law Enforcement
  - Child Protection Agency
  - Formal Legal Proceedings
Reporter’s Immunity from Liability

• “A person acting in good faith who makes a report or cooperates in an investigation shall not be penalized and shall be immune from civil or criminal action due to a report made in good faith.”
  – Knowingly and maliciously making a false report is a misdemeanor.
• A DHS worker or other individual who improperly discloses the name of a person filing a report of suspected abuse or neglect:
  – May be criminally prosecuted for a misdemeanor
  – Is liable for civil damages caused by releasing this information
Therapeutic Relationships

• Duty to Report has the potential to disrupt client progress and impact treatment goals

• Trust issues can managed within a therapeutic context

• Honesty is the best policy
References

- Elder Abuse and Neglect: Warning Signs, Risk Factors, Prevention [http://helpguide.org/mental/elder_abuse_physical_emotional_sexual_neglect.htm#authors](http://helpguide.org/mental/elder_abuse_physical_emotional_sexual_neglect.htm#authors)