



Summit County

**CHILDREN SERVICES**

*Building Families . . . Building Futures*

# Recognizing and Reporting Child Abuse and Neglect

## A Guide for Summit County Professionals

Summitkids.org



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## Our Mission

Summit County Children Services (SCCS) is committed to the safety, permanency and well-being of all children served, in partnership with families and the community.

## Our Vision

Because we believe in family preservation and that all children deserve a safe, stable and permanent home, we will:

- Intervene only where necessary and only to the proper degree;
- Assess the community's concerns of abuse and neglect focusing on safety, risk and family strengths;
- Serve as partners with families and in teamwork with partner agencies in the community;
- Actively engage families, and their extended families and supports, in the decision-making process;
- Diligently work towards reunification when a child must be removed from home;
- Seek permanent homes for all children who cannot safely return to their parent or guardian;
- Remain mission-focused in our everyday work;
- Recruit and maintain diverse staff committed to serving all children and families;
- Approach our work with integrity, ethics, and compassion;
- Be fiscally responsible.

# The Referral Process: What You Should Know

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## Who must report?

The law (Ohio Revised Code § 2151.421) encourages everyone to report suspected child abuse and neglect; the following professionals who work with children are required to report:

- Attorneys
- Court appointed special advocates (CASA) & guardian ad litem (GAL)
- Peace Officers
- Coroners
- Physicians/interns/residents
- Dentists
- Podiatrists
- Nurses (Registered, Licensed Practical or Visiting)
- Home health agency employees
- Employees of a homemaker services entity
- Other health care professionals
- Professionals employed by the county Department of Job & Family Services who work with children and families
- Public and private children services personnel
- Individuals hired by Children Services to provide services to children
- Adoption assessors
- Department of Youth Services superintendents or regional administrators
- Respite care workers, and employees in facilities providing respite care
- County board of Developmental Disabilities employees and investigative agents
- All day care or residential care personnel (including all child camp personnel)
- Agents of the county humane society
- All School employees (Principals, Teachers, Coaches, Janitors)
- School Authority
- Psychologists/Psychiatrists
- Speech pathologists
- Audiologists
- Social Workers
- Professional counselors
- Marriage and family therapists
- Any licensed therapists
- Clergy
- An employee of a qualified organization as defined in ORC § 2151.90 (Host Family Programs)
- A host family as defined in ORC § 2151.90
- A foster caregiver

## When must you report child neglect or abuse?

You must report immediately, without delay. The law states that you must report whenever you know or have reasonable cause to suspect that a child under eighteen years of age, or a developmentally disabled, or physically impaired child under twenty-one years of age, has suffered, or faces a threat of suffering, any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child.

## Can I delegate my duty to another person?

No. A mandated reporter must personally report known or suspected child abuse or neglect.\*

*\*Exception: O.R.C. § 2151.421(A)(1)(c) states that if two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professional may designate one of the health care professionals to report the abuse or neglect. A single report made in this circumstance shall meet the reporting requirements.*

## To whom do you report?

You may report by calling Summit County Children Services at **330-434-KIDS (5437)** or contacting your local law enforcement agency. Peace Officers must report by calling the Summit County Children Services 24/7 hotline. For child abuse or neglect emergencies, call any time during the day, night, weekends or holidays. Individuals calling Children Services may call collect. Reports **should not** be made through social media outlets or the SCCS website.

## Do you have a duty to investigate before reporting to authorities?

No. Once you know of or suspect abuse or neglect, it must be reported immediately. The proper authorities will assess the matter.

## What Should Be Reported To Law Enforcement Officials First?

### What Should Be Reported To Children Services First?

Whether you report to Law Enforcement or SCCS first, cross reporting may occur in accordance with O.R.C. § 2152.421 and the established Memorandums of Understanding.

It is suggested that the following be reported to the police first:

- Concerns or incidents where the child is currently being maltreated or when witnessing child maltreatment
- Concerns involving sexual abuse

- If you suspect a crime has been committed against a child which could include:
  - Incidents where there is suspicion that a child is being used in child sexual abuse material/content or human trafficking
  - Incidents when there is suspicion that a child is being exploited for the purpose of taking images of child sexual abuse or for human trafficking

It is suggested that the following be reported to SCCS first:

- Cases of child abuse or neglect when the child is not in imminent danger

## **Do I have legal immunity when reporting?**

Yes. Anyone reporting child abuse or neglect in good faith has immunity under the law. O.R.C. § 2151.421(G) (1) states "...anyone or any hospital, institution, school, health department or agency participating in good faith in the making of reports...and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding."

## **What happens when I make a report?**

Your report of suspected child abuse or neglect will be reviewed by trained caseworkers to determine if the allegations meet the legal definition of abuse, neglect, or dependency. Summit County Children Services' objective is to protect the child and provide services to the family aimed at reducing stress factors which resulted in child abuse or neglect. If necessary, Children Services will initiate Juvenile Court action to protect the child. The police department having jurisdiction will determine whether there is criminal culpability requiring prosecution and, when indicated, shall initiate criminal prosecution.

## **May Photographs be taken of areas of trauma?**

- a. Per the law, mandated reporters may take or cause to be taken color photographs of areas of trauma visible on a child. This is desirable and such color photographs may have evidentiary value if a court proceeding ensues.
- b. Children Services caseworkers have the authority to take photographs of areas of trauma on the child's body.

## Will my identity be kept confidential?

Yes. The identity of those who report suspected abuse and/or neglect are confidential by law. **However, if a criminal investigation regarding child abuse or neglect occurs, the reporters identity may be provided to law enforcement.**

## Tips on reporting

Reporters should:

### AVOID ...

- Having several people interview a child to obtain information;
- Making a child feel guilty for being a victim;
- Making a child's situation obvious to other students;
- Making promises to a child which are outside their ability to fulfill;

### PURSUE ...

- Providing emotional support to a child;
- Protecting a child's privacy and confidentiality;
- Reporting without any delay to Children Services.

## What could happen if I fail to report?

There are legal penalties for failure to report. Failure to report suspected child abuse and neglect violates the Ohio Revised Code and is a misdemeanor of the fourth degree, punishable by up to thirty (30) days in jail and/or a fine up to \$250. In addition, civil liability may also exist.

## Issues Specific to Mental Health Professionals

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**Does the therapist-patient privilege preclude my reporting to the authorities?**

No. Under Ohio Law, the therapist-patient privilege does not apply to the reporting of suspected or known child abuse or neglect.

## Issues Specific to Medical Professionals

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**Does the physician-patient privilege preclude my reporting known or suspected of child abuse or neglect to authorities?**

No. Diagnostic considerations formulated during the examination of children who are known or suspected to be abused or neglected must be reported subject to the conditions set forth in O.R.C. § 2151.421(A) (2).

**If physical abuse and resulting fractures are suspected, may x-rays be performed?**

Yes. The law permits radiological examinations of the child if medically indicated.

**If I fear further abuse of the child and serious injury or death following my examination, what can be done to protect the child?**

If an emergency, call 911. If immediate removal from the parent or guardian is necessary, the police must be called to assess whether to exercise emergency protective custody provisions under the law. The reporter should also contact SCCS once the situation is no longer emergent.

## Issues Specific to Educators

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### **How should school personnel make a report?**

School teachers, school administrators and other school authorities should report known or suspected child abuse or neglect by calling Summit County Children Services or their local police department. The report must be made by the original observer. The legal mandate for school personnel cannot be delegated to another person.

### **Can a children services caseworker interview a child at school without parental consent?**

Yes. Applicable regulation (Ohio Administrative Code Chapter 5101:2-36-03) permits Children Services to interview a child at school without consent of the parent in the following situations:

- There is credible information to indicate the child is in immediate danger of serious harm;
- There is credible information indicating the child will be in immediate danger of serious harm upon return home from school;
- There is credible information the child may be intimidated from discussing the alleged maltreatment in the home;
- The child requests to be interviewed at school; or
- Should an alleged child victim (ACV) provide information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the ACV, the interview of the sibling who was not identified as an ACV may commence.

### **Must the mandated reporter sit in during the interview?**

No. The caseworker is responsible for interviewing the child. A school official is not required, but may be present to provide comfort to the child as a trusted adult.



### **Can Children Services caseworkers remove children from school?**

This is possible only if the caseworker has obtained an emergency custody order from Juvenile Court, has parental permission or is accompanied by a law enforcement officer who removed the child under the authority of Juvenile Rule 6.

## **Issues Specific to Clergy**

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Clerics and designated church leaders are mandated reporters and should report whenever such person knows or has reasonable cause to suspect child abuse and neglect. A cleric is not required to report information received in a cleric-penitent relationship if there is civil or criminal testimonial privilege, unless:

- The penitent at the time of the communication is a child or disabled person under the age of twenty-one;
- The cleric knows or has reasonable cause to believe the penitent has suffered or is threatened with physical/mental injury or condition that indicates abuse or neglect of the penitent.

# Indicators of Child Abuse and Neglect

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The possibility of varying forms of maltreatment of a child may exist if key factors are present.

## Physical Abuse

- There is unusual delay in obtaining medical treatment for the child's injury;
- The parental explanation of the child's injury is not medically feasible, is at variance with the child's developmental ability to injure himself/herself, or parents give conflicting stories as to how the injuries were sustained;
- The parents are preoccupied, show irritation when questioned about the child's injury, or are angry with the child for being injured;
- Repeated non-accidental or unexplained injuries to the child are treated by different physicians or medical facilities, possibly to avoid detection;
- The child has unusually shaped or located injuries, e.g. looped or linear marks on the skin, genital trauma or marks indicating physical restraint;
- Multiple fractures at different stages of healing may be found on skeletal ex-rays;
- The child exhibits fear, is withdrawn in the presence of parents, is overly compliant to avoid confrontation, cries little or shows indiscriminate attachment to strangers.

## Sexual Abuse:

- Difficulty walking or sitting;
- Bruises, bleeding from external genitalia, vagina and/or anal regions;
- Positive tests for sexually transmitted diseases;
- Presence of semen/pregnancy;
- Pain or itching in the genital area;
- Sleep disturbances/loss of appetite/severe nightmares;
- Running away from home/truancy/delinquency;
- Sexual promiscuity/being trafficked/seductive behavior;
- Drug or alcohol abuse/suicide attempts/depression;
- Association of warmth and nurturance with sexual activity by prepubescent victims;
- Excessive curiosity about sex, precocious sex play, explicit knowledge of sexual parts, regression in developmental milestones.

## **Child Neglect:**

Child neglect includes, but is not limited to the following:

- Abandonment;
- Lack of adequate supervision;
- Lack of adequate nutrition;
- Lack of necessary psychiatric care;
- Lack of care for special needs;
- Lack of necessary medical/dental care;
- Lack of adequate clothing;
- Failure to provide basic needs;
- Lack of utilities;
- Dirty or unsafe home and/or poor hygiene;
- Domestic violence;
- Caregiver and/or child substance abuse;
- Educational neglect;
- Failure to thrive;
- Emotional maltreatment.

# Defining Child Maltreatment

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## What is an Abused Child?

The law (O.R.C. § 2151.031) defines an abused child as one who:

- (A) Is the victim of sexual activity as defined under Chapter 2907 of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child;
- (B) Is endangered as defined in O.R.C. § 2919.22 of the Revised Code, except the court need not find that any person has been convicted under that section in order to find that the child is an abused child;
- (C) Exhibits evidence of any physical or mental injury of death, inflicted other than by accidental means, or an injury of death which is at variance with the history given of it. Except as provided in division (D) of this section, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control or person in loco parentis of a child is not an abused child under this division if the measure is not prohibited under O.R.C. § 2919.22 of the Revised Code.
- (D) Because of the acts of his/her parents, guardian, or custodian, a child suffers physical or mental injury that harms or threatens to harm the child's health or welfare.
- (E) Is subjected to out-of-home care child abuse.

## What is Mental Injury?

The law (O.R.C. § 2151.011(B)(24)) defines mental injury as:

- (A) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act of omission that is described in O.R.C. § 2919.22 (Endangering Children) of the Revised Code and is committed by the parent or other person responsible for the child's care.

## What is a Neglected Child?

The law (O.R.C. § 2151.03) defines a neglected child as one:

- (A)
  - (1) Who is abandoned by the child's parent, guardian or custodian;
  - (2) Who lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian;
  - (3) Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well-being;
  - (4) Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition;
  - (5) Whose parents, guardian, or custodian have placed or attempted to place the child in violation of O.R.C. § 5103.16 or 5103.17;
  - (6) Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare;
  - (7) Who is subjected to out-of-home care child neglect.

## What about Religious Beliefs?

The law (O.R.C. § 2151.03):

- (B) Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child. This division does not abrogate or limit any person's responsibility under O.R.C. § 2151.421 to report known or suspected child abuse, known or suspected child neglect, and children who are known to face or are suspected of facing a threat of suffering abuse or neglect and does not preclude any exercise of the authority of the State, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires the provision of medical or surgical care or treatment.

## What is a Dependent Child?

The law (O.R.C. § 2151.04) defines a dependent child as any child:

- (A) Who is homeless or destitute or without adequate parental care through no fault of the child's parents, guardian, or custodian;
- (B) Who lacks adequate parent's care by reason of the mental or physical condition of the child's parents, guardian, or custodian;
- (C) Whose condition or environment is such as to warrant the state, in the interest of the child, in assuming the child's guardianship;
- (D) To whom both of the following apply:
  - 1) The child is residing in a household in which a parent, guardian, custodian, or other member of the household committed an act that was the basis for adjudication that a sibling of the child or any other child who resides in the household is an abused, neglected or dependent child.
  - 2) Because of the circumstances surrounding the abuse, neglect or dependency of the sibling or other child, and the other conditions in the household of the child, the child is in danger of being abused or neglected by that parent, guardian, custodian, or member of the household.

## What is a Deserted Child?

The law (O.R.C. § 2151.3515 to 2151.3535) defines a "Deserted child" as a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing intent to return for the child.

## What is Criminal Child Endangering?

The law (O.R.C. § 2919.22) which defines endangering children states, "no person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis ... shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support." The law further states, "no person shall do any of the following to a child ... abuse, torture or cruelly abuse; administer corporal punishment or other physical disciplinary measure or physically restrain the child in a cruel manner or for a prolonged period which is excessive and creates a substantial risk of serious physical harm ... repeatedly administer unwarranted disciplinary measures to the child when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development."

The law also states that no person shall “entice, coerce, permit, encourage, compel, hire, employ, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter or is nudity-oriented matter.”

The law also prohibits allowing a child to be on the same parcel or real property or within one hundred feet of the illegal cultivation or manufacture of a controlled substance (such as a marijuana or methamphetamine lab).

While transporting a child, the law prohibits operating a vehicle under the influence of alcohol or drugs in violation of O.R.C. § 5411.19.

**The full statute relative to Ohio’s law for Reporting child abuse or neglect, O.R.C. § 2151.421, can be found at <http://codes.ohio.gov/orc/2151.421>.**



## Summit County Children Services

264 South Arlington Street

Akron, Ohio 44306-1354

(330) 379-9094 | TTY (330) 379-2036

24-Hour Child Abuse & Neglect Hotline: (330) 434-KIDS (5437)

[Summitkids.org](https://Summitkids.org)



It is the policy of Summit County Children Services to provide services to all persons without regard to race, color, national origin, religion, gender, sexual orientation, disability or age.

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