

## *The History of Child Abuse Reporting*

In 1866, Henry Bergh, a philanthropist and diplomat, who recognized the inhumane treatment suffered by many animals in our society, founded the American Society for the Prevention of Cruelty to Animals (ASPCA) prompting New York state legislators to pass the country's first anti-cruelty to animals law.

Eight years later, in New York, a young girl was found tied to a bed like an animal, neglected and brutally beaten by her foster parents, a scar running down her face where she had been cut when struck with a pair of scissors. In 1874, animals were legally protected from inhumane treatment, but children weren't. Being considered a member of the animal kingdom, the child, Mary Ellen, was removed from the home utilizing anti-cruelty to animals statutes. As a result of the media coverage of Mary Ellen's case, New York City came together in 1875 -- with the assistance of Henry Bergh -- to form the first organized child protective institution in the world -- The New York Society for the Prevention of Cruelty to Children. Many laws were passed after that time making it illegal to abuse children but no laws required individuals to report the abuse. Authorities were often not made aware of the abuse until a child had been severely abused or killed, too late in many cases.

Finally in 1974, the United States Congress, enacted the Child Abuse Prevention and Treatment Act (CAPTA) which provided federal funds -- dedicated to prevent child abuse -- for states that passed laws requiring certain professionals, such as law enforcement, educators, and medical and mental health care professionals, to report suspected child maltreatment. In short order, every state had mandatory reporting laws enacted in their legislatures.

The first child abuse reporting law in Iowa was enacted in 1978. This law provided protection to children by requiring the reporting of suspected abuse. The Department of Human Services (DHS) is the agency in Iowa responsible for providing protective services to children.

In 2006, the DHS received almost 36,000 reports of suspected child abuse. The DHS confirmed abuse in almost 10,000 of those cases. This represents 2 abused children out of every 100 children in Iowa. There is approximately a 4% increase yearly in the incidence of abuse nationally and nationally only 1/3 of all actual cases of child abuse are ever reported. We will talk later about some of the reasons why.

Perpetrators of child abuse come from all walks of life, races, religions, and nationalities. They come from all professions and represent all levels of intelligence and standards of living. There is no single social strata free from incidents of child abuse. Abusive parents may show disregard for the child's own needs, limited abilities, and feelings. Many abusive parents believe that children exist to satisfy parental needs and that the child's needs are unimportant. Children who don't satisfy the parent's needs may become victims of child abuse.

Sexual abusers may have deviant personality traits and behaviors that can result in sexual contact with a child. Sexual abuse perpetrators sometimes use threats, bribery, coercion or force to engage a child in sexual activity. They violate the trust that a child inherently places in them for care and protection, and exploit the power and authority of their position as a trusted caretaker in order to sexually misuse a

child. Often the child is threatened or warned “not to tell,” creating a conspiracy of silence about the abuse.

Child abuse is now recognized as a problem of epidemic proportions. Child abuse has serious consequences that may remain as indelible pain throughout the victim’s lifetime. The violence and negligence of parents and caretakers serve as a model for children as they grow up. If we do not break the cycle, the child victims of today, without protection and treatment, may become the child abusers of tomorrow. This is why education is so important.

The law defines two types of child abuse reporters: Mandatory reporters and permissive reporters. We will discuss mandatory reporters first.

Mandatory reporters are people who, are required by law to report suspected abuse. This includes individuals who work with children or have contact with children as a component of their profession and generally includes individuals working in one of these six disciplines: health, education, childcare, mental health, law enforcement and social work.

All mandatory reporters are required to complete two hours of approved training relating to the identification and reporting of child abuse within six months of initial employment and are then required to repeat this two hours of abuse training every five years.

As outlined in Iowa Code section 232.69, the following classes of people are mandatory reporters when they examine, attend, counsel, or treat a child within the scope of their professional practice or in their employment responsibilities:

- All licensed physicians and surgeons
- Physician assistants
- Dentists
- Licensed dental hygienists
- Optometrists
- Podiatrists
- Chiropractors
- Residents or interns in any of the professions above
- Registered Nurses
- Licensed Practical Nurses
- Emergency Medical Care providers
- Social workers
- Licensed employees of a public or private health care facility
- Certified psychologists
- A licensed school employees, certified paraeducators, or holders of a coaching authorization
- Employees of a day care center, registered child care home, head start program
- Employees of a licensed substance abuse program
- Employees of an institution operated by the DHS

- Employees of a juvenile detention or juvenile shelter care facility
- Employees of a foster care facility, foster parent or adoption investigator
- Employees of a mental health center, counselor or mental health professional
- Peace officers

By law, these mandatory reporters who “reasonably believe” a child or dependent adult has suffered abuse **shall** report the abuse. In other words, they are required by law to report the abuse and if they fail to do so, may be at risk of both criminal and civil penalties.

The other type of reporter of child abuse is called permissive reporters. Permissive reporters are **not legally obligated** to report abuse, but they may. A permissive reporter may include *any* person who believes abuse has occurred. It also includes mandatory reporters who believe a child has suffered abuse but became aware of the information other than through the course of their employment.

For example, if a school teacher sees or hears things from a student in her class that makes her believe the child may have been abused, she is required to report this as a mandatory reporter. However, if things she has seen or heard at home in the evenings lead her to believe that the child living in the house next to hers is being abused, she may report this as a permissive reporter, but has no legal requirement to report this. The neighbor on the other side of the house, who works in a factory and is not a mandatory reporter of abuse, may also report this abuse as a permissive reporter. Permissive reporters may not be liable for criminal or civil penalties if they do not report suspected abuse.

Some employers may have specific policies that require certain training and reporting procedures regarding child abuse for their staff, even if they are not by law considered mandatory reporters.

Reporters who by law are not considered mandatory reporters will be considered permissive reporters regardless of the employer’s requirements.