

Frequently Asked Questions:

Reporting Child Abuse and Neglect in the University System of Maryland

I. What Constitutes Child Abuse and Neglect

A. What is Child Abuse?

Abuse is defined in Maryland law as “the physical or mental 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 harmed or at substantial risk of being harmed; or

sexual abuse of a child, whether physical injuries are sustained or not. Sexual abuse is defined as 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.”

What are some of the indicators of child abuse?

Physical Indicators	Sexual Indicators	Neglect
<ul style="list-style-type: none"> • Physically injurious behavior beyond physical discipline • Unexplained bruises; or a pattern of bruises • Cuts and burns (cigarette, liquid) to the body • Rope marks or burns • Fractures/broken bones • Welts, abrasions • Bite marks or puncture wounds • Chipped teeth 	<ul style="list-style-type: none"> • Difficulty or painful walking • Injury or reported pain or itching in genital area • Expressions of sexual knowledge or behavior inappropriate for age • Verbalization of sexual involvement or victimization of other children • Sexually suggestive behavior • Pregnancy under 12 years of age • Extreme and unusual changes in personality, behavior and/or emotions (e.g., acting out or fear of being in the company of someone the child initially trusted) 	<ul style="list-style-type: none"> • Dirty, unkempt • Untreated serious medical problems • Obvious malnourishment • Listlessness, fatigue • Child left unattended or without supervision • Inadequate clothing for weather

B. What is Child Neglect?

Under Maryland law, *Neglect* is defined as the failure to give proper care and attention to a child, including leaving the child unattended, by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances indicating:

- 1) that the child's health or welfare is harmed or placed at substantial risk of harm;
or
- 2) mental injury to the child or a substantial risk of mental injury.

C. What is Mental Injury?

“*Mental injury*” is defined as the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

D. Under what age is a person considered a “child” under Maryland child abuse and neglect laws?

For the purposes of Maryland's child abuse and neglect laws, a “child” is defined as any individual under the age of eighteen (18) years.

E. How do I determine if physical discipline is considered child abuse?

This is a complicated question. In some families and cultures, physical discipline (spanking, hitting, and “whipping”) is a common practice in managing the behavior of children. Generally, physical discipline should be reported as abuse if it leaves an injury and either harmed the child or put the child's health and welfare at substantial risk of harm. Child Protective Services will then determine whether the punishment was abusive considering the totality of the circumstances, including the severity of the injury, nature of the punishment, gravity of the act being punished, and the adult's attempt to use other nonphysical means of discipline.

F. How do I distinguish between child sexual abuse and the crime of sexual assault?

Under the child abuse reporting law, *sexual abuse* is defined as “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.” It includes a wide array of sexual conduct including such things as exposure, sexual advances, and engaging in the pornographic display of a child.

Much of what is reported to Child Protective Services as child sexual abuse also constitutes a crime such as criminal child sexual abuse, sexual assault, incest, or rape. However, it does not always work the other way around: not every sexual

assault perpetrated on a child is reportable to Child Protective Services as child sexual abuse. Unless a sexual act was perpetrated by a parent, household or family member, or other person caring for or supervising a child, it is not considered reportable "child sexual abuse" even if it is unwelcome or nonconsensual touching that would constitute a sexual assault.

Of course, if you should ever witness the sexual assault of the child—regardless of whether it fits the definition of child sexual abuse—you are encouraged to call 911 to report it.

G. What if a student discloses that she was sexually abused at the age of five (5) perpetrated by another sibling who was nine (9) at the time?

Under Maryland’s Child Abuse reporting laws, *sexual abuse* is defined as an “act that involves sexual molestation or exploitation of a child . . . by any household or family member.” Given that the two children are “household members” you are mandated to report. The case worker can make a determination of whether it should be investigated.

II. Basic Reporting Requirements

A. What is the source of the child abuse and neglect reporting requirements in the USM policy?

The purpose of the policy is to set out the mandatory reporting requirements that are established by State law as they apply to the USM. The source of those legal requirements is a set of statutes in the Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708. The policy also applies requirements established in various Opinions of the Attorney General that authoritatively interpret the Family Law Article statutes, and it includes USM-specific requirements for reporting to designated institution officials when an incident involves members of the campus community or institution sponsored activities.

B. Which USM employees must report child abuse and neglect?

Under Maryland Law, all adults in the State have an obligation to report suspected child abuse and neglect. Professional Employees, such as a faculty member; administrator; coach; or other employee who provides academic support, student service or institutional support activities, whose duties require either a college degree or comparable experience and all Other Persons who are members of, affiliated with, or acting on behalf of the University are mandated to report.

C. Who are “professional employees” in the USM System?

According to the USM Policy, “*Professional employee*” means a person employed by the USM as a faculty member, administrator, coach or any other employee who provides academic support, student service, or institutional support activities, whose duties require either a college degree or comparable experience.

D. Are students required to report?

The requirement to make an oral and written report to CPS or the local police and to the Director extends to students, as well as all members of the SU community including other *staff, students, and contractors on campus*.

E. What if I am a direct witness to child abuse that occurs in connection with the institution?

Call 911 immediately. If you are a direct witness to an abusive situation involving a child, call the University Police and provide whatever information you have about the incident. Then follow all of the other procedures for reporting suspected child abuse for your institution.

F. How do I know if I have enough information to have “reason to believe” that an incident may have been child abuse or neglect? Sometimes information may be quite vague, and it is not clear whether to report.

The purpose of a report is to give CPS and the police information that will enable them to begin an investigation of suspected child abuse or neglect. These authorities need information sufficient to identify the child and decide whether the incident may constitute child abuse or neglect under the law. According to child protective services, the information that they need includes:

- I. Sufficient information to identify and contact the victim; and
- II. Information that will allow CPS or the police to determine whether the incident constituted child abuse or neglect under the law, including:
 - a. Whether the victim was a child (i.e., under age 18) when the incident occurred;
 - b. Whether the alleged perpetrator was a parent, household or family member, or other person who had care, custody or supervision of the child when the maltreatment occurred;
 - c. Whether the child was injured, harmed or at substantial risk of harm as a result of the alleged maltreatment.

If you do not have at least some of this essential information, you are not required to report the incident. However, you still should consider making a report if the facts that you do know genuinely lead you to suspect that child abuse or neglect occurred--even if your information is incomplete. When in doubt, please keep in mind that:

- The decision to make a report is appropriate and protected under the law and the policy, as long as it is made in good faith; and
- Child Protective Services encourages individuals, who have **any** genuine suspicion that child abuse or neglect may have occurred, to report it.

If you have any concerns or doubts as to whether to report an incident, feel free to direct any questions to Child Protective Services or to consult with the Director for the reporting of child abuse or neglect. Also, even if you determine that a disclosure or incident should not be reported as suspected child abuse or neglect, always feel free to help the student seek counseling, or medical or other assistance if you have concerns about a student or other individual's welfare.

Here are two examples of the kinds of information that higher education employees may encounter:

Example #1: In a class journal a student discloses, "... I was once abused and this is what inspired me to choose this topic for my term paper."

- The nature and extent of the action that the student refers to as "abuse" is vague. It is not clear what the student meant by "abuse," and there is no indication whether the student was a child when it occurred or whether he or she experienced any injury as a result.
- The identity of the person who allegedly caused the abuse and their relationship with the student has not been disclosed.
- Based on this limited information, "reason to believe" has not been established.
- Decision: Do not report.
- Recommendation: Consider providing counseling information as a resource for the individual.

Example #2: Written in a class journal the instructor reads, "As a child growing up in New York, I was molested and sexually abused repeatedly by my stepbrother who is 10 years older than me."

- The type of abuse described by the student was sexual abuse.
- The stepbrother was identified as the person who caused the abuse.
- The abuse occurred while the student was a child
- Based on the information disclosed, you have "reason to believe" abuse occurred.
- Decision: Report to CPS and the Director.

- Recommendation: Consider providing counseling information as a resource for the individual.

G. To whom do I report?

An oral report shall be made as immediately as is practicable, within forty-eight (48) hours of the event that caused the employee to believe that a child has been subjected to abuse or neglect:

- 1) An oral report shall be made to the following:
 - a) The local police department or the local department of social services (Child Protective Services in the locality where the abuse took place); and
 - b) The Director of the Counseling Center to receive such reports (“the President’s Designee”); and
 - c) Any other individual, such as a unit head, if required by the institution.
- 2) A written report shall be provided to:
 - a) the local department of social services within forty-eight (48) hours of the event that caused the employee to believe that a child has been subjected to abuse or neglect.
 - b) the Director; and
 - c) the local states attorney, if the incident involved abuse.

H. Where can I find contact information for the authorities to whom I should report?

Go to www.salisbury.edu/CAN for more information, especially web listings of local CPS offices and the Director’s contact information. If you should ever have difficulty finding information about where to report, you may always call 911 to make a report.

I. What do I report?

Reports should include sufficient information to allow child protective authorities to evaluate and investigate your report. A USM Child Abuse and Neglect Reporting Form appears on the SU website at www.salisbury.edu/CAN and the USM’s website to assist you in making your report. The report form may include questions that you are unable answer. In those circumstances, simply provide the information that is known to you and leads you to believe that a child has been subjected to child abuse or neglect.

The reporting laws ask for the following information, to the extent that you have it:

- 1) The name and home address of the child and the parent or individual responsible for the care of the child;
- 2) The present location of the child;
- 3) The age of the child;
- 4) Names and ages of other children in the home;
- 5) The nature and extent of injuries or sexual abuse or neglect of the child;
- 6) Any information relayed by the individual making the report of previous possible physical or sexual abuse or neglect;
- 7) Information available to the individual reporting that might aid in establishing the cause of the injury or neglect;
- 8) The identity of the individual or individuals responsible for the abuse or neglect.

J. If I do not have all of the information listed above, should I talk to the child to get more information.

Generally, no. Unless you have a professional relationship with the child in which seeking personal information from the child is the norm (e.g., a counselor), you are discouraged from interviewing the individual to obtain more information. Please simply report the information that you do have, and child protective authorities will take responsibility for interviewing the child to obtain any missing information.

K. When an individual makes a report, is his or her name given to the victim or individuals involved?

The name of the person who makes a report concerning abuse or maltreatment is kept in strict confidence and is not given to the victim or other individuals involved. Individuals who make reports are encouraged to give their names and contact information to the person taking the report so that additional information may be obtained at a later date if necessary. If an individual does not want to disclose his/her name, the report is still accepted.

In some situations, child protective authorities may seek to interview the individual who made a report as part of their investigation of the suspected maltreatment. Information obtained in an interview that takes place in the course of an investigation may be part of the eventual CPS determination and any resulting proceedings related to the maltreatment incident.

L. Why do I have to report child abuse and neglect to the institution, and what will happen to that information?

For professional employees who must report all cases of child abuse and neglect that they suspect in the course of their professional duties, sharing their report with the President's designee for child abuse and neglect reporting is required, as permissible, by State law. For all other members of the campus community, the SU policy requires this if they have suspicion of child abuse or neglect.

The President has named a the Director of the Counseling Center to receive these reports. The designee will keep all reports confidential and will act on them only to assist child protective authorities in their investigations or to respond to ensure campus safety if the incident actually implicated institution activities or persons associated with the institution (e.g., if an institution employee is found to have committed child abuse, or if abuse occurred in connection with an on-campus summer camp). Otherwise, the report will be kept securely and confidentially and not shared with anyone.

M. What if a student discloses an incident of child abuse, but does not state where it took place. Where should I report that incident?

Reports of child abuse or neglect are to be reported to the local Child Protective Services agency or the appropriate law enforcement agency where the abuse took place. If the location is unknown, report to Child Protective Services in the locality where the disclosure was made and follow their instructions.

N. What if a child in another country makes a disclosure of child abuse to a University employee or student during an education abroad experience?

If an employee or student of the University is working in another country and learns of child abuse or neglect from a child in that country, the employee must report to law enforcement or the social service agency in the locality where the disclosure was made.

III. Reporting Past Child Abuse or Neglect Disclosed by an Adult Victim

A. What about past child abuse reported by an adult?

Reasonable suspicion of child abuse is to be reported even if the alleged abuse occurred in the past and the victim is now an adult. This requirement was clarified in an official Opinion of the Attorney General, 78 Op. Att'y Gen189 (1993), and is applicable to employees and other members of the USM community.

B. Why must I report an incident of past abuse, when the victim is now an adult?

The intent of the law is to protect all children who are subjected to or who may be vulnerable to abuse or neglect. As the Attorney General's Opinion explains, "Even if one

particular victim of abuse or neglect is now an adult . . . others who are still children might continue to be at risk and in need of child protective services.” The Opinion also points out that the criminal prosecution of a child abuser still can take place years after the abuse was committed, and that adult victims may still benefit from services to address the effects of past child abuse or neglect.

C. What if the adult victim does not want me to report?

Maryland law requires that you make a report whenever there is reasonable suspicion of child abuse, even if the abuse occurred in the past and the person is now an adult. If the individual does not want you to report, you may explain that you are mandated by law to report in an effort to protect children who may be at risk. In this situation, explain the victim’s concerns when making the report.

D. What if the adult victim pleads with me not to make a report out of fear that she/he will be cut off financially and/or shunned by his/her family if the incident is investigated?

Cases of past child abuse or neglect in which a victim fears retaliation and/or disownment by family members is always complicated. In such cases, allegations of child abuse or neglect must be reported to authorities. It is strongly recommended that oral and written reports include details about the family and concerns of the victim pertaining to any cultural values or belief systems that might compromise the safety and security of the victim. The USM reporting form also includes a section for you to explain to child protective authorities any concerns that the victim has expressed or you otherwise may have in connection with filing the report.

E. What if the individual informs me that he/she was abused as a child and it was investigated and resolved through the courts years ago? Do I report again?

You are obligated to report even if the individual discloses that the case was previously heard in court. The child protective authorities will take responsibility for checking information at their disposal regarding their past investigations and the resulting outcomes to prevent duplicative investigations.

IV. Disclosures in Higher Educational Settings

A. Can you give examples of persons and positions typically found on higher education campuses that have the type of care giving responsibility (a “person who has permanent or temporary care or custody or responsibility for supervision of a child”) that could fall within the definition of child abuse?

In addition to students who begin their college matriculation before the age of eighteen (18), young children are frequently engaged in a variety of activities on university and college campuses, including preschool, summer academic and athletic camps, daycare,

academic instruction, counseling and other therapeutic services, etc. In these situations, children are in the custody of coaches, teachers, camp counselors, resident assistants, police officers, or professional counselors, and you should regard them as caregivers who are responsible for the care and supervision of children for reporting purposes.

B. What if an essay submitted by an applicant for admission includes a vague statement that suggests the applicant was “abused” as a child, but doesn’t give any information about nature of the conduct or the alleged abuser?

In general, an essay that makes reference to “abuse” but provides no further information does not rise to the level of reporting to authorities. The word “abuse” refers to a wide range of behaviors (e.g., bullying, verbal abuse, a spanking that leaves no injury) that may not constitute child abuse; and the “abuser” is not identified and could be among a range of individuals who are not in the caregiver capacity (e.g., a friend, classmate, neighbor, or stranger). Unless there is something more about the child’s admission application that leads you to suspect actual child abuse, you are not required to report.

Conversely, if the applicant writes, “I was raped as a child by my stepfather,” this statement obviously triggers the reporting requirement.

C. What if a student turns in a creative writing assignment that describes a vivid incident of child neglect and does not indicate that it is at all autobiographical?

In writing assignments in which there are descriptions of child abuse or neglect, you must determine whether you have reason to believe that child abuse or neglect actually occurred. If you do not have “reason to believe” that the account is factual, then there is no obligation to make a report. However, even if you have just a “gut feeling” that the student is describing events that actually occurred, you are encouraged to report.

D. What if a student turns in an assignment, stating that a “friend” was abused by a relative, without specific information to identify the friend?

Based on the information provided, you should report if the account gives you “reason to believe” that the abuse occurred and you have other information that would allow child protective services to investigate further, such as:

- 1) the identity or a clear description of the person who caused the abuse or neglect;
- 2) other information about the victim;
- 3) the nature, location and extent of the abuse or neglect.

If at least some of this information is not provided, the information is insufficient to require reporting. Again, however, you may still make a report if the information provided gives you reason to believe that child abuse occurred. In this situation, child

protective authorities would then weigh the circumstances to determine whether to contact the student who disclosed the friend's abuse for additional information.

E. Our campuses sponsor events, such as "Take Back the Night," where students and others are encouraged to describe past experiences of abuse, assault or harassment. Do the reporting requirements apply at such an event, where students have an expectation that they should be able to speak candidly and without repercussions?

Reporting requirements may apply at these events if a speaker's disclosure creates "reason to believe" child abuse actually occurred and there is sufficient information to prompt a report. Planners of these events may want to inform participants that there is an obligation to report detailed disclosures of past child abuse and neglect in their promotional materials and/or at the beginning of the event.

F. What if a young woman, whom I do not know, emerges from the crowd at a campus event and describes past child abuse but does not identify herself at all?

Event sponsors do not have an obligation to report if the speaker does not identify herself, or provide sufficient information about the abuse or the abuser for child protective authorities to take any action in response. However, for example, if the individual describes past child sexual abuse that involved his/her high school science teacher and provides identifying information about the school and/or the teacher, you must report. Such a report would give child protective authorities sufficient information to investigate further and, most importantly, to determine if any children currently may be at risk of abuse.

G. At such an event or in a classroom setting, does everyone present who hears a disclosure of abuse have an independent obligation to report it?

In settings where many people are present during a disclosure of child abuse or neglect, only one report must be made. The USM expects that the event's sponsors and/or supervisors will take responsibility for making a report under these circumstances.

These FAQs were adapted from materials provided by a USM work group assisting with policy implementation. If you have questions or concerns about your obligation to report child abuse or neglect that are not answered in the SU policy, the institution's procedures or this FAQ, please feel free to contact the SU designee for reporting child abuse and neglect, Dr. Kathleen Scott, for assistance.

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