



Protecting Children & Supporting Families: Exploring Professional Responses to Child Neglect

Kathryn S. Krase, PhD, JD, MSW

Krase Consulting

Making the Tough Call

kathryn@kraseconsulting.com

Session Description

This session will explore the legal and ethical obligations of professional reporters, especially as they relate to the concept of child neglect.

Various types of child neglect, including physical neglect, medical neglect and educational neglect will be explored, along with a significant conversation around parental supervision and the use of corporal punishment.

Session Objectives

1. Participants will define child neglect.
2. Participants will explain differences between types of child neglect.
3. Participants will understand considerations for determining when making a report to child protective services is required by law.
4. Participants will identify the ethical/ moral and legal conundrums implicated in evaluating cases for child neglect.
5. Participants will apply a framework to guide their process for deciding whether to make a report of child neglect.

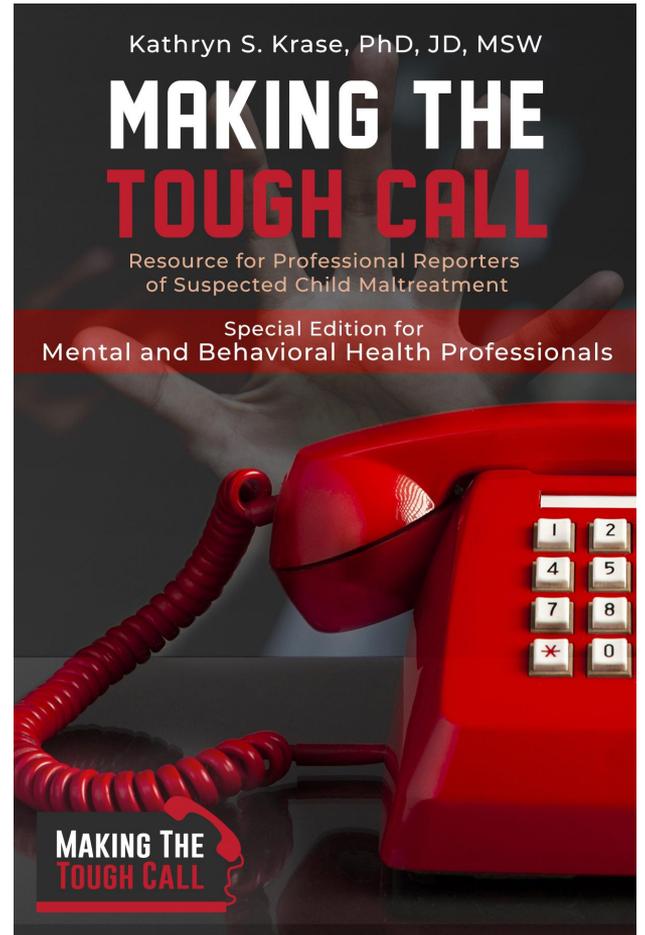
Introductions

Who are YOU?

Who Am I?

- Professional Experience
- Owning my privilege
- Acknowledging my positionality

Why We're Here?



Ethical Implications

- **Broad Standard Ethical Principles:**
 - Beneficence
 - Non-Maleficence
 - Autonomy/Self-Determination
 - Justice
- ***Ethical Dilemmas happen when there is conflict between ethical principles***

Legal Implications

- Legal **responsibilities**
 - As professionals
 - as “mandated reporters”
- Legal **protections** as “mandated reporters”
- Legal conundrums happen when you’re not sure legal requirements are appropriate or ethical

Child Neglect

Child Neglect in Context

Reports of child neglect make up more than $\frac{3}{4}$ of reports made to child protective services (CPS)

- 6 times more than reports of sexual abuse
- 5 times more than reports of physical abuse.
- Racial disproportionality

Neglect reports are least likely to be substantiated after investigation.

- Reporters struggle with appropriately identifying and reporting neglect.

Ethical dilemmas & legal conundrums

Defining Child Neglect

Frequently defined as the **failure** of a **parent or other person** with responsibility for the child to provide needed **food, clothing, shelter, medical care**, or **supervision** to the degree that the **child's health, safety, and well-being** are **threatened with harm**.

Most generally:

- Parental failure to meet child's basic needs (physical neglect), or
- Parental failure to provide adequate level of care

- Omission, rather than commission
- Often no "physical evidence"
- Consequences can be physical, mental or emotional

Considerations:

Intent, Impact, Imminent Risk

- Intent of parent
- Impact of neglect on child: “Impairment”
- When is **risk** of harm neglect? “Imminent Impairment”

Considerations:

Poverty

- **Poverty:**
 - Increase in Family/Parental Stress
 - Increased likelihood of being reported
 - Increased access to mandated reporters
 - Judgment
 - Legal Recognition: “although financially able to do so or although offered financial or other reasonable means to do so

Considerations:

Mental Health, Substance Use

Virtually All Parents Want the Best for their Children

- **Mental Health**
- **Substance Use Disorders**

Types of Child Neglect

- Physical Neglect
- Medical Neglect
- Educational Neglect
- Inadequate Supervision
- Corporal Punishment

Physical Neglect

Inadequate

- Food
- Shelter
- Clothing

Considerations for Physical Neglect

- What is “adequate”?
- Parental Intent
- Poverty

Examples of Physical Neglect

- Food
- Shelter
- Clothing

Medical Neglect

Failure to provide
“adequate and
appropriate” medical
care to a child

Considerations for Medical Neglect

- “Adequate” and “appropriate”
- Poverty exception
- Religious beliefs

Examples of Medical Neglect

- Missing appointments
- Refusing Care
 - Parens Patriae

Educational Neglect

Failure to enroll school
age child in school/
provide appropriate
home-schooling

Considerations for Educational Neglect

How Many Years Is School Attendance Required?



7 STATES: Alaska, Idaho, Montana, North Carolina, North Dakota, Pennsylvania, Wyoming



12 STATES: Arizona, Florida, Georgia, Iowa, Maine, Massachusetts, Minnesota, Missouri, New Jersey, New York, Vermont, Washington



10 STATES: Alabama, Colorado, Delaware, Illinois, Indiana, Kansas, Louisiana, Mississippi, Nevada, West Virginia



12 STATES: California, Kentucky, Michigan, Nebraska, New Hampshire, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Utah, Wisconsin



10 STATES: Arkansas, Connecticut, District of Columbia, Hawaii, Maryland, New Mexico, Oklahoma, Rhode Island, Texas, Virginia

Examples of Educational Neglect

- Impact of mental health/substance use disorders
- “Allowing” chronic truancy

Inadequate Supervision

- Leaving child alone, inappropriately
- Not protecting a child from risky/harmful behaviors
 - Abandonment

Considerations for Inadequate Supervision

- “Appropriately”
- Age that child is left alone?
- Maturity of child
- Purpose/intent
- Examples

Corporal Punishment

Deliberate infliction of pain intended to discipline or reform a wrongdoer or change a person's behavior

Corporal Punishment: Discipline or Maltreatment

Legal (for parents) in all 50 states

- Still legal for schools (with parental permission) in 21 states
- International movement to make completely illegal
 - 25 countries
- Research generally shows ineffectiveness
- Cultural considerations

Corporal Punishment: Discipline or Maltreatment

When is Corporal Punishment “Abusive”?

- When injury is caused, or likely to be caused
- “Excessive Corporal Punishment”

**Now
that you know
what NEGLECT
is...**

**...how do you know
what to do when you
have concerns?**

Original Intent: Reporting Neglect

- Original framers of mandated reporting law wanted to ALLOW reports of neglect, but NOT REQUIRE THEM
- Why?
 - Subjective definitions
 - Social distance of reporters
 - Concerns for social and racial justice
 - Allow for choice to maximize opportunity for helpful interventions
- HOWEVER, neglect reports are MANDATED

Framework for Decision-Making

- Do you have reason to believe maltreatment might be occurring, has occurred, or is imminent?
- Does maltreatment meet legal definition?
- Does your suspicion meet legal threshold?
- Checking your lens, privileges and biases
 - Would someone with similar knowledge/information feel the same?
 - Consult with Supervisors and/or Colleagues

When to Make a Report...

When you are required to do so...

Mandated Reporters are **REQUIRED BY LAW** report to CPS when they have a specific level of suspicion

- Common level of suspicion: “Reasonable Suspicion”
 - Based on what observed or told...
 - Explanations inconsistent with observations and/or knowledge
 - Combined with training and experience...
 - Feel harm/imminent danger of harm could be the result of an act or omission by the person legally responsible for the child
 - Use supervision/colleagues

When NOT to Report...

When you are NOT REQUIRED to make the report, what are your other options?

- If a child has not suffered harm, but there is perceived RISK of harm, what can you do?

ADDRESS RISK THROUGH PROFESSIONAL PRACTICE

What to Do if You Make a Report of Neglect?

- Should you tell a client before you make report?
- Should you tell a client after you make the report?
- Should you tell a client at all?

What to Do if You Make a Report of Neglect?

- Working with CPS after a report
 - Follow-up as required by state law
 - Follow-up if appropriate to your role with client

What to do if you don't make a report?

- Document your decision making
- Work to minimize risk of harm

A family you are working with has one 5-year old child. The child is healthy, but after significant experiences with illness and death in the family, the parents are extremely worried the child will contract a disease. As a result, they don't allow the child to attend school, or socialize with other children.

Testing Your Skills

Vignette 1

- Concerns?
- Ethical principles?
- What do you do?

A parent comes to pick up their children from your agency in their car. They seem intoxicated. You detect alcohol on their breath, and they stagger when they walk. The parent is agitated with your staff when the children are not made ready to leave fast enough.

Testing Your Skills

Vignette 2

- Concerns?
- Ethical principles?
- What do you do?

Thank you! Questions?

Kathryn S. Krase, Ph.D., J.D., M.S.W.

www.makingthetoughcall.info

ask@makingthetoughcall.info

Follow on Facebook, Twitter, LinkedIn