

Working with Minors - CPS

Steve Berry, LCSW-C
In-Home Services Manager
MD Social Services Administration
410 767-7018
sberry@dhr.state.md.us

Goals of CPS

- Promptly investigate reports of child abuse and neglect.
- Determine what services or plans for care are required to protect a child.
- Initiate serves as appropriate to:
 - Promote safety, reduce future risk, remedy past abuse.
- Maintain accurate reports and records.

What is Child Abuse?

Four Main Categories
(Definitions found in Family
Law §5-701)

- Physical Abuse
- Sexual Abuse
- Neglect
- Mental Injury



Physical Abuse
(Criteria Required)

- Child (under 18yrs)
- Injury
 - Does not have to be current or visible
- Parent, Guardian, Caretaker, or Household Member
 - Regular Visitor
- Harm or Substantial Risk of Harm
 - Child terrified or subsequently cannot sit down

Important Court Decisions

- Appellate case decision which impacted Social Service practice.
- Charles Co. DSS v. Vann (2004)
 - Speaks to reasonable corporal punishment

Physical Abuse-
(criteria continued)

- Corporal Punishment (Yes or No?)
 - Was it reasonable?
 - Reasonable must consider child's developmental stage and age.
 - Only parents and stepparents can use corporal punishment.
 - If reasonable, than it was not abuse.

Indicators of Physical Abuse

- Spanking
- Hitting
- Choking
- Injury that does not seem likely to have resulted from normal activity
- Grab marks
- Injuries
- Bruises
- Welts
- Burns
 - Cigarette, iron, impression of other instruments
- Human bite marks

Sexual Abuse- Criteria



- Child -Under 18 years
- Molestation or sexually exploited
- Caretaker or Household Member

Sexual Abuse – further clarification

- Any act or acts involving molestation or exploitation but not limited to incest, rape, carnal knowledge, sodomy, or unnatural or perverted sexual practices of a child (SEXUAL OFFENSE IN ANY DEGREE).
- Any form of sexual gratification- child may have been forced to view pornography.

Sexual Offenses – 1st Degree Rape

- Vaginal intercourse, force or threat of force
- Against the will or without consent; and
- Dangerous or deadly weapon or
- Inflicts suffocation, disfigurement or serious injury or
- Threatens victim or others know to the victim or
- Involves others in the act.
- Enhanced penalty if victim is under 13 and perpetrator is 18 or older

2nd Degree rape

- Vaginal intercourse, with force or threat of force
- Against the will or without consent
- OR, With or without force or with consent if
- Victim is mentally defective, mentally incapacitated, physically helpless or
- Victim is under 14 and the perpetrator is 4+ years older

1st Degree Sexual Offense

- Sexual act with force or threat of force (excludes vaginal intercourse)
- Against the will or without consent AND
- Dangerous or deadly weapon or
- Inflicts suffocation, disfigurement or serious injury or
- Threatens victim or others known to the victim
- Enhanced penalty if victim is under 13 and perpetrator is 18 or older

2nd Degree Sexual Offense

- Sexual act, with force or threat of force
- Against the will or without consent or
- Victim is mentally defective, mentally incapacitated, physically helpless or
- Victim is under 14 and perpetrator is 4+ years older
- Enhanced penalty if victim is under 13 and the perpetrator is 18 or older

3rd Degree Sexual Offense

- Sexual contact, force or threat of force
- Against the will or without consent AND
- Dangerous weapon or
- Inflicts suffocation, disfigurement, or serious injury or
- Threatens victim or others know to the victim.
- Perpetrator involves others

3rd Degree Continued

- Sexual contact with victim who is mentally defective, mentally incapacitated, physically helpless or
- Victim is under 14 and perpetrator is 4 or more years older or
- Perpetrator engaged victim in sexual act or vaginal intercourse who is 14 or 15 and the perpetrator is at least 21 years of age

4th Degree Sexual Offense

- Sexual contact without aggravating factors in 3rd degree or
- Perpetrator engages victim in sexual act or vaginal intercourse and victim is 14 or 15 and perpetrator is 4 or more years older but not yet 21 or
- Perpetrator is a person in authority who engaged in a sexual act or sexual contact with a minor

Physical Indicators of Sexual Abuse

- Difficulty and/or pain sitting or walking
- Symptoms of STIs
- Injury to the genital area
- Inappropriate or promiscuous behavior or verbalization
- Inappropriate knowledge of sexual relations

Behavioral Indicators

- Unusual sexual behavior
- Nightmares
- Poor peer relations
- Few social skills
- Extremely isolated
- Runaway

Adults Sexually Abused as a Child

- An adult can report being abused as a child.
- The issue of concern would be whether or not there are children vulnerable to the alleged maltreater— not the investigation of past abuse.



Statute of Limitations

- There is no statute of limitation for reporting or investigating sexual abuse or physical abuse.

Neglect- Criteria



- Child Under 18yrs
- Failure to provide proper care and attention
- Caretaker or Guardian
- Harm or Substantial Risk of Harm

Typical Forms of Neglect

- Lack of supervision
- Unattended children
- Lack of medical or dental attention
- Lack of Nutrition
- Abandonment
- Environmental Issues
- Neglect has included the provision of bad care or bad decision making
- Failure to get child to school
- Act of omission or commission

Unattended Children

- Family Law §5-701
- Only takes chronological age into consideration
- Defines neglect as leaving a child under 18 yrs unattended under circumstances that harm the child or place the child at risk of harm.



Unattended Child - continued

- Second law of Family Law §5-801- offers more concrete guidance on when it is permissible to leave a child unattended.
- It is unlawful to leave a child under 8 yrs unattended unless there is a responsible person 13 yrs or older present.

Unattended Child- Guidelines and Considerations

- There must be no emotional, medical or behavioral problems which affect judgment or decision-making.
- Child must be comfortable being alone.
- Safety plan must be in place (ie: telephone numbers, what to do in an emergency).
- Will the child follow the established plan?

Mental Injury- Criteria



- Observable
- Identifiable
- Substantial impairment of a child's mental or psychological ability to function.

Assessing Mental Injury



- 2 assessments must be completed by any of the following licensed professionals
- Licensed Physician
- Licensed Psychologist
- Licensed Social Worker

Reporting Requirements
Mandated Reporters – Family
Law § 5-704

- Health practitioners, Police Officers, Educators, Human Service Workers
- Acting in professional capacity
- Jurisdiction where event allegedly occurred
- Notify head of institution or designee
- Penalties for failure to report

Mandated Reporters – Con't

- Written report within 48 hours
- Notify LDSS of suspected neglect
- Notify LDSS or Law Enforcement of suspected abuse

Reporting Requirements – Con't

- All in General –
- Individuals who have reason to believe
- Notify LDSS of suspected neglect
- Notify LDSS or Law Enforcement of suspected abuse
- No penalty, encourages individuals to report

Child Protective Service Findings

- Indicated
- Unsubstantiated
- Ruled Out

Timelines

- Investigation of allegations of physical abuse or sexual abuse- must be initiated within 24 hours of the receipt of the allegation.
- Neglect or mental injury allegations must be initiated within 5 days of the receipt of the allegation.
