Department of Justice
Federal Bureau of Investigation

When You Suspect Child Abuse or Neglect

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The FBI wants to ensure that all employees act responsibly when they have cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by child abuse or neglect. It should not matter if the suspected abuse involves a family member, fellow employee, neighbor, friend, acquaintance, or stranger. As individuals and employees of an agency charged with protecting the safety of the public, including its most vulnerable members, we each have the moral responsibility, and at times the legal duty, to take the necessary actions in protecting children. The impact of abuse and neglect on children is often severe

and long lasting and may include depression, poor school performance and dropping out, substance abuse, running away, exploitation, self mutilation, suicide, delinquency and adult criminality. Over 1,500 children die every year from abuse and neglect and most are under four years of age. In almost every case, the child's situation was known to family members, neighbors, or others. The intervention of one caring individual can literally save the life of a child.

Your Legal Obligation

All states and the District of Columbia have laws about reporting child abuse and neglect to state or local officials. Reports are generally made to the local or state child protective services agency by calling a child abuse reporting hotline. It is important that FBI employees know the reporting requirements in their state and local jurisdiction. Most federal and state child protection laws address harm to a child caused by parents or other caregivers. These laws generally do not include harm caused by other people, such as acquaintances or strangers that should be reported to law enforcement. The Chief Division Counsel and the Victim Specialist in each field office are familiar with the applicable requirements and can provide information and guidance.

Children are defined in federal and state law as being under the age of 18. The law does not require an individual to be certain that a child has been abused or neglected before reporting, only to have a good faith reason for suspecting and reporting it.

State and federal laws include a list of professionals who are considered "mandatory reporters" who must report suspected child abuse and neglect within a particular time

frame. Some states require **all** adult citizens to report suspected child abuse and neglect. Mandatory reporters usually include all teachers, day care workers, school bus drivers, doctors and nurses, mental health providers, social workers, victim services providers, law enforcement officers, and prosecutors. Failure to report suspected child abuse or neglect may be, depending on the circumstances, either a misdemeanor or felony criminal offense. If you are considered a mandatory reporter in your state, reporting suspected child abuse to your employer will NOT satisfy your obligation under the law. You must report suspected child abuse to the statutorily designated, appropriate authorities such as a law enforcement agency or child protection agency. Agency and company policies cannot conflict with or supercede the law requiring you to report child abuse to a law enforcement agency or child protection agency. Professionals whose personal communications may otherwise be privileged or confidential are required without exception to report child abuse.

If you encounter or have reason to suspect child abuse in the course of your work on an FBI investigation, there are special procedures for handling the reports. These procedures, and general information about reporting suspected abuse, can be found in Appendix K of the Domestic Investigations and Operations Guide (DIOG), or the OVA Intranet web page (link). Consult your Chief Division Counsel (CDC), the Office of the General Counsel (OGC) attorney, or the Office for Victim Assistance for guidance on the law and FBI policy.

Your Legal Protection

Your report of suspected or known child abuse or neglect is confidential and immune from civil or criminal liability as long as the report is made in good faith. "Good Faith" generally means that the person making the report had

reason to believe a child was being abused or neglected, took reasonable steps to learn facts that were readily available, and did not intend to injure or violate the rights of another person. An individual who reports in good faith will also be immune from liability if asked to participate in any judicial proceedings that might result from his or her report.

If You Have Reason to Believe that a Child is being, or has been, Abused

DO NOT confront the abuser. **DO** report your reasonable suspicions. However, if you are witnessing a child being abused, do what you can to safely stop the abuse (e.g., call 911) and safeguard the child until authorities arrive.

Even if your report does not bring decisive action, it may help establish a pattern that will eventually be enough to help the child.

The signs of abuse described below do not by themselves necessarily indicate abuse. You might talk to the child a little to see if there is a simple or innocent explanation for what you have observed but do not overwhelm the child with questions. It is not up to you to determine whether your suspicions are true or not. A trained investigator will evaluate the child's situation.

You Should Suspect Physical Abuse

When you see . . .

- Frequent injuries such as bruises, cuts, black eyes or burns, especially when the child cannot adequately explain their causes
- Burns or bruises in an unusual pattern that may indicate the use of an instrument or a human bite; ligature marks on the wrists/ankles or gag marks on the side of the mouth

- Cigarette burns on any part of a child's body; unusual patterns of scalding (glove or sock patterns on hands or feet)
- Injuries that are unusual for the child's age (fractures in a child under age 4)
- Defensive injuries on backs of arms and hands
- Frequent complaints of pain without obvious injury, which may indicate internal injuries or injuries covered by clothing
- Aggressive, disruptive and destructive behavior
- Lack of reaction to pain
- Passive, withdrawn, emotionless behavior
- Fear of going home or seeing parents, family members or others who know the child
- Injuries that appear after the child has not been seen for several days
- Unseasonable clothes hiding injuries to arms or legs

Physical discipline, such as spanking or paddling, is not considered abuse as long as it is reasonable and does not cause harm or injury and does not expose the child to substantial harm or injury. Punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting, and burning are considered to be abuse, not reasonable discipline.

You Should Suspect Neglect

When you see. . .

- Obvious malnourishment
- A child who is consistently dirty or has torn and/or dirty clothes and has severe body odor

- Obvious fatigue and listlessness
- A child unattended for long periods of time
- Need for glasses, dental care or other medical attention
- Stealing or begging for food
- Frequent absence or tardiness from school
- Lack of sufficient clothing for the weather

You Should Suspect Sexual Abuse

When you see. . .

- Difficulty in sitting or walking
- Sudden changes in behavior or school performance
- Sudden change in appetite
- Refusal to change for gym or to participate in physical activities
- Extreme fear of being alone with adults, especially if of a particular gender
- Sexually suggestive, age inappropriate or promiscuous behavior
- Sudden reporting of nightmares or bed-wetting
- Knowledge about sexual relations beyond what is appropriate for the child's age
- Sexual victimization of other children
- Complaints of painful urination
- Pregnancy or venereal disease, particularly if under age 14

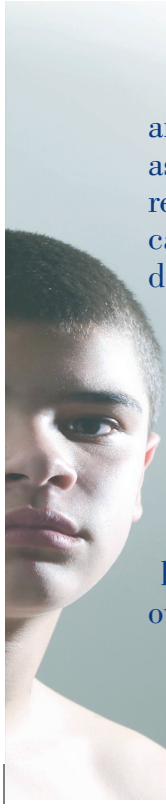
Sexual abuse may involve fondling, lewd and lascivious behavior, intercourse, sodomy, oral copulation, penetration

of a genital or anal opening, child pornography, child prostitution, or any other sexual conduct that is harmful to a child's mental, emotional, and physical welfare. These acts may be forced upon the child, or the child may be coaxed, seduced, and persuaded to cooperate. A child, however, cannot legally consent to such acts. The absence of force or other discernable coercion does not diminish the abusive nature of the conduct, but it may cause the child to feel responsible for what occurred.

When a Child Discloses

If you are the first person the child tells about sexual abuse, your testimony as an "outcry witness" may be especially important in future legal proceedings. What you say the child told you is not considered hearsay evidence in most states but is admissible evidence in a trial involving a sexual offense against a child. This exception generally applies only to the first person the child approaches.

Emotional Injury



The law recognizes both physical and emotional injury. An angry parent who physically assaults their child is likely to assault them verbally, too. Emotional injury is a common result of all types of abuse and neglect. Emotional injury can be subtle and harder to prove, yet it can be just as devastating and lead to some of the most costly and long term effects on children: substance abuse, crime, suicide, and perpetuation of violence within families. Emotional abuse can involve constant blaming, berating, and belittling of a child, extremely unpredictable responses and unreasonable demands, and emotional deprivation when a parent withholds or withdraws affection, attention, and approval. Emotionally injured children may withdraw and become depressed or apathetic, attempt suicide, become overly compliant and fearful about not exactly following

instructions, or act out in negative ways to get attention. A child's behavior problems may be a fulfillment of the negative labels ("worthless" or "no good") the abuser has applied to the child.

You are Legally Responsible for the Safety of Your Own Child

Sometimes abusers are close relatives, but the fact that the abuser is a parent or other family member does not remove your obligation to protect the child. If you permit your child to be in a situation where you knew, or should have known, he or she would be willfully, recklessly or negligently injured, you may be prosecuted for child abuse or neglect.

If you are frightened for your own safety or that of your child, call 911, the local child abuse hotline, or a domestic violence hotline.

You are legally responsible for the care of your child. You must either provide your child with safe and adequate food, clothing, shelter, protection, medical care and supervision or arrange for someone else to provide these basic necessities. Failure to do so may be considered neglect.

If you are uneasy about your own behavior toward your child, you can contact the Employee Assistance Unit. Parents Anonymous is a non-profit organization that provides support and training on parenting and coping with stress, and can be contacted through their toll-free hotline at: (800)554-2323.

For additional information

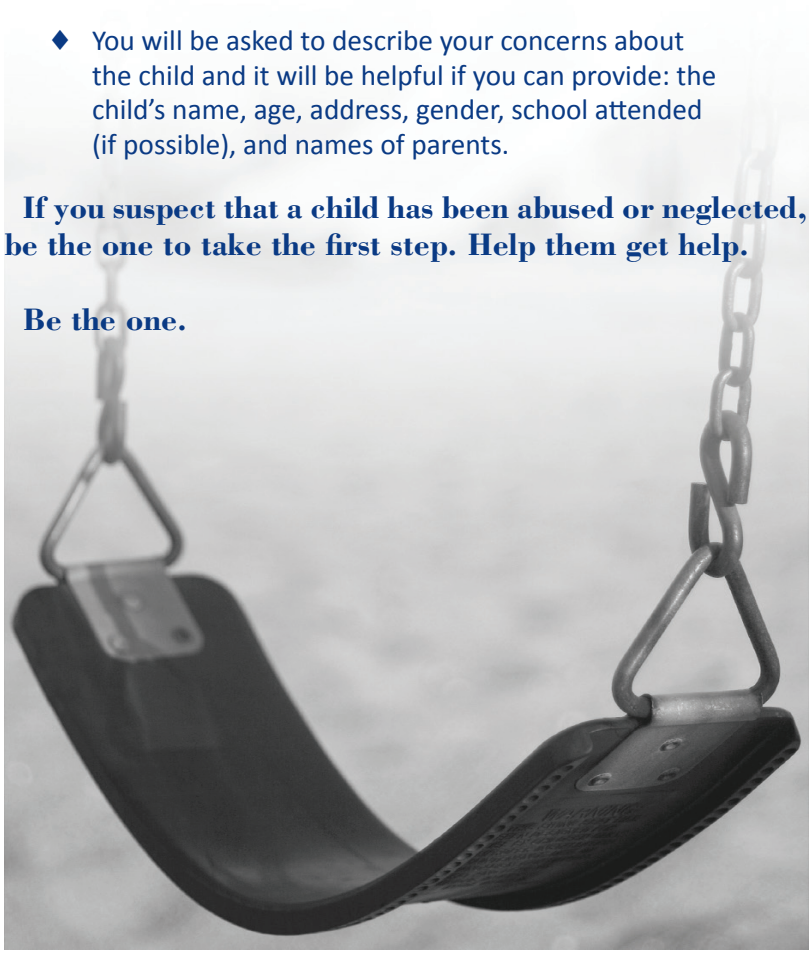
Contact the CDC and Victim Specialist in your office. You can also contact the Office of General Counsel, the Office for Victim Assistance or the Violent Crimes Against Children Section at Headquarters.

Remember ....

- Suspicion of abuse is all that is necessary to file a report
- Your information can be given anonymously
- You will be asked to describe your concerns about the child and it will be helpful if you can provide: the child's name, age, address, gender, school attended (if possible), and names of parents.

If you suspect that a child has been abused or neglected, be the one to take the first step. Help them get help.

Be the one.



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FBI OFFICE FOR
VICTIM ASSISTANCE
PHONE: 866-828-5320
FAX NUMBER 202324-1311
J. EDGAR HOOVER BUILDING
ROOM 3329
WASHINGTON D.C. 20535

Preparation of this brochure was supported in part by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings and conclusions expressed in this brochure are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.