

## How to Identify and Report Child Abuse and Neglect in Delaware

The following presentation was developed by the Department of Services for Children, Youth and Their Families in partnership with representatives from the Child Protection Accountability Commission.

It is designed for teachers and staff in educational settings, and satisfies the requirement for a yearly 1 hour training in the detection and reporting of child abuse, which is required for all full-time public school teachers per Delaware Code (per 14 Del. C. § 4123(a)).

This training is also appropriate for Department of Education staff, Driver's education instructors hired in private schools and teachers from the Early Childhood Assistance Program or Parents as Teachers.



This training is divided into four parts.

Part one will cover Delaware's Mandatory Reporting laws

Part two will focus on how to report and what you can expect upon making a report

In part three, we will review definitions for the various types of maltreatment, specifically physical abuse and neglect.

In part four, we will discuss sexual abuse, emotional maltreatment and dependency.

After each module you will need to complete a short quiz before proceeding to the next module. When you have completed all four training modules, you will be directed to complete the training evaluation.


**Training Objectives**

- Describe the reporting law and reporting procedure for the State of Delaware.
- Use Minimal Fact Questions when indicators are observed and/or a disclosure is made.
- Respond appropriately when children disclose allegations of abuse or neglect.
- Identify what information you can expect upon making a report to the Child Abuse and Neglect Report Line.
- Acquire a basic understanding of the **civil and criminal** definitions **in statute** for the various types of child maltreatment.
- Recognize the relationship between physical and behavioral indicators and suspicion of child abuse and neglect.

3

This training will help you meet the following objectives:

- Describe the reporting law and reporting procedure for the State of Delaware.
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- Respond appropriately when children disclose allegations of abuse or neglect.
- Identify what information *you* can expect upon making a report to the Child Abuse and Neglect Report Line.
- Acquire a basic understanding of the **civil and criminal** definitions **in statute** for the various types of child maltreatment.
- Recognize the relationship between physical and behavioral indicators and suspicion of child abuse and neglect.



## Delaware's Mandatory Reporting Law

“Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title...”

16 Del. C. § 903 4

Now, let's discuss the mandatory reporting law and penalties for failing to report. In Delaware all persons are required to report suspicions of child abuse, neglect and dependency. The law was most recently amended in 2010 to make clear that this includes agencies, organizations and entities.

When you have reasonable suspicion of child abuse, neglect or dependency, call the Division of Family Services (DFS) Child Abuse and Neglect Report Line at 1-800-292-9582 . You can also make a report online at [Iseethesigns.org](http://Iseethesigns.org).

It is not your responsibility to confirm or investigate the allegations prior to making a report. Your duty is to report any reasonable suspicion you may have that a child is being abused, neglected, or is dependent.

**Penalties For Failing To Report**

**There is a penalty for not reporting.**

16 Del. C. § 914. Penalty for violation.

- a) Whoever violates §903 of this title shall be liable for a civil penalty not to exceed **\$10,000** for the first violation, and not to exceed **\$50,000** for any subsequent violation.
- b) In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees.

5

Delaware law provides immunity for persons who in good faith report reasonable suspicions of abuse, neglect, or dependency under the reporting law. The term “**good faith**” refers to the assumption that the reporter, to the best of his or her knowledge, had reason to believe that the child in question was being subjected to abuse or neglect or was a dependent child.

Additionally, nearly every state imposes penalties on mandatory reporters who fail to report suspected child abuse or neglect as required by law. Delaware’s penalty for violation was changed from a criminal penalty to a civil penalty. The civil penalty for persons or entities who fail to report child abuse is not to exceed \$10,000 for the first violation, or \$50,000 for subsequent violations.

Persons, agencies, organizations and entities will be referred to the Department of Justice for investigation if they fail to make mandatory reports of child abuse or neglect.

**Case Scenario**

A student discloses to his teacher that his mother slapped him several times in the face last night. The teacher observes a handprint impression on the child's cheek.

What's the **best response**?

- Report incident to the principal.
- Send alleged victim to the nurse.
- Use Minimal Fact Questions to obtain more details.
- Report abuse to the DFS Child Abuse and Neglect Report Line.
- Do nothing.

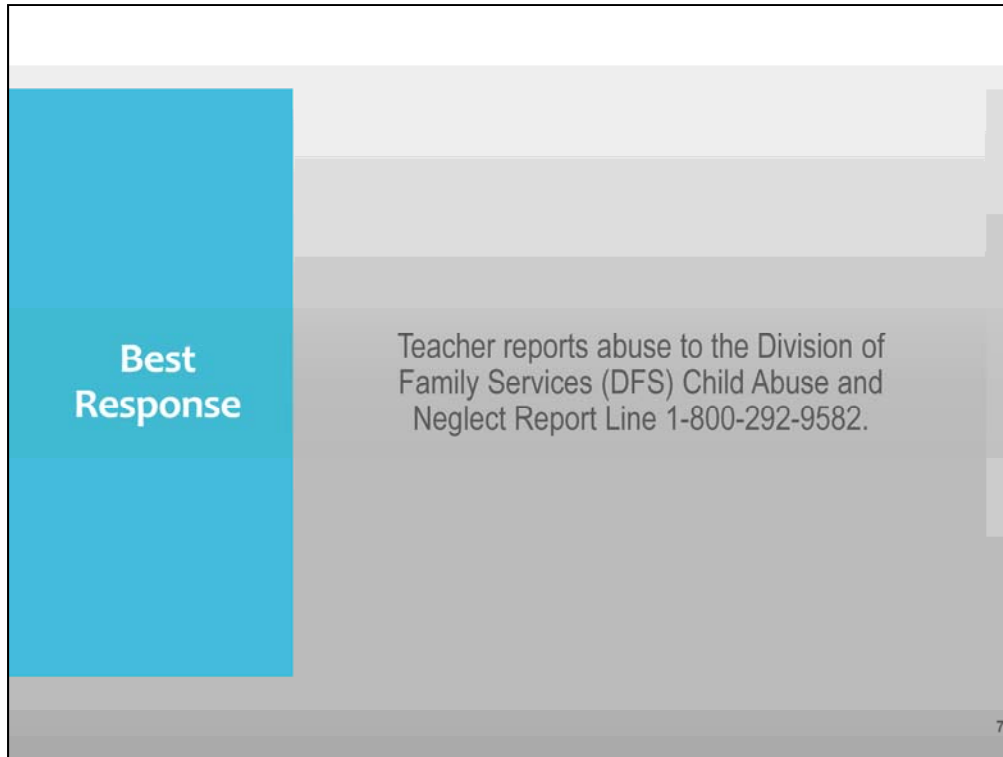
6

Throughout this training, we are going to review case scenarios related to the training objectives. Let's start with the first scenario:

A student discloses to his teacher that his mother slapped him several times in the face last night. The teacher observes a handprint impression on the child's cheek.

What's the **best response**?

- Report incident to the principal.
- Send alleged victim to the nurse.
- Use Minimal Fact Questions to obtain more details.
- Report abuse to the DFS Child Abuse and Neglect Report Line.
- Do nothing.



The best response is for the **teacher** to report the abuse to the DFS Child Abuse and Neglect Report Line.

If the child is sent to the nurse, then the teacher and nurse should make the report together because the teacher has **first-hand knowledge**. The nurse may also have first-hand knowledge. However, the child should not be questioned more than once or beyond the disclosure. In a moment, we will address what information needs to be obtained from the child to make the report.

The incident may also be reported to the principal in compliance with the local school's or district's policy, but this should occur **after** making a call to the Report Line. School officials cannot authorize that a report not be made once a child has disclosed abuse or neglect or when abuse or neglect is suspected.

Finally, doing nothing exposes you to the civil penalties for failure to report as previously discussed.

**Ask Minimal Fact Questions**

If you observe physical or behavioral indicators, ask **Minimal Fact Questions**, such as:

- What happened?
- When did that happen?
- Where did that happen?
- Did you tell anyone what happened?

If the child discloses abuse or neglect, **but does not identify a perpetrator**, ask:

- Who did that to you?

- Write down child's exact words if you must speak to child.
- If the child is unable to communicate, then make the report based on your observations of the physical and/or behavioral indicators.

8

Next, let's discuss how you're going to talk to children when physical or behavioral indicators of abuse or neglect are observed or when a child makes a disclosure of abuse or neglect. For scenarios, in which physical or behavioral indicators are observed but abuse or neglect is not yet suspected, these children should be referred to the appropriate school personnel, such as the nurse or counselor, to ask Minimal Fact Questions.

Minimal Fact Questions include: (1) What happened?; (2) Where did that happen?; (3) When did that happen?; (4) Did you tell anyone what happened?; and (5) Who is/are the alleged perpetrator(s)? After asking what, when and where, if the child discloses abuse or neglect it is okay to ask the question, who did that to you? When is important as it relates to the need (or not) for an immediate medical exam (i.e. evidence collection). Where is helpful in determining appropriate legal jurisdiction so the appropriate police department can be notified. In addition, asking if the child told anyone else what happened assists DFS in corroborating the child's statements and assessing whether anyone else failed to protect the child.

Do not react in a surprised, angry or shocked manner. Avoid why questions and other accusatory statements, such as why did you do that or what did you do wrong. Make sure to write down the child's exact words. If the child is unable to communicate, then make the report based on your observations of the physical and/or behavioral indicators identified on your handout. Also, reassure the child that they are not in trouble with you and that they did not do anything wrong. It's also okay to thank the child and tell the child that it is not his/her fault. Lastly, it's okay to indicate that the child is going to talk to a person whose job it is to help keep children safe.



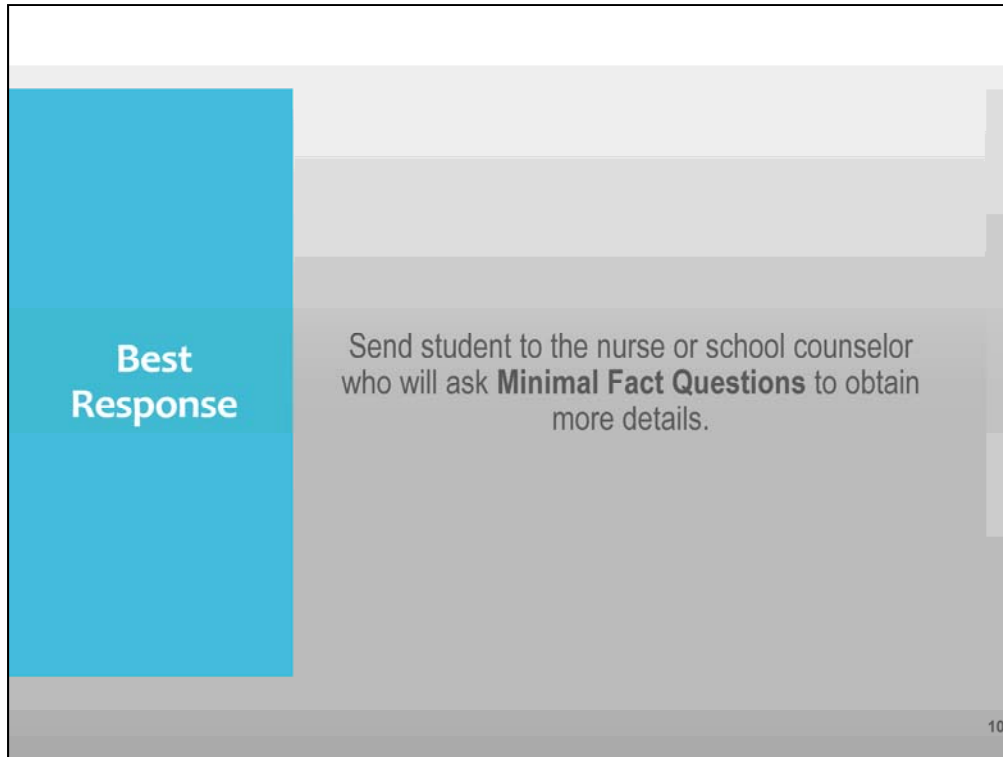
	<p>Over the past few weeks, a teacher observes that a student has been absent several times, appears tired in class and his grades are beginning to fall. Today, the teacher notices minor cuts and bruises on the child's wrists.</p>
<b>Case Scenario</b>	<p>What's the <b>best response</b>?</p> <ul style="list-style-type: none"><li>• Call mother in home.</li><li>• Send student to the nurse or school counselor who will ask Minimal Fact Questions.</li><li>• Report incident to the principal.</li><li>• Report abuse to the DFS Child Abuse and Neglect Report Line.</li><li>• Do nothing.</li></ul>
	9

Let's take a look at another scenario:

Over the past few weeks, a teacher observes that a student has been absent several times, is sleeping in class and his grades are beginning to fall. Today, the teacher notices minor cuts and bruises on the child's wrists.

What's the **best response**?

- Call mother in home.
- Send student to the nurse or school counselor who will ask Minimal Fact Questions.
- Report incident to the principal.
- Report abuse to the DFS Child Abuse and Neglect Report Line.
- Do nothing.



In this case, the teacher has observed several physical and behavioral indicators that warrant additional attention. The indicators could point to issues other than abuse or neglect. Therefore, the best response would be to send the student to the nurse or counselor who will ask **Minimal Fact Questions** to obtain more details. For instance, the nurse may examine the student and ask, “I notice that you have cuts and bruises on your wrists, what happened? OR The counselor may meet with the student and say, “I’ve noticed that over the past few weeks you’ve missed several days of school. Your teacher also tells me that your grades are starting to fall. What can you tell me about that?”

Asking **Minimal Fact Questions** will help the person speaking with the child understand what is going on and determine the appropriate course of action. For example, when questioned about lateness, absence and falling grades, the student may indicate that he/she is being bullied and has lost an interest in school. The school would then take the appropriate action to support the student and address the bullying allegation. However, if the child discloses abuse or neglect the only appropriate course of action is to make an immediate report to the Child Abuse and Neglect Report Line.

After speaking with the child, if you suspect that he/she is a victim of child abuse or neglect based on the noted physical and behavior indicators, make a report to the Report Line even if the child does not disclose. Simply call the Report Line and state your observations and concerns.

**Actions to Avoid**

1. **Do not interview** the child beyond the Minimal Fact Questions.
2. **Do not take pictures** of the injuries.
3. **Do not** ask the child to undress.  
(Exception – medical providers, including school nurse.)
4. **Do not notify the parent/caretaker** you are making a report.

11

Once you have obtained the minimal facts needed to make a report, it is not necessary to ask the child other details about the abuse (e.g. what color was the belt, how many times was the child hit, etc.). Asking more questions about the incident is when you've gone beyond asking the minimal facts. In fact, you have begun to interview the child. As professionals, we must allow only trained interviewers, such as DFS workers, law enforcement personnel or forensic interviewers at the Children's Advocacy Center, to interview child victims of abuse or neglect.

To reduce the trauma to the child, photographs will be taken and interviews will be conducted by a member of the multi-disciplinary team, which includes law enforcement, the Division of Family Services and the Department of Justice. School personnel are not authorized, and have not been trained in the proper procedures to photograph a child's injuries for evidentiary purposes.

Physical assessments of children may be conducted by the school nurse, even for cases in which the school was not the reporter. In these cases, DFS may request the physical assessment upon arrival at the school, but the assessment must take place in the nurse's office.

Once an investigation is initiated by DFS, school employees should not notify the parent or legal guardian about the report, since it may interfere with the investigation or cause recantation, or it may even place the child in jeopardy. DFS and police will notify the parent or caretaker about the allegations.

<h2 style="margin: 0;">Reasons Not To Interview</h2>	<p><b>As It Relates to the Child</b></p>	<p><b>As It Relates to the School</b></p>
	<ul style="list-style-type: none"> <li>• Minimize the number of times a child must recount his or her experience, thereby:             <ul style="list-style-type: none"> <li>• Reducing the child's trauma caused by multiple interviews and avoiding re-victimization.</li> <li>• Avoiding contamination of the information the child is disclosing.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• You have no investigative responsibilities.</li> <li>• Each school employee with first-hand knowledge must report (i.e., child discloses to you or you witness the abuse or neglect).</li> <li>• You may be subpoenaed to testify in a case.</li> <li>• Possible civil penalties for conducting your own interview/investigation.</li> </ul>


12

Remember, a child should not be questioned beyond asking the **Minimal Fact Questions**. As a mandated reporter your only obligation when there is a known or suspected case of child abuse is to immediately make a report to the Child Abuse and Neglect Report Line.

Following your report, the child will be connected with a child protection professional that is specifically trained to speak to children about abuse or neglect allegations. When we allow child protection professionals to intervene we minimize the number of times a child must recount his/her experience; which reduces the child's trauma and the chance of re-victimization. We also avoid possible contamination of the child's statement.

Furthermore, school personnel should be aware that anyone who speaks to the child is considered to have first-hand knowledge and is thereby obligated by law to make a report. In addition, anyone involved in the interview of a child is also subject to being subpoenaed to testify in court.

Finally, there are civil penalties for conducting your own child abuse interview or investigation in lieu of contacting the appropriate authorities. Any individual who fails to make a report will be referred to the Department of Justice for investigation.



### Best Practices

- Streamline your school's reporting procedure – the fewer people involved, the better it will be for the child;
- Do not wait until the end of the day to make the report;
- The report should be made by the person who has first-hand knowledge; and
- The adult to whom the child disclosed should be available to meet with DFS and/or law enforcement.

13

To make the reporting process easier for the school and less traumatic for the child, we recommend following best practices for reporting any known or suspected child abuse. Whenever possible please adhere to the following guidelines:

- Streamline your school's reporting procedure- the fewer people involved, the better it will be for the child. When speaking with the child, one person should be responsible for gathering the Minimal Facts only.
- Make the report as soon as possible. Do not wait until the end of the day to make the report as it may delay services for the child.
- The report should be made by the person who has **first-hand knowledge**. This includes anyone who has talked to the child regard the abuse or neglect allegation or suspicion.
- The adult to whom the child disclosed to should be available to meet with the Division of Family Services and/or Law Enforcement.

**Extra-Familial Cases**

- Extra-familial cases involve an alleged perpetrator (youth or adult) who is not a member of the child's family or household.
- This may include sexual contact with anyone in a position of trust, authority or supervision OR sexual offenses against a student that occurred on school property or at a school function.
- Schools must respond to these cases in the same manner, but reports must be made to law enforcement and the DFS Report Line.
- Schools should not perform their own investigations in order to determine whether a crime has been committed prior to making a report and/or contacting law enforcement.

14

Let's spend a few minutes talking about extra-familial cases. These cases involve an alleged perpetrator, such as a youth or adult, who is not a member of the child's family or household.

This may include sexual contact with anyone in a position of trust, authority or supervision OR sexual offenses against a student that occurred on school property or at a school function.

Per the Mandatory Reporting Law and School Crimes Statute, law enforcement and the DFS Report Line should be contacted **immediately** upon disclosure.

Schools must respond in the same manner as intra-familial cases, which means school employees should not conduct interviews of victims, potential suspects and/or witnesses. Doing so can interfere with the investigation and leave school employees open to potential civil penalties and criminal charges.

It should be noted that any and all statements obtained regarding the allegations, following a disclosure, can be damaging to the criminal investigation and prosecution of the case.

## Case Scenario

A female student asked to use the restroom during detention. On her way to the restroom, she passes a male student in the hallway. Upon returning to class, she tells the teacher that the male student came into the bathroom and forced her to perform oral sex.

What's the **best response**?

- Speak to and obtain written statements from both students.
- Ask Minimal Fact Questions.
- Notify law enforcement and the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Do nothing.

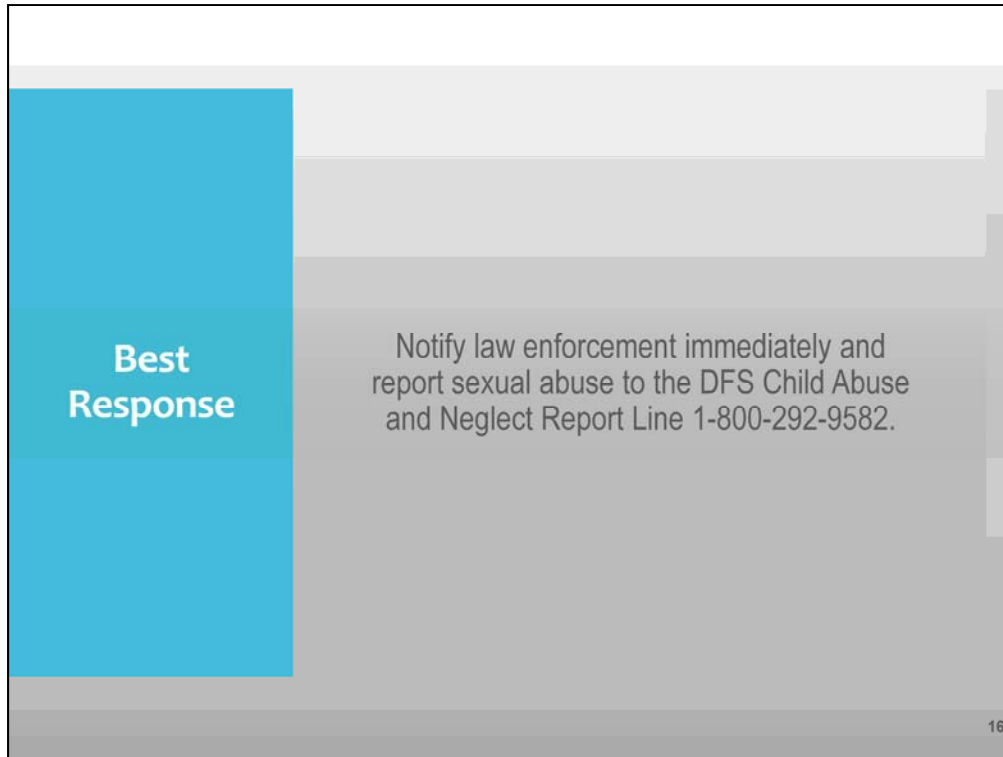
15

Now let's look at an extra-familial case:

In the scenario, a female student asked to use the restroom during detention. On her way to the restroom she passes a male student in the hallway. Upon returning to class she tells the teacher that the male student came into the bathroom and forced her to perform oral sex.

What's the **best response**?

- Speak to and obtain written statements from both students.
- Ask Minimal Fact Questions.
- Notify law enforcement and the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Do nothing.



The appropriate response is to notify law enforcement immediately.

The School Crimes statute indicates that any sex offense against a minor by another minor or adult that occurs on school property or at a school function must immediately be reported to law enforcement. In addition, these cases must also be reported to the DFS Child Abuse and Neglect Report Line.

The incident must also be reported to the principal in compliance with the School Crimes statute.

Schools are also obligated to report any known or suspected sexual offenses against a student by school employees, regardless of where the incident occurs.



**DFS Child Abuse & Neglect Report Line**

**Suspect Child Abuse or Neglect?**

Report Online or Make the Call  
**Iseethesigns.org**  
24/7 Report Line  
**1-800-292-9582**

*Delaware Children's Department*  
*Our Children, Our Future, Our Responsibility*

17

Now that you have an understanding of the reporting law, let's look at the reporting procedure in Delaware. All suspected child abuse and neglect of any **child from birth to age 18** in the State of Delaware must be reported to the DFS Child Abuse and Neglect Report Line at 1-800-292-9582 or an online report can be made at Iseethesigns.org. However, when a child's life is in danger, you should call 911 immediately, **before calling the Report Line**. Spanish translation is available 24/7, and the translator is on call and will call the reporter back to take the report. DFS also receives reports from hearing impaired individuals via agencies that have TTY capability.

To report, call the Report Line and indicate you want to make a report. You should even contact DFS if you are unsure since it is the Division of Family Services' responsibility to determine if the report meets criteria for investigation. Also, DFS may have information about the family you are not aware of, and your report may impact the case outcome.

Calls to the Report Line are responded to by employees of the Division of Family Services (DFS). If informed that your report does not meet criteria for investigation and you continue to have concerns, you should ask to speak to a Report Line supervisor. The Report Line worker is required to give his or her name if you request it, as well as their supervisor's name. You should also know that each report is digitally recorded for random quality assurance reviews conducted by management on a monthly basis.

**Information Needed To Make Report**

Demographics, AND known information about the following:

- parents or siblings;
- the alleged child victim's physical health, mental health, and educational status;
- medical attention that may be needed for injuries;
- the way the caregiver's behavior is impacting the care of the child; and
- if the child's or DFS worker's safety may be in peril.

\*Neither HIPAA or FERPA preclude reporting of child abuse or neglect.

18

The information you provide when making a report assists DFS to determine: (1) whether the report should be forwarded to law enforcement and (2) whether it meets the screening criteria for DFS investigation and when it does - how quickly to respond. Demographics will usually be found in the child's records. If you already have the information, then there's no need to ask the child.

School employees will also be asked to provide the following:

- Known information about the parents or siblings;
- Known information about the alleged child victim's physical health, mental health, educational status;
- Information regarding medical attention that may be needed for injuries;
- Any information you have about the way the caregiver's behavior is impacting the care of the child; and
- Known information that could put the child's or DFS worker's safety in peril such as the presence of alcohol, drugs, weapons, dangerous animals or criminal behavior.


School employees should also know that neither HIPAA or FERPA preclude reporting of child abuse or neglect.

Three Questions That Will Be Asked Of The Reporter

What are you worried about?

What is working well?

What needs to happen next?



19

Beginning in May 2012, the DFS Report Line began implementation of a new model for how reports are handled at the Child Abuse and Neglect Report Line. The new model is called Structured Decision Making® and is a research based model that is based on factors that predict risk of child abuse and neglect. Delaware statutes were incorporated into the new tools. Callers making reports of suspected child abuse and/or neglect will find that the questions asked by Report Line staff are phrased and sequenced differently. It is also possible that reporters may experience different outcomes in terms of which cases are accepted or not accepted for investigation. The three basic questions shown on this slide act as guides for helping Report Line staff understand the complete scope and nature of the report. At their most basic, the Structured Decision Making® Report Line assessment can be boiled down to these three questions. Every interview will cover these three main issues. The details of how Report Line staff ask these questions and what content staff choose to focus on will change, but these will be the three most central questions.

Be prepared to provide information about the specific behavior of the caregiver that resulted in alleged abuse and/or neglect. This may be something the caregiver has done or failed to do. Reporters should expect Report Line staff to attempt to surface behavioral detail from generalizations. Reporters often rely on headline terms to convey information about a family. “Mom is mentally ill” is one example. Unfortunately, the standard set of details that come to mind when hearing the term “mentally ill” may not accurately reflect what is going on with this caregiver.

The Report Line will first want to know what worries you about the child’s situation or family, and they will also be interested in knowing whether the caregivers have a history of protecting the children or the capacity to protect the children in the future. In other words, reporters will be asked about the family’s strengths. Lastly, be prepared to share your opinion about what you think needs to be done to keep the child safe and to help the family. These questions also help DFS determine the proper response time.

## Case Scenario

A parent asked the school counselor to speak with her son, because on the way to school he disclosed that his step-brother touched his penis. The counselor notices that the student is on the caseload of the school's Behavioral Health Consultant (BHC).

What's the **best response**?

- Tell the mother to call the DFS Child Abuse and Neglect Report Line.
- Ask the BHC to speak with the student.
- Report incident to the principal.
- Report sexual abuse to the DFS Child Abuse and Neglect Report Line.
- Do nothing.

20

In the next scenario, a parent asked the school counselor to speak with her son because on the way to school he disclosed that his step-brother touched his penis. The counselor notices that the student is on the caseload of the school's Behavioral Health Consultant (BHC).

What's the **best response**?

- Tell the mother to call the DFS Child Abuse and Neglect Report Line.
- Ask the BHC to speak with the student.
- Report incident to the principal.
- Report sexual abuse to the DFS Child Abuse and Neglect Report Line.
- Do nothing.

**Best Response**

Report sexual abuse to the DFS Child Abuse and Neglect Report Line 1-800-292-9582.

21

In this scenario, a report to the DFS Child Abuse and Neglect Report Line is definitely warranted, because there is a disclosure. The parent has **first-hand knowledge**, therefore he/she is obligated to make the report.

As a best practice it would be beneficial for the school counselor and parent to make the report together. However, if the parent is unwilling to do so the counselor should still make a report, because he/she has knowledge of the incident.

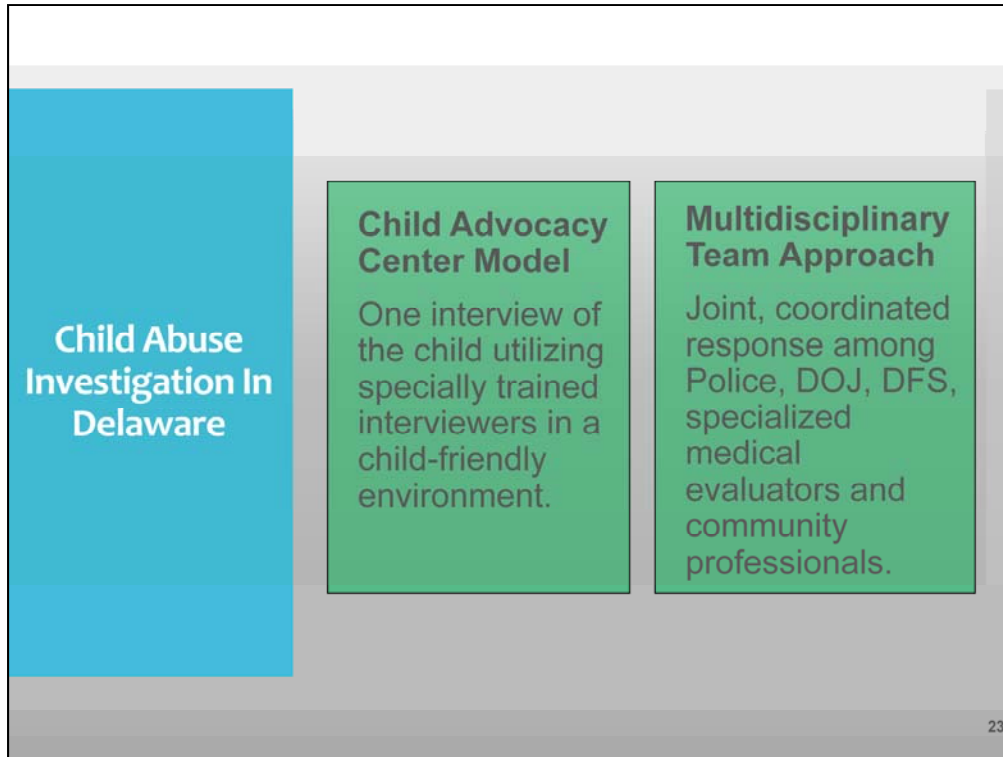
Asking the Behavioral Health Consultant to speak with the child would not be appropriate. There is already enough information to make a report, therefore no one else needs to speak with the child.

Providers that work in schools, such as Behavioral Health Consultants and Family Crisis Therapists, are responsible for reporting known or suspected child abuse if they have first-hand knowledge. However, these professionals must not be used to report on behalf of the school solely because of their involvement with the family.



Upon receipt of the report, DFS will do one of three things: accept the report and investigate the allegations or conduct a family assessment; refer the report to law enforcement for investigation; or document the report, but not investigate the allegations. Frequently, both DFS and law enforcement investigate a report at the same time. Family Assessments involve identifying the family's strengths and needs and do not result in a finding.

Regardless whether a new report is accepted for investigation or family assessment, all reports remain in the DFS computer system so that DFS will be able to identify family history that may warrant future intervention if another report is made.



A best practice in child abuse and neglect investigations is to have one interview of the child utilizing specially trained interviewers in a child-friendly environment.

In Delaware, this practice is achieved by using the Children's Advocacy Centers where a joint, coordinated response among, Police, Department of Justice, Division of Family Services, medical evaluators and community resource professionals can take place.

The Children's Advocacy Center of Delaware or CAC, has three locations, one in each county. Referrals to the CAC are made directly by DFS or Law Enforcement.





DFS implemented a Differential Response System in March 2013 which means there are two pathways for responding to a report of child abuse and neglect. DFS' two pathways consists of a traditional investigation and Family Assessment and Intervention Response or FAIR. Reports that are accepted for investigation will be conducted by a worker in accordance with DFS investigation policy and procedures. Similar to investigation, FAIR assesses safety and risk, but there is no Child Protection Registry finding. A family is given a choice to participate in the family assessment process or investigation, unless the report requires a multidisciplinary response. Currently, FAIR targets families with adolescents not requiring a criminal investigation.

The initial target population for FAIR is adolescent cases. FAIR is being piloted externally by contract with Children & Families First who will provide FAIR statewide and internally by the DFS Adolescent Units in NCC. When a school is contacted by a Children & Families First FAIR worker, that worker is acting on behalf of DFS. In fact, the Children & Families First worker has had the exact same training as a DFS worker. Please cooperate with the Children & Families First FAIR worker as you would with a DFS worker.

The length of time for family assessment and, when needed, intervention response services is usually 60 – 90 days. Both the family assessment and intervention response services are facilitated by one worker per case. The Division plans to expand the types of reports that are assigned as FAIR cases over the next year.



**Information  
DFS Can  
Share With  
A School  
Reporter**

- DFS can share that a response was made, and whether the child is safe or placed out of the home;
- Who is allowed to have contact with the child;
- Explain if there is something the school should be doing;
- Who the school should call if something else happens; and
- Information regarding the child's placement, if the child was placed out of the home.

25

When the school is the reporter, the DFS investigation caseworker should follow up and inform the school reporter on the following things:

- DFS responded, the child is safe, or the child was placed;
- Who is allowed to have contact with the child;
- Instructions if there is something the school needs to do, such as referring the child to the school counselor;
- Who should be called if something else happens to the child; and
- Information regarding the child's placement, if the child was placed out of the home.

Please contact the caseworker directly to obtain this information or to report additional concerns related to the child. However, if a new incident of abuse or neglect occurs, the information should be reported directly to the DFS Report Line.

**Child Abuse Defined**

- Physical Injury through unjustified force
  - Emotional Abuse
    - Torture
    - Exploitation
  - Maltreatment or Mistreatment
    - Sexual Abuse

10 Del.C. § 901(1) 26

Now that we understand our obligations related to reporting, let's look at the **civil and criminal definitions in the Delaware Code** for the various types of child maltreatment and review the associated scenarios. We'll start with the definition of child abuse. In statute, abuse is defined as physical injury through unjustified force, as well emotional abuse, torture, exploitation, maltreatment, and mistreatment.

Physical injury and unjustified force will be discussed on the next few slides. Emotional abuse will also be discussed in more detail, but is defined as threats to inflict undue physical or emotional harm, and/or chronic or recurring incidents of ridiculing, demeaning, making derogatory remarks or cursing. Cases involving torture often have similar characteristics that set these cases apart from other child abuse cases. These cases often involve a targeted sibling, co-opting a sibling to participate, deprivation of food and/or water, the targeted child may be suddenly withdrawn from school and home schooled, and strict, unreasonable rules regarding bathroom use, eating and sleeping may be applied. A family involved in torture often has had multiple investigations by the child protection agency.

Exploitation is defined as taking advantage of a child for unlawful or unjustifiable personal or sexual gain (e.g. parent or caregiver prostitutes a child or instructs a child to engage in shoplifting). Mistreatment or maltreatment is behavior that inflicts unnecessary or unjustifiable pain or suffering on a child without causing physical injury. Sexual abuse of children is also included in this statute, and will be discussed in more detail in later slides. Please note that children under the age of 18 cannot legally consent to sexual contact with any individual who is in a position of trust, authority, or supervision over the child.

Physical Injury  
To A Child

Any impairment of physical  
condition or pain.

*\*Not a crime unless caused by unjustified force.*

11 Del.C. § 1100(j) 27

Physical injury to a child is defined in statute as any impairment of physical condition or pain.

This means that injury and pain are **considered** when a case is received regarding the use of force against a child. However, **pain and injury alone DO NOT make the force unjustified**. Furthermore, a person intentionally inflicting pain to cause harm to a child and not for the purposes of discipline is vastly different than a person spanking a child to address the child's misbehavior. And Delaware law does not prohibit physical discipline or punishment.

**Physical Injury To A Child Is Never Justified If:**

- A Child is Thrown, Kicked, Burned, Cut, or Hit with a Closed Fist, OR
- A Parent/Caretaker Interferes with Breathing, Uses or Threatens to Use a Deadly Weapon, or Prolongs Deprivation of Food or Medication

11 Del.C. § 468 28

The Delaware Code identifies specific behaviors in which physical injury to a child is never justified, even if it did not result in an observable injury to a child. This includes if a child is thrown, kicked, burned, cut, hit with a closed fist or if a parent or caretaker interferes with breathing, uses or threatens to use a deadly weapon or causes prolonged deprivation of food or medication. Reporters are not responsible for determining if force used against a child is justified or unjustified. DFS or law enforcement will make that determination after considering the following: who exercised the force, what was the purpose of the force, and whether the force was reasonable given the size, age, and baseline health conditions of the child, as well as the location(s), strength and duration of the force applied to the child. For instance, a parent has used justified force if their 3 year old child ran in front of a car, narrowly escaping injury, and the parent grabs the child by the arm, leaving a handprint.

Additionally, it is also never justified to perform any other act that is likely to cause or does cause physical injury, disfigurement, mental distress, unnecessary degradation or substantial risk of serious physical injury or death. Any and all of these incidents require an immediate report to the Child Abuse and Neglect Report Line, and DFS is required to notify law enforcement of potential criminal violations against a child. To further explain unjustified force, consider if the same force was used against a 12 month old versus a 12 year old and how the force would likely produce significantly different physical injuries thus potentially resulting in different criminal violations.



## Child Abuse As A Criminal Offense

- Abuse of a child is now termed “child abuse” instead of assault.
- Offers special protections to children 3 years of age or younger and children with significant intellectual or developmental disabilities.

11 Del.C. § 1103

29

Let's now discuss how the criminal offenses related to child abuse by physical injury were amended in 2012. Abuse of a child is now termed “child abuse” instead of assault and may be found in the Delaware Code. This statute provides special protection to infants, toddlers, and children who have disabilities. In fact, physical injury to a child who is 3 years of age or younger or a child who has a significant intellectual or developmental disability is a felony level offense in the State of Delaware.

Please also see the Indicator Handout for some examples of indicators in children that physical abuse may be occurring. Pay attention to unexplained bruises, burns, and patterned skin markings. Some of these indicators could be accidental or be caused by a medical condition. For example, bald areas on scalp may be due to a medical or dermatological issue, but may also be seen with trauma. Bite marks may occur from other young children but should not have an adult tooth pattern (e.g. intercanine distance should not be greater than 3.0 cm). Burns may be from accidental spills or falls into baths, but those with clear demarcation lines are suspicious. Repeated burns or injuries may be concerning for a neglectful home situation. Lastly, physical discipline marks, such as rope or cord marks or hand prints may be easily concealed by clothing.

## Case Scenario

A student discloses that he had an argument with his father about taking food from the kitchen into his bedroom. During the altercation, his father punched him in the face leaving a small mark on the right side of the scalp that looks like an abrasion or mark from a ring. The child also states that his father has a temper and that 6 months ago his father tried to strangle him.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report physical abuse to the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Do nothing.

30

In this scenario, a student discloses that he had an argument with his father about taking food from the kitchen into his bedroom. During the altercation, his father punched him in the face leaving a small mark on the right side of the scalp that looks like an abrasion or mark from a ring. The child also states that his father has a temper, and that 6 months ago his father tried to strangle him.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report physical abuse to the DFS Child Abuse and Neglect Report Line.
- Report incident to principal.
- Do nothing.

**Best  
Response**

Report physical abuse to the DFS Child Abuse and Neglect Report Line 1-800-292-9582.

31

The best response is for the teacher to report physical abuse to the DFS Child Abuse and Neglect Report Line as a disclosure was made and the teacher has enough information to make a report.

**Neglect**

For no apparent financial reason, the parent or caretaker fails to:

- Provide necessary care or supervision, OR
- Chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being.

32

Now we will discuss neglect, which is defined in the Delaware Code. Neglect may occur, while having the ability and financial means to care for a child, the parent or caretaker fails to provide necessary care, which may include food, shelter, or medical care, or the parent or caretaker fails to provide supervision appropriate for the child. Lack of supervision can also occur if the parent or caretaker is physically present, but is not attending to the child due to behaviors such as substance abuse. Substance abuse is a risk factor associated with abuse and neglect, and more information can be found on your FAQ handout. However, it is important to note here that neglect also occurs when a parent or caretaker chronically engages in substance abuse and the abuse negatively impacts the care of the child.

Please also see the Indicator Handout for some child indicators of neglect, which may include a child who has been abandoned or who has no caretaker at home. Neglect also includes a parent or caregiver who has failed to obtain or follow through with appropriate medical care for a child and as a result, the child is at risk of a serious illness, injury or condition.

Lastly, a child left alone in a car is also included in this category. Any time you think a child is at imminent risk of harm or death, such as a baby locked in a hot car, you need to contact 911 immediately.



	<p>A student reports to her teacher that her mom was passed out last night and she could not wake her. The child appears upset. She also states that she and her brother did not eat dinner, and they have no food in the home. Both children were late to school this morning.</p>
<b>Case Scenario</b>	<p>What's the <b>best response</b>?</p> <ul style="list-style-type: none"><li>• Report neglect to the DFS Child Abuse and Neglect Report Line.</li><li>• Send child to the nurse.</li><li>• Report incident to the principal.</li><li>• Call mother in home.</li><li>• Do nothing.</li></ul>
33	

Our neglect scenario involves a student, who reports to her teacher that her mom was passed out last night and she could not wake her. The child appears upset. She also states that she and her brother did not eat dinner, and they have no food in the home. Both children were late to school this morning. What's the **best response**?

- Report neglect to DFS Child Abuse and Neglect Report Line .
- Send child to the nurse.
- Report incident to the principal.
- Call mother in home.
- Do nothing.

Best Response

Report neglect to the DFS Child Abuse and Neglect Report Line 1-800-292-9582.

34

For any age child, the best response is for the teacher to report neglect to the DFS Child Abuse and Neglect Report Line. After making the report, the principal may also be notified. It is not necessary to send the child to a nurse since a physical assessment will not be needed. DFS and the police are responsible for notifying the parent, so mother should not be contacted. Finally, doing nothing is never the best response.

## Case Scenario

An asthmatic student returns to school after a recent hospitalization. The nurse has made repeated attempts to obtain the medications from the family, and the child has returned without them. Although the child has no symptoms today, the nurse is concerned since this is the child's third hospitalization.

What's the **best response**?

- Contact the student's primary care physician.
- Report neglect to the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Call mother in home.
- Do nothing.

35

An asthmatic student returns to school after a recent hospitalization. The nurse has made repeated attempts to obtain the medications from the family, and the child has returned without them. Although the child has no symptoms today, the nurse is concerned since this is the child's third hospitalization.

What's the **best response**?

- Contact the student's primary care physician.
- Report neglect to the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Call mother in home.
- Do nothing.

**Best  
Response**

Report neglect to the DFS Child Abuse and  
Neglect Report Line 1-800-292-9582.

36

The best response is for the nurse to report neglect to the DFS Child Abuse and Neglect Report Line since the child has a medical condition that may require hospitalization if left untreated.

**Case Scenario**

A student reports to his teacher that last night he tied a rope around his neck because he wanted to die.

What's the **best response**?

- Report neglect to the DFS Child Abuse and Neglect Report Line.
- Call the Division of Prevention and Behavioral Health Services (DPBHS) 24-Hour Child Priority Response.
- Report incident to the principal.
- Call mother in home.
- Do nothing.

37

Let's look at another scenario. A student reports to his teacher that last night he tied a rope around his neck because he wanted to die.

What's the **best response**?

- Report neglect to DFS Child Abuse and Neglect Report Line.
- Call the Division of Prevention and Behavioral Health Services (DPBHS) 24-Hour Child Priority Response.
- Report incident to the principal.
- Call mother in home.
- Do nothing

Best Response

School staff should immediately call:

**DPBHS 24-Hour  
Child Priority Response (CPR)**

- Northern NCC- 302-633-5128
- Southern NCC-1-800-969-4357
- Kent & Sussex Counties - 302-424-4357

38

If a child at the school is displaying homicidal or suicidal behaviors or remarks an immediate call to Child Priority Response is the best response. The child's mental health status can be evaluated to determine if the child needs intensive inpatient mental health services or other services as deemed appropriate. CPR can be reached in Northern NCC at 302-633-5128, Southern NCC at 1-800-969-4357 and Kent and Sussex Counties at 302-424-4357.

After calling CPR it would be a good idea to notify the parent so that they are aware and can respond to the school to assist in the process, but your first response should be to contact Child Priority Response.

Therefore, a call to the Child Abuse and Neglect Report Line is not necessary. Doing nothing is not an option.

**Sexual Abuse**

“Sexual abuse” means any act against a child that is described as a sex offense in § 761(h) of Title 11 including, but not limited to:

- Sexual Harassment
- Indecent Exposure
- Incest
- Unlawful Sexual Contact
- Dealing in Child Pornography
- Rape
- Sexual Exploitation of a Child
- Trafficking an individual, forced labor and sexual servitude
- Sexual abuse of a child by a person in a position of trust, authority or supervision

39

Now, we’re going to talk about sexual abuse. It is defined in Delaware Code as any act against a child that is described as a sex offense in Title 11 of the Delaware Code § 761 (h). This includes but is not limited to sexual harassment (threatens to engage in conduct likely to result in the commission of a sexual offense against any person), indecent exposure (exposes genitals, breast or buttocks to a person), incest (engages in sexual intercourse with another person related by blood), unlawful sexual contact (intentional touching by the anus, breast, buttocks or genitalia of another person), rape (includes vaginal/anal intercourse, cunnilingus, fellatio), sexual exploitation of a child (knowingly, photographs or films a child engaging in a prohibited sexual act or in the simulation of such an act), and sexual abuse of a child by a person in a position of trust, authority or supervision. Additionally, this also includes dealings in child pornography (disseminates anything depicting a child engaging in a prohibited sexual act or in the simulation of such an act) .

Please also see the Indicator Handout for physical and behavioral indicators of sexual abuse, such as bruises or bleeding in the external genitals, frequent urinary tract infections or unexplained sore throats. Pregnancy and sexually transmitted infections (STIs) are possible indicators as well. Studies have shown that at least 90% of sexually abused children have no abnormal physical exam findings. Because the physical evidence may not be present, behavioral indicators can be particularly important in possible sexual abuse. In addition to a child who reports sexual abuse by a caretaker, behavioral indicators of sexual abuse may include a sudden drop in school attendance.

**Commercial Sexual Exploitation**

- **Domestic Minor Sex Trafficking (or Child Trafficking):** the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where the person is a U.S. citizen or lawful permanent resident under age 18.
- Majority of victims are female
- The average age is 12 years old
- Approximately 85% are U.S. citizens
- Runaways or “throwaways” are at high risk
- 90% have a history of sexual abuse

22 USC 7102 § 103(8), 9);

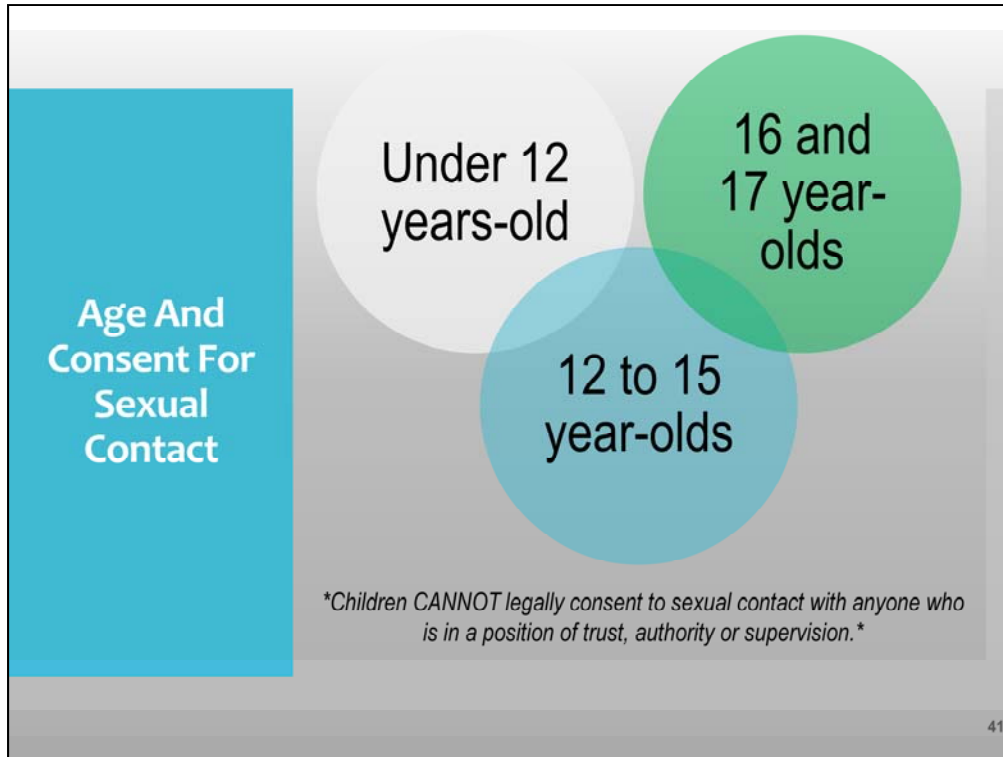
40

Let’s take a closer look at one form of child sexual abuse that is becoming more prevalent. Commercial Sexual Exploitation is the broad term under which **Domestic Minor Sex Trafficking (or Child Trafficking)** is categorized. Child Trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where the person is a U.S. citizen or lawful permanent resident under age 18. Statistics suggest that victims of child trafficking are typically female, and the average age is 12 years old. Additionally, approximately 85% of the victims are U.S. citizens. Many of the children that become victims of child trafficking are runaways or “throwaways” and 90% of victims have a history of sexual abuse. It can be difficult and dangerous for victims to leave their traffickers as the perpetrators typically use various methods of “conditioning”, such as starvation, confinement, physical abuse, rape, forced drug use, and threats of violence towards the victim and/or their families. Victims are also likely to suffer from long-term physical and psychological trauma.

- Warning signs of child trafficking include, but are not limited to:
  - Tattoos or other marks indicating “ownership” by their exploiters;
  - Works excessively long or unusual hours;
  - Reports having a pimp or manager;
  - Is fearful, anxious, depressed, submissive, tense or nervous/paranoid;
  - Shows signs of physical abuse and/or sexual abuse, physical restraint, confinement or torture.

Victims of child trafficking are likely to be identified by law enforcement who would then make an immediate report to DFS. However, school employees should also be aware of the indicators and report any known or suspected cases of child trafficking to the Child Abuse and Neglect Report Line.





In Delaware, children under the age of 12 years CANNOT legally consent to sexual contact. These cases MUST be reported to the Child Abuse and Neglect Report Line. Whereas, children ages 12 to 15 years can ONLY consent to sexual contact with someone who is no more than 4 years older than the child.

Sixteen and seventeen year olds can consent to sexual contact with someone who is under 30 years of age.

Please note that children under the age of 18 CANNOT legally consent to sexual contact with anyone, regardless of age, who is in a position of trust, authority or supervision over them (e.g. family member, babysitter, coach, teacher, doctor, or clergy). In fact, sexual abuse of a child by a person in a position of trust, authority or supervision is a crime, which carries harsh penalties. Please remember that a person in the position of trust, authority, or supervision is any person who assumes responsibility, whether temporarily or permanently, for the care or supervision of a child or children.

For all of these situations, if the perpetrator has immediate access to the victim, you must report immediately to the Report Line (e.g. perpetrator is with them, or lives in the household). Additionally, verbal consent by the victim (e.g. saying "yes" to sexual activity) without satisfying the **screening** criteria above is still considered "Without Consent" and must be reported.

**Reporting Reminders For Students 18 Years And Older**

1. Unable to consent to sexual contact due to cognitive disability, mental illness or mental impairment.
2. Force or coercion occurred on school grounds or at school function.
3. Sexual contact between a student and school employee.

*\*Individual reports an incident of sexual abuse which occurred prior to 18th Birthday.*

42

Individuals 18 years and older are generally responsible to report any coerced sexual contact themselves to the police. However, you must be aware of three specific circumstances in which you are responsible to report the sexual contact to police.

First, if the victim suffers from a cognitive disability, mental illness or mental impairment which renders the victim incapable of appraising the nature of the sexual conduct or incapable of consenting. Next, if the victim was 18 or older, the sexual contact was forced or coerced and the incident occurred on school grounds or at a school function. Lastly, if the sexual contact occurred between a student, 18 years of age or older and a school employee, a report must be made. These three circumstances require a report to the police only. Additionally, if an individual over the age of 18 years reports a sexual abuse incident that occurred prior to their 18<sup>th</sup> birthday, then a report may be made to the Child Abuse and Neglect Report Line. Other children may currently be at risk and your action may prevent children from becoming future victims.

	<p>While at lunch, a student tells a School Aide that he wants to have sex with the Vice Principal. When questioned about his statement the student discloses that he watches porn at home with his father. His father tells him to roll over and not watch, but he says it is hard not to.</p>
<b>Case Scenario</b>	<p>What's the <b>best response</b>?</p> <ul style="list-style-type: none"><li>• Send the student to the school counselor.</li><li>• Send child to the nurse.</li><li>• Report sexual abuse to the DFS Child Abuse and Neglect Report Line.</li><li>• Report incident to the principal.</li><li>• Do nothing.</li></ul>
43	

Next, let's look at a scenario involving sexual abuse:

While at lunch, a student tells a School Aide that he wants to have sex with the Vice Principal. When questioned about his statement the student discloses that he watches porn at home with his father. His father tells him to roll over and not watch, but he says it is hard not to.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report sexual abuse to the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Do nothing.

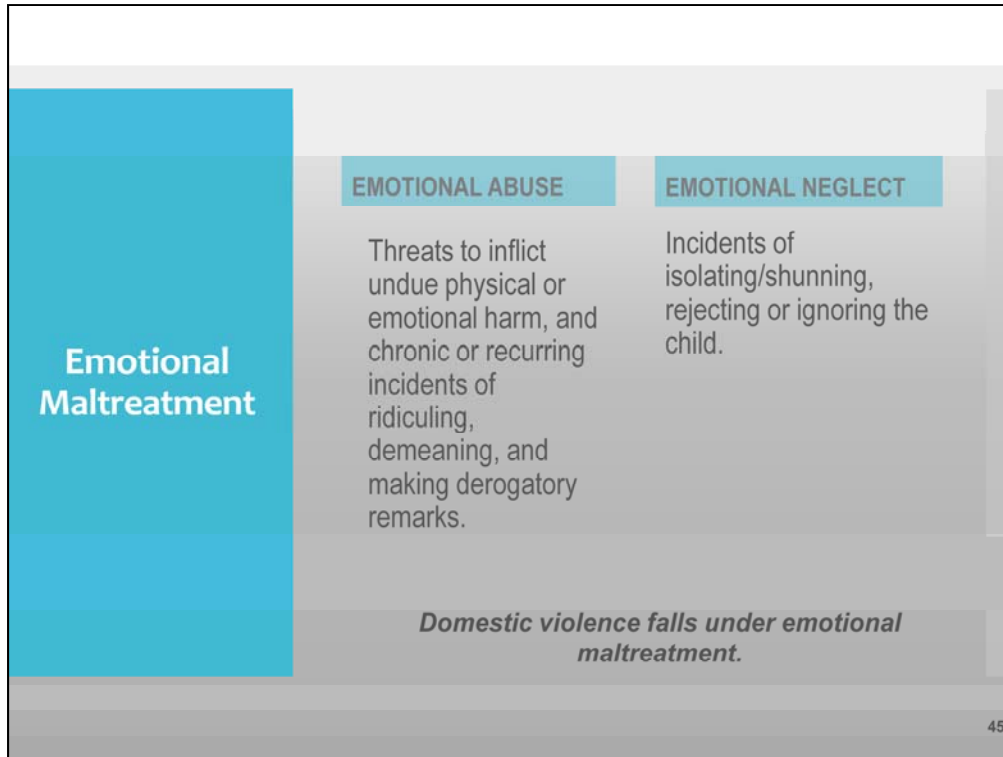
**Best  
Response**

Report sexual abuse to the DFS Child Abuse and Neglect Report Line 1-800-292-9582.

44

The best response is to report sexual abuse to the DFS Child Abuse and Neglect Report Line. Exposing a minor to pornography is against the law.

The aide has already asked Minimal Facts and has enough information to make a report, therefore none of the other responses would be appropriate.



Now we are going to switch our focus to emotional maltreatment, sometimes referred to as psychological maltreatment, which includes both emotional abuse and emotional neglect. Emotional abuse is defined in the Delaware Code as threats to inflict undue physical or emotional harm, and may include chronic or recurring incidents of ridiculing, demeaning, and making derogatory remarks. It may be easiest to think of emotional abuse as an active behavior. For example, emotional abuse would occur if a parent repeatedly told the child they were no good or they wished they were never born.

Emotional neglect is defined in DFS regulations and includes behaviors such as chronically isolating/shunning, rejecting, or ignoring a child. Therefore, emotional neglect is more passive and may be thought of as inactive. Emotional neglect would occur if the caretaker is not interacting with or nurturing a child. Domestic violence is also included under emotional maltreatment. Please refer to your handouts for more information.

In order to demonstrate harm to a child by this form of maltreatment, the child has to have a diagnosed mental health condition such as depression OR observable behaviors or conditions such as bedwetting, severe withdrawal, or delayed development (e.g. for infants - not smiling or making sounds).

Please also see the Indicator Handout which identifies the many possible indicators of emotional maltreatment in a child. It is more difficult to substantiate emotional maltreatment than other types of maltreatment in children, perhaps because an isolated incident of caretaker behavior does not necessarily signify abuse or neglect. Another reason for this difficulty is a lack of strict differentiation between emotional maltreatment and poor parenting.

## Case Scenario

A student discloses that last night his mother's boyfriend came home drunk. During an argument, the boyfriend grabbed his mother by the throat. The student stated that he grabbed the boyfriend by the shirt to get him off his mother. The mother's boyfriend then raised his fist to hit the child, but stumbled and then fled the home.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report emotional maltreatment to the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Do nothing.

46

A student discloses that last night his mother's boyfriend came home drunk. During an argument the boyfriend grabbed his mother by the throat. The student stated that he grabbed the boyfriend by the shirt to get him off his mother. The mother's boyfriend then raised his fist to hit the child, but stumbled and then fled the home.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report emotional maltreatment due to domestic violence to the DFS Child Abuse and Neglect Report Line.
- Report incident to the principal.
- Do nothing.

**Best Response**

Report emotional maltreatment to the DFS Child Abuse and Neglect Report Line 1-800-292-9582 or report online at [lseethesigns.org](http://lseethesigns.org).

47

The best response is to report emotional maltreatment to the DFS Child Abuse and Neglect Report Line.

While Delaware law does not mandate reports of domestic violence to law enforcement for adult victims, domestic violence cases involving children are mandated reports to DFS when the domestic violence is chronic or severe/escalating and impairs the caregiver's ability to keep the child safe.

In this case, the child attempted to physically intervene in the domestic situation. The mother's boyfriend tried to strike the child and missed. Although the child did not sustain an injury, he was still at risk of injury, therefore a report to DFS is necessary.

## Case Scenario

A student arrives to school and is visibly upset. When questioned by the teacher, the child discloses that she heard her mom and dad arguing last night. The police were called and when they arrived she noticed that her mom's head was bleeding. Her mother was taken to the hospital and treated for a concussion.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report incident to the principal.
- Report emotional maltreatment to the DFS Child Abuse and Neglect Report Line.
- Do nothing.

48

In this scenario, a student arrives to school and is visibly upset. When questioned by the teacher the child discloses that she heard her mom and dad arguing last night. The police were called and when they arrived she noticed that her mom's head was bleeding. The mother was taken to the hospital and treated for a concussion.

What's the **best response**?

- Send the student to the school counselor.
- Send child to the nurse.
- Report incident to the principal.
- Report emotional maltreatment to the DFS Child Abuse and Neglect Report Line.
- Do nothing.



**Best Response**

Report emotional maltreatment to the DFS Child Abuse and Neglect Report Line 1-800-292-9582 or report online at [lseethesigns.org](http://lseethesigns.org).

49

The best response is for the teacher to report emotional maltreatment to the DFS Child Abuse and Neglect Report Line.

Here we have another case of domestic violence where a child is involved. Although the child did not witness the domestic violence, she is aware of the domestic violence and the incident resulted in a significant injury to her mother. As a result, the child is displaying behavior that signifies psychological harm.

**Dependency**

The parent or caretaker does not have the ability or financial means and fails to:

- Provide necessary care, OR
- Child is living in the home of an “adult individual” who fails to meet the definition of relative on an extended basis, without an assessment by DSCYF or its licensed agency.

50

Let's discuss Dependency next. Unlike neglect, with dependency the parent or caretaker does not have the ability or financial means to provide necessary care for the child. As a result, the child becomes dependent. Further, the lack of ability means that through no fault of his/her own, the parent is unable to provide necessary care due to problems such as financial constraints, mental health concerns, hospitalizations, incarceration, or disability.

In addition to the failure to provide necessary care, it must be reported to the DFS Child Abuse and Neglect Report Line when a child is living in the home of an adult individual who is not a relative, on an extended basis, without an assessment by DSCYF or its licensed agency, as required by statute.

The term “extended basis” is used to suggest that the child resides in the home, as opposed to just visiting. It is the responsibility of DFS to determine if the living arrangement has been on an extended basis and to explore the appropriateness of the living arrangement through interviews, a home assessment, and background checks.

## Case Scenario

A student, who was withdrawn from school, comes back to register and is referred to the school counselor. The student tells the counselor that two weeks ago her mother locked her out of the house, and she is staying with a family friend. The student recently returned to the mother's home to find the house vacant, and she has been unable to locate her family. School records confirm that the family has relocated to another state, but no forwarding address was provided.

What's the **best response**?

- Attempt to contact the family.
- Send the child to the nurse.
- Report incident to the principal.
- Report dependency to the DFS Child Abuse and Neglect Report Line.
- Do nothing.

51

In this scenario, a student, who was withdrawn from school, comes back to register and is referred to the school counselor. The student tells the counselor that two weeks ago her mother locked her out of the house, and she is staying with a family friend. The student recently returned to the mother's home to find the house vacant, and she has been unable to locate her family. School records confirm that the family has relocated to another state, but no forwarding address was provided.

What's the **best response**?

- Attempt to contact the family.
- Send the child to the nurse.
- Report incident to the principal.
- Report dependency to the DFS Child Abuse and Neglect Report Line.
- Do nothing.

**Best Response**

Report dependency to the DFS Child Abuse and Neglect Report Line 1-800-292-9582 or report online at [Iseethesigns.org](http://Iseethesigns.org).

52

The best response is for the counselor to report dependency to the DFS Child Abuse and Neglect Report Line since the child was recently withdrawn from school and the parent's whereabouts are unknown.

It is also important to include in your report that the child has been staying with a family friend for the last two weeks, as non-relative placements need to be assessed by DFS.

In this scenario, DFS will interview the alleged victim, the household members in the friend's home, while attempting to locate the alleged victim's parent(s) or other family members. In these situations, DFS may also discuss permanency options, such as Temporary or Permanent Guardianship, with the approved non-relative, and if guardianship is granted, it will permit the non-relative caregiver to enroll the child in school or seek medical treatment.



Let's conclude by mentioning the Memorandum of Understanding or MOU. The MOU is the agreement between the Department of Education (DOE) which includes the Local Education Agencies or LEAs and Charter Schools, and the Department of Services for Children, Youth, and their Families (DSCYF), which includes the Division of Family Services (DFS), the Division of Youth Rehabilitative Services (DYRS), and the Division of Prevention and Behavioral Health Services (DPBHS). The MOU can be located at the link provided. The MOU was recently updated in December 2013.

Please refer to the MOU for guidance on reporting child abuse and neglect, procedures for schools during the investigation and provision of treatment services by DFS, and procedures for children in foster care and children transitioning to/from DSCYF school programs, such as Ferris School. Laws related to confidentiality, including the Family Educational Rights and Privacy Act or FERPA are also included in the MOU. FERPA prohibits schools from disclosing a student's education records to a third party unless the parent (or the student at age 18) gives written consent. However, when disclosing information to DFS, please keep in mind that the recent amendments to FERPA permit schools to release education records to "an agency caseworker or other representative of a State or local child welfare agency, or tribal organization" who has the right to access a student's case plan, and when the agency or organization is "legally responsible" for the child's "care and protection." (Family Educational Rights and Privacy Act – effective January 14, 2013)

Lastly, please also refer to the MOU for guidance in resolving disputes between the local school and DFS.

**Additional Resources**

The following attachments related to this training are available on **Blackboard**:

- A printed copy of the PowerPoint presentation
- Child Abuse and Neglect Reference Guide

54

For future reference a copy of this PowerPoint presentation and the Child Abuse and Neglect Quick Reference Guide can be accessed via the resources section on Blackboard.

Thank You!

Please complete the training evaluation.

## Suspect Child Abuse or Neglect?

Report Online or Make the Call  
**Iseethesigns.org**  
24/7 Report Line  
**1-800-292-9582**

*Delaware Children's Department*  
*Our Children, Our Future, Our Responsibility*

55

In closing, if you know or suspect child abuse or neglect, call the Division of Family Services Child Abuse and Neglect Report Line at 1-800-292-9582. You may also call the Report Line if you have any questions or concerns regarding a child's situation.

If you have questions about the criminal or civil prosecution of a specific case, call the Department of Justice at 302-577-8400, and ask for the Family Division.

For questions related to this training, please contact the DSCYF Center for Professional Development at 302-892-6426.

Thank you for participating in this training and for helping to keep children safe. In a moment you will be directed to another site to complete the training evaluation.