

PORTAGE COUNTY HEALTH AND HUMAN SERVICES

CHILD ABUSE AND NEGLECT SERVICES CHILD PROTECTIVE SERVICES

Frequently Asked Questions Regarding Child Abuse and Neglect

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If a child is in immediate danger, call 911

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Additional Information

How do I make a child abuse and/or neglect report?

If a child is in immediate danger, call 911.

- Call Portage County Health and Human Services at (715) 345-5350 and select option 3.
-OR-
- Call the Portage County Sheriff's Department at (715) 346-1400
-OR-
- Call the Stevens Point Police Department at (715) 346-1500
-OR-
- Call the Plover Police Department at (715) 345-5255

What is physical abuse?

Per Wisconsin Statutes Chapter 48.02:

1. Physical injury inflicted on a child by other than accidental means

Physical injury includes (but is not limited to):

1. Lacerations
 2. Fractured bones
 3. Burns
 4. Internal injuries
 5. Severe or frequent bruising
 6. Great bodily harm- bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury
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2. **Abuse to an unborn child:** When referring to an unborn child (a human being from the time of fertilization to the time of birth), abuse means serious physical harm inflicted on the unborn child, or risk of serious physical harm inflicted on the unborn child when born, *caused by the habitual lack of self-control of the expectant mother in the use of alcoholic beverages or controlled substances, that is exhibited to a severe degree.*

Is corporal punishment considered to be child abuse?

Corporal punishment is the use of physical pain as a form of punishment.

Corporal punishment is not against the law.

Per Wisconsin Statutes Chapter 939.45:

A defense to criminal liability can be claimed by the parent, stepparent, or guardian when the conduct is reasonable discipline of the child. Reasonable discipline may involve only such force as a reasonable person believes is necessary. It is never reasonable discipline to use force which is intended to cause great bodily harm or death or creates an unreasonable risk of great bodily harm or death.

However, Portage County Health and Human Services recommends against the use of corporal punishment for a number of reasons.

1. The risk of causing an injury that is abusive is high. Adults often do not know their own strength especially when they are angry.

2. Shaking a baby or young child can cause immediate death or serious injuries that result in life long disabilities.

3. Although corporal punishment may stop the unwanted behavior, over time, resentment, anger, and more difficult behaviors result. Angry, defiant, uncontrollable teen behaviors are often the result of excessive corporal punishment.

What is neglect?

Per Wisconsin Statutes Chapter 48.981:

Neglect means failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to *seriously endanger the physical health of the child*.

In other words, Neglect is lack of care that seriously endangers the physical health of the child

Neglect includes:

- Unhealthy and unsafe conditions in the home. This is more than just a dirty house. These are conditions that can cause a child to become ill or injured.
- Lack of supervision of young children. There is no state law that identifies an exact age under which a child may be left in self care. Portage County will investigate a situation as neglect regarding children under the age of 8 who are left unsupervised or for children, between ages 8 and 10 for whom being left alone is having a serious negative emotional or physical effect. Any child who is physically, behaviorally, or developmentally challenged may be considered to be neglected if the lack of supervision seriously endangers their physical health.
- Medical neglect. Cases regarding children who need medical care because of serious illness or injury and for whom the parents are not providing medical care will be opened for an investigation.

What is sexual abuse?

Per Wisconsin Statute Chapters 48.02(Children's Code) and 948(Criminal Code):

1. Sexual intercourse or sexual contact that has occurred with a child under the age of 16
2. Non-consensual sexual intercourse or sexual contact with a child under age 18
3. Sexual intercourse or sexual contact occurred or is likely to occur with a caregiver, relative, or school instructional staff.
4. Permitting, allowing, or encouraging a child in prostitution
5. Forced viewing of sexual activity for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child
6. Sexual exploitation of a child (coercing, persuading, employing a child to engaged in sexually explicit conduct for the purpose of recording, photographing, videotaping, or displaying the conduct in any way.

7. Exposing genitals or pubic area for purposes of sexual arousal or gratification

What is emotional damage?

Per Wisconsin Statute Chapter 48.02:

Emotional damage means harm to a child's psychological or intellectual functioning which is *exhibited to a severe degree* by one or more of the following:

1. Anxiety
2. Depression
3. Withdrawal
4. Outward aggressive behavior
5. Substantial and observable change in behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development ... AND

The parent or guardian has neglected, refused, or been unable for reason's other than poverty to obtain the necessary treatment or to take steps to improve the symptoms

Who is required to report child abuse or neglect?

Any person may make a report of child abuse or neglect

There are certain persons or professions which, by law, must report suspected child abuse or neglect. These are called *mandated reporters*.

Mandated Reporters include:

1. Acupuncturist
2. Alcohol or Other Drug Abuse Counselor
3. Attorney
4. Audiologist
5. Child Care Worker in a Day Care Center or a Child Caring Institution
6. Chiropractor
7. Coroner
8. Court Appointed Special Advocate
9. Day Care Provider
10. Dentist
11. Dietician
12. Emergency Medical Technician
13. Financial and Employment Planner
14. First Responder
15. Law Enforcement Officer
16. Marriage and Family Therapist
17. Mediator under S.767.11(Family Court Counseling Services)
18. Medical Examiner
19. Member of the Clergy
20. Mental Health Professional
21. Nurse
22. Physician
23. Physical Therapist
24. Physical Therapist Assistant
25. Professional Counselor
26. Public Assistance Worker

27. Occupational Therapist
28. Optometrist
29. Other Medical Professional
30. School Administrator
31. School Counselor
32. School Teacher
33. Social Worker
34. Speech/Language Pathologist
35. Treatment Staff Employed by or Contracted with a County Department under 46.23 (*County Human Services Department*), 51.42 (*Community Mental Health, Developmental Disabilities, Alcoholism, and Drug Abuse Services*), 51.437 (*County Developmental Disability Services*)

What is the Mandated Reporter Responsibility?

Any mandated reporter who has reason to suspect that a child, seen in the course of professional duties, has been abused or neglected or has been threatened with abuse or neglect and the abuse or neglect will occur must make a report.

There are exceptions for the following mandated reporters.

- Physicians, Physician Assistants, Nurses, and Family Planning Services (providing pregnancy testing, obstetrical health care or screening, or screening, diagnosis and treatment for sexually transmitted diseases), Members of the Clergy, or Court Appointed Special Advocates

Health Care Providers are not required to report sexual intercourse or sexual contact involving a child. This is to allow a child to obtain confidential health care services

However, they are required to report sexual intercourse or contact if they have reason to suspect any of the following:

- The sexual contact or intercourse occurred or is likely to occur with a caregiver
 - The child suffers from a mental illness or deficiency that rendered the child temporarily or permanently incapable of understanding the consequences of his or her actions.
 - The child, because of his or her age or maturity, was incapable of understanding the nature or consequences of sexual intercourse or contact.
 - The child was unconscious at the time of the act or for any reason was physically unable to communicate unwillingness to engage in sexual intercourse or contact
 - Another participant in the sexual contact or intercourse was or is exploiting the child
 - If there is any reasonable doubt as to the voluntary nature of the child's participation in the sexual intercourse or contact.
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- *Members of the Clergy* are not required to report if the child abuse information was received solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hear such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret.

Is there a penalty for not reporting suspected abuse or neglect?

Anyone required (mandated reporter) to file a child abuse or neglect report, but fails to do so, may be fined not more than \$1000, imprisoned not more than six months, or both.

What information should I report?

As well as you can, explain what happened or what is happening to the child. Be as specific as possible. Descriptions of injuries or of conditions in the home are most helpful. Describe incidents. Provide the name, age, and address of the child if possible. The Intake Social Worker will help you make the report.

Will the family know I made the report?

State law protects reporter confidentiality. We will not disclose your name or that you made a report.

However, alleged maltreaters may be able to guess who made the report because the nature of the information may only be known by a few persons. Any person making a report in good faith is immune from civil and criminal liability.

Professionals who are mandated reporters have an ethical responsibility to inform their patients/clients of the limits of confidentiality and their requirement to report.

Deciding to get involved in a situation of suspected abuse or neglect can be difficult. However, your decision may be very important in protecting a child not only today, but also in the future. Abused and neglected children often carry lifelong scars and may mistreat their own children. Abusive and neglectful parents need services and support in order to stop the cycle of abuse or neglect.

What will happen when I report child protection concerns?

Every report is assessed to determine if there is reasonable suspicion that child abuse as described above occurred or is likely to occur. If a case is opened a social worker from Portage County Health and Human Services will assess the situation according to Wisconsin statutory guidelines and determine what must be done to protect the child and help the family.

Will the child be taken away from their family?

Child Protective Services is a social service intervention that strives to keep families together. *The primary function of an investigation is to identify families who might need support and services to assure child safety and care.* A minority of children are removed from their family homes because they are unsafe in the home. Court action and approval are necessary in all of those instances.

Additional Information

Important Messages to Give Your Children to Protect them from Abuse

1. Talk to your children every day. Take time to really listen and observe their behaviors. Learn as many details as you can about your children's activities. Help your children identify and talk about their feelings.
2. Encourage your children to share concerns and problems with you. Tell your child, "We can talk about anything together. I promise that I will *always* listen to you." Make sure your children understand that they can always turn to you for help and that together you can work to solve any problem.
3. Say to your child, "As your parent I will always do my best to protect you and keep you safe. I will always try to provide a warm, nurturing and loving place for you."
4. Your children need you to kiss, cuddle, hug and love them as much as possible. You also need to be able to say to your child, "Your body belongs to you. You have the right to question how and why someone touches you."

Try to Clarify Misconceptions about Sexual Abuse

1. Say to your child, "Nothing is so bad we can't talk about it."
2. Say to your child, "If someone touches you in a way you think is wrong or in a way other people would think is wrong, tell someone you trust! People you can tell might be mom or dad, aunts or uncles, grandparents, teachers or an adult friend."
3. Tell your children that sometimes surprises or secrets are fun, but hurtful secrets must be told. Tell your children that if they are asked to keep a special secret about sexual activity, they must tell you or someone else they trust.
4. Children develop positive self-esteem about themselves when they are treated with respect. Teach your children to feel good about themselves. Tell your child, "You are a good thinker. You know to make good decisions and to solve problems. Come and talk to me because I want to hear what is worrying you."