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UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

MANDATORY CHILD ABUSE REPORTING
PRACTICES OF OKLAHOMA EDUCATORS

A Dissertation

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

Doctor of Philosophy

By

Brenda L. Stubblefield
Norman, Oklahoma
2002

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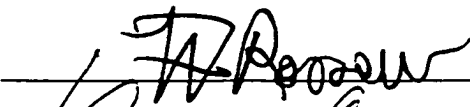
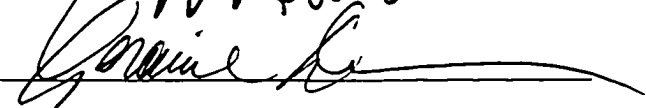
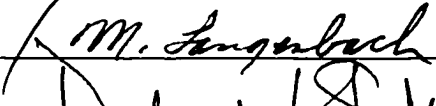
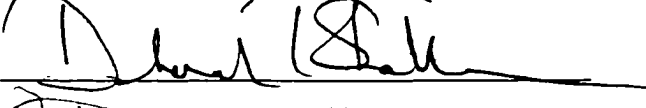

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MANDATORY CHILD ABUSE REPORTING
PRACTICES OF OKLAHOMA EDUCATORS

A Dissertation APPROVED FOR THE
DEPARTMENT OF EDUCATIONAL
LEADERSHIP AND POLICY STUDIES

By

ACKNOWLEDGMENTS

Nietzsche once philosophized that “what doesn’t kill you can only make you stronger.” No truer words could describe my desire and tenacity in completing and earning my Ph.D. The evening the Gulf War started in 1990, I began my residential course work. I had four healthy children, a beautiful granddaughter, Amber, and a very understanding husband who agreed to a commuter marriage. I was anxious to set the world of higher education on fire, as I had in my other studies. Since then, as a family, we became foster parents for my niece; adopted two homeless teenagers in need of parents; survived the resulting chaos of an automobile accident that resulted in the amputation of one of my daughter’s legs; survived the trauma of a burn unit when my youngest son suffered devastating burns in a fraternity accident; made three major moves; and, the final assault, following many emergency hospital trips, my being diagnosed with Systemic Lupus affecting major organs. Yet all of this pales in comparison to the devastation of the Oklahoma City Bombing that severely injured my statistic’s tutor and friend, Fran Ferrari, and the terrorist attack of September 11 that started the War on America.

Throughout the years and turmoil, the overriding mantra has been “you must finish your dissertation.” If it were not for the support of my husband and best friend, Bob, I would have never been able to survive the overwhelming task of tending to each family crisis and never giving up. I could not have asked for a more devoted, loving, and

supportive life partner. My children have learned the importance of education and have been supportive through all of the various degree programs. They moved with me, changed schools, cheered me on, and gave me the courage and strength to keep going.

My youngest daughter, Ashley, was in the first grade when I began my course work to satisfy my residence requirements. This year, Ashley and I will be graduating together. She will graduate from Coweta High School, as I graduate from OU. She has grown up surrounded with my pursuit of this degree. Two sons, Brandon and Barrett, also “persevered” and graduated with their bachelor’s degrees from OU during this time. They both helped with keeping my paper trail moving from Norman to home after I finished the residency. Marty, my oldest son, helped with all the moving and gave us a grandson, Tyler. Celeste graduated from Air Force Basic Training, served in Germany, married, and gave us a precious grandson, T.J. Crystal, despite her injuries, graduated with her high school class and studied abroad in France. I was present when she gave birth to her daughter, Victoria. Our combined efforts as a family, of never giving up hope, supporting each other, and a lot of prayers helped us each to overcome our obstacles and reach our goals. Our family mottos became “crisis in Chinese means opportunity” and “look toward the goals, not the obstacles.”

Special thanks are deserved for the teachers who have guided me thorough the years. As teachers, you may never know the positive impact a kind word or encouragement will have on a student. I found my strengths early in education with the nurturing of wonderful teachers and counselors. I want to take the opportunity to tell a few just how much I appreciate them. My first teachers, my grandparents, all now deceased; Lucille Pitcher who preached “education is the one gift you give yourself.” be

it academic, ballet or manners and from whom I rented my first typewriter; Lacy and Gertrude Gilmore, for the basics and love of horses; Mrs. Pauline Talley who taught me the love of words and books; and Donna Baker, my high school counselor, who knew how to report child abuse and get help for children in the 1960's. When I was an at-risk teen, before the Margaret Hudson Programs, Mrs. Baker made sure I graduated and participated in senior activities. Mrs. Slagle could see the writing potential in a fragile high school student. Chief Riggs taught me the "pearls of wisdom" in the Criminal Justice program at Tulsa Junior College and helped me finish an associate degree in one year and made sure I finished the Tulsa Police Academy and my "rookie" year. Becky Baughman, an NSU professor, guided me through upper level courses during that one year the Tulsa Police Department gave me to finish my bachelor's degree. Becky then encouraged me to complete a master's degree and teach college level students as a graduate assistant. George Fowler supervised my doctoral administrative internship with the At-Risk-Task Force and Dr. LaVerne Wimberly introduced me to the world of school social work and school counseling at Tulsa Public Schools. Chris Archer gave me my first school counselor job in Tulsa and Wayne Henderson started the Broken Arrow Alternative Academy with me as counselor. Sgt. Spillers from the Tulsa Police Department taught me the proper way to investigate a child abuse case and served with me in Tulsa's productive and successful Child Sexual Abuse Subcommittee. A sincere thank you also go out to Judge Winslow, a dear family friend who married Bob and me and later married two of my children; the late and infamous Bill Hood, the intensely intelligent Bill Reynolds, and the learned Professor Spector, all of whom taught me family law, adoption law and the importance of discovery; and the late Rocky (a.k.a.

“Don Quixote”) Boydston who taught me “justice does prevail.” To my special friends and emotional support system, Teyna McMackin, Deborah Reheard, Paula Cruz., Linda Allen and new daughter-in-law, Marla Stubblefield, each of you in your own special way contributed to my ability to complete this study and subsequently the Ph.D.

No acknowledgment would be complete without thanking all of the support personnel involved in the onerous task of typing, collating, researching and inputting data. My heartfelt thanks goes out to Beverly Lyles and her family for the many hours she has spent away from them and helping me to bring a professional quality to all of my academic work. Her skill as a typist and editor are unsurpassed. Thanks to my goddaughter, Donna “Miki” Egbert, and my organizational expert and lifelong friend and prayer partner, Diane Arminger, for helping research, copy and file mountains of paper work; to Diane who also taught me to relax and accept my limitations; and to Katie White, for without your help, we would not have some of the paperwork. A special thanks to my wonderful brother, Mark Pitcher, for being more task oriented and computer literate than I could ever be. To my sister, Marilyn Day, and Debbie Vaughn for being great organizers and housekeepers, for without you we would never have any holiday decorations. Last but not least in any way, thank you to John Story who was able to jump start me with the statistical portion of my dissertation and then pass the torch to Fran Ferrai for the final finishing touches.

Finally, the most influential person has been my doctoral committee chair, Dr. Rossow. From the time I first called on him as a resource on a school law paper he has become an unrelenting mentor. He has never given up on me and has fulfilled every promise that was made if I would come to OU and complete this unique degree plan that

encompasses all of my past education and talents. As his research assistant, he taught me the art of getting published and how to present scholarly works at national conventions. Thanks also to my other committee members: Judge Deborah Shallcross who suggested the topic of the study, encouraged me in my private practice of Family Services and Mediation, and quietly never lost faith in me to finish what I started; Professor Leo Whinery who taught me juvenile justice from the academic perspective, evidence law and who keeps my legal citations properly presented; Professors Mike Langenbach and Loraine Dunn who have offered valuable insight on the dissertation process; Dr. Dunn who makes sure her elementary education majors are well versed in mandatory child abuse reporting.

As I come to the end of this educational pursuit, which has spanned the Bush to Bush presidential era and witnessed the United States of America rally as a country that will protect its citizens, my only wish and prayer are that this information will in some way help protect one precious child at a time.

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ABSTRACT

Stubblefield, Brenda L. (Doctor of Philosophy in Education)

Mandated Child Abuse Reporting Practices

of Oklahoma Educators

(211 pp.)

Directed by Lawrence F. Rossow, Ed.D. Chair

(320 words)

One of the best predictors of any nation's success or failures is the investment it makes in its most valuable natural resource, namely its children. Exposure to abuse in the home environment has been shown as a predictor for young people to be involved in violent acts. Yearly more than one and one-half million children experience child abuse or neglect nationwide. For the most part the victims and their families keep quiet about the abuse. They are the students teachers see in every classroom across the nation. Every state mandates that teachers report child abuse and neglect but tragically for the children many teachers do not report.

This study investigated why, despite mandatory reporting laws, Oklahoma elementary teachers failed to report suspected child abuse and neglect cases. Variables included years taught, grade level taught, general knowledge of child abuse and neglect

reporting laws, if a course in child abuse or law had been taken either pre-service or in-service and whether the teacher had reported suspected child abuse and/or neglect.

A 1977 questionnaire developed by Dr. David Pelcovitz that measured teacher's attitudes and knowledge concerning child abuse and reporting was sent to 200 randomly selected elementary teachers in Oklahoma. Sixty-percent (60%) (n=112) of the respondents returned the questionnaire.

The purpose of this study was to provide a basis for school districts and administrators review of policy and procedures surrounding mandatory reporting of suspected child abuse and neglect. Policy evaluation is indicated to prevent criminal prosecution, civil liability or possibly a Section 1983 action (authorizes a court to grant relief when a party's federally protected rights have been violated or failure to act by a state or local official or other person who acted under color of state law).

This study determined how Oklahoma certified teachers perceived child abuse and its causes and how they understand their role and obligations in dealing with an abused or neglected child in their classroom.

MANDATORY CHILD ABUSE REPORTING PRACTICES OF OKLAHOMA EDUCATORS

CHAPTER 1

INTRODUCTION

One of the best predictors of any nation's success or failure is the investment it makes in its most valuable natural resource, namely its children. The family is the strongest influence on the development of antisocial behavior among young people. Exposure to abuse in the home environment has been shown as a predictor for these young people to become involved in violent acts.¹ Severe child maltreatment can change brain chemistry resulting in characteristics similar to adult post-traumatic stress disorder and causing disturbances in children's physiology, thinking and behavior.² Children reported as neglected or abused were found more likely to be arrested before age thirteen.³ Neglected or abused children were found more likely to have adult arrest histories, including commission of violent crimes.⁴ Yet, communities across the country are

¹ U.S. Department of Justice, *National Institute of Justice Journal* (Washington, D.C.: U.S. Department of Justice, April 2000): 33.

² Robin Karr-Morse and Meredith S. Wiley, "Ghosts From the Nursery: Tracing the Roots of Violence," 33 *Family Law Quarterly* 3 (Fall 1999).

³ *Child Welfare League of America, Sacramento County Community Intervention Program: Findings from a Comprehensive Study by Community Partners in Child Welfare, Law Enforcement, Juvenile Justice, and the Child Welfare League of America* (June 19, 1997): 1.

⁴ U.S. Department of Justice, *National Institute of Justice, the Cycle of Violence* (continued...)

discovering a tragic number of youth are falling victim to physical, emotional and sexual abuse and neglect. A recent national incidence study conducted by the National Center on Child Abuse Prevention Research indicates that the number of child maltreatment cases increased 50% from 1985 to 1992.⁵ It is estimated that more than one and one-half million children experience child abuse or neglect nationwide every year. While this number seems staggering, it is important to note these estimates do not include cases investigated in the armed forces.⁶ For the most part, it is believed that victims and their families keep quiet about the abuse. They do not report it to police. They do not seek help. They are the students teachers see in every classroom across the nation.

Historically, child abuse and neglect were not considered to be a concern of the schools. The “modern era” of child protection began in 1962 with an article by Henry Kempe on the battered-child syndrome.⁷ Dr. Kemp was instrumental in persuading the U.S. Children’s Bureau to develop a law that would mandate certain professionals to report cases of child abuse and/or neglect. All 50 states had passed legislation by 1967, requiring certain professionals to report cases of child abuse and/or neglect to the authorities. It was perceived that most abused and neglected children were of preschool

(...continued)

Revisited (Washington D.C.: U.S. Department of Justice, February 1996): 1-2.

⁵ Karen McCurdy and Deborah Daro, “Current Trends in Child Abuse Reporting and Fatalities: The Result of the 1992 Annual Fifty State Survey,” *The National Center on Child Abuse Prevention Resource Working Paper* (April 1993): 808.

⁶ Ibid.

⁷ John C. B. Myers, *Legal Issues in Child Abuse and Neglect Practice*, 2nd ed. (Thousand Oaks, CA: Sage Publication, 1998).

age. However, in 1969 a report indicated that 47.6% of the reported abuse cases concerning school age children focused attention on prevention and detection to the school setting.⁸

The school is in an advantageous position to detect abuse, note repeated abuse, and learn of the child's family background. Once in school, a child's appearance and behavior are observed regularly by a number of people.⁹

Relatively few school systems have responded effectively to discharge this responsibility despite the fact that most states provide penalties for failure to report child abuse and neglect. In a National Teacher Survey conducted in 1989, on child abuse reporting, 568 elementary and middle school teachers responded. The following are some of the findings: 49% reported that their schools did provide in-service training on child abuse and 63% cited a fear of legal ramifications for false allegations¹⁰ as a reason they did not report.

In 2000 Oklahoma DHS received 53,548 abuse and neglect reports on families for a total of 62,023 children (this total represents all children - some families with multiple children per family). The charts below indicate children DHS has investigated and

⁸ David G. Gil, *Violence Against Children: Physical Abuse in the United States* (Cambridge, Mass: Harvard University Press).

⁹ Jeanette Willan Fairorth, *Child Abuse & The School* (Lexington, Mass.: Lexington Books, 1980).

¹⁰ N. Abrahams, K. Casey, & D. Daro, *Teachers Confront Child Abuse: A National Survey of Teachers' Knowledge, Attitudes, and Beliefs* (Chicago, IL: The National Committee for the Prevention of Child Abuse, 1989).

confirmed to be victims of child abuse and neglect in Oklahoma for the years 1991 through 2000.¹¹ Of this number 35,477 met the definition of abuse and neglect and required investigation (see page 23).

¹¹ Oklahoma Department of Human Services Division of Children and Family Services Child Welfare Services. *Child Abuse & Neglect Statistics Fiscal Year 2000*.

Table 1

Children Confirmed to be Victims of Child Abuse and Neglect, Fiscal 1991 thru 2000

1991	21,328	8,287	39%	1996	40,916	11,646	28%
1992	24,092	8,063	33%	1997	48,399	13,627	28%
1993	26,349	8,359	32%	1998	61,709	16,710	27%
1994	34,846	10,891	31%	1999	57,026	16,217	28%
1995	39,831	11,700	29%	2000	62,023	14,273	23%

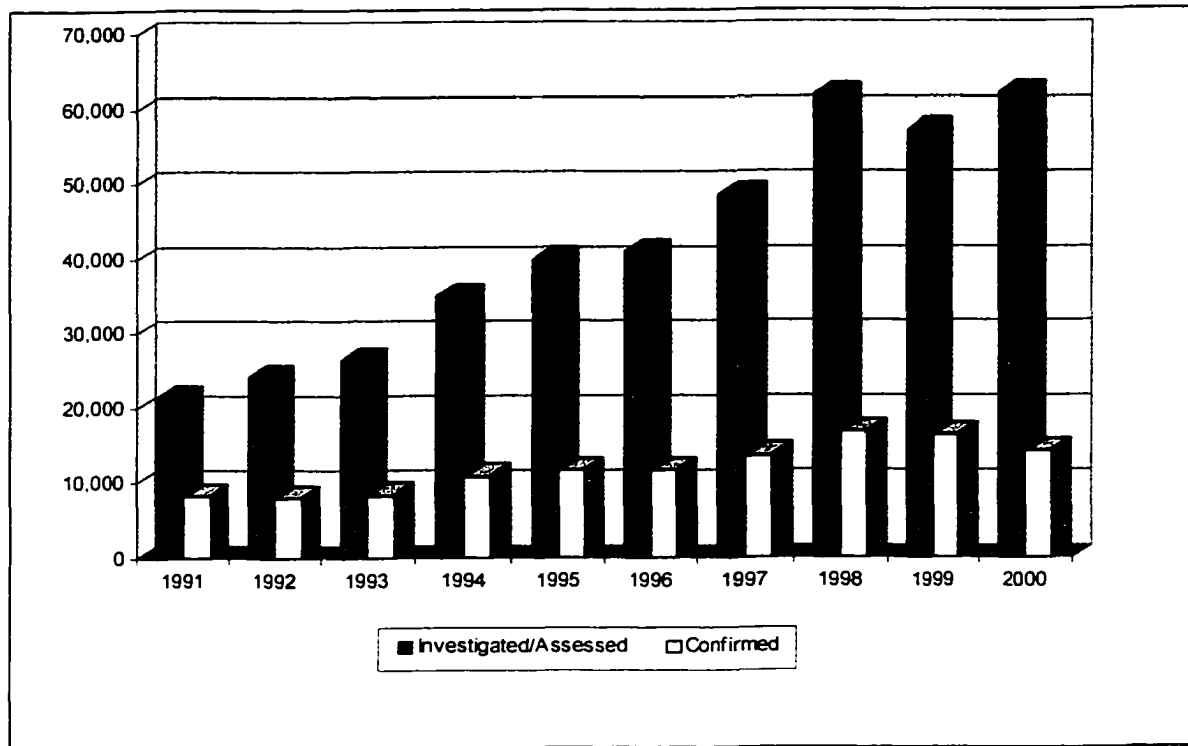
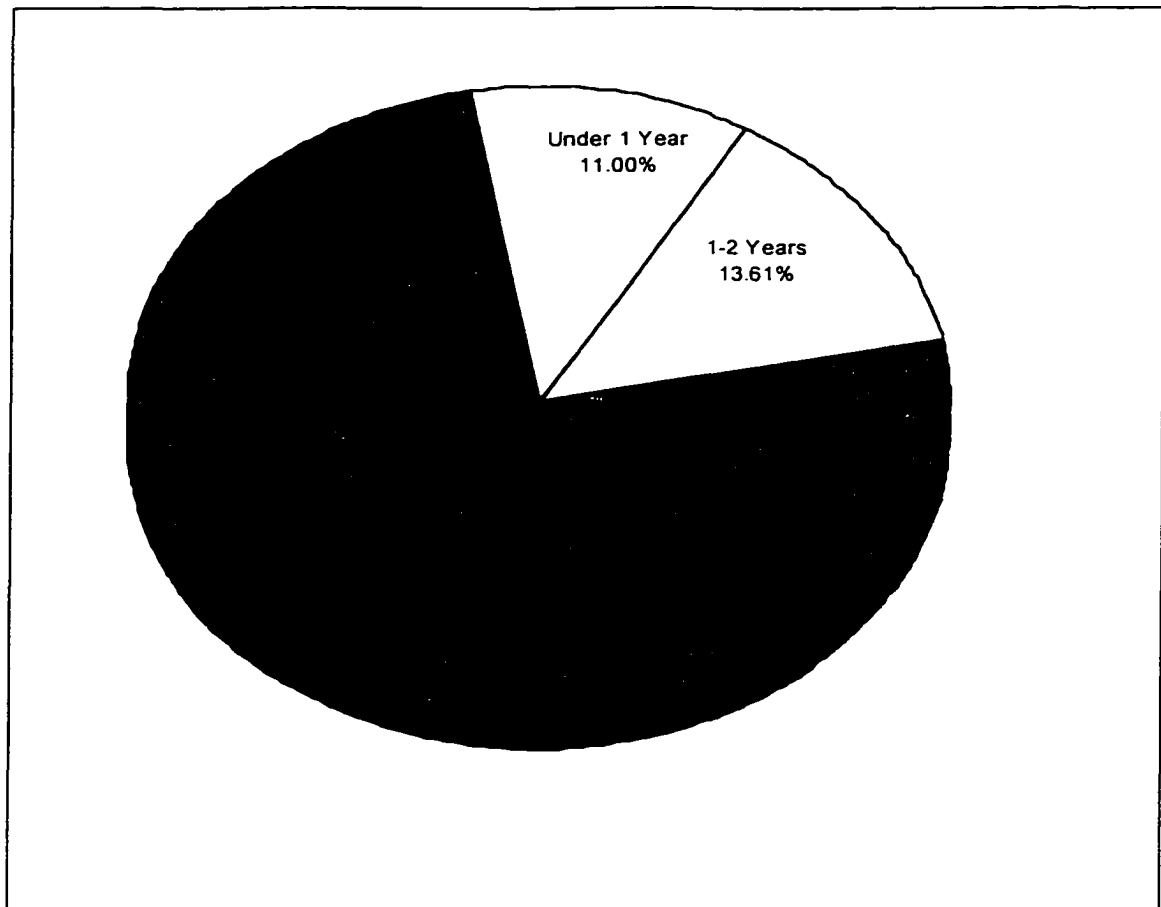


Table 2

Confirmed Child Abuse & Neglect: By Age of Child, Fiscal 2000

Confirmed Child Abuse & Neglect: By Age of Child, Fiscal 2000		
Age Group	Number of Cases	Percentage
Under 1 Year	1,570	11.00%
1-2 Years	1,942	13.61%
3-6 Years	3,588	25.14%
7-11 Years	3,887	27.23%
12 Years and Older	3,286	23.02%
TOTAL	14,273	100.00%



The charts indicate a little more than one-half of all child abuse occurs in the 7 year and above range. The rate is slighter higher in the 7-11 age range than in any other age range. There are more children of these ages abused and neglected because the middle years are a time of significant change. Hormonal changes begin around age 8, and they become more sensitive and independent. They no longer communicate in the same way and become more argumentative and challenge parents' authority. This can lead to some parents or care givers reacting inappropriately.¹²

In 2000 there were 48 deaths caused by child abuse and neglect in Oklahoma. Of the 48 confirmed child abuse and neglect deaths, 14 were school age children.¹³

¹² Gary Ezzo and Robert Buckham, M.D., *On Becoming Preteen Wise: Parenting Your Child from 8-12 Years* (Sisters, OR: Multnomah Publishers, Inc., (2000).

¹³ Oklahoma Department of Human Services Division of Children and Family Services Child Welfare Services, *supra*, at footnote 11.

Table 3

Confirmed Child Abuse & Neglect Deaths by Year, Fiscal 1991-2000

CONFIRMED CHILD ABUSE & NEGLECT DEATHS BY YEAR			
YEAR	DEATHS	YEAR	DEATHS
1991	38	1996	29
1992	20	1997	42
1993	23	1998	45
1994	31	1999	47
1995	34	2000	48

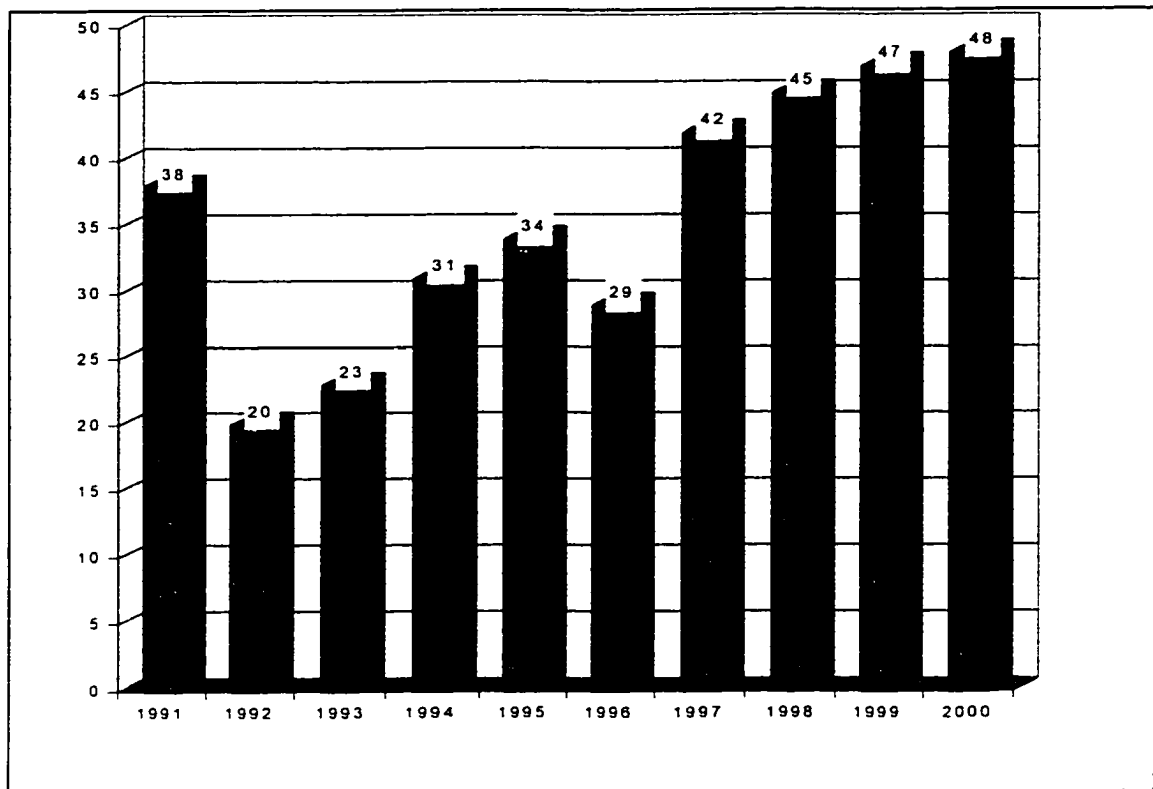


Table 4

Confirmed Deaths as a Result of Child Abuse & Neglect: By Age of Child, Fiscal 2000

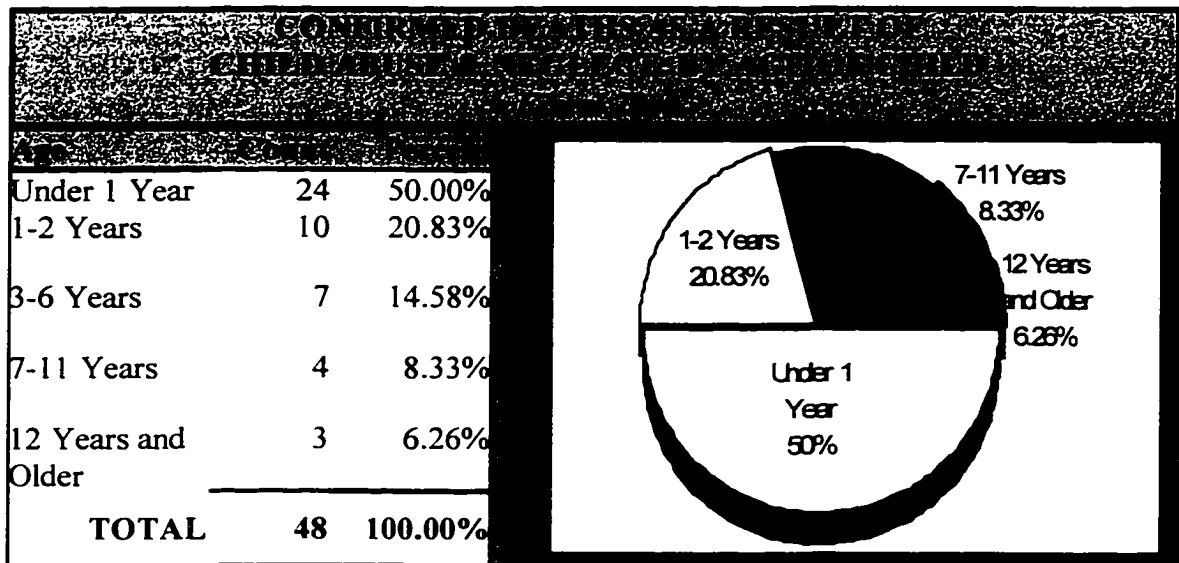
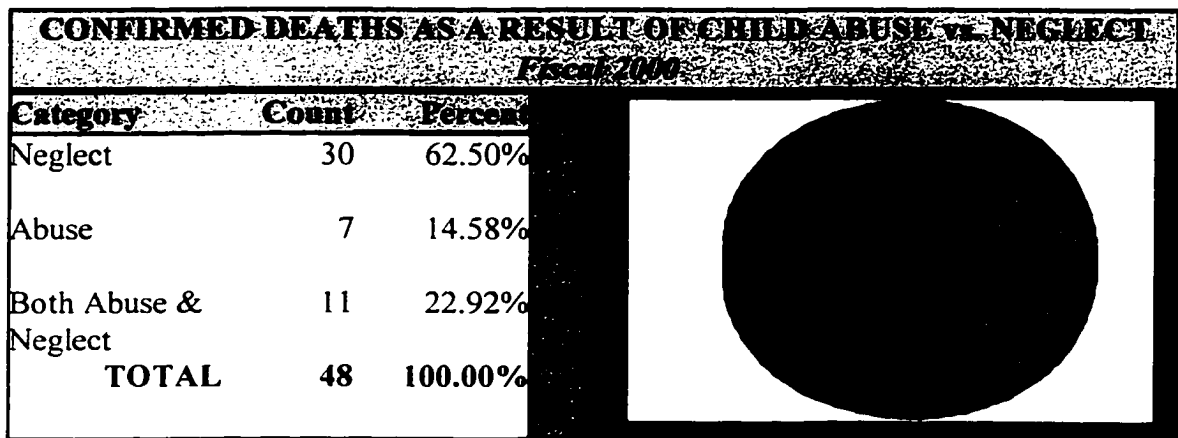


Table 5

Confirmed Deaths as a Result of Child Abuse vs. Neglect, Fiscal 2000



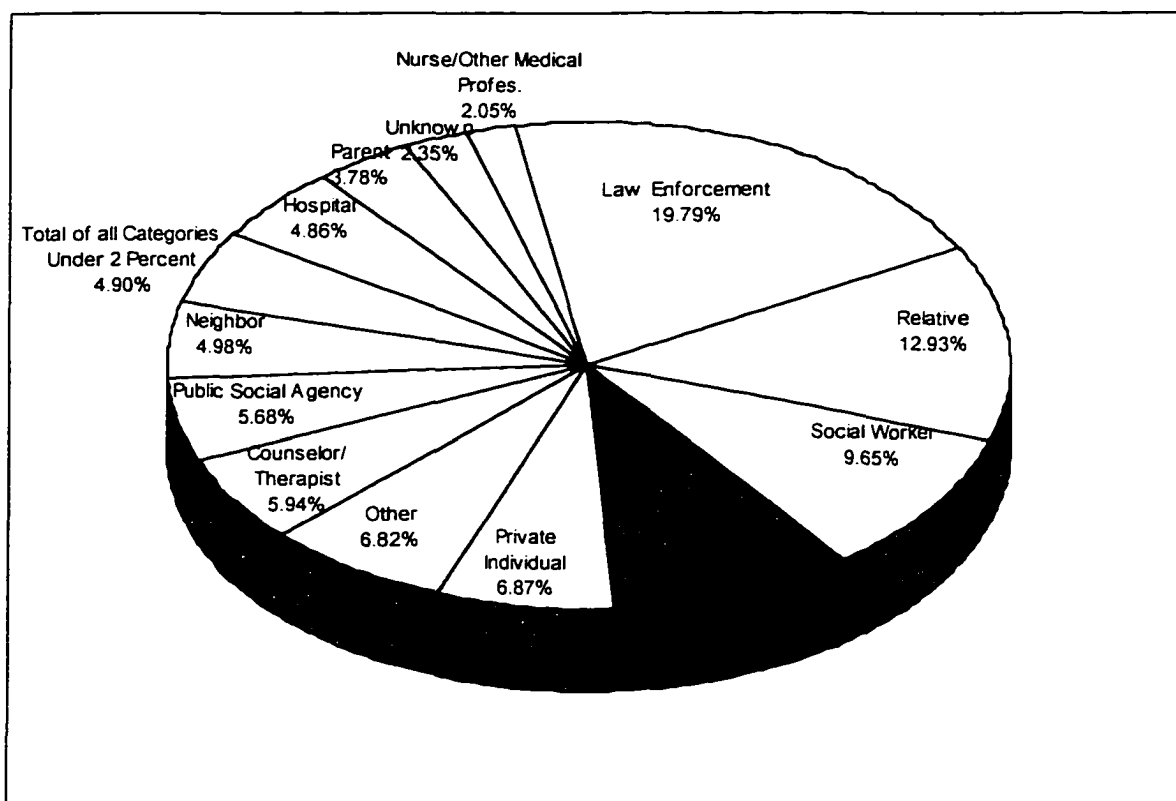
Further, Oklahoma had 14,273 confirmed abuse cases: 75.39% of those were school aged children, with only 9.40% of the cases being reported by schools. Since 1998 the number of school age victims has increased while the number of reporting teachers has decreased.¹⁴

¹⁴ Oklahoma Department of Human Services Division of Children and Family Services Child Welfare Services, *supra*, at footnote 11.

Table 6

Confirmed Child Abuse & Neglect: By Reporting Source, Fiscal 2000

CONFIRMED CHILD ABUSE & NEGLECT - BY REPORTING SOURCE					
Reporting Source	Count	Percentage	Reporting Source	Count	Percentage
Law Enforcement	2,825	19.79%	Parent	540	3.78%
Relative	1,845	12.93%	Unknown	336	2.35%
Social Worker	1,378	9.65%	Nurse/Other Medical Profes.	292	2.05%
			Child Care Provider	224	1.57%
Private Individual	980	6.87%	Self Referred	172	1.21%
Other	974	6.82%	Private Agency	158	1.11%
Counselor/Therapist	848	5.94%	Physician	129	0.90%
Public Social Agency	811	5.68%	Alleged Perpetrator	9	0.06%
Neighbor	711	4.98%	Dentist	7	0.05%
Hospital	693	4.86%	TOTAL	14,273	100.00%



This low percentage suggests educators are not reporting every incidence of suspected child abuse and neglect as they are required to do by statute.¹⁵ Nationally, educators reported 16% of all abuse and neglect cases. During the past five years only two states, Oklahoma being one, have experienced consistent annual increases in child abuse and/or neglect reports,¹⁶ from sources other than educators.

Researchers suggest the lack of reporting of child abuse and/or neglect by teachers and educators may be explained by the following reasons: (a) a lack of recognition of the characteristics associated with child abuse and/or neglect; (b) teachers' lack of awareness of their legal responsibilities; (c) fear of repercussions from parents; (d) fear that a school's reputation or an educator's prestige would be impaired; (e) lack of knowledge regarding correct legal procedures for reporting such cases; or (f) perception that child abuse and/or neglect is a problem for the medical profession, the courts, or social welfare agencies.¹⁷

Additional reasons for failure to report possible abuse are that many teachers do not have a clear understanding of the content and implications of their states' child abuse

¹⁵ Oklahoma Department of Human Services Division of Children and Family Services Child Welfare Services, *supra*, at footnote 11.

¹⁶ Ching-Tany Wang, *Current Trends in Child Abuse Reporting and Fatalities: The Results of the 1997 Annual Fifty State Survey*, prepared by The Center on Child Abuse Prevention Research Working Paper Number 808.

¹⁷ W. Richard Fossey, *Confidential Settlement Agreements Between School Districts and Teachers Accused of Child Abuse: Issues of Law and Ethics* (West Publishing Company, December 1990).

and/or neglect laws, and as a result fear being sued by a parent for reporting falsely, or they become frustrated by the lack of immediate action by state agencies.¹⁸

Statement of the Problem and Research Questions

The limited number of suspected child abuse and/or neglect cases reported by Oklahoma school teachers as mandated by State Law 10 O.S. §7103, indicated a need for research into explanations for failure to honor Oklahoma law. Questions for consideration were: Did Oklahoma elementary school teachers receive sufficient knowledge and training in child abuse and/or neglect indicators to feel confident in reporting suspected cases? Did administrative staffs support the teachers reporting suspected cases? Did adequate policy and procedures exist for reporting suspected child abuse and/or neglect?

Purpose of the Study

The purpose of this study was to provide the basis for school district and administrative review of policies and procedures surrounding mandatory reporting of suspected child abuse and neglect. Policy evaluation is indicated to prevent criminal prosecution, civil liability or possibly a Section 1983 (authorizes a court to grant relief when a party's federally protected rights have been violated or failure to act by a state or local official or other person who acted under color of state law).¹⁹ This was

¹⁸ David A. Pelcovitz, "Child Abuse as Viewed by Suburban Elementary Teachers" (Ph.D. diss., University of Pennsylvania, 1979).

¹⁹ Mayhall & Norgard, *Child Abuse and Neglect: Sharing Responsibility* (1983): 3-21.

accomplished by ascertaining: (1) How Oklahoma certified teachers perceive child abuse and/or neglect and its causes, and (2) How they understand their role and obligations in dealing with an abused child in their classroom.

Limitations of the Study

The study had the following limitations:

1. To ensure external validity, only those certified teachers servicing schools with enrollments between 100 and 3,000 were considered.
2. The research was limited to certified elementary teachers within the State of Oklahoma. Oklahoma was chosen as a population because of a statistically high rate (62,023) of reported child abuse and neglect cases to the Department of Human Services. In Oklahoma, teachers represented only 9.40% of these reported cases. An internal control can be achieved at a higher rate than a national population would receive.

Assumption of the Study

The study gathered demographic information about the subjects in the study. The demographic information included the grade level the teacher was currently teaching and the years of experience in the teaching field.

The study was conducted pursuant to the following assumptions:

1. The subjects participating in the questionnaire were certified elementary teachers in Oklahoma.
2. The responses of all persons were truthful and accurate to the best of their knowledge.

3. The study collected data that was valid.

Significance of Study

The study provided data to substantiate the need for comprehensive in-service and pre-service teacher training in the area of child abuse and neglect and the legal mandates surrounding this problem. School districts and administrators should be able to develop and/or modify policies to conform to mandatory reporting of suspected child abuse and neglect to assure reporting will take place.

Research indicates abuse and neglect affect a child's learning development.²⁰ Knowledge and concern of the school aged abused and neglected child is essential for teachers to raise their awareness of the need to report suspected child abuse and neglect.

Pelcovitz's research on "Child Abuse As Viewed By Suburban Elementary School Teachers" and subsequent studies using this same survey have focused on small school districts in typical middle class neighborhood settings.²¹ No attempts have been identified to conduct a comprehensive statewide study in a variety of district sizes on the mandatory reporting practices of certified elementary school teachers.

The problem of child abuse and neglect crosses all economic lines. A search of the literature has revealed no specific comparative study on the various sizes of school districts.

²⁰ Dennis L. Cates, Marc A. Markell and Bettenhausen, "At Risk for Abuse: A Teacher's Guide for Recognizing and Reporting Child Neglect and Abuse." *Preventing School Failure* 39, no. 2 (Winter 1995).

²¹ Lynn M. Firestone, "Teachers' Knowledge and Attitudes About Child Abuse and Neglect: A Case Study" (unpublished Ph.D. diss., Kansas State University, 1987).

Definition of Terms

A review of the literature indicates there are numerous definitions for child abuse, neglect and related terminology. A specific professional discipline, geographical area, religious group, or legislative body may utilize a different definition. Statutory definitions are unique for each state ranging from very specific terms to broad, general terms.²² For the purpose of reporting cases to child protective services, agreeing on specific definitions of child abuse and/or neglect is an ongoing debate.²³

For the purposes of this study, the following definitions were used:²⁴

Abrasion A wound in which an area of the body surface is scraped of skin and/or mucous membrane.

Adjudicatory Hearing Held by juvenile and family courts to determine the occurrence of abuse or neglect and appropriate state interventions. States vary in terms, definitions, and scope of the court functions.

Arachnoid A delicate membrane of the spinal cord and brain that may be damaged due to trauma.

²² R. J. Gelles. "Child Abuse as Psychopathology: A Sociological Critique and Reformulation," *American Journal of Orthopsychiatry* 43, no. 4 (July 1973): 611-621.

²³ Rosonna Tite. "How Teachers Define and Respond to Child Abuse: The Distinction Between Theoretical and Reportable Cases," *Child Abuse and Neglect* 17 (1993): 591.

²⁴ Seth C. Kalichman, *Mandated Reporting of Suspected Child Abuse: Ethics, Law and Policy* (Washington, D.C.: APA, 1993).

Asphyxiation Breathing impaired to the extent of loss of consciousness with potential for brain damage or death. Cause can be varied, including strangulation, suffocation, smothering, and smoke inhalation.

Atrophy Wasting of body tissues or organs.

Beyond a Reasonable Doubt The standard of proof required in a criminal proceeding, including delinquency cases.

Bone Scan A nuclear study to diagnose previous or minimal fractures.

Bone Survey A total body X-ray to determine fractures in the absence of obvious symptoms; old fractures can be detected with this procedure.

Bucket Handle Tears Total fractures of the wider part of a long bone, between the end and the shaft, such that it is loose and floating.

Burns Wounds resulting from the application of excessive heat; degree classifications: 1st degree, scorching or painful redness of skin; 2nd degree, formation of blisters; and 3rd degree, destruction of outer layers of skin.

Calcification Formation of bone; amounts of calcium deposits can be detected by X-ray and used to identify healed fractures.

Callus New meshwork of bone formed during the healing process of a fracture.

Cerebral Edema (Contusion of the Brain) Brain swelling that may be associated with bleeding into the tissues of the brain.

Child abuse and neglect Physical or mental injury, sexual abuse or exploitation, negligent treatment (omission or failure to care for a child includes withholding of food, shelter, clothing or medical/dental attention) or maltreatment of any minor

child (under the age of 18) by a person who is responsible for the minor child's welfare (including parents, grandparents, guardians, conservators, and foster parents).²⁵

Child Protective Services The social service agency or division of a larger social agency in most states charged with receiving and investigating reports, and providing services for victims and victims' families in cases of child abuse and neglect.

Chip Fracture A small piece of bone is flaked from the major part of the bone.

Colposcopy A binocular magnifying device, traditionally used in gynecology, often used in the physical examination of sexual abuse cases.

Comminuted Fracture Bone crushed into many pieces.

Compound Fracture Fragments of bone cut through soft tissue, causing a wound.

Contusion Wound producing injury to soft tissue without a break in the skin, causing bleeding into surrounding tissue.

Corner Fracture The corner of the wider part of a long bone is torn off during wrenching or twisting injuries.

Court Appointed Special Advocate Usually a volunteer who ensures that the needs and interests of a child in judicial process are being met.

²⁵ 42 U.S.C. § 5102(1).

Clear and Convincing The standard of evidence in parental termination cases.

“Well founded doubt” is more than “preponderance” but less than required in criminal cases (“beyond a reasonable doubt”).

Cranium The skull.

Dislocation The displacement of bone, usually at the joint; may or may not be accompanied by fractures.

Disposition Hearing Held by juvenile or family court to determine the placement and services for cases that have proceeded through adjudication.

Ecchymosis The passage of blood from ruptured blood vessels into subcutaneous tissue, marked by purple discoloration of the skin.

Edema Swelling caused by an excessive amount of fluid in body tissue; follows a bump or bruise.

Failure to Thrive Syndrome (FTT) The child’s height, weight, and motor development are significantly below the average growth rate expected for their chronological age. FTT may result from severe emotional and physical neglect of a child. However, about 30% of cases involve an organic condition. When caused by parental neglect, the symptoms will often reverse with proper nurturing.

Family Preservation-Reunification The belief, established by law and policy, that children and families should be maintained together if the safety of children can be ensured.

Fracture A broken bone; there are numerous types of breaks, some of which are indicative of abuse.

Good Faith Standard that applies to determinations for reporting; in general, good faith applies if any reasonable person, given the same information, would draw a conclusion that a child may have been abused or neglected.

Greater Weight of the Evidence The burden of proof for civil cases in most states, including deprived proceedings (except Native American cases which is clear and convincing). A party has the burden of proof on any proposition by the greater weight of the evidence. You must be persuaded, considering all the evidence in the case, that the proposition on which such party has the burden of proof is more probably true than not true. The greater weight of the evidence does not mean the greater number of witnesses testifying to a fact, but means what seems to you more convincing and more probably true.

Guardian Ad Litem An attorney or lay person who serves as a child's representative in juvenile or family court. Considers the best interest of the child in an advocacy manner.

Hematoma A swelling caused by a collection of blood in an enclosed space (e.g., under the skin or skull).

Hemorrhage The escape of blood from the vessels; bleeding.

Hyphene Hemorrhage within the front chamber of the eye, often appearing as a bloodshot eye; the cause may be a blow to the head or violent shaking.

Immunity Protects reporters from civil law suits and criminal prosecution resulting from filing a report of suspected child abuse and/or neglect in good faith.

Impetigo A contagious and rapidly spreading skin condition that occurs principally in infants and young children; characterized by red blisters that develop rapidly into pustules, commonly around the mouth and nose; may be an indicator of neglect or inadequate living conditions.

Juvenile and Family Court Established to resolve conflicts and intervene in the lives of families in a manner that promotes the best interest of the children and the families.

Laceration A cut or wound of the skin in which the edges are jagged or separated and may require stitches.

Malnutrition Failure to receive adequate nourishment; can result from a lack of food or specific vitamins; can be a sign of neglect, poverty, or an organic condition.

Marasmus A wasting away of fat and muscle, associated with inadequate nourishment.

Medical Neglect Failure to provide medical care in preventing or treating illness; can occur as a result of not seeking assistance in cases of emergency or from not following prescribed treatments.

Out-of-home Care Child care, foster care, or residential care provided by individuals and/or institutions to children who are placed outside of their families, usually under the jurisdiction of juvenile or family court.

Petechia A small spot on a body surface caused by a discrete hemorrhage.

Petition Document filed with a court to initiate a civil child protection proceeding; contains all of the detailed allegations of abuse, but not the facts to support abuse.

Preponderance of Evidence To make instruction more understandable to jurors, “greater weight of the evidence” is used instead of “preponderance of the evidence.” Preponderance of the evidence has been defined to mean “simply the greater weight of evidence.”²⁶ See **Greater Weight of the Evidence** above.

Protection Order Issued by a judge to control or restrain the behavior of an allegedly abusive adult or any other person who may harm the child or interfere with the disposition.

Purpura A condition, caused by hemorrhages into tissues, characterized by purplish discolorations running together over any part of the skin or mucus membranes.

Rarefaction Loss of density, as in a bone that has lost calcium.

Retinal Hemorrhage Bleeding that can be seen on the retina, detected by viewing the eye through an ophthalmoscope.

Review Hearing Held by juvenile or family court to review dispositions and determine the need to maintain placements. All states require such a reevaluation process for cases, but the time frame for reviews varies. Federal law requires (for

²⁶ *Black's Law Dictionary* 1182 (6th ed. 1990).

federal funding) a review of cases 18 months after disposition and continued reevaluation at regular intervals to determine final resolutions of cases.

Rickets Condition of disturbed bone development due to Vitamin D deficiency.

Scurvy Condition caused by vitamin C deficiency, characterized by weakness, anemia, and spongy gums, and other symptoms.

Sexual abuse Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion of any child to stimulate or to encourage in (or to assist another to engage in) sexually explicit conduct for the purposes of producing any visual depiction; or rape, molestation, prostitution or any other form of sexual exploitation; or incest.²⁷

Simple Fracture Bone breaks without wounding the surrounding tissue.

Spiral Fracture Twisting causes the fracture to encircle the bone like a spiral.

Subdural Hematoma A collection of blood beneath the dura (outermost covering of the brain); the hematoma may result from a blow to the head or from shaking.

Termination of Parental Rights Hearing Legal proceeding to free a child from parents' legal custody, allowing adoption by others; the determination made by the court, using a legal standard of clear and convincing evidence, is that the parents will not be able to provide adequate care for the child in the future; this burden of proof is higher than a preponderance of evidence.

²⁷ 42 U.S.C. § 5120(2)(A).

Torus Fracture A folding, bulging, or buckling fracture.

Trauma An internal or external injury or wound brought about by an outside force; usually used to describe an injury due to violence.

Whiplash-shaken Infant Syndrome Injury to an infant or child resulting from shaking, often as a misguided form of discipline; common symptoms include intracranial bleeding and detached retinas. Repeated occurrences can result in developmental disabilities.

In addition to the above definitions, the following terminology reflects the new expanded findings categories that are possible when an assessment or investigation of an abused or neglected child is indicated by the Oklahoma Department of Human Services:²⁸

A finding of -

Services not needed No abuse or neglect and the family does not need any prevention or intervention services.

Services recommended Allegations are determined to be unfounded but the family could benefit from prevention or intervention services.

Confirmed services recommended Allegations, based on credible evidence, constitute child abuse or neglect and services without court intervention will assist the family.

²⁸ Oklahoma Department of Human Services Division of Children and Family Services Child Welfare Services, *supra*, at footnote 11.

Confirmed court intervention Allegations, based on credible evidence.

constitute child abuse or neglect of such a serious nature that court intervention is recommended.

Reasonable parental discipline Person responsible for a child used ordinary force and age appropriate reasonable discipline; this finding results in expungement of record of the referral and assessment or investigation.

CHAPTER 2

REVIEW OF LITERATURE

History

Child abuse is not unique to the United States or to the 21st century. Reports of child abuse have existed in history for more than 4,000 years. Abusive acts against children were motivated by a need for strict discipline, to appease certain gods, to exorcize evil spirits (particularly in connection with mentally challenged children), or based on tradition and custom, as indicated below:

When children were beaten, whipped, mutilated, castrated, enslaved, prostituted, starved, burned, abandoned, or murdered it often occurred without government intervention, and, at times, happened with the knowledge, encouragement, or even command of officials. Among the hundreds of examples of sanctioned abuse were the flattening of heads by some American Indians, the shaping of heads into elongated cones by Melanesians, the binding of feet of female children by the Chinese, the selling of offspring by the Romans, and the killing of illegitimate children in many societies. Furthermore, in the United States there has been a long history of abuse to institutionalized and handicapped children as well as to many who were required to serve apprenticeship during colonial times, were enslaved prior to civil war, or were made to work in factories.²⁹

The earliest recorded trial for child abuse was in 1639 in Salem, Massachusetts. It involved a master and his apprentice. Marmaduke Perry was charged in the death of his

²⁹ Mayhall & Norgard, *supra*, at footnote 18.

apprentice. Evidence showed that the boy had been subjected to unreasonable correction and mistreated. The boy alleged the master was responsible for his fractured skull which ultimately killed him. Rebuttal witnesses reported that the boy's injury was the result of a fall from a tree. Marmaduke Perry was subsequently acquitted.

The general American public tends to assume that we are more humane in our treatment of children today than historically depicted. However, the treatment of children today violates appropriate standards more than any other civilization. Whatever the reason, it is still precarious to be a child in some families, some neighborhoods, and at some times. In a response from the states to a 1999 summary required by the Child Abuse Prevention and Treatment Act, the national total of children who were reported as alleged victims of maltreatment were 2,822,829 which is 1% of the population of the United States. Bringing that national figure closer to home, it represents 82% of the total population of the State of Oklahoma (3,450,000).³⁰ It was estimated there were 1,133 child fatalities nationwide in 1999 due to abuse and neglect.³¹

Laws were passed to limit child labor and factory safety conditions. Substantial efforts have been made to eliminate, or reduce the incidence of abuse toward children. The United States Constitution was amended in 1865 prohibiting slavery in Section One of the Thirteenth Amendment.

³⁰ U.S. Census Bureau, [<http://www.census.gov>] 2000.

³¹ U.S. Department of Health and Human Services, Administration on Children, Youth and Family, *Child Maltreatment 1999: Reports from the State to the National Child Abuse and Neglect Data System* (Washington, D.C.:U.S. Department of Health and Human Services, 2000).

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.³²

This Amendment did very little to affect welfare of children. The actual investigation and prosecution of child abuse and/or neglect cases came about through the efforts of the protection of animals. The case that would become the pinnacle of child abuse and/or neglect investigation took place in New York.

Henry Bergh, the son of a wealthy New York ship builder, using his influence with the rich and politically powerful elite of New York, succeeded in getting the New York Legislature to pass “*an act better to prevent cruelty to animals.*”³³ Pursuant to this act, in 1866, the American Society for the Prevention of Cruelty to Animals (ASPCA) was formed. Despite the fact that “American” appeared in the name it was empowered only to act in the State of New York. Given appropriate police powers, this organization was responsible for overseeing the enforcement of the act.

On April 9, 1874, pursuant to the issuance of a warrant by Judge Abraham R. Lawrence under Section 65 of the Habeas Corpus Act, a frail nine-year-old little girl wrapped in a carriage blanket, since she had no appropriate clothing of her own, was brought before the judge. An excerpt of her testimony follows:

My name is Mary Ellen McCormack. I don't know how old I am... I have never had but one pair of shoes, but I can't recollect when that was. I have no shoes or stockings this

³² U.S. Const. Amend. XIII.

³³ Lela B. Costin, Howard J. Karger, D. Stoesz, *The Politics of Child Abuse in America* (New York: Oxford University Press, 1996).

winter... I have never had on a particle of flannel. My bed at night is only a piece of carpet, stretched on the floor underneath a window, and I sleep in my little undergarment, with a quilt over me. I am never allowed to play with any children or have any company whatever. Mamma has been in the habit of whipping and beating me almost every day. She used to whip me with a twisted whip, a raw hide. The whip always left black and blue marks on my body. I have now on my head two black and blue marks, which were made by mamma with the whip, and a cut on the left side of my forehead, which was made by a pair of scissors in mamma's hand. She struck me with the scissors and cut me. I have no recollection of ever having been kissed, and have never been kissed by mamma. I have never been taken on my mamma's lap, or caressed or petted. I have never dared to speak to anybody, because if I did I would get whipped... Whenever mamma went out I was locked up in the bedroom... I have no recollection of ever being in the street in my life.³⁴

Further testimony in the case showed that in 1864, in New York City, Mary Ellen was born to Thomas and Frances Wilson. Thomas Wilson was killed in the Civil War later that same year. His widow found that her pension was not adequate to provide for herself and Mary Ellen. Because she was unable to care for Mary Ellen while she worked, she placed her in the care and custody of Mary Score, whose only source of income was privately fostered children. Mary charged Frances \$2 per week. When Frances was no longer able to provide the \$2 per week, Mary turned Mary Ellen over to the New York Department of Charities. George Kellock, the superintendent of the Department of Charities, placed Mary Ellen into the care of a group home run by the Department of Charities. In 1865, when Mary Ellen was 18-months old, Thomas and Mary McCormack

³⁴ Eric A. Shelman and Stephen Lazoritz, M.D., *Out of the Darkness - The Story of Mary Ellen Wilson* (Lake Forest, CA: Dolphin Moon Publishing, (1998).

went to the Department of Charities and maintained that they were there to claim a child who was fathered by Thomas and abandoned by the “mistress” mother, Frances. This story was fabricated by Thomas and prearranged with George Kellock to convince Mary to take the child. Based on this undocumented claim, Mary Ellen was turned over to the McCormacks. She was brought home where the McCormacks’ 3 biological children had died previously from diseases rampant in the housing projects where they resided.

Within months of having brought Mary Ellen home, Thomas McCormack died. Mary McCormack then married Francis Connolly. Mary Ellen lived with the Connollys on the top floor of a tenement building in New York City’s “Hell’s Kitchen.” Over the next six years Margaret Bingham, the landlady of the Connolly apartment, and neighbors became increasingly concerned about Mary Ellen. Ms. Bingham had observed that Mary Ellen was covered with cuts and bruises, was confined to a small room, never dressed appropriately for the weather, was forced to do manual labor beyond her capacity, and was more malnourished than other children who resided in the overcrowded, impoverished, tenement neighborhood.

In 1873, pursuant to Bingham’s intervention, Etta Wheeler, a social worker working under the Methodist Church, tried to make contact with the Connollys on Mary Ellen’s behalf. Mary Connolly refused to allow any interference in her home and threatened to “call in the law.” The Connollys moved to another apartment to avoid detection. Unknown to the Connollys, Ms. Bingham had them followed. Ms. Wheeler, on the pretense of inquiring about a neighbor, Mary Smitt, who was seriously ill with tuberculosis, described the following scene:

It was December and the weather bitterly cold. She was a tiny mite, the size of five years, though, as afterward appeared, she was then nine. From a pan set upon a low stool she stood washing dishes, struggling with a frying pan about as heavy as herself. Across the table lay a brutal whip of twisted leather strands and the child's meagre arms and legs bore many marks of its use. But the saddest part of her story was written on her face in its look of suppression and misery, the face of a child unloved, of a child that had seen only the fearsome side of life.³⁵

The New York City Police Department, on the grounds that they could do nothing without proof of assault, refused to intervene. They maintained that there was no law allowing intervention inside a family home without proof that a crime had been committed.

Etta Wheeler had charitable organizations that would care for Mary Ellen if she could come to them through legal means. Acting on the suggestion of her niece, Etta Wheeler approached the kindly Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals. Etta maintained that as a human Mary Ellen was a member of the animal kingdom and was entitled to their protection.

Using private investigators and the testimony of Etta Wheeler, Bergh filed a petition on behalf of Mary Ellen. They asserted that the Connollys who were neither her lawful parents, nor her custodian, held Mary Ellen illegally. Since no documentation had been presented by Thomas or Mary McCormick substantiating that they had claim to her, this argument was upheld. Based upon Bergh's lawyers, a list of witnesses willing to testify on behalf of Mary Ellen gave clear evidence that she was in danger of being maimed or even killed. An arrest warrant was issued for Mary Connolly and she was brought to

³⁵ Shelman and Lazoritz, *supra*, at footnote 32.

trial. There were no accusations made or presented against Francis Connolly, despite the fact he had sexually molested Mary Ellen for years. Sexual abuse was an “unseen” crime so it was not addressed by anyone at this time.

During testimony in her own defense, Mary Connolly accused the prosecuting attorneys of being “ignorant of the difficulties of bring up and governing children.” She was tried on 5 counts: assault and battery, felonious assault, assault with intent to do bodily harm, assault with intent to kill, and assault with intent to maim. The jury took only 20 minutes to reach a verdict of guilty of felonious assault. She was sentenced to one year of hard labor in the penitentiary. Judge Abraham R. Lawrence, in handing down the sentence, stated that it was not only punishment to Connolly but that it should act as a statement of precedence in child abuse cases.

Mary Ellen’s case became the first child abuse and/or neglect case to be argued before a jury. Jacob Riis, a photojournalist and reporter, was present in court on April 9, 1874. The following is his account:

I saw a child brought in... at the sight of which men wept aloud, and I heard the story of little Mary Ellen told... that stirred the soul of a city and roused the conscience of a world that had forgotten, and as I looked, I knew I was where the first chapter of children's rights was being written.³⁶

The New York legislature, as an outcome of the public vociferation over Mary Ellen’s case, enacted laws permitting the chartering of societies for the protection of children. The New York Society for the Prevention of Cruelty to Children (NYSPCC) was created

³⁶ Shelman and Lazoritz, *supra*, at footnote 32.

in 1875 with Henry Bergh as one of the founding members and its first vice-president. The New York Society for the Prevention of Cruelty to Children is believed to be the first child protection agency in the world. In its first year, the NYSPCC investigated 300 cases of child abuse and/or neglect. The case of Mary Ellen Wilson became one of the most significant cases in the United States to deal with child abuse and/or neglect.

By the early 1900's, one hundred sixty-one Societies for the Prevention of Cruelty were devoted to protecting children and animals. The first juvenile court was established in 1889 for the City of Chicago.³⁷ All but three states had a juvenile court system by 1920. The White House Conference on Children was conducted in 1909 and the National Children's Bureau was formed in 1912.³⁸

Legislative Action

Mass media communications brought the societal problem of child abuse and neglect directly to the public. The increased attention created a cornucopia of legislation. In 1974, President Richard Nixon signed into law federal National Child Abuse Prevention and Treatment Act (PL 93-247) (see Appendix A). It has been amended three times, recently on October 3, 1996 as PL 104-235 (see Appendix B). Originally, the law did little more than make funds available for states meeting reporting guidelines and setting reporting standards since child abuse and/or neglect are not federal crimes.³⁹ By 1976

³⁷ M. P. Thomas, "Child Abuse and Neglect. Part I: Historic Overview, Legal Matrix, and Social Perspective," *North Carolina Law Review* 50 (1972):293-329.

³⁸ Ellen Marrees, *Georgetown Journal of Legal Ethics* (Spring 1998).

³⁹ Louise Fischer, David Schimmel, and Cynthia Kelly, *Teachers and the Law*, 3rd (continued...)

every state, the District of Columbia, and all U.S. Island Territories had child abuse and/or neglect reporting laws.⁴⁰ Mandatory reporting laws hold certain named persons responsible for reporting knowledge of abuse to authorities. It is the belief that abused children are "too young, too frightened or both, to seek assistance. Reporting statutes are intended to identify children that are being abused, designate agencies to receive this information, to investigate and prevent further abuse while attempting to maintain family unity."⁴¹ Most state statutes require the reporting of "suspicion" of child abuse if the abuse or neglect results in physical injury. As a direct result of state legislatures amending laws yearly, educators should stay up to date with the law in their respective states.⁴² In Oklahoma the statute is found in Title 10, Section 7103 (see Appendix C) and reads in part as follows:

- A.. 1. Every:
 - a. physician or surgeon, including doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, examining, attending or treating a child under the age of eighteen (18) years,
 - b. registered nurse examining, attending or treating such a child in the absence of a physician or surgeon,

(...continued)
ed. (New York: Longman, 1981).

⁴⁰ Marrees, *supra*, at footnote 36. *Minnesota v. Grover*, 52 Ed.Law Rep. 736 (1989).

⁴¹ Kalichman, *supra*, at footnote 23.

⁴² J. Michael Murphy, Michael Jellenek, Dorothy Quinn, Gene Smith, Francis G. Portast & Marily Gaskoy, "Substance Abuse & Serious Child Mistreatment: Prevalence, Risk and Outcome in a Court Sample," *Child Abuse & Neglect* 15 (1991): 197.

c. teacher of any child under the age of eighteen (18) years, and

d. other person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect. shall report the matter promptly to the Department of Human Services. Such reports may be made by telephone, in writing, personally or by any other method prescribed by the Department. Any report of abuse or neglect made pursuant to this section shall be made in good faith.

* * *

3. No privilege or contract shall relieve any person from the requirements of reporting pursuant to this section.

4. The reporting obligations under this section are individual, and **no employer, supervisor or administrator shall impede or inhibit the reporting obligations of any employee or other person.** No employee, supervisor or administrator of any employee or other person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, the employee or other person who in good faith provides such child abuse reports or information, testifies, or is about to testify in any proceeding involving child abuse or neglect; provided, that the person did not perpetrate or inflict such abuse or neglect. Any employer, supervisor or administrator who discharges, discriminates or retaliates against the employee or other person shall be liable for damages, costs and attorney fees. Internal procedures to facilitate child abuse or neglect reporting and inform employers, supervisors and administrators of reported suspected child abuse or neglect may be established provided that they are not inconsistent with the provisions of this section and that such procedures shall not relieve the employee or

such other person from the individual reporting obligations required by this section.

* * *

- C. Any person who knowingly and willfully fails to promptly report any incident as provided in this section may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.⁴³ [Emphasis added.]

No state requires that you be certain of the abuse before filing a report.

"Reasonable belief," "reasonable cause to believe or suspect," or "what the reasonable person would believe under similar circumstances" are the various standards applied.

Provided they act in good faith, Oklahoma teachers are protected from civil liability under Okla. Stat. tit. 10, § 7105 (see Appendix D) that reads as follows:

Any person participating in good faith and exercising due care in the making of a report pursuant to the provisions of the Oklahoma Child Abuse and Prevention Act, or any person who, in good faith and exercising due care, allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.⁴⁴

A recent Oklahoma case dealing with the issues of immunity of a mandatory reporting professional acting in good faith is *Myers v. Lashley*, 73 O.B.J. 10, 879-890 (2002). The plaintiff claimed Dr. Lashley, a licensed clinical psychologist, used substandard evaluation techniques with the parties' minor children. Dr. Lashley's

⁴³ 10 O.S. §7103(A)(1)(c).

⁴⁴ 10 O.S. §7105.

evaluation lead her, as a mandated reporter, to make a report of suspected sexual abuse to the proper authorities. The trial court granted summary judgment to the psychologist.

On appeal, the plaintiffs argued a mental health provider owes a duty to a parent to not mis-diagnose a child if the mis-diagnosed condition should lead to a false accusation of sexual abuse. The Appellate Court clearly sets out the provision of mandated reporting and immunity to those who report.

Oklahoma's child abuse reporting laws express the State's strong public interest in protecting children from abuse by the policy of mandatory reporting of actual and suspected child abuse or neglect to appropriate authorities and agencies. The statutory scheme imposes upon all health care professionals (*teachers as well as all other persons*) an obligation to report in good faith all suspected instances of child abuse to the Department of Human Services. *No privilege or contract will relieve any person from the legally mandated reporting requirement.* The knowing and willful failure to report child abuse (or the making of a false report) is a misdemeanor. Any one *acting in good faith and exercising due care* in reporting child abuse has 'immunity from any liability, civil or criminal, that might otherwise be incurred.'

There is neither ambiguity in, nor conflict between, the various terms of the statutory reporting laws. Their legislative intent can easily be divined from the plain language of the statutes. [Emphasis added.]⁴⁵

The trial court judgment was affirmed. The court found, on the record, that Dr. Lashley's conduct "falls short of demonstrated lack of good faith." The court further stated:

Liability will not attach to a licensed clinical psychologist protected by the statutory reporting legislation

⁴⁵ *Myers v. Lashley*, 73 O.B.J. 10, 879-890 (2002).

for her alleged post-reporting harm that flows from the legitimate consequences of providing information coerced by law. Reporting privilege shields the professional against all theories of recovery for information-occasioned harm through the commanded submission to the authorities of child-abuse information.⁴⁶

Failure to report leaves the teacher vulnerable to criminal prosecution, civil sanctions and potential liabilities under Federal law (Section 1983 which authorizes a court to grant relief when a party's federally protected rights have been violated or failure to act by a state or local official or other person who acted under color of state law) and more importantly leaves the child tragically vulnerable to repeated injury.

Most states provide criminal penalties for failure to report. In most states, failure to report is a misdemeanor. Penalties range from a 5 to 30 day jail sentence and/or fines of \$10 to \$1,000 and a year in jail. Prosecutors do not generally utilize criminal prosecution as a practical remedy for non-reporters.⁴⁷

On a realistic note, reporting does not necessarily result in any protection for the child. In *DeShaney v. Winnebago County Department of Social Services*, 57 U.S.L.W. 4218 (1989), a divided Supreme Court held that the Department of Social Services was under no duty to protect a young boy from repeated beatings by his father. The beatings ultimately resulted in brain surgery and life as a profoundly retarded individual. The Supreme Court acknowledged "the facts of this case are undeniably tragic" and the social

⁴⁶ *Myers v. Lashley, supra.* at footnote 45.

⁴⁷ James T. R. Jones, *Kentucky Tort Liability for Failure to Report Family Violence*, 26 N. Ky. L. Rev. 43, 65 (1999).

worker did not intervene except to take notes. According to the majority the purpose of the amendment was to protect people from the state and not from each other.⁴⁸

Where a teacher failed to report knowledge of abuse, the court upheld discipline of a tenured teacher. In the 1987 case of *Pesce v. Sterling Morton High School*, 830 F.2d 789, the 7th Circuit Federal Court states:

The Supreme Court has recognized the substantial interest of a state in protecting all children and the Court has acknowledged special concerns arising in public schools . . . A State serves a compelling interest in protecting abused children.⁴⁹

In a 1989 Minnesota Supreme Court case, the court reversed and remanded a dismissal by the Court of Appeals where the statute requiring an educator who knows or who has reason to believe a child is being neglected or physically or sexually abused to report information to a local welfare agency, police department or county sheriff, is not unconstitutionally vague or overbroad, as the "reason to believe" phrase is interpreted under criminal negligence standard, which is sufficiently clear and definite to provide a standard for governance of conduct of the educator. It is apparent that violation of the child abuse and/or neglect reporting statutes entails either one or two levels of culpability: A mandated reporter who knows or believes that a child is being or has been abused but fails to report it exhibits the callousness associated with the knowing commission of a criminal act. On the other hand, neither knowing violations nor conscious disregard of

⁴⁸ *DeShaney v. Winnebago County Department of Social Services*, 57 U.S.L.W. 4218 (1989).

⁴⁹ *Pesce v. Sterling Morton High School*, 830 F.2d 789 (7th Circuit, 1987).

substantial risk is requisite to a violation of the reporting act. A mandated reporter who has reason to know or believe that a child is being or has been abused but fails to recognize it also violates the statute though the party's culpability is merely negligent rather than purposeful, knowing or reckless. The Court, citing *Cf. PruneYard Shopping Center v. Robins*, 447 U.S. 74, 100 S.Ct. 2035, 64 L.Ed.2d. 741 (1980), states:

The statute does not compel the dissemination of an 'ideological point of view,' but only mandates the reporting of information--a requirement not altogether dissimilar from that imposed by the Internal Revenue Code. Moreover, a professional is free to include in a report that although the report is mandated because the reporter has 'reason to believe' that a child has been abused, the reporter does not hold a personal belief that the child has been physically or sexually abused.⁵⁰

The court summarized the issue as not whether this court agrees with the legislature's chosen solution to the admittedly difficult problem of encouraging the reporting of child abuse and/or neglect. Here the legislature undoubtedly concluded that attaching misdemeanor criminal liability to the negligent failure to file a mandated report was necessary to provide a strong enough motive to comply with the mandated reporting provisions of the statute.⁵¹

Professionals with reporting obligations can face negligence liability when they fail to report child abuse and/or neglect. In *Landeros v. Flood*, 551 P.2d 389 (Cal. 1976), a physician failed to report the abuse of a severely battered 11 month old girl who was seen

⁵⁰ *Cf. PruneYard Shopping Center v. Robins*, 447 U.S. 74, 100 S.Ct. 2035, 64 L. Ed.2d. 741 (1980).

⁵¹ *Minnesota v. Grover*, *supra*, at footnote 38.

in a California hospital. The child was sent home with her mother and suffered further abuse. During a subsequent hospitalization another doctor appropriately reported the abuse and the child was placed in protective custody. The child's attorney sued the original physician and hospital in common law and statutory negligence. There are two kinds of negligence: statutory negligence and common law negligence. Statutory negligence is the failure to conform one's conduct to a duty imposed by the legislature through the enactment of a statute. Common law negligence is a violation of the duty to use reasonable care under the circumstances. A violation of either of these duties is negligence.⁵² The California Supreme Court upheld both courses of action based on the "physician's duty to report to authorities."⁵³

Some jurisdictions agree that there is a common law duty to report child abuse and/or neglect.⁵⁴ Other jurisdictions have indicated there is no common law duty to report.⁵⁵

Jurisdictions have made diverse decisions concerning statutory negligence and how it appears to mandatory reporters who do not report. In *Kimberly SM v. Bradford Cent.*

⁵² *Guglielmo v. Klausner Supply Co.*, 158 Conn. 308, 318 (1969).

⁵³ *Landeros v. Flood*, 551 P.2d 389 (Cal. 1976) at page 394, note 8.

⁵⁴ *Marcelletti v. Bathani*, 500 N.E.2d 124 (Mich.Ct.App. 1993) at page 129; *J. A. W. v. Roberts*, 627 N.E.2d 802 (Ind.Ct.App. 1994).

⁵⁵ *Vance v. T.R.C.*, 494 S.E.2d 714 (GA.Ct.App. 1997); *Letlow v. Evans*, 857 F.Supp. 676 (1994); *Freehauf v. School Board of Seminole County*, 623 S.2d 761 (Fla. Dist. Ct. App. 1993).

School the court agreed with the *Landeros* decision.⁵⁶ However, in *Borne v. Northwest Allen County School Corp.*, 532 N.E.2nd 1196 (Ind.Ct.App. 1989), the court concluded the legislative purpose of the abuse statutes were not intended to create a private right of action against non-reporters. *Freehauf* also held that reporting laws were intended to protect the general public, not a specific class.⁵⁷

Educator Responsibility

Failure of the school to properly train employees to identify abused children and advise employees of their duty to report and to establish policies and procedures relating to abuse can be viewed by the court as "gross negligence" which amounts to deliberate indifference.⁵⁸ In a survey conducted by the Office of Juvenile Justice and Delinquency Prevention, teachers in the inner-city of the Chicago school system gave wrong answers to nearly half the questions on a 18-item test of state law, court decisions, and district policy on matters concerning juvenile safety and discipline. The Rand Corporation found more than 40% of mandated reporters they surveyed decided not to report suspected child

⁵⁶ *Kimberly S.M. v. Bradford Cent. School*, 649 N.Y.S.2nd 588 (N.Y.App.Div. 1996) at pages 591-592.

⁵⁷ *Freehauf v. School Board of Seminole County*, at page 764, *supra*, at footnote 51.

⁵⁸ R. Salmon and D. Alexander, *Child Abuse and Neglect: Implications for Educators*, Ed.Law Rep. 11 (1986). See Child Abuse Prevention and Treatment Act as Amended, Pub. L. No. 93-247, 88 Stat. 4 (1974) codified as amended at 42 U.S.C. 5101-5107 (1975 & supp. IV 1980).

abuse or neglect.⁵⁹ This points directly to the need for teachers to become "educated" in the legal and social implications of child advocacy in the classroom or the statutes become meaningless.

Educators, through their education and work experiences, are "trained observers" of children. A teacher quickly develops an instinct for the range of "normal" behavior expected of children within their classrooms. Deviations from this "normal" behavior can be an indicator of underlying problems in the child's life. The most common indicators of abuse or neglect are listed in chart form. The chart does not cover all incidents of abuse and one single indicator does not necessarily indicate abuse. If one or more is present or repeated occurrences result, an investigation is certainly warranted (see Appendix E).⁶⁰

Other signs for educators to be aware of would be sudden changes in academic performance, and sudden loss of interest in school work or learning difficulties. Families that fail to provide special needs children with hearing aids, glasses or prosthesis which impedes the educational process, raises investigation or reporting consideration. Sudden changes in a child's personality or a very passive non-communicative child should also alert the concerned educator. These signs do not prove child abuse or neglect exists but should alert the educator to the possibility of abuse and/or neglect, triggering the reporting

⁵⁹ Anne Reinegr, Ester Robinson and Margaret McHugh. "Mandated Training of Professionals: A Means for Improving Reporting of Suspected Child Abuse." *Child Abuse & Neglect* 19, no. 1, (1995): 63-69.

⁶⁰ Diane D. Broadhurst. "The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect," *National Center of Child Abuse and Neglect* U.S. Department of Health, Education, and Welfare, Publ. No. 79-30172 (1979).

process.⁶¹ One reporter felt the corporal punishment privilege enjoyed by many school districts "makes school teachers insensitive to evidence of parental child abuse among their pupils."⁶²

Sexual Abuse

In 1997, approximately 84,320 new cases of sexual abuse were reported in the 50 state annual survey. While this number is lower than the number of cases reported in the first part of the 1980's, the numbers still reflect a substantial threat to children.⁶³ In 2000 Oklahoma had 1,602 confirmed cases of child sexual abuse.⁶⁴

Of all the abuses that occur to children, sexual abuse is the most difficult for most professionals to discuss and deal with.

For too long health professionals have skirted the issue of reporting suspected sexual molestation when an unmistakable diagnosis of acquired venereal disease has been made in a child . . . Because of reluctance to entertain the possibility of sexual molestation, we have often postulated modes of transmission of venereal disease to children within the family circle that were long ago discarded in relation to adults, such as the possibility of transmission via clothing, towels and bed sheets.⁶⁵

⁶¹ Fischer, Schimmel and Kelly, *supra*, at footnote 37.

⁶² John Money, "Child Abuse: Growth Failure I.Q. Deficit, and Learning Disability," *Journal of Learning Disabilities* 1, no.10 (December 1982).

⁶³ Wang, *supra*, at footnote 15.

⁶⁴ Oklahoma Department of Human Services Division of Children and Family Services Child Welfare Services, *supra*, at footnote 11.

⁶⁵ S. M. Sproi, L. C. Blick & F. S. Porter, "Conceptual Framework for Child Sexual Abuse," *Handbook of Clinical Intervention in Child Sexual Abuse*, edited by S. M. (continued...)

As was illustrated in the 1874 legal case of Mary Ellen Wilson, only the outward physical abuse was dealt with by the foster mother. It is often easier for the general public, police and courts to accept that an adult might strike out and be physically aggressive toward a child than to act upon erotic sexual feelings. According to a study at the University of Texas at Austin, Texas, teachers are in a key position to participate in the response to child sexual abuse.⁶⁶

First, teachers have an undeniable legal, professional and ethical responsibility to be aware of evidence indicative of sexual abuse and to report any suspected case to the proper statutory agency. Second, the school is usually the only setting outside the home in which the child victim of intrafamilial sexual abuse regularly participates. Thus, the child's presence in school often constitutes the only opportunity for this form of sexual abuse to be detected, identified, and reported. Third, teachers have access to and skills in communicating with children and families, and may be the individual to whom a child chooses to disclose evidence of sexual abuse.

Literature that specifically addresses teachers' roles or the training of teachers in the identification and delivery of educational services to sexually abused children is meager at best, although a few excellent sources are beginning to appear . . . teachers and their background discipline of education largely have been silent in addressing the needs of abused children in the past. Lauderdale (1977) comments that 'child abuse and neglect have been the concern of social work for 80 years, of medicine for 15 years, and of education for 10 years' (p. 22). Educators have been willing

(...continued)

Sgroi (Lexington, MA: D. C. Heath & Company, 1982): 9-37.

⁶⁶ Deborah Tharinger and Ellen Vevier, "Child Sexual Abuse: A Review and Intervention Framework for the Teacher," *Journal of Research and Development in Education* 20, no. 4 (Summer 1987).

to leave the responsibility for sexually abused children primarily to child welfare professionals (Kempe & Kempe, 1978) for a variety of reasons including fear of jeopardizing parents' rights (Levin, 1983), concern that the educational curriculum should not include topics relating to sexual matters (Brassard et al., 1983), and reluctance to intervene in what is perceived as a complex social problem (Fox 1977). [Emphasis added.]

A "typical" family in our society has become fragmented, with the children coming from family structures where national statistics are staggering and need for intervention often becomes the norm rather than exception. Of the 40 million school-aged children in the United States, one-third are at risk of dropping out, failing, or being victimized by drugs, crime, teenage pregnancy, or chronic unemployment. The suicide rate among young people has tripled in the last 25 years, and in one typical year, 1,500,000 young people are arrested for juvenile crimes. Each day, approximately 1,540 babies are born to teenage girls, and researchers believe that 6 out of 100 students cannot understand what they read in the newspaper.⁶⁷ Thirteen million children in America live below the poverty line.⁶⁸

As educators begin to deal with their roles in responding to child sexual abuse the most important requirement will be a working knowledge of child sexual abuse. Unfortunately, no consensus exists among researchers or practitioners regarding a definition of child sexual abuse.

⁶⁷ H. W. Sartain, *Non-Achieving Students At-Risk: School, Family, and Community Intervention* (Washington, D.C.: NEA Professional Library, 1990).

⁶⁸ K. Glenn, "The Many Benefits of Music Education," *National Association of Secondary School Principals* 76, no. 544 (1992): 207.

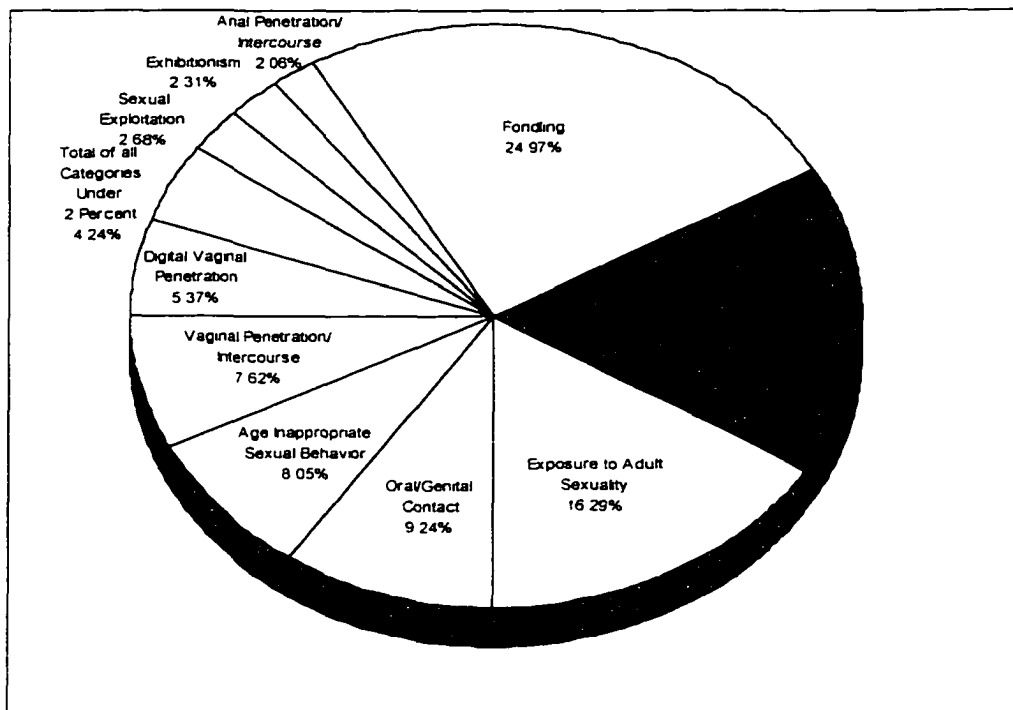
Legal definitions of sexual abuse of children can be reflected in the following terms which range from specific acts to more widely defined phrases that could include different types of activity:

1. indecent exposure
2. impairing the morals of a minor (contributing to the delinquency of a minor)
3. rape
4. attempted rape
5. sodomy
6. exploitation
7. incest

Table 7

Confirmed Sexual Abuse: By Type, Fiscal 2000

CONFIRMED SEXUAL ABUSE: BY TYPE					
<i>Fiscal 2000</i>					
Fondling	400	24.97%	Anal	33	2.06%
			Penetration/Intercourse		
			Pornography	29	1.81%
Exposure to Adult Sexuality	261	16.29%	Vaginal	13	0.81%
Oral/Genital Contact	148	9.24%	Penetration/Instrument		
Age Inappropriate Sexual Behavior	129	8.05%	Voyeurism	9	0.56%
Vaginal	122	7.62%	Digital Anal Penetration	8	0.50%
Penetration/Intercourse			Anal	7	0.44%
Digital Vaginal Penetration	86	5.37%	Penetration/Instrument		
Sexual Exploitation	43	2.68%	Bestiality	2	0.12%
Exhibitionism	37	2.31%	TOTAL	1,602	100.00%



Oklahoma's second highest type of sexual abuse was listed only as "Other" (See Table 7). "Other" deals with those acts committed on children that deviant in nature. One example would be urinating on the child for sexual pleasure. It is estimated that one in four little girls, between the ages of five and thirteen will be abused by an adult through the acts of exhibitionism, inappropriate fondling, rape or incest. Although young females are the most common victims, it is further estimated that 20 to 25 percent of those attacked are little boys.⁶⁹ In a Congressional subcommittee hearing, Carolyn Swift reported, "A much larger number of boys are victims of incestuous behavior, but because of societal taboos these are not reported as frequently as female abuse."⁷⁰

Many of the abusers are trusted adults: friends, clergy, teachers, and other adults with whom the children have frequent contact.

Another extrapolation would suggest that of the one quarter of Americans who reported in 1985 that they had been abused as children, half of that group-or one eighth of the total American population-had been abused extra familial, most by known abusers. Assuming that child sexual abuse is not on the rise (and there is little information that abuse per se, as opposed to reports of abuse, is increasing), the best information we have thus suggests that at least one eighth of all children-at one time or another-will be sexually abused outside the family setting by known abusers.⁷¹
[Emphasis added.]

⁶⁹ *Handbook of Clinical Intervention in Child Sexual Abuse*, ed. Suzanne Sgroi (Lexington, Mass.: Lexington Books, 1982).

⁷⁰ Carolyn Swift, *National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention, Report of the Task Force on Juvenile Justice and Delinquency Prevention* (1976): 363.

⁷¹ Gail P. Sorenson, "Sexual Abuse in Schools: Reported Court Cases From 1987-1990," *Educational Administration Quarterly* 27, no. 4 (November 1991): 460-480.

School Employees as Predators

According to guidelines published by the Office for Civil Right in the U.S. Department of Education⁷² school districts can be held strictly liable for sexual abuse of a student even if the abuse was unknown to officials.⁷³

As early as 1980, reported judicial decisions dealing with sexual abuse committed by teachers or other school employees was almost nonexistent. However, a lack of reported cases cannot be taken to suggest no problem existed.

. . . nearly 10% of reported judicial decisions (3 out of 31) involved allegations of sexual abuse committed by teachers or administrators against school children. Even though 10% represents an unusually high percentage of cases dealing with this subject matter, it nevertheless graphically illustrates the increased visibility of reported decisions where child sexual abuse or alleged abuse related to schools is an implicit or explicit theme.⁷⁴

Stoneking v. Bradford Area School District, 882 F.2d 720, is one of the earliest cases dealing with school district and administrator/supervisor liability for sexual abuse against students.

In 1989, on remand from the Supreme Court, the Third Circuit rules that a high school principal and assistant

⁷² 62 Fed. Reg. 12034 (1997).

⁷³ R. Fossey, Todd DeMitchell and Nathan Roberts, "Title IX Liability for School Districts When Employees Sexually Assault Children: A Law and Policy Analysis," 124 West Ed.Law Reporter 485.

⁷⁴ Sorenson, *supra*, at footnote 67.

principal were not entitled to qualified immunity from liability in a case where a student, Kathleen Stoneking, alleged that their actions and inactions had fostered her sexual abuse by the school's band director.⁷⁵

The Supreme Court made it clear that Title IX is violated when a school employee sexually molests a child. In *Franklin v. Gwinnett County Public Schools*, Christine Franklin reported her sexual abuse by Hill to another teacher (Prescott) who discouraged her from pursuing charges. Hill resigned and Prescott retired. Following unsuccessful attempts to find remedy with complaints to the Department of Education's Office for Civil Rights, a federal district court, and the Eleventh Court of Appeals, Franklin appealed to the Supreme Court. The Supreme Court determined Title IX permitted monetary damages and decided in her favor.⁷⁶

In the case of *Cromley v. Lockport Twp. High School District*, 17 F3rd 1059 (89 Ed.Law Rep. 772) (7th Cir. 1994), the U.S. Seventh Circuit Court of Appeals ruled against a female high school faculty member where she claimed retaliation from male colleagues subsequent to her report to the Illinois Department of Children and Family Services of an alleged sexual misconduct with students.

⁷⁵ Sorenson. *supra*. at footnote 67.

⁷⁶ *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60, 112 S.Ct. 1028, 117 L. Ed.2d 208 (72 Ed.Law Rep. 32) (1992-3).

In a 1995 study by Shakeshaft and Cohen,⁷⁷ administrators were shown to have limited understanding of how to prevent or identify and investigate cases of a teacher's sexual misconduct with students. It would follow that if administrators are unclear of these issues, teachers would be equally perplexed.

Currently only two states, Colorado and Connecticut, address the problem of school employees as perpetrators. Connecticut's statute is the most comprehensive. The Connecticut statute states a school employee is required to report suspected child abuse by another school employee.⁷⁸

SUMMARY

Because society will never eliminate crime, including the crime of child abuse and/or neglect, the only alternative is to educate professionals in the proper investigative and reporting procedures. In order for this intervention to work, cases of abuse must be reported. The only way cases of abuse will be reported is if the public becomes educated and educators become advocates for the children (see Role Functions for Teachers below).⁷⁹

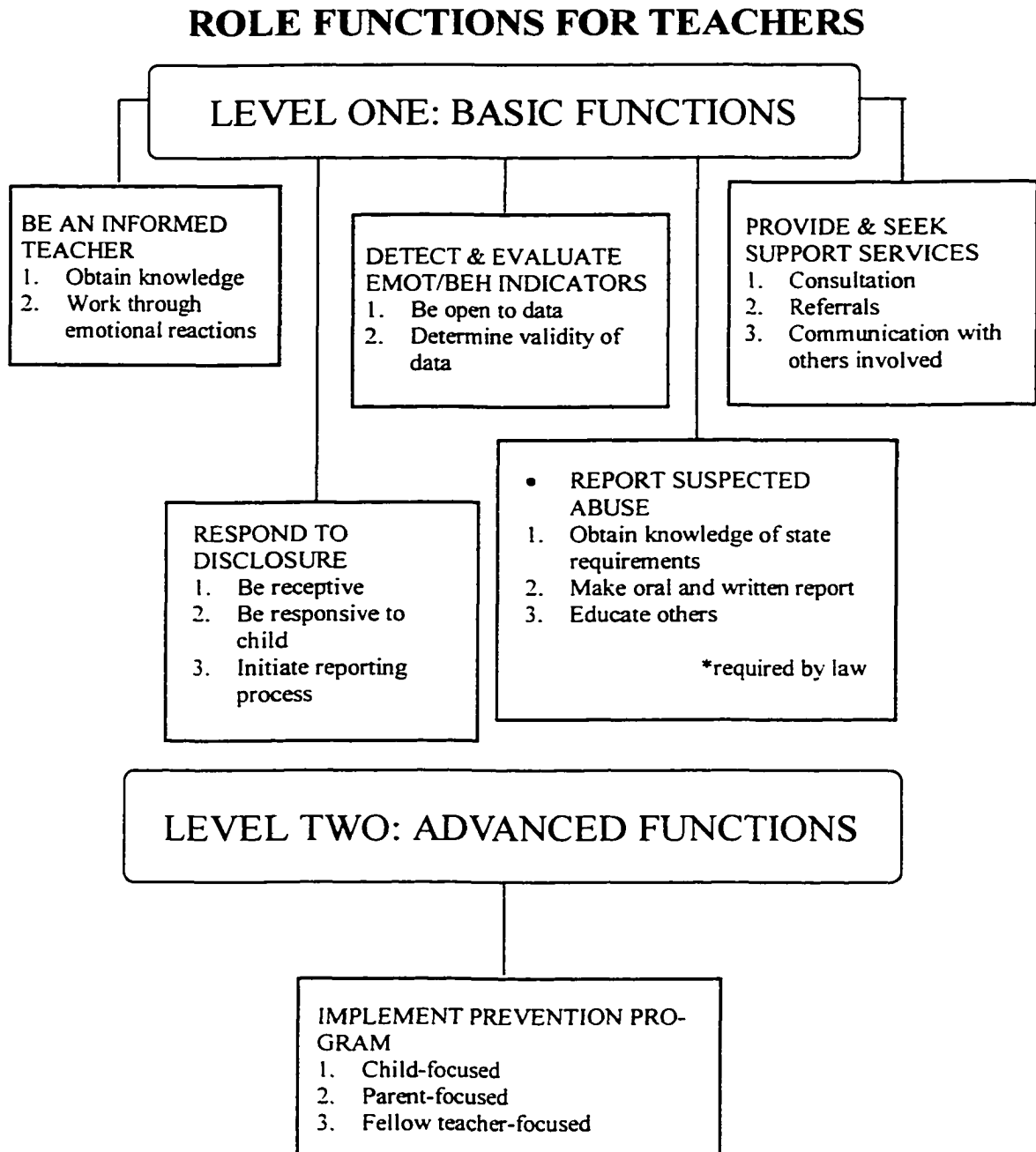
⁷⁷ C. Shakeshaft and A. Cohen. "Sexual Abuse of Students by School Personnel," *Phi Delta Kappan* 76 (1995): 573-520.

⁷⁸ Karen L. Michaelis. *Reporting Child Abuse a Guide to Mandatory Requirement for School Personnel* (Newbery, CA: Corvin Press, 1993): 50.

⁷⁹ *Journal of Research and Development in Education* 20, No. 4, (1987).

Table 8

Role Functions for Teachers



Because educators are often the first people contacted in these matters, it places a heavy burden on the classroom teacher to know how to deal with these issues and to know how to report them. Child abuse and/or neglect are nationally growing problems. As more cases come to our attention, it is critical that the educators in the classroom have access to the most current research information so that they can respond swiftly and effectively to this problem in an appropriate and nonjudgmental manner. A review of court cases indicates the problem exists in schools, just as it exists in society.

An abused child who remains in the abusive setting without intervention has a 50% chance for reabuse and a 10% chance of being fatally injured.⁸⁰ In 2000, Oklahoma had 14 school age children killed through abuse and neglect (see Table 3). With the headlines repeating the tragic cases of youth violence in our schools, if we could reduce “abusive, hostile, neglectful and disengaged parenting”⁸¹ we would see a drop in youth violence. Because of the state's compelling interest in protecting children from abuse, all states have adopted measures seeking to uncover instances of child abuse and/or neglect to protect children from subsequent abuse. School teachers are the only professionals who see the abused child on a regular basis. They have a special responsibility to act to ensure the protection of the child. Teachers are expected to report suspected cases of abuse to the proper authorities and need specific knowledge and training in this critical area. Research

⁸⁰ *Handbook of Clinical Intervention in Child Sexual Abuse*, *supra*, at footnote 65.

⁸¹ Laurence Steinbery, “Youth Violence: The Family’s Role,” *NIJ Journal* (Washington, April 2000): 36.

shows that abuse and neglect affect children's learning, development, and performance: therefore concern for and knowledge of the school-age abused and neglected child is necessary in order for teachers to increase their awareness of the need to report suspected child abuse and neglect.

Because the school is an organizational setting, how the staff perceives what is expected and allowed, will greatly influence reporting behaviors of staff members. If the school board, school district, superintendents and subsequently principal and vice-principal do not encourage reporting of suspected abuse and in fact, tacitly (or even covertly) discourage reporting for fear of parent retaliation or lawsuits, the teacher or staff member will be influenced by this awareness, regardless of their own moral judgments and desire to help the child. If the communication between line staff members and management does not foster and encourage a policy of child advocacy, very little reporting or intervention will take place.

CHAPTER 3

METHODOLOGY

Presentation of Data

This chapter delineates the methods and procedures of the study. The present study has utilized standardized survey methods to establish an empirical base (observation or experience base). General goals included: (a) determine if Oklahoma elementary school teachers received sufficient knowledge and training in child abuse and/or neglect indications to feel confident in reporting cases; (b) determine if administrative staff support teacher reporting of suspected cases; (c) determine if adequate policies and procedures exist for reporting suspected child abuse and/or neglect.

Instrumentation

The instrument used was a questionnaire developed to measure teacher knowledge and attitudes toward child abuse taken from David A. Pelcovitz's 1977 study, "Child Abuse As Viewed By Suburban Elementary School Teachers" (see Exhibit G).

With the exception of Section III, the questionnaire was partially adapted from an instrument developed by R. J. Gelles for use in a study of classifications and definitions used by professional groups.⁸² Section I contains thirteen questions requesting general demographic information. Section II contains sixteen statements. The statements in this

⁸² Stephen B. Thomas, *A History of Child Abuse and Infanticide in the Battered Child*. Helter & Kempe, eds. 2nd ed. (1974): 3-21.

Section focus on how teachers view child abuse. Section III contains nineteen factors relating to causes of child abuse. Teachers were requested to rate these factors on how they believe they relate to child abuse. Section IV contains eighteen cues that may alert teachers that a child is being abused. The teachers were requested to rate the cues for relevance. Section V contains twenty-six statements dealing with the teachers' attitudes, opinions and responsibility in dealing with child abuse. The teachers were to rate their level of agreement to these statements. Section VI contains ten true/false questions pertaining to the teachers' knowledge of the law concerning abused children.

Hypotheses of the Study

The following are null hypotheses developed for analysis in this study.

1. There is no significant difference between teachers who have reported suspected abuse and neglect and those who have not reported suspected child abuse and neglect based on their level of knowledge of the law and reporting procedures.
2. There is no significant difference between the size of school enrollments and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.
3. There are no significant differences among the district populations of schools and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.

4. There are no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and reporting procedures for child abuse and neglect.
5. There are no significant differences between the number of years of experience in the classroom setting and teachers' knowledge of law and reporting procedures for child abuse and neglect.
6. There is no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect.

Description of the Target Population

Study participants included 112 certified teachers from elementary public schools across the state of Oklahoma. The sample included regular and itinerant teachers (band, music, physical education). The number of years of teaching experience ranged from entry level to 35+. The participants were drawn by random sample provided by the Oklahoma State Department of Education, in a regional pattern and by population of school districts. The teachers participating in this study served in communities with varying sizes of school districts.

Setting

The Oklahoma Public Schools listed in the 1999-00 Educational Directory provided by the Oklahoma State Department of Education was the resource used to identify the public schools.

Method and Procedures

The instrument used was a questionnaire developed to measure teacher knowledge and attitudes toward child abuse taken from David Pelcovitz's 1977 study at the University of Pennsylvania, "Child Abuse As Viewed By Suburban Elementary School Teachers" (see Exhibit F). It was administered to a random sample of certified elementary school personnel within the State of Oklahoma for collection of data to ascertain certified teachers' knowledge and attitudes of child abuse and neglect. Dr. Pelcovitz gave his permission to use the survey he developed (see Appendix G). Approval was obtained by the Institutional Review Board through November 23, 2001 (see Exhibit H).

With the exception of Part 3, the questionnaire was partially adapted from an instrument developed by R. J. Gelles for use in a study of classifications and definitions used by professional groups.⁸³

A blank questionnaire accompanied by a cover letter with informed consent information (see Appendix "I") and a self-addressed stamped return envelope was mailed to all potential respondents. The cover letters and return envelopes were constructed according to general designs from Converse and Presser and Dillman.⁸⁴ The cover letter stressed the importance of respondents' input, solicitors' participation from subjects and provided information as to confidentiality. Respondents were alerted that a self-addressed stamped envelope was included for their convenience. Dillman has suggested that

⁸³ Pelcovitz, *supra*, at footnote 17.

⁸⁴ J. M. Converse & S. Presser, *Survey Questions: Handcrafting the Standardized Questionnaire* (Thousand Oaks, CA: Sage Publications, 1986). D. A. Dillman, *Mail and Telephone Surveys: The Total Design Method* (New York: Wiley, 1978).

including such an envelope with a survey mailing is essential in order to maximize the projected number of respondents.⁸⁵ The questionnaire contained five sections. The sections presented items in a progression from general to specific areas dealing with child abuse and neglect.

Section I contained thirteen questions requesting general demographic information. Section II contained sixteen statements. The statements in this section focused on how teachers view child abuse and/or neglect. Section III contained nineteen factors relating to causes of child abuse and/or neglect. Teachers were requested to rate these factors on how they believe they relate to child abuse and/or neglect. Section IV contained eighteen cues that may alert teachers that a child was being abused. The teachers were requested to rate the cues for relevance. Section V contained twenty-six statements dealing with the teacher's attitudes, opinions and responsibility in dealing with child abuse and/or neglect. The teachers were to rate their level of agreement to these statements. Section VI contained ten true/false questions pertaining to the teacher's knowledge of the law concerning abused children.

For this questionnaire, a total of 120 of the 200 (60%) participants who received a copy chose to respond. Eight respondents sent the questionnaire back choosing not to respond. Completed questionnaires were obtained from 112 (56%) of the original sample of teachers surveyed. The overall return rate of completed questionnaires which is somewhat lower than for surveys of this type may be due to the sensitive nature and the time required to complete the lengthy 15 page questionnaire. To obtain the 112

⁸⁵ Ibid., Dillman.

respondents it took two followup mailings of post cards to the entire 200, thanking those who responded and reminding those who did not the importance of the questionnaire. These follow-up procedures are imperative to a successful questionnaire return.⁸⁶

Reliability and Validity

The questionnaire consisted of essentially five separate sections. Separate reliability estimates were computed for each section by using Cronbach's Alpha.

The Alpha reliability estimates were:

Section II	-	.75
Section III	-	.80
Section IV	-	.82
Section V	-	.73
Section VI	-	.74

Face validity and content validity were obtained by distributing the questionnaire to several of the instructors who teach a course in child abuse at the University of Pennsylvania.⁸⁷ To minimize the effects of knowledge and attitude changes, the sections of the questionnaire were arranged from general to specific factual areas.

Data Analysis

This study was designed to obtain data from a questionnaire concerning teachers' knowledge about child abuse and neglect of reporting practices utilizing David Pelcovitz's study (1977). The data was used to determine if the certified elementary teachers in

⁸⁶ Dillman, *supra*, at footnote 80.

⁸⁷ Pelcovitz, *supra*, at footnote 17.

Oklahoma schools have knowledge of definitions of child abuse and/or neglect: the Oklahoma law and how to report child abuse and/or neglect and the school's responsibility in reporting suspected child abuse and/or neglect; and what teacher attitudes are toward reporting child abuse and/or neglect cases.

Descriptive statistics (means, standard deviations, frequencies, and percentages) were computer calculated to analyze the demographic information as well as the dependent variables. This provided an overall description of the sample and how they responded to the questionnaire questions. The study utilized standardized questionnaire methods, according to Converse and Dresser.⁸⁸ For most questions, participants were asked to respond to a five-point Likert-type continuum.⁸⁹ The last section contained true/false questions.

To create the dependent variables identified in the hypotheses, a score was calculated for each section that corresponds to a variable. For example, to develop a score for identifying possible child abuse and/or neglect situations, the assigned score for each Likert item was added to give a situation score. The points for each item in the section were added to get that section's sum score. In the sections on child abuse and/or neglect situations and attitudes/opinions/responsibilities, agreement with the statements was assigned a higher point and disagreement was assigned a lower point. This means that higher scores would indicate greater knowledge or understanding of child abuse and/or neglect and a lower score would indicate a lesser knowledge or understanding of

⁸⁸ Converse & Presser, *supra*, at footnote 80.

⁸⁹ Dillman, *supra*, at footnote 80.

child abuse and/or neglect. Likewise, in the section on possible factors related to child abuse and/or neglect, items more closely related were assigned higher points and items lesser related were assigned lower points. For child abuse and/or neglect cues, recognition of the cues was assigned greater points and non-recognition of the cues was assigned lesser points. In the last section, knowledge of the law, a law score was calculated by adding the number of correct responses to the statements which required true or false responses. A response of “don’t know” was given zero points and was not considered a correct response. Finally, a total score for the questionnaire was calculated by adding all the sum scores from each section. This is referred to as the “total score” throughout the rest of the discussion. Higher scores indicate greater knowledge and understanding of child abuse and/or neglect while lower scores indicate lesser knowledge and understanding of child abuse and/or neglect. The level of significance used for this study was $p < .05$ which is commonly used in this type of study. Also, there were more than one questionnaire item used for several hypotheses. In these cases, all items had to be statistically significant for the hypothesis to be rejected. For example, the first hypothesis examines the difference between teachers who suspect abuse and neglect (Item 7) and the difference between teachers who report it (Item 8). Both analyses would have to be significant in order to reject the first null hypothesis.

The hypotheses of this study determined the differences and relationships among the demographic factors with each area on the questionnaire about knowledge of child abuse and/or neglect. The teachers' demographic factors included (a) years taught, (b) level taught, (c) if a course in law or child abuse and/or neglect had been taken, and (d) if

the teacher had or had not reported suspected child abuse and/or neglect. The dependent variable was the teacher's knowledge of child abuse and/or neglect with sub-factors: (a) definitions, (b) causes of abuse, (c) cues or traits of abuse, (d) attitudes toward child abuse and/or neglect, (e) law and reporting procedures of suspected child abuse and/or neglect, and (f) administrative support in reporting.

Analysis of variance was used to determine differences among the groups identified in each hypothesis. The groups included district population, classroom size, experiences in school law and child abuse and/or neglect training, school enrollment, number of years teaching, experiences suspecting and reporting child abuse and/or neglect, and existence of school policies.

The analysis of variance is an effective way to determine whether the means of more than two samples are too different to attribute to sampling error.⁹⁰ The t test is only used on two groups to identify differences and is related to the analysis of variance ($t^2=F$). Therefore the results of the ANOVA using two groups would still indicate the same level of significance as the t test. For this study, only the means from significant results will be addressed.

In analysis of variance these operations are considered:⁹¹

1. Total group variance is the variance of the scores for all groups combined into one composite group.

⁹⁰ John W. Best, *Research in Education* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1981).

⁹¹ Fred N. Kerlinger, *Foundation of Behavioral Research*, 2nd ed. (Holt, Rinehart and Winston, Inc., 1973).

2. Within group variance is each standard variance calculated from each group separately then averaged. It is an estimate of random error.
3. Between groups variance is the difference between the total groups variance and the within groups variance.
4. The F ratio is computed from the observed data and checked against an F table.

The results of an ANOVA may be generalized only to the population of replications of the experiment in which the specific levels of the fixed factor included in the study are present.⁹²

⁹² Geoffrey Kepple, *Design & Analysis* (Englewood Cliffs, NJ: Prentice - Hall, Inc., 1982).

CHAPTER 4

RESULTS

The purpose of this chapter will be to present the results of the study on how teachers view child abuse, its causes and how they perceive their responsibility in responding to a suspicion of child abuse. The chapter begins with a description of the demographics of the respondents. It delineates experience with cases dealing with abuse and the level of training in child abuse. The questionnaire was analyzed to reveal the teachers' knowledge and abilities concerning child abuse and neglect.

Demographics

Table 9 shows the frequencies on Section 1 which included demographic items in addition to questions on experiences suspecting and reporting child abuse and/or neglect and related training. Averages for several items are also included in Table 9. Sixty percent (60%) of the teachers (n=200) completed and returned the questionnaire for a sample of 112. Several questions identified the general setting of the teachers. Fifty percent (50%) of the respondents worked in schools with levels kindergarten through fifth grade. The average student population was 396 with a range of 100 to 700 students. The district populations ranged from 100 to 42,364 with an average of 23,901.

Years of experience in teaching revealed a range of less than 1 year to 36 years with an average of 9 years. Within the school district, teachers in this study worked an

average of 8 years with a range of less than 1 year to 36 years. At the specific grade or level, the teachers averaged 7 years with a range from less than 1 year to 27 years.

The remainder of the introductory questions focused on the teachers' experiences with child abuse and/or neglect and school law. First the teachers were asked if they had ever suspected that a child in their class was a victim of child abuse and/or neglect. Eighty-nine percent (89%) did have suspicions of abuse and/or neglect yet only 56% had ever reported a suspected case. For those who did report, the consequences varied. Nearly 50% of those who reported abuse and/or neglect stated that they didn't know what happened. The next highest proportion noted that nothing happened (37%). The reasons for not reporting suspected cases showed a range of responses. The greatest proportion, 39%, felt that even if they reported the case, DHS would not follow through. The next highest proportion, 24%, did not know where the suspected case should be filed. Fourteen percent (14%) noted that they were not aware of any suspected child abuse and/or neglect cases in their classrooms. In addition, 12% did not report because they feared administrative reprisal.

Knowledge of child abuse and laws were summarized next. Forty-five percent (45%) of the teachers identified that their school district had a policy for reporting abuse and neglect yet slightly more than half of the respondents (52%) did not know whether such a policy existed. Training in the areas of school law and child abuse was limited with this sample. Only 9% of the teachers have had a course in school law between 3 to 8 years ago (average of 5 years). Twenty percent (20%) of them did note that they have

had an in-service workshop on school law. This same pattern was found for learning about child abuse. Only 8% have had a course on child abuse/neglect but, again, a greater number (31%) have had an in-service workshop on child abuse/neglect.

Table 9

Section I. Demographics

SECTION I					
Demographics					
1	Student population your			Frequency	Percent
	school serves (ex. K-5):		K-5	64	57.1
			PreK-5	36	32.1
			PreK-8	12	10.7
	n=112				

2	Student population at			Frequency	Percent
	your school:	Group 1	100	12	10.7
		Group 2	300	8	7.1
			350	9	8
			370	8	7.1
			380	4	3.6
			390	4	3.6
			400	33	29.5
			435	2	1.8
			450	6	5.4
			480	2	1.8
			490	2	1.8
		Group 3	500	10	8.9
			600	2	1.8
			650	4	3.6
			660	2	1.8
			690	2	1.8
			700	2	1.8
	Average=396				
	n=112				

3	District population			Frequency	Percent
	(approx.):	Group 1	100	12	10.7
			760	2	1.8
			770	10	8.9
			1650	2	1.8
			2125	4	3.6
			2400	2	1.8
			2412	2	1.8
			3600	2	1.8
			5000	4	3.6
		Group 2	9200	2	1.8
			13315	2	1.8
			15000	3	2.7
			25000	13	11.6
		Group 3	42364	52	46.4
	Average =23,901				
	n=112				

4	How many years have			Frequency	Percent
	you worked as a	Group 1	0.75	1	0.9
	teacher?		1	3	2.7
			2	13	11.6
			3	6	5.4
			4	7	6.3
		Group 2	5	12	10.7
			6	9	8
			7	8	7.1
			8	2	1.8
			9	1	0.9
		Group 3	10	14	12.5
			11	2	1.8
			12	6	5.4
			13	4	3.6
			14	2	1.8
		Group 4	15	5	4.5
			16	3	2.7
			18	1	0.9
			19	1	0.9
			20	4	3.6
			21	1	0.9
			22	1	0.9
			24	2	1.8
			25	1	0.9
			27	1	0.9
			28	1	0.9
			36	1	0.9
	Average=9				
	n=112				

5	How many years have you worked in this school district?			Frequency	Percent
		Group 1	0.75	1	0.9
			1	6	5.4
			2	11	9.8
			3	8	7.1
			4	9	8
		Group 2	5	15	13.4
			6	9	8
			7	8	7.1
			8	5	4.5
			9	2	1.8
		Group 3	10	13	11.6
			11	1	0.9
			12	5	4.5
			13	2	1.8
			14	1	0.9
		Group 4	15	5	4.5
			16	2	1.8
			19	1	0.9
			20	2	1.8
			22	1	0.9
			24	2	1.8
			25	1	0.9
			27	1	0.9
			36	1	0.9
	Average=8				
	n=112				

6	How many years have you been teaching the grade or level that you are currently teaching?			Frequency	Percent
			no response	1	0.9
		Group 1	0.75	1	0.9
			1	4	3.6
			2	17	15.2
			3	8	7.1
			4	8	7.1
		Group 2	5	18	16.1
			6	13	11.6
			7	7	6.3
			8	4	3.6
			9	2	1.8
		Group 3	10	12	10.7
			12	2	1.8
			13	1	0.9
			14	1	0.9
		Group 4	15	3	2.7
			16	2	1.8
			19	2	1.8
			20	3	2.7
			23	1	0.9
			24	1	0.9
			27	1	0.9
	Average=7				
	n=112				
7	Have you ever suspected that a child in your class was a victim of child abuse?			Frequency	Percent
			no	12	10.7
			yes	100	89.3
	n=112				

8	Have you ever reported a			Frequency	Percent
	suspected case of child		no	49	43.8
	abuse or neglect?		yes	63	56.3
	n=112				
9	If you answered yes, what			Frequency	Percent
	happened?	(a) Nothing.		23	36.51
		(b) Child was sent to foster home.		8	12.7
		(c) Child was made ward of the court.		1	1.59
		(d) Parent was prosecuted.		0	0
		(e) Don't know.		31	49.2
		Total		63	

10	If you answered no to question 8, why didn't you report?			Frequency	Percent
		(a) You didn't know you were legally responsible to report suspected child abuse & neglect.	2	4.8	
		(b) You didn't know who to report such a case to.	12	24.49	
		(c) You felt that even if you reported the case, the local DHS agency would not follow through.	19	38.78	
		(d) You were afraid of parent reprisal.	1	2.04	
		(e) You were afraid of administrative reprisal.	6	12.24	
		(f) You weren't aware of any suspected child abuse and neglect cases in your classroom.	7	14.29	
		(g) Other	2	4.8	
		Total	49		
11	Does your school district have a formally written policy reporting child abuse & neglect			Frequency	Percent
		don't know	58	51.8	
		no	4	3.6	
		yes	50	44.6	
	If you answered Yes, are you familiar with the policy?			Frequency	Percent
		no	12	10.7	
		yes	40	35.7	
		Total	50		
	n=112				

12	Have you taken a course in School Law?			Frequency	Percent
		no	102	91.1	
		yes	10	8.9	
	If you answered Yes, how long ago?			Frequency	Percent
		3	1	0.9	
		3.5	1	0.9	
		4	3	2.7	
		5	2	1.8	
		6	1	0.9	
		8	2	1.8	
	Average=5 years				
	n=112				
13	Have you had an in-service workshop on School Law?			Frequency	Percent
		no	90	80.4	
		yes	22	19.6	
	n=112				
14	Have you taken a course on child abuse/neglect?			Frequency	Percent
		no	103	92	
		yes	9	8	
	n=112				
15	Have you had an in-service workshop on child abuse/neglect?			Frequency	Percent
		no	77	68.8	
		yes	35	31.3	
	n=112				

Hypotheses

Once the demographics were described, each hypothesis was analyzed in sequential order. Explanations of how the data were handled are included with each hypothesis. Each sum score for each section on child abuse and the total score was analyzed individually with the independent variables noted in each hypothesis. As stated above, analysis of variance was used for each hypothesis. For each statistically significant ANOVA result, a post hoc analysis was completed to examine comparisons among the means. For this study a Tukey HSD test was used for the post hoc comparisons and an alpha level of .05 was chosen.

Hypothesis 1

There is no significant difference between teachers who have reported suspected abuse and neglect and those who have not reported suspected child abuse and neglect based on their level of knowledge of the law and reporting procedures.

The first null hypothesis was rejected with statistically significant ANOVA results revealing differences between teachers who have and have not reported suspected cases of child abuse and neglect based on their knowledge of the law and reporting procedures. The questionnaire items on experience suspecting and reporting child abuse or neglect were used as the class variables or independent variables for this hypothesis which was analyzed by ANOVA (see Table 10 for details). There was a significant difference between teachers who did and did not suspect child abuse for the sum score for child abuse cues and for the total score. Differences between teachers who did and did not report suspected cases of child abuse were found for the familiarity with law score and

also for the total score. Table 11 shows the differences among the means for the significant results. In both cases there were differences between the teachers who did or did not suspect abuse, the mean was greater for the group who did not suspect child abuse. It should be noted that the group sample size was only 12 and the standard errors for their means were greater than for the means of those who did suspect abuse. The differences in the means for the significant results between teachers who did and did not report abuse showed that the first group had higher means which indicates a greater knowledge of abuse.

Table 10

ANOVA Results for Hypothesis 1

Hypothesis 1: There is no significant difference between teachers who have reported suspected abuse and neglect and those who have not reported suspected child abuse and neglect based on their level of knowledge of the law and reporting procedures.					
Situation Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	111.09	111.09	1.909	0.1699
Within Groups	110	6401.16	58.192		
Total	111	6512.25	58.669		

Situation Score By Reported Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	174.6173	174.617	3.0308	0.0845
Within Groups	110	6337.6327	57.615		
Total	111	6512.25	58.669		
Factor Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	249.263	249.263	2.4796	0.1182
Within Groups	110	11057.657	100.524		
Total	111	11306.92	101.864		
Factor Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	205.786	205.786	2.0391	0.1561
Within Groups	110	11101.134	100.919		
Total	111	11306.92	101.864		
Cue Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	1358.439	1358.44	17.1456	<.0001*
Within Groups	110	8715.24	79.23		
Total	111	10073.679	90.75		

Cue Score By Reported Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	206.128	206.128	2.2978	0.1324
Within Groups	110	9867.551	89.705		
Total	111	10073.679	90.754		
Responsibility Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	9.943	9.943	0.335	0.5639
Within Groups	110	3264.4767	29.6771		
Total	111	3274.4196	29.4993		
Responsibility Score By Reported Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	0.2382	0.2382	0.008	0.9289
Within Groups	110	3274.1814	29.7653		
Total	111	3274.4196	29.4993		
Law Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	8.2344	8.2344	1.3434	0.2489
Within Groups	110	674.25667	6.12961		
Total	111	682.49107	6.14857		

Law Score By Reported Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	144.85842	144.858	29.6381	<.0001*
Within Groups	110	537.63265	4.888		
Total	111	682.49107	6.149		
Total Score By Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	3148.863	3148.86	5.8526	0.0172*
Within Groups	110	59183.057	538.03		
Total	111	62331.92	561.55		
Total Score By Reported Suspected Child Abuse					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	3261.226	3261.23	6.073	0.0153
Within Groups	110	59070.694	537.01		
Total	111	62331.92	561.55		
* p<.05					

Table 11

Means for Significant Differences Found in Hypothesis 1

Means for Significant Differences Found in Hypothesis 1: There is no significant difference between teachers who have reported suspected abuse and neglect and those who have not reported suspected child abuse and neglect based on their level of knowledge of the law and reporting procedures.					
Suspected Child Abuse	Total Mean	Yes	No	df	F
Cue Score	64.95 (9.53)	63.74 (9.29)	75 (4.05)	1, 110	17.1456
Total Score	265.53 (23.70)	263.69 (23.26)	280.83 (22.63)	1, 110	5.8526
Reported Suspected Child Abuse	Total Mean	Yes	No	df	F
Law Score	6.62 (2.48)	7.61905 (1.75)	5.32653 (2.69)	1, 110	29.6381
Total Score	265.53 (23.70)	270.286 (19.51)	259.408 (27.19)	1, 110	6.073

Table 12

Summary of Significant ANOVA Results for Hypothesis 1

Hypothesis 1: There is no significant difference between teachers who have reported suspected abuse and neglect and those who have not reported suspected child abuse and neglect based on their level of knowledge of the law and reporting procedures.			
		7. Have you ever suspected that a child in your class was a victim of child abuse?	8. Have you ever reported a suspected case of child abuse or neglect?
Section II: Possible Child Abuse Situations	Situations Score	no significant findings	no significant findings
Section III: Possible Factors Related to Child Abuse	Factor Score	no significant findings	no significant findings
Section IV: Child Abuse Cues	Cues Score	F=17.1456, p< .0001	no significant findings
Section V: Attitudes/Opinions/Responsibilities	Responsibility Score	no significant findings	no significant findings
Section VI: Familiarity with Abuse Laws	Law Score	F=2936381, p<.001	no significant findings
	Total Score	F=5.8526, p=.0172	F=6.073, p=.0153

Hypothesis 2

There is no significant difference between the size of school enrollments and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.

The second null hypothesis was rejected with a statistically significant ANOVA for differences among teachers from different school enrollments based on their level of knowledge of law and reporting procedures for child abuse and neglect. For this hypothesis, the class variable was student population at the teachers' school. The range of responses were divided into three groups to create a class variable for the ANOVA: small, medium and large. Significant differences were found for factors and cues of child abuse, for responsibilities, and the total score (Table 13). In three of the four significant results, factors, cues and total score, the small school population group had the greatest means of the three groups (Table 14). The post hoc analysis revealed that there were significant differences between the small school and the medium-sized school for factor score, cue score and total score. The large school population had the highest mean for responsibilities. In the post hoc analysis, there was a significant difference between the means for the medium and large schools.

Table 13

ANOVA Results for Hypothesis 2

Hypothesis 2: There is no significant difference between the size of school enrollments and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.					
Situation Score Score By Student Population Size					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	120.0385	60.0192	1.0234	0.3628
Within Groups	109	6392.2115	58.6441		
Total	111	6512.25	58.6689		
Factor Score By Student Population Size					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	704.49	352.245	3.6213	0.03*
Within Groups	109	10602.429	97.27		
Total	111	11306.92	101.864		
Cue Score By Student Population Size					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	1797.103	898.552	11.8337	<.0001*
Within Groups	109	8276.575	75.932		
Total	111	10073.679	90.754		
Responsibility Score By Student Population Size					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	404.9733	202.487	7.6917	0.0008*
Within Groups	109	2869.4464	26.325		
Total	111	3274.4196	29.499		

Law Score By Student Population Size					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	1.15191	0.57596	0.0921	0.912
Within Groups	109	681.33916	6.25082		
Total	111	682.49107	6.14857		
Total Score By Student Population Size					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	7510.117	3755.06	7.466	0.0009*
Within Groups	109	54821.802	502.95		
Total	111	62331.92	561.55		
* p<.05					

Table 14

Means for Significant Differences Found in Hypothesis 2

Means for Significant Differences Found in Hypothesis 2: There is no significant difference between the size of school enrollments and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.						
Student Population Size	Total Mean	Small	Medium	Large	df	F
Factor Score	57.03 (10.09)	64.25 (12.76)	56.0641 (10.30)	56.5 (5.54)	2, 109	3.6213
Cue Score	64.95 (9.53)	76.25 (3.84)	63.1154 (9.74)	65.2727 (6.21)	2, 109	11.8337
Responsibility Score	74.28 (5.43)	75.1667 (4.49)	73.1154 (5.35)	77.9091 (4.62)	2, 109	7.6917
Total Score	6.62 (2.48)	287.083 (2.45)	261.051 (24.26)	269.636 (12.82)	2, 109	7.466
Means Comparisons						
Factor Score		Small	Medium	Large		
	Small					
	Medium	*				
	Large	ns	ns			

		Small	Medium	Large		
Cue Score	Small					
	Medium	*				
	Large	*	ns			
Responsibility Score		Small	Medium	Large		
	Small					
	Medium	ns				
	Large	ns	*			
Total Score		Small	Medium	Large		
	Small					
	Medium	*				
	Large	ns	ns			
* The mean difference of these groups is significant at the .05 level.						

Table 15

Summary of Significant ANOVA Results for Hypothesis 2

Hypothesis 2: There is no significant difference between the size of school enrollments and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.		
		2. Student population at your school
Section II: Possible Child Abuse Situations	Situations Score	no significant findings
Section III: Possible Factors Related to Child Abuse	Factor Score	F=3.6213, p=.03
Section IV: Child Abuse Cues	Cues Score	F=11.8337, p<.001
Section V: Attitudes/Opinions/Responsibilities	Responsibility Score	F=7.6917, p=.0008
Section VI: Familiarity with Abuse Laws	Law Score	no significant findings
	Total Score	F=7.466, p=.0009

Hypothesis 3

There are no significant differences among the district population of schools and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.

The null hypothesis for differences among the district population of schools and level of teachers' knowledge of laws and reporting procedures for child abuse and neglect

was rejected with significant ANOVA results. The class variables and district population. was divided into three groups. For each of the sum scores (situations, factors, cues, responsibilities, law knowledge, and total score) there were significant differences among the population groups (Table 16). Examining the means among the population groups for each sum score did reveal some patterns. For situations, factors, cues and total scores, the smallest population group had the highest means. There were significant differences in the post analysis between the small and large school districts for situation, factor, cue, law and total scores. Only for the responsibility sum score, did the medium sized population group have the highest mean and this was significantly different than both the large and small school districts based on the post hoc analysis. The post hoc analysis found a significant difference between the small and medium districts for the law score..

Table 16

ANOVA Results for Hypothesis 3

Hypothesis 3: There are no significant differences among the district population of schools and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.					
Situation Score Score By District Population					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	493.3247	246.662	4.4669	0.0137*
Within Groups	109	6018.9253	55.219		
Total	111	6512.25	58.669		

Factor Score By District Population					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	1916.846	958.423	11.1254	<.0001*
Within Groups	109	9390.074	86.147		
Total	111	11306.92	101.864		
Cue Score By District Population					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	1090.369	545.184	6.6151	0.0019*
Within Groups	109	8983.31	82.416		
Total	111	10073.679	90.754		
Responsibility Score By District Population					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	316.8182	158.409	5.838	0.0039*
Within Groups	109	2957.6014	27.134		
Total	111	3274.4196	29.499		
Law Score By District Population					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	157.79702	78.8985	16.3904	<.0001*
Within Groups	109	524.69406	4.8137		
Total	111	682.49107	6.1486		
Total Score By District Population					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	12199.804	6099.9	13.2627	<.0001*
Within Groups	109	50132.116	459.93		
Total	111	62331.92	561.55		
* p<.05					

Table 17

Means for Significant Differences Found in Hypothesis 3

Means for Significant Differences Found in Hypothesis 3: There are no significant differences among the geographic location of schools and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.						
District Population	Total Mean	Small	Medium	Large	df	F
Situation Score	32.375 (7.66)	64.9318 (7.32)	61.6875 (2.36)	60.4231 (8.44)	2, 109	4.4669
Factor Score	57.03 (10.09)	61.6591 (8.61)	58.1875 (6.08)	52.75 (10.52)	2, 109	11.1254
Cue Score	64.95 (9.53)	68.5682 (6.92)	65.1875 (6.73)	61.8077 (11.06)	2, 109	6.6151
Responsibility Score	74.27 (5.43)	73.7955 (4.51)	78.375 (2.94)	73.4231 (6.19)	2, 109	5.838
Law Score	6.62 (2.48)	8.09091 (1.78)	5.75 (2.18)	5.63462 (2.50)	2, 109	16.3904
Total Score	265.53 (23.70)	277.045 (17.49)	269.188 (9.50)	254.654 (26.43)	2, 109	13.2627
Means Comparisons						
Situation Score		Small	Medium	Large		
	Small					
	Medium	ns				
	Large	*	ns			
Factor Score		Small	Medium	Large		
	Small					
	Medium	ns				
	Large	*	ns			
Cue Score		Small	Medium	Large		
	Small					
	Medium	ns				
	Large	*	ns			

Responsibility Score		Small	Medium	Large		
	Small					
	Medium	*				
	Large	ns	*			
Law Score		Small	Medium	Large		
	Small					
	Medium	*				
	Large	*	ns			
Total Score		Small	Medium	Large		
	Small					
	Medium	ns				
	Large	*	ns			
* The mean difference of these groups is significant at the .05 level.						

Table 18

Summary of Significant ANOVA Results for Hypothesis 3

Hypothesis 3: There are no significant differences among the district population location of schools and level of teachers' knowledge of law and reporting procedures for child abuse and neglect.		
		3. District population (approx.)
Section II: Possible Child Abuse Situations	Situations Score	F=4.4669, p=.0137
Section III: Possible Factors Related to Child Abuse	Factor Score	F=11.1254, p<.0001
Section IV: Child Abuse Cues	Cues Score	F=6.6151, p=.0019
Section V: Attitudes/Opinions/Responsibilities	Responsibility Score	F=5.838, p=.0039
Section VI: Familiarity with Abuse Laws	Law Score	F=16.3904, p<.0001
	Total Score	F=13.2627, p<.0001

Hypothesis 4

There are no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and reporting procedures for child abuse and neglect.

The null hypothesis of no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and

reporting procedures for child abuse and neglect was accepted. Yet, several of the analyses on the sections that were added to create the total score were statistically significant. Four items on the questionnaire asked the teachers about their formalized training, either a course or in-service, in child abuse and/or school law and the results are shown in Table 19. The only significant difference for having a course in child abuse was for the responsibility score. When the means were compared, the group who did not attend a course in child abuse had the larger responsibility score (Table 21). This result was influenced by the disproportionately smaller number of teachers (9) who had taken such a course. Also, the standard error was much greater indicating a greater variance for that group.

Although the proportion of teachers who have attended a course on school law was similar to those who had not attended, several of the sum scores were significantly different. For situation, responsibility, and law scores there were differences between those who had and had not attended a class. The teachers who attended courses on school law had higher means on situation and law familiarity yet had the lower mean for responsibility. There was a significant difference between teachers attending an in-service on school law for law familiarity; the group who hadn't attended had the greater mean score. Educators having some education or training in child abuse/neglect or school law without support and follow-up may be reluctant to report suspected cases of child abuse/neglect. Especially if what they are taught is inconsistent with the district's or school's policies that are practiced. The site administrator can also place a "chilling" effect on teachers reporting if they do not support and encourage reporting consistent with

the law. Some teachers even feared reprisal from their site administrator if they reported a suspected case of child abuse/neglect.

Table 19

ANOVA Results for Hypothesis 4

Hypothesis 4: There are no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and reporting procedures for child abuse and neglect.					
Situation Score By School Law Course					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	496.5951	496.595	9.0806	0.0032*
Within Groups	110	6015.6549	54.688		
Total	111	6512.25	58.669		
Situation Score By School Law In-service					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	38.9773	38.9773	0.6623	0.4175
Within Groups	110	6473.2727	58.8479		
Total	111	6512.25	58.6689		
Situation Score By Course on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	92.2025	92.2025	1.5798	0.2115
Within Groups	110	6420.0475	58.3641		
Total	111	6512.25	58.6689		

Situation Score By In-service on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	0.9877	0.9877	0.0167	0.8975
Within Groups	110	6511.2623	59.1933		
Total	111	6512.25	58.6689		
Factor Score By School Law Course					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	140.196	140.196	1.381	0.2425
Within Groups	110	11166.724	101.516		
Total	111	11306.92	101.864		
Factor Score By School Law In-service					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	234.676	234.676	2.3315	0.1297
Within Groups	110	11072.243	100.657		
Total	111	11306.92	101.864		
Factor Score By Course on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	336.303	336.303	3.372	0.069
Within Groups	110	10970.617	99.733		
Total	111	11306.92	101.864		
Factor Score By In-service on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	26.104	26.104	0.2545	0.6149
Within Groups	110	11280.816	102.553		
Total	111	11306.92	101.864		

Cue Score By School Law Course					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	8	8.0001	0.0874	0.768
Within Groups	110	10065.678	91.5062		
Total	111	10073.679	90.7539		
Cue Score By School Law In-service					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	16.006	16.0058	0.1751	0.6765
Within Groups	110	10057.673	91.4334		
Total	111	10073.679	90.7539		
Cue Score By Course on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	119.748	119.748	1.3233	0.2525
Within Groups	110	9953.931	90.49		
Total	111	10073.679	90.754		
Cue Score By In-service on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	62.806	62.8058	0.6901	0.4079
Within Groups	110	10010.873	91.0079		
Total	111	10073.679	90.7539		
Responsibility Score By School Law Course					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	132.7314	132.731	4.6473	0.0333*
Within Groups	110	3141.6882	28.561		
Total	111	3274.4196	29.499		

Responsibility Score By School Law In-service					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	90.1015	90.1015	3.1125	0.0805
Within Groups	110	3184.3182	28.9483		
Total	111	3274.4196	29.4993		
Responsibility Score By Course on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	119.8155	119.816	4.1779	0.0433*
Within Groups	110	3154.6041	28.678		
Total	111	3274.4196	29.499		
Responsibility Score By In-service on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	14.5131	14.5131	0.4897	0.4855
Within Groups	110	3259.9065	29.6355		
Total	111	3274.4196	29.4993		
Law Score By School Law Course					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	43.21852	43.2185	7.4366	0.0074*
Within Groups	110	639.27255	5.8116		
Total	111	682.49107	6.1486		
Law Score By School Law In-service					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	56.31834	56.3183	9.8935	0.0021*
Within Groups	110	626.17273	5.6925		
Total	111	682.49107	6.1486		

Law Score By Course on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	0.7284	0.7284	0.1175	0.7324
Within Groups	110	681.76268	6.19784		
Total	111	682.49107	6.14857		
Law Score By In-service on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	4.63653	4.63653	0.7524	0.3876
Within Groups	110	677.85455	6.16231		
Total	111	682.49107	6.14857		
Total Score By School Law Course					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	964.706	964.706	1.7292	0.1912
Within Groups	110	61367.214	557.884		
Total	111	62331.92	561.549		
Total Score By School Law In-Service					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	31.001	31.001	0.0547	0.8155
Within Groups	110	62300.918	566.372		
Total	111	62331.92	561.549		
Total Score By Course on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	778.261	778.261	1.3908	0.2408
Within Groups	110	61553.659	559.579		
Total	111	62331.92	561.549		

Total Score By In-service on Child Abuse/Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	1	36.32	36.32	0.0641	0.8006
Within Groups	110	62295.6	566.324		
Total	111	62331.92	561.549		
* p<.05					

Table 20

Means for Significant Differences Found in Hypothesis 4

Means for Significant Differences Found in Hypothesis 4: There are no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and reporting procedures for child abuse and neglect.					
School Law Course	Total Mean	Yes	No	df	F
Situation Score	62.375 (7.66)	69.1 (2.77)	61.7157 (7.67)	1, 110	9.0806
Responsibility Score	74.28 (5.43)	70.8 (4.69)	74.6176 (5.40)	1, 110	4.6473
Law Score	6.62 (2.48)	8.6 (1.07)	6.42157 (2.50)	1, 110	7.4366
Course on Child Abuse/Neglect	Total Mean	Yes	No	df	F
Responsibility Score	74.28 (5.43)	70.7778 (8.69)	74.5825 (5.00)	1, 110	4.1779
School Law In-service	Total Mean	Yes	No	df	F
Law Score	6.62 (2.48)	5.18182 (1.94)	6.96667 (2.48)	1, 110	9.8935

Table 21

Summary of Significant ANOVA Results for Hypothesis 4

Hypothesis 4: There are no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and reporting procedures for child abuse and neglect.					
		12. Have you taken a course in School Law?	13. Have you had an in-service workshop on School Law?	14. Have you taken a course on child abuse/neglect?	15. Have you had an in-service workshop on child abuse/neglect?
Section II: Possible Child Abuse Situations	Situations Score	F=9.0806, p=0032	no significant findings	no significant findings	no significant findings
Section III: Possible Factors Related to Child Abuse	Factor Score	no significant findings	no significant findings	no significant findings	no significant findings
Section IV: Child Abuse Cues	Cues Score	no significant findings	no significant findings	no significant findings	no significant findings
Section V: Attitudes/Opinions/Responsibilities	Responsibility Score	F=4.6473, p=.0333	no significant findings	F=4.1779, p=.0433	no significant findings
Section VI: Familiarity with Abuse Laws	Law Score	F=7.4366, p=.00074	F=9.8935, p=.0021	no significant findings	no significant findings
	Total Score	no significant findings	no significant findings	no significant findings	no significant findings

Hypothesis 5

There are no significant differences between the number of years of experience in the classroom setting and teachers' knowledge of law and reporting procedures for child abuse and neglect.

The null hypothesis for no significant differences between the number of years of experience in the classroom setting and teachers' knowledge of law and reporting procedures for child abuse and neglect was accepted. But, there was a significant result for years teaching and for several of the sections that were added to create the total scores of years teaching, years at district, and years at grade level. ANOVAs for each sum score were calculated for the number of years teaching, years at school district and years at grade level. In order to use years of experience (as a teacher, in the district and at the grade level) as a class variable to identify groups, the responses were placed into four categories: less than 5 years, 5 to 10 years, 10 to 15 years and over 15 years. Twenty-seven percent (27%) of the teachers had less than 5 years of teaching experience and 45% had over 10 years of experience.

The only setting where the groups for years of experience differed was the number of years teaching (Table 22). For the sum scores in situations and cues of child abuse and for the total score there were significant differences. When looking at the means for each separate group, the same pattern emerges for each sum score (Table 23). The teachers with less than 5 years of experience had the highest means for situation score, cue score, and total score. But, the group with the next highest mean for the sum scores were the teachers who had more than 15 years experience. The post hoc analysis revealed that for each of the significant overall ANOVA results (situation, cues, total) the teachers with less than 5 years experience were significantly different from those with 5 to 10 years.

Table 22

ANOVA Results for Hypothesis 5

Hypothesis 5: There are no significant differences between the number of years of experience in the classroom setting and teachers' knowledge of law and reporting procedures for child abuse and neglect.					
Situation Score By Years Worked as a Teacher					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	635.0902	211.697	3.8902	0.011*
Within Groups	108	5877.1598	54.418		
Total	111	6512.25	58.669		
Situation Score By Years Worked in School District					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	298.1607	99.3869	1.7273	0.1657
Within Groups	108	6214.0893	57.5379		
Total	111	6512.25	58.6689		
Situation Score By Years Worked at Grade Level					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	332.094	110.698	1.9345	0.1283
Within Groups	108	6180.156	57.224		
Total	111	6512.25	58.669		
Factor Score By Years Worked as a Teacher					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	271.851	90.617	0.8869	0.4504
Within Groups	108	11035.069	102.177		
Total	111	11306.92	101.864		

Factor Score By Years Worked in School District					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	291.983	97.328	0.9543	0.4172
Within Groups	108	11014.937	101.99		
Total	111	11306.92	101.864		
Factor Score By Years Worked at Grade Level					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	543.674	181.225	1.8184	0.1481
Within Groups	108	10763.246	99.66		
Total	111	11306.92	101.864		
Cue Score By Years Worked as a Teacher					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	838.607	279.536	3.269	0.0241*
Within Groups	108	9235.072	85.51		
Total	111	10073.679	90.754		
Cue Score By Years Worked in School District					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	186.08	62.0268	0.6775	0.5677
Within Groups	108	9887.598	91.5518		
Total	111	10073.679	90.7539		
Cue Score By Years Worked at Grade Level					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	297.324	99.1081	1.0949	0.3546
Within Groups	108	9776.354	90.5218		
Total	111	10073.679	90.7539		

Responsibility Score By Years Worked as a Teacher					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	75.4205	25.1402	0.8487	0.4702
Within Groups	108	3198.9991	29.6204		
Total	111	3274.4196	29.4993		
Responsibility Score By Years Worked in School District					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	69.7859	23.262	0.784	0.5054
Within Groups	108	3204.6337	29.6725		
Total	111	3274.4196	29.4993		
Responsibility Score By Years Worked at Grade Level					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	95.4878	31.8293	1.0814	0.3602
Within Groups	108	3178.9318	29.4346		
Total	111	3274.4196	29.4993		
Law Score By Years Worked as a Teacher					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	8.76953	2.92318	0.4686	0.7048
Within Groups	108	673.72154	6.23816		
Total	111	682.49107	6.14857		
Law Score By Years Worked in School District					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	11.13226	3.71075	0.5969	0.6184
Within Groups	108	671.35881	6.21629		
Total	111	682.49107	6.14857		

Law Score By Years Worked at Grade Level					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	1.53944	0.51315	0.0814	0.97
Within Groups	108	680.95163	6.30511		
Total	111	682.49107	6.14857		
Total Score By Years Worked as a Teacher					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	5899.406	1966.47	3.7634	0.0129*
Within Groups	108	56432.514	522.52		
Total	111	62331.92	561.55		
Total Score By Years Worked in School District					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	2005.718	668.573	1.1969	0.3145
Within Groups	108	60326.202	558.576		
Total	111	62331.92	561.549		
Total Score By Years Worked at Grade Level					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	3	2913.832	971.277	1.7654	0.1581
Within Groups	108	59418.088	550.167		
Total	111	62331.92	561.549		
* p<.05					

Table 23

Means for Significant Differences Found in Hypothesis 5

Means for Significant Differences Found in Hypothesis 5: There are no significant differences between the number of years of experience in the classroom setting and teachers' knowledge of law and reporting procedures for child abuse and neglect.

Years Worked as a Teacher	Total Mean	less than 5 years	5 to 10 years	10 to 15 years	over 15 years	df	F
Situation Score	62.375 (7.66)	65.6333 (5.96)	59.6875 (7.50)	61 (8.13)	63.5909 (7.93)	3. 108	3.8902
Cue Score	64.95 (9.53)	68.9 (8.41)	61.5625 (9.64)	64.6071 (9.71)	64.9091 (9.15)	3. 108	3.269
Total Score	265.53 (23.70)	275.067 (19.55)	257.156 (22.89)	261.357 (24.22)	270 (25.13)	3. 108	3.7634

Mean Comparisons

		less than 5 years	5 to 10 years	10 to 15 years	over 15 years
Situation Score	less than 5 years				
	5 to 10 years	*			
	10 to 15 years	ns	ns		
	over 15 years	ns	ns	ns	
Cue Score	less than 5 years				
	5 to 10 years	*			
	10 to 15 years	ns	ns		
	over 15 years	ns	ns	ns	
Total Score	less than 5 years				
	5 to 10 years	*			
	10 to 15 years	ns	ns		
	over 15 years	ns	ns	ns	

* The mean difference of these groups is significant at the .05 level.

Table 24

Summary of Significant ANOVA Results for Hypothesis 5

Hypothesis Five: There are no significant differences between the number of years of experience in the classroom setting and teachers' knowledge of law and reporting procedures for child abuse and neglect.				
		4. How many years have you worked as a teacher?	5. How many years have you worked in this school district?	6. How many years have you been teaching the grade or level that you are currently teaching?
Section II: Possible Child Abuse Situations	Situation Score	F=3.8902, p=.011	no significant findings	no significant findings
Section III: Possible Factors Related to Child Abuse	Factor Score	no significant findings	no significant findings	no significant findings
Section IV: Child Abuse Cues	Cues Score	F=3.269, p=.0241	no significant findings	no significant findings
Section V: Attitudes/Opinions/Responsibilities	Responsibility Score	no significant findings	no significant findings	no significant findings
Section VI: Familiarity with Abuse Laws	Law Score	no significant findings	no significant findings	no significant findings
	Total Score	F=3.7631, p=.0129	no significant findings	no significant findings

Hypothesis 6

There is no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect.

The null hypothesis for no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect was rejected. Teachers were asked if they knew whether their school district had a formally written policy for reporting child abuse and neglect. For this sample, 50 of the 112 respondents (45%) knew that their school had a written policy. If the teachers stated "yes," they were asked if they were familiar with the content of the policy. Forty (40) of the 50 that answered "yes" (80%) were also familiar with the policies. ANOVAs were completed as in the previous hypotheses and three sum scores (situation, cues, and law) and the total score were significantly different (Table 25). An examination of the means reveals that the group who said "no" to being aware of the school district's written policies showed greater averages than those teachers that were familiar with the school policies within the district (Table 26). It is possible that this result could be due to the small number in the sample who said "no" (n=4). The group who stated that they did not know whether their school districts had formally written policies for reporting child abuse and neglect had mean scores lower than teachers who were aware that their school districts had formally written policies. The post hoc analysis revealed that teachers who knew if there was a school policy had statistically significant higher means than those who did not know for situation and total score. For the cue and law scores, those who said no, had significantly higher averages than those teachers who did not know.

Table 25

ANOVA Results for Hypothesis 6

Hypothesis 6: There is no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect.					
Situation Score By School Policy on Child Abuse and Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	1043.8459	521.923	10.4033	<.0001*
Within Groups	109	5468.4041	50.169		
Total	111	6512.25	58.669		
Factor Score By School Policy on Child Abuse and Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	154.92	77.46	0.7571	0.4715
Within Groups	109	11151.999	102.312		
Total	111	11306.92	101.864		
Cue Score By School Policy on Child Abuse and Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	2406.876	1203.44	17.1094	<.0001*
Within Groups	109	7666.803	70.34		
Total	111	10073.679	90.75		
Responsibility Score By School Policy on Child Abuse and Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	43.0534	21.5267	0.7261	0.4861
Within Groups	109	3231.3662	29.6456		
Total	111	3274.4196	29.4993		

Law Score By School Policy on Child Abuse and Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	110.39521	55.1976	10.5167	<.0001*
Within Groups	109	572.09586	5.2486		
Total	111	682.49107	6.1486		
Total Score By School Policy on Child Abuse and Neglect					
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob>F
Between Groups	2	8765.075	4382.54	8.9178	0.0003*
Within Groups	109	53566.845	491.44		
Total	111	62331.92	561.55		
* p<.05					

Table 26

Means for Significant Differences Found in Hypothesis 6

Means for Significant Differences Found in Hypothesis 6: There is no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect.

School Policy on Child Abuse/Neglect	Total Mean	Yes	No	Don't know	df	F
Situation Score	62.375 (7.66)	65.58 (5.83)	65 (12.70)	59.431 (7.63)	2, 109	10.4033
Cue Score	64.95 (9.53)	69.44 (7.15)	73 (2)	60.5172 (9.51)	2, 109	17.1094
Law Score	6.62 (2.48)	7.56 (2.31)	8.5 (.58)	5.67241 (2.33)	2, 109	10.5167
Total Score	265.53 (23.70)	274.2 (17.89)	280 (6.93)	257.052 (25.73)	2, 109	8.9178

Mean comparisons

Situation Score	Yes	No	Don't know
	Yes		
	No	ns	

	Don't know	*	ns	
Cue Score	Yes No Don't know	Yes ns ns	No * ns	Don't know
Law Score	Yes No Don't know	Yes ns ns	No * ns	Don't know
Total Score	Yes No Don't know	Yes ns *	No ns ns	Don't know

Table 27

Summary of Significant ANOVA Results for Hypothesis 6

Hypothesis 6: There is no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect.		
		11. Does your school district have a formally written policy for reporting child abuse & neglect?
Section II: Possible Child Abuse Situations	Situations Score	F=10.4033. p <.0001
Section III: Possible Factors Related to Child Abuse	Factor Score	no significant findings
Section IV: Child Abuse Cues	Cues Score	F=17.1094. p<.0001
Section V: Attitudes/Opinions/Responsibilities	Responsibility Score	no significant findings

Section VI: Familiarity with Abuse Laws	Law Score	F=10.5167, p<.0001
	Total Score	F=8.9178, p=.0003

CHAPTER 5

FINDINGS, RECOMMENDATIONS, AND CONCLUSION

Findings

*One hundred years from now
It will not matter what my bank account was,
What sort of house I live in,
Or what kind of car I drove,
But, the world may be different
Because I was important in the life of a child.*

Author Unknown

Some respondents to my questionnaire did not know whether an abuse reporting policy existed within their district. This is a problem that should not exist. School districts must develop policies that are consistent with Oklahoma's legal mandates concerning the reporting of child abuse and neglect. Superintendents must provide their site administrators with sufficient knowledge and education on the district's child abuse/neglect reporting policies and on Oklahoma's mandatory reporting laws and consequences for failure to comply with those laws. The district must ensure the site administrators are accountable for disseminating district policies to all of their staff members. Site administrators should develop accountability for the training of their staff members and take proactive steps to encourage educators to identify the abused and/or neglected child and promote the reporting of abuse/neglect as prescribed by Oklahoma's

legal mandates. These steps would not only protect a fragile child from further abuse but could ultimately protect a school district from legal action.

Some of the respondents who indicated that they did know about abuse reporting policies continued to not report. Eighty-nine percent (89%) of the total respondents had suspicions yet only 56% reported. Reasons cited by the respondents for not reporting were their lack of feedback on cases that had been reported to DHS, fear of administrative reprisal, and the belief that no change in the family situation occurred. School districts should make it clear that all employees will be responsible for following district policy that is consistent with Oklahoma law. No employee should fear reprisal from a supervisor for following the mandates of reporting suspected child abuse/neglect. DHS may not be able to legally provide follow up on a case. There may be action taken by DHS that the school would not necessarily be informed. However, the only way to insure the child will eventually receive help is to continue to report. While this action may seem futile, cumulative reports are more likely to come to the attention of a DHS supervisor.

Four of the six null hypotheses in this study were rejected. First, there was a significant difference between teachers who have reported suspected abuse and neglect and those who have not reported suspected child abuse and neglect based on their level of knowledge of the law and reporting procedures. Further analysis on the individual sections also revealed differences between teachers who did and did not suspect child abuse and neglect for level of knowledge of cues and laws. It is not surprising that there were differences in how the teachers who suspected abuse were significantly different in

their cues score than teachers who did not suspect abuse. It is the abuse indicators (cues) given by the child that would alert the teacher of possible abuse.

The null hypothesis examining the difference between the size of school enrollments and level of teachers' knowledge of law and reporting procedures for child abuse and neglect was also rejected. Teachers in smaller schools had greater scores for factors and cues of child abuse and neglect which could be due to being able to have closer contact with fewer students. They would have more familiarity with the students and families and could be aware of subtle changes that could indicate child abuse and neglect. Teachers in larger schools knew that they had the responsibility to report but were less aware of the finite details of factors and cues of child abuse and neglect.

There were significant differences among the district population of schools and level of teachers' knowledge of laws and reporting procedures for child abuse and neglect. In addition, each of the sections, situations, factors, cues, responsibility, and law, had significant results. This finding showed a similar trend as the previous hypothesis. Teachers from smaller districts were more knowledgeable about situations, factors, cues, laws.

The null hypothesis was accepted for no significant differences among the levels of formalized training in child abuse and neglect or school law for teachers' knowledge of law and reporting procedures for child abuse and neglect. There were individual sections that were sections that were statistically significant. The null hypothesis for no significant differences between the number of years of experience in the classroom setting and

teachers' knowledge of law and reporting procedures for child abuse and neglect was accepted.

In both cases, these finding indicates statistical significance. Furthermore, they may have practical significance when the results for the individual sections are examined. Teachers who did attend a course in law school were statistically different from other teachers who did not. Even with the small number of teachers in this group (n=10), they still had higher means for knowledge of situation, responsibility and laws of child abuse and neglect. It is possible that with a more equal number of teachers in each group, a more accurate result would be found.

Finally, the null hypothesis of no significant difference between the existence of written policies and procedures for teachers' reporting practices and teachers' knowledge of law and reporting procedures for child abuse and neglect was rejected. The teachers who knew that their district had a policy also had higher means for their situations score.

Courses in education law and child abuse and/or neglect can serve to help the teacher understand the legal implications but without district policy consistent with Oklahoma law, site encouragement and continued education, no change will take place. It is imperative school leaders must break out of the traditional mold of complacency and find ways to help abused and/or neglected children. A child who remains in the abusive setting without intervention has a 50% chance for reabuse and a 10% chance of being fatally injured. Research shows that abuse and neglect affect children's learning, development, and performance.

The classroom teacher is in a unique position to observe a child - more than any other adult with which the child comes in contact. With schools literally coming “under fire” from disgruntled students, careful monitoring of students’ behavior and appearance becomes an intricate part of student and school safety.

Recommendation

The following recommendations are based upon the above conclusions and research data:

1. All school districts should have formal policies established for reporting suspected child abuse and/or neglect, consistent with existing laws. Site administrators should be fully informed and trained in district policies. Policies should be distributed to all employees and a documentation procedure that indicates policies have been read and understood should be implemented.
2. It is clear from the research a need exists for all site administrators and teachers to have pre-service and yearly in-service training concerning issues of school law, child abuse and/or neglect, family violence, and the legal requirements for reporting suspected cases of child abuse and/or neglect observed in their students. This could be presented at the start of every school year, in every building with a documentation procedure similar to blood borne pathogen accountability training.
3. A testing of knowledge in the area of issues surrounding school law, child abuse and/or neglect, family violence, and the legal requirements in

reporting suspected cases of child abuse and/or neglect observed in their students should be a component of all administrator and teacher certification and re-certification requirements.

Conclusion

Ronald Reagan was quoted as saying, "There is no more fundamental test of society than how it treats its children."⁹³ Because someone cared enough to get involved and report, the case of Mary Ellen Wilson became proof that intervention can work to save children and break the cycle of abuse. After the trial, Mary Ellen was raised by a sister of Etta Wheeler in a rural farm setting. Mary Ellen subsequently married a widower, names Lewis Schutt, at the age of 24. She raised Mr. Schutt's two sons, Jesse and Clarence, from his first wife; they had two daughters of their own, Etta and Florence; and foster parented another daughter, Eunice. Mary Ellen Schutt died at the age of 92 on October 30, 1956. Despite the horrors of her early childhood, Mary Ellen was able to provide a loving and stable home for her children. Her children were raised to be compassionate, successful and educated. One of the "most remarkable and gratifying aspects of Mary Ellen's life"⁹⁴ was the accomplishments of her daughters, Etta and Florence. Both daughters attended college and became well-respected teachers. Etta taught in the Rochester Public Schools for 39 years and Florence taught in the New York Chili School #11 for 37 years. In her honor the school was officially named the Florence

⁹³ "Doctor Spent Years Compiling Book on Landmark Child Abuse Case," *Medical College of Wisconsin Health News*, November 12, 2001.

⁹⁴ Shelman and Lazoritz, *supra*, at footnote 32.

Brasser School.⁹⁵ Without a doubt, no child passed through Etta's or Florence's classrooms without getting help for abuse or neglect if it was indicated.

As educators, we must never forget Mary Ellen Wilson. She reminds us that the efforts of a few tenacious concerned people, working on behalf of one abused child, can make a difference for a lifetime with that child.

⁹⁵ Shelman and Lazoritz, *supra*, at footnote 32.

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APPENDIX A

Child Abuse Prevention and Treatment Act as Amended

Public Law 93-247

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Human Development Services
Administration for Children, Youth and Families



Public Law 93-247
as Amended

Child Abuse Prevention and Treatment Act

Public Law 93-247

as Amended by
P.L. 93-266 (April 24, 1978)

An Act

To provide financial assistance for a demonstration program for the prevention, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

Child Abuse Prevention
and Treatment
Act, 42 USC 5101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Prevention and Treatment Act," as amended.

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

Center.

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center").

(b) The Secretary, through the Center, shall—

Annual research
summary.

(1) compile, analyze, publish, and disseminate a summary annually of recently conducted and currently conducted research on child abuse and neglect;

Information clearing-
house.

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification and treatment of child abuse and neglect;

(3) compile, publish and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

Technical Assistance.

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification and treatment of child abuse and neglect;

Research

(5) conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof.

(6) make a complete and full study of investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity; and

(7) in consultation with Federal agencies serving on the Advisory Board on Child Abuse and Neglect (established by section 6 of this Act), prepare a comprehensive plan for seeking to bring about maximum coordination of the goals, objectives, and activities of all agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such plan to such Advisory Board not later than twelve months after the date of enactment of this clause.

Plan, submitted to
Advisory Board on
Child Abuse and
Neglect 42 USC §103

The Secretary shall establish research priorities for making grants or contracts under clause (5) of this subsection and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.

Research priorities
for grants or con-
tracts, Publication in
Federal Register

(c) The Secretary may carry out his functions under subsection (b) of this section either directly or by way of grant or contract. Grants may be made under subsection (b) (5) for periods of not more than three years. Any such grant shall be reviewed at least annually by the Secretary, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.

Review.

(d) The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively its functions under this Act.

DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State in question, by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS

SEC. 4. (a) The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be—

available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

(e) For the purpose of this section, the term "State" includes each of the Several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific.*

AUTHORIZATIONS

SEC. 5. (a) There are hereby authorized to be appropriated for the purpose of this act \$15,000,000 for the fiscal year ending June 30, 1974, \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal years, \$35,000,000 for the fiscal year ending September 30, 1978, \$27,500,000 for the fiscal year ending September 30, 1979, and \$30,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively. Of the funds appropriated for any fiscal year under this section, not less than 50 per centum shall be used for making grants or contracts under sections 2(b)(5) (relating to research) and 4(a) (relating to demonstration or service projects), giving special considerations to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health, Education, and Welfare) of national or regional scope and demonstrated effectiveness, and not less than 25 per centum shall be used for making grants or contracts under section 4(b)(1) (relating to grants to States) for the fiscal years ending September 30, 1978, and September 30, 1979, respectively, and not less than 30 per centum shall be used for making grants or contracts under section 4(b)(1) (relating to grants to States) for each of the fiscal years ending September 30, 1980, and September 30, 1981, respectively.

Sexual abuse. (b) (1) There are authorized to be appropriated \$3,000,000 for the fiscal year ending September 30, 1978, \$3,500,000 for the fiscal year ending September 30, 1979, and \$4,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively, for

Commonwealth of Northern Mariana Islands added by P.L. 94-241 (48 USC 1631).

(1) for training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

Grants to States. (b) (1) The Secretary, through the Center, is authorized to make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and

the purpose of making grants and entering into contracts (under sections 2(b)(5)) (relating to research), 4(a) (relating to demonstration or service projects), and 4(b)(1) (relating to grants to States), for programs and projects (including the support of not less than three Centers for the provision of treatment, personnel training, and other related services) designed to prevent, identify, and treat sexual abuse of children, including programs involving the treatment of family units, programs for the provision of treatment and related services to persons who have committed acts of sexual abuse against children, and programs for the training of personnel.

(2) Of the sums appropriated under this subsection, not more than 10 per centum shall be expended under section 2(b)(5) (relating to research).

(3) As used in this subsection, the term—

(A) "sexual abuse" includes the obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary; and

(B) "child" or "children" means any individual who has not attained the age of eighteen.

(4) (A) Nothing contained in the provisions of this subsection shall be construed as prohibiting the use of funds appropriated under subsection (a) for programs and projects described in subsection (b), nor be construed to prohibit programs or projects receiving funds under subsection (a) from receiving funds under subsection (b).

(B) No funds shall be obligated or expended under this subsection unless an amount at least equal to the amount of funds appropriated in fiscal year 1977 has been appropriated for programs and projects under subsection (a) for any succeeding fiscal year.

Definitions.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this ACT, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, and National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration, and not less than three

Membership.

neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multi-disciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combatting child abuse and neglect receive preferential treatment.

If a State has failed to obligate funds awarded under this subsection within eighteen months after the date of award, the next award under this subsection made after the expiration of such period shall be reduced by an amount equal to the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

Failure to obligate
Funds.

(J) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).

(c) Assistance provided pursuant to this section shall not be

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HEW-152



Functions.

members from the general public with experience or expertise in the field of child abuse and neglect. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

Plan, submitted to
President and Congress
42 USC 5101.

(b) The Advisory Board shall review the comprehensive plan submitted to it by the Center pursuant to sections 2(b)(7), make such changes as it deems appropriate, and submit to the President and the Congress a final such plan not later than eighteen months after the effective date of this subsection.

Compensation.

(c) Members of the Advisory Board, other than those regularly employed by the Federal Government, while serving on business of the Advisory Board, shall be entitled to receive compensation at a rate not in excess of the daily equivalent payable to a GS-12 employee under section 5332 of title 5, United States Code, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently.

COORDINATION

SEC. 7. The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.

HEW Publication No. (OHDS)79-30233

APPENDIX B

Child Abuse Prevention and Treatment Act as Amended

Public Law 104-235

Public Law 104-235
104th Congress

An Act

To modify and reauthorize the Child Abuse Prevention and Treatment Act, and
for other purposes.

Oct. 3, 1996
[S. 919]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Child Abuse
Prevention and Treatment Act Amendments of 1996”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act
is as follows:

Child Abuse
Prevention and
Treatment Act
Amendments of
1996.
42 USC 5101
note.

Sec. 1. Short title; table of contents.

**TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND
TREATMENT ACT**

Sec. 100. Findings.

Subtitle A—General Program

- Sec. 101. Office on Child Abuse and Neglect.
- Sec. 102. Advisory Board on Child Abuse and Neglect.
- Sec. 103. Repeal of Inter-Agency Task Force on Child Abuse and Neglect.
- Sec. 104. National clearinghouse for information relating to child abuse.
- Sec. 105. Research, evaluation and assistance activities.
- Sec. 106. Grants for demonstration programs.
- Sec. 107. State grants for prevention and treatment programs.
- Sec. 108. Repeal.
- Sec. 109. Miscellaneous requirements.
- Sec. 110. Definitions.
- Sec. 111. Authorization of appropriations.
- Sec. 112. Rule of construction.
- Sec. 113. Technical and conforming amendments.

Subtitle B—Community-Based Family Resource and Support Grants

Sec. 121. Establishment of program.

**Subtitle C—Certain Preventive Services Regarding Children of Homeless Families
or Families At Risk of Homelessness**

Sec. 131. Repeal of title III.

Subtitle D—Miscellaneous Provisions

- Sec. 141. Table of contents.
- Sec. 142. Repeals of other laws.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

- Sec. 201. State demonstration grants.
- Sec. 202. Allotments.
- Sec. 203. Authorization of appropriations.

**Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of
1978 (“Adoption Opportunities Act”)**

Sec. 211. Findings and purpose.

Sec. 212. Information and services.
 Sec. 213. Authorization of appropriations.

Subtitle C—Abandoned Infants Assistance Act of 1988

Sec. 221. Priority requirement.
 Sec. 222. Reauthorization.

Subtitle D—Reauthorization of Various Programs

Sec. 231. Missing Children's Assistance Act.
 Sec. 232. Victims of Child Abuse Act of 1990.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 100. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

- (1) in paragraph (1), to read as follows:
 “(1) each year, close to 1,000,000 American children are victims of abuse and neglect;”;
- (2) in paragraph (3)(C), by inserting “assessment,” after “prevention,”;
- (3) in paragraph (4)—
 - (A) by striking “tens of”; and
 - (B) by striking “direct” and all that follows through the semicolon and inserting “tangible expenditures, as well as significant intangible costs;”;
- (4) in paragraph (7), by striking “remedy the causes of” and inserting “prevent”;
- (5) in paragraph (8), by inserting “safety,” after “fosters the health,”;
- (6) in paragraph (10)—
 - (A) by striking “ensure that every community in the United States has” and inserting “assist States and communities with”; and
 - (B) after “child” insert “and family”; and
- (7) in paragraph (11)—
 - (A) by striking “child protection” each place that such term appears and inserting “child and family protection”; and
 - (B) in subparagraph (D), by striking “sufficient”.

Subtitle A—General Program

SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

Section 101 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) is amended to read as follows:

“SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

“(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

“(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and

activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.”.

SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

“SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

“(a) **APPOINTMENT.**—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

“(b) **SOLICITATION OF NOMINATIONS.**—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

Federal Register,
publication.

“(c) **COMPOSITION.**—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

- “(1) law (including the judiciary);
- “(2) psychology (including child development);
- “(3) social services (including child protective services);
- “(4) medicine (including pediatrics);
- “(5) State and local government;
- “(6) organizations providing services to disabled persons;
- “(7) organizations providing services to adolescents;
- “(8) teachers;
- “(9) parent self-help organizations;
- “(10) parents’ groups;
- “(11) voluntary groups;
- “(12) family rights groups; and
- “(13) children’s rights advocates.

“(d) **VACANCIES.**—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

“(e) **ELECTION OF OFFICERS.**—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

“(f) **DUTIES.**—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

Reports.

“(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

“(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

“(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.”.

SEC. 103. REPEAL OF INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103) is repealed.

SEC. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), to read as follows:

Contracts.

“(a) **ESTABLISHMENT.**—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Director” and inserting “Secretary”;

(B) in paragraph (1)—

(i) by inserting “assessment,” after “prevention,”; and

(ii) by striking “, including” and all that follows and inserting “; and”;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “general population” and inserting “United States”;

(ii) in subparagraph (B), by adding “and” at the end;

(iii) in subparagraph (C), by striking “; and” at the end and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “In establishing” and inserting the following:

“(1) **IN GENERAL.**—In establishing”; and

(ii) by striking “Director” and inserting “Secretary”;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving the text of subparagraphs (A) through (D) (as redesignated) 2 ems to the right;

(C) in subparagraph (B) (as redesignated), by striking “that is represented on the task force” and inserting “involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses”;

(D) in subparagraph (C) (as redesignated), by striking “State, regional” and all that follows and inserting the following: “Federal, State, regional, and local child welfare data systems which shall include—

“(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

“(ii) information on the number of deaths due to child abuse and neglect.”;

(E) by redesignating subparagraph (D) (as redesignated) as subparagraph (F);

(F) by inserting after subparagraph (C) (as redesignated), the following new subparagraphs:

“(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;

“(E) compile, analyze, and publish a summary of the research conducted under section 105(a); and”; and

(G) by adding at the end the following:

“(2) CONFIDENTIALITY REQUIREMENT.—In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data.”.

SEC. 105. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “, through the Center, conduct research on” and inserting “, in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on”;

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) the nature and scope of child abuse and neglect;”;

(D) in subparagraph (B) (as so redesignated), to read as follows:

“(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;”;

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii);

(ii) in clause (iii), to read as follows:

“(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;”;

(iii) by adding at the end the following:

“(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

“(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

“(v) the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of child abuse have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

“(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

“(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

“(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

“(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system.”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “and demonstration”; and

(ii) by striking “paragraph (1)(A) and activities under section 106” and inserting “paragraph (1)”; and

(B) in subparagraph (B), by striking “and demonstration”.

(b) **REPEAL.**—Subsection (b) of section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is repealed.

(c) **TECHNICAL ASSISTANCE.**—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(c)) is amended—

(1) by striking “(c)” and inserting “(b)”;

(2) by striking “The Secretary” and inserting:

“(1) **IN GENERAL.**—The Secretary”;

(3) by striking “, through the Center.”;

(4) by inserting “State and local” before “public and non-profit”;

(5) by inserting “assessment,” before “identification”; and

(6) by adding at the end thereof the following new paragraphs:

“(2) **EVALUATION.**—Such technical assistance may include an evaluation or identification of—

“(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

“(B) ways to mitigate psychological trauma to the child victim; and

“(C) effective programs carried out by the States under titles I and II.

“(3) **DISSEMINATION.**—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

“(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

“(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental

health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.”.

(d) **GRANTS AND CONTRACTS.**—Section 105(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

- (1) by striking “(d)” and inserting “(c)”; and
- (2) in paragraph (2), by striking the second sentence.

(e) **PEER REVIEW.**—Section 105(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

- (1) in the heading preceding paragraph (1), by striking “(e)” and inserting “(d)”; and
- (2) in paragraph (1)—

(A) in subparagraph (A)—

- (i) by striking “establish a formal” and inserting “, in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious”;
- (ii) by striking “and contracts”; and
- (iii) by adding at the end thereof the following new sentence: “The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.”; and

(B) in subparagraph (B)—

- (i) by striking “Office of Human Development” and inserting “Administration on Children and Families”; and
- (ii) by adding at the end thereof the following new sentence: “The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.”;

(3) in paragraph (2)—

- (A) in the matter preceding subparagraph (A), by striking “, contract, or other financial assistance”; and
- (B) by adding at the end thereof the following flush sentence:

“The Secretary shall award grants under this section on the basis of competitive review.”; and

- (4) in paragraph (3)(B), by striking “subsection (e)(2)(B)” each place it appears and inserting “paragraph (2)(B)”.

(f) **TECHNICAL AMENDMENT.**—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended in the section heading by striking “OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT”.

SEC. 106. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

- (1) in the section heading, by striking “OR SERVICE”;
- (2) in subsection (a), to read as follows:

“(a) **DEMONSTRATION PROGRAMS AND PROJECTS.**—The Secretary may make grants to, and enter into contracts with, public agencies or private nonprofit agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

“(1) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

“(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

“(B) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

“(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

“(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

“(3) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

“(A) IN GENERAL.—The Secretary may award grants to public and private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

“(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

“(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

“(iii) provides further investigation and intensive intervention where the child’s safety is in jeopardy.

“(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities in not more than 10 States to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child and where such relatives comply with the State child protection standards.

“(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

“(i) for court-ordered supervised visitation between children and abusing parents; and

“(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(3) by striking subsection (b);

(4) by redesignating subsection (c) as subsection (b);

(5) in subsection (b) (as redesignated)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) through (7) as paragraphs (1) through (5), respectively; and

(6) by adding at the end the following new subsection:

“(c) EVALUATION.—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.”.

SEC. 107. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended to read as follows:

“SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

“(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in—

“(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

“(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

“(B) improving legal preparation and representation, including—

“(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

“(ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

“(3) case management and delivery of services provided to children and their families;

“(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

“(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

“(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

“(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

Grants.

“(8) developing, implementing, or operating—

“(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

“(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

“(ii) the parents of such infants; and

“(B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

“(i) existing social and health services;

“(ii) financial assistance; and

“(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

“(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

“(b) ELIGIBILITY REQUIREMENTS.—

“(1) STATE PLAN.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.

“(B) ADDITIONAL REQUIREMENT.—After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

“(2) COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

“(A) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

“(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

“(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

“(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or

Notification.

neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;

“(iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

“(v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child’s parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

Confidentiality.
Records.

“(I) individuals who are the subject of the report;

“(II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

“(III) child abuse citizen review panels;

“(IV) child fatality review panels;

“(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

“(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

“(vi) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

“(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse or neglect;

“(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their case-work files to assist in future risk and safety assessment;

“(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (or both), shall be appointed to represent the child in such proceedings—

“(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

- Effective date. “(II) to make recommendations to the court concerning the best interests of the child;
- “(x) the establishment of citizen review panels in accordance with subsection (c);
- “(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section—
- “(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and
- “(II) by which individuals who disagree with an official finding of abuse or neglect can appeal such finding;
- Effective date. “(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—
- “(I) to have committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
- “(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
- “(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or
- “(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; and
- “(xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);
- “(B) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—
- “(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;
- “(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases

of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

“(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions;

“(C) a description of—

“(i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

“(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; and

“(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; and

“(D) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act comply with the requirements set forth in paragraph (1) and this paragraph.

“(3) LIMITATION.—With regard to clauses (v) and (vi) of paragraph (2)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘near fatality’ means an act that, as certified by a physician, places the child in serious or critical condition; and

“(B) the term ‘serious bodily injury’ means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“(c) CITIZEN REVIEW PANELS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

“(B) EXCEPTIONS.—

“(i) ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM ALLOTMENT.—A State that receives the minimum allotment of \$175,000 under section

203(b)(1)(A) for a fiscal year shall establish not less than 1 citizen review panel.

“(ii) DESIGNATION OF EXISTING ENTITIES.—A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

“(2) MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

“(3) MEETINGS.—Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

“(4) FUNCTIONS.—

“(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies and procedures of State and local agencies and where appropriate, specific cases, evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with—

“(i) the State plan under subsection (b);

“(ii) the child protection standards set forth in subsection (b); and

“(iii) any other criteria that the panel considers important to ensure the protection of children, including—

“(I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act; and

“(II) a review of child fatalities and near fatalities (as defined in subsection (b)(4)).

“(B) CONFIDENTIALITY.—

“(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

“(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

“(II) shall not make public other information unless authorized by State statute.

“(ii) CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

“(5) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

“(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

“(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

"(6) REPORTS.—Each panel established under paragraph (1) shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the panel. Public information.

"(d) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

"(1) The number of children who were reported to the State during the year as abused or neglected.

"(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

"(A) substantiated;

"(B) unsubstantiated; or

"(C) determined to be false.

"(3) Of the number of children described in paragraph (2)—

"(A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

"(B) the number that received services during the year under the State program funded under this section or an equivalent State program; and

"(C) the number that were removed from their families during the year by disposition of the case.

"(4) The number of families that received preventive services from the State during the year.

"(5) The number of deaths in the State during the year resulting from child abuse or neglect.

"(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

"(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

"(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

"(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

"(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child.

"(12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

"(e) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (d), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report

and such information available to the Congress and the national clearinghouse for information relating to child abuse.”.

SEC. 108. REPEAL.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106b) is repealed.

SEC. 109. MISCELLANEOUS REQUIREMENTS.

42 USC 5106g. Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended—

- (1) by striking subsection (c); and
- (2) by redesignating subsection (d) as subsection (c).

SEC. 110. DEFINITIONS.

Section 113 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h) is amended—

- (1) by striking paragraphs (1), (2), (5), and (9);
- (2)(A) by redesignating paragraphs (3), (4), and (6) through (8) as paragraphs (1) through (5), respectively; and
- (B) by redesignating paragraph (10) as paragraph (6);
- (3) in paragraph (2) (as redesignated), to read as follows:

“(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;”;
- and
- (4) in paragraph (4)(B) (as redesignated), by inserting “, and in cases of caretaker or inter-familial relationships, statutory rape” after “rape”.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)) is amended to read as follows:

“(a) IN GENERAL.—

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, \$100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

“(2) DISCRETIONARY ACTIVITIES.—

“(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.

“(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.”.

SEC. 112. RULE OF CONSTRUCTION.

Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

42 USC 5106i.

“SEC. 115. RULE OF CONSTRUCTION.

“(a) IN GENERAL.—Nothing in this Act shall be construed—

“(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treat-

ment against the religious beliefs of the parent or legal guardian; and

“(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

“(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.”.

SEC. 113. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHILD ABUSE PREVENTION AND TREATMENT ACT.—

(1)(A) Sections 104 through 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 through 5106a), as amended by this subtitle, are redesignated as sections 103 through 106 of such Act, respectively.

(B) Sections 109 through 114 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c through 5106h), as amended by this subtitle, are redesignated as sections 107 through 112 of such Act, respectively.

(C) Section 115 of the Child Abuse Prevention and Treatment Act, as added by section 112 of this Act, is redesignated as section 113 of the Child Abuse Prevention and Treatment Act.

(2) Section 107 of the Child Abuse Prevention and Treatment Act (as redesignated) is amended—

(A) in subsection (a), by striking “acting through the Center and”;

(B) in subsection (b)(1), by striking “sections” and inserting “section”;

(C) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting a comma after “maintain”; and

(ii) in subparagraph (F), by adding a semicolon at the end; and

(D) in subsection (d)(1), by adding “and” at the end.

(3) Section 110(b) of the Child Abuse Prevention and Treatment Act (as redesignated) is amended by striking “effectiveness of—” and all that follows and inserting “effectiveness of assisted programs in achieving the objectives of section 107.”.

(b) VICTIMS OF CRIME ACT OF 1984.—Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended—

(1) by striking “1402(d)(2)(D) and (d)(3).” and inserting “1402(d)(2)”;

(2) by striking “section 4(d)” and inserting “section 109”.

Subtitle B—Community-Based Family Resource and Support Grants

SEC. 121. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

“TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

42 USC 5116.

“SEC. 201. PURPOSE AND AUTHORITY.

“(a) PURPOSE.—It is the purpose of this title—

“(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation, disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

“(2) to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

“(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the ‘lead entity’) under section 202(1) for the purpose of—

“(1) developing, operating, expanding and enhancing State-wide networks of community-based, prevention-focused, family resource and support programs that—

“(A) offer assistance to families;

“(B) provide early, comprehensive support for parents;

“(C) promote the development of parenting skills, especially in young parents and parents with very young children;

“(D) increase family stability;

“(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

“(F) support the additional needs of families with children with disabilities through respite care and other services; and

“(G) decrease the risk of homelessness;

“(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

“(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and

description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

“(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

“(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

“SEC. 202. ELIGIBILITY.

42 USC 5116a.

“A State shall be eligible for a grant under this title for a fiscal year if—

“(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;

“(B) such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

“(C) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration equally to a trust fund advisory board of the State or to an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

“(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the chief executive officer shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

“(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

“(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

“(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

“(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

“(3) the chief executive officer of the State provides assurances that the lead entity—

“(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

“(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

“(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

“(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

42 USC 5116b.

Native
Americans.

“SEC. 203. AMOUNT OF GRANT.

“(a) **RESERVATION.**—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

“(b) **REMAINING AMOUNTS.**—

“(1) **IN GENERAL.**—The Secretary shall allot the amount appropriated under section 210 for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

“(A) 70 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than \$175,000 under this subparagraph).

“(B) 30 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the State lead agency in the preceding fiscal year bears to the aggregate of the amounts leveraged by all States from private, State, or other non-Federal sources and directed through the lead agency of such States in the preceding fiscal year.

“(2) ADDITIONAL REQUIREMENT.—The Secretary shall provide allotments under paragraph (1) to the State lead entity.

“(c) ALLOCATION.—Funds allotted to a State under this section—

“(1) shall be for a 3-year period; and

“(2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (a).

“SEC. 204. EXISTING GRANTS.

42 USC 5115c.

“(a) IN GENERAL.—Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of the enactment of such Act under any program described in subsection (b), shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

“(b) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

“(1) The Community-Based Family Resource programs under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

“(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

“(3) The Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.

“(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.

“SEC. 205. APPLICATION.

42 USC 5116d.

“A grant may not be made to a State under this title unless an application therefor is submitted by the State to the Secretary and such application contains the types of information specified

by the Secretary as essential to carrying out the provisions of section 202, including—

“(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

“(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

“(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

“(4) a budget for the development, operation and expansion of the State’s network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend in non-Federal funds an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

“(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

“(6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

“(7) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

“(8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

“(9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

“(10) a description of how the applicant entity’s activities and those of the network and its members will be evaluated;

“(11) a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures and regulations to improve the delivery of

prevention-focused, family resource and support program services to children and families; and

“(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

“SEC. 206. LOCAL PROGRAM REQUIREMENTS.

42 USC 5116e.

“(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

“(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

“(2) develop a strategy to provide, over time, a continuum of preventive, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

“(3) provide—

“(A) core family resource and support services such as—

“(i) parent education, mutual support and self help, and leadership services;

“(ii) outreach services;

“(iii) community and social service referrals; and

“(iv) follow-up services;

“(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite care services to the extent practicable; and

“(C) access to optional services, including—

“(i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;

“(ii) child care, early childhood development and intervention services;

“(iii) referral to services and supports to meet the additional needs of families with children with disabilities;

“(iv) referral to job readiness services;

“(v) referral to educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

“(vi) self-sufficiency and life management skills training;

“(vii) community referral services, including early developmental screening of children; and

“(viii) peer counseling;

“(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

“(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

“(6) participate with other community-based, prevention-focused, family resource and support program grantees in the

development, operation and expansion of the Statewide network.

“(b) **PRIORITY.**—In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving low income communities and those serving young parents or parents with young children, including community-based family resource and support programs.

42 USC 5116f.

“**SEC. 207. PERFORMANCE MEASURES.**

“A State receiving a grant under this title, through reports provided to the Secretary—

“(1) shall demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

“(2) shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

“(3) shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(3);

“(4) shall describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

“(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

“(6) shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

“(7) shall describe the results of a peer review process conducted under the State program; and

“(8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

42 USC 5116g.

“**SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.**

“The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

“(1) to create, operate and maintain a peer review process;

“(2) to create, operate and maintain an information clearinghouse;

“(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

“(4) to create, operate and maintain a computerized communication system between lead entities; and

“(5) to fund State-to-State technical assistance through bi-annual conferences.

“SEC. 209. DEFINITIONS.

42 USC 5116h.

“For purposes of this title:

“(1) CHILDREN WITH DISABILITIES.—The term ‘children with disabilities’ has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

“(2) COMMUNITY REFERRAL SERVICES.—The term ‘community referral services’ means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development and job training, and other social services, including early developmental screening of children, through help lines or other methods.

“(3) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term ‘family resource and support program’ means a community-based, prevention-focused entity that—

“(A) provides, through direct service, the core services required under this title, including—

“(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

“(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

“(iii) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

“(iv) community and social services to assist families in obtaining community resources; and

“(v) follow-up services;

“(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and

“(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

“(i) child care, early childhood development and early intervention services;

“(ii) referral to self-sufficiency and life management skills training;

“(iii) referral to education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

“(iv) referral to services providing job readiness skills;

“(v) child abuse and neglect prevention activities;

“(vi) referral to services that families with children with disabilities or special needs may require;

“(vii) community and social service referral, including early developmental screening of children;

“(viii) peer counseling;

“(ix) referral for substance abuse counseling and treatment; and

“(x) help line services.

“(4) OUTREACH SERVICES.—The term ‘outreach services’ means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

“(5) RESPITE CARE SERVICES.—The term ‘respite care services’ means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

“(A) are in danger of abuse or neglect;

“(B) have experienced abuse or neglect; or

“(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

42 USC 5116i.

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title, \$66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.”.

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

SEC. 131. REPEAL OF TITLE III.

Title III of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5118 et seq.) is repealed.

Subtitle D—Miscellaneous Provisions

SEC. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended to read as follows:

“Sec. 1. Short title and table of contents.

“Sec. 2. Findings.

“TITLE I—GENERAL PROGRAM

“Sec. 101. Office on Child Abuse and Neglect.

- "Sec. 102. Advisory Board on Child Abuse and Neglect.
- "Sec. 103. National clearinghouse for information relating to child abuse.
- "Sec. 104. Research and assistance activities.
- "Sec. 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
- "Sec. 106. Grants to States for child abuse and neglect prevention and treatment programs.
- "Sec. 107. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
- "Sec. 108. Miscellaneous requirements relating to assistance.
- "Sec. 109. Coordination of child abuse and neglect programs.
- "Sec. 110. Reports.
- "Sec. 111. Definitions.
- "Sec. 112. Authorization of appropriations.
- "Sec. 113. Rule of construction.

"TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

- "Sec. 201. Purpose and authority.
- "Sec. 202. Eligibility.
- "Sec. 203. Amount of grant.
- "Sec. 204. Existing grants.
- "Sec. 205. Application.
- "Sec. 206. Local program requirements.
- "Sec. 207. Performance measures.
- "Sec. 208. National network for community-based family resource programs.
- "Sec. 209. Definitions.
- "Sec. 210. Authorization of appropriations.

SEC. 142. REPEALS OF OTHER LAWS.

(a) **TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT OF 1986.**—The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) **FAMILY SUPPORT CENTERS.**—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

SEC. 201. STATE DEMONSTRATION GRANTS.

Section 303(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10420(e)) is amended—

42 USC 10402.

(1) by striking "following local share" and inserting "following non-Federal matching local share"; and

(2) by striking "20 percent" and all that follows through "private sources." and inserting "with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent.".

SEC. 202. ALLOTMENTS.

Section 304(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)(1)) is amended by striking "\$200,000" and inserting "\$400,000".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) in subsection (b), by striking “80” and inserting “70”; and

(2) by adding at the end thereof the following new subsections:

“(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

“(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.”.

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (“Adoption Opportunities Act”)

SEC. 211. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “50 percent between 1985 and 1990” and inserting “61 percent between 1986 and 1994”; and

(ii) by striking “400,000 children at the end of June, 1990” and inserting “452,000 as of June 1994”;

(B) in paragraph (5), by striking “local” and inserting “legal”; and

(C) in paragraph (7), to read as follows:

“(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

“(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

“(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;”;

(2) in subsection (b)—

(A) by striking “conditions, by—” and all that follows through “Department of Health and Human Services to—” and inserting “conditions, by providing a mechanism to—”; and

(B) by redesignating subparagraphs (A) through (C) of paragraph (2), as paragraphs (1) through (3), respectively, and by realigning the margins of such paragraphs accordingly.

SEC. 212. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

“(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;”;

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

“(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;”;

(3) in subsection (d)(2)—

(A) by striking “Each” and inserting “(A) Each”;

(B) by striking “for each fiscal year” and inserting “that describes the manner in which the State will use funds during the 3 fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be”; and

(C) by adding at the end the following new subparagraph:

“(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

Grants.
Contracts.

“(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

“(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States.”.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a), by striking “\$10,000,000” and all that follows through “203(c)(1)” and inserting “\$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized”;

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

Subtitle C—Abandoned Infants Assistance Act of 1988

SEC. 221. PRIORITY REQUIREMENT.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following:

“(h) PRIORITY REQUIREMENT.—In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law.”.

SEC. 222. REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking “\$20,000,000” and all that follows and inserting “\$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.”.

Subtitle D—Reauthorization of Various Programs

SEC. 231. MISSING CHILDREN'S ASSISTANCE ACT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking “To” and inserting “(a) IN GENERAL.—To”;

(2) by striking “1993, 1994, 1995, and 1996” and inserting “1997 through 2001”; and

(3) by adding at the end the following new subsection:

“(b) **EVALUATION.**—The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.”.

(b) **SPECIAL STUDY AND REPORT.**—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

SEC. 232. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking “and 1996” and inserting “1996, and each of the fiscal years 1997 through 2000”; and

(2) in subsection (b)(2), by striking “and 1996” and inserting “1996, and each of the fiscal years 1997 through 2000”.

Approved October 3, 1996.

LEGISLATIVE HISTORY—S. 919:

SENATE REPORTS: No. 104-117 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 18, considered and passed Senate.

Sept. 25, considered and passed House, amended.

Sept. 27, Senate concurred in House amendment.



APPENDIX C

Oklahoma Statutes Annotated

Title 10 § 7103

§10-7103. Reporting of abuse, neglect or birth of chemically-dependent child - Retaliation by employer - Contents of report - Violations - Spiritual treatment of child through prayer.

A. 1. Every:

- a. physician or surgeon, including doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, examining, attending or treating a child under the age of eighteen (18) years,
- b. registered nurse examining, attending or treating such a child in the absence of a physician or surgeon,
- c. teacher of any child under the age of eighteen (18) years, and
- d. other person

having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect, shall report the matter promptly to the Department of Human Services. Such reports may be made by telephone, in writing, personally or by any other method prescribed by the Department. Any report of abuse or neglect made pursuant to this section shall be made in good faith.

2. Every physician or surgeon, including doctors of medicine, licensed osteopathic physicians, residents and interns, or any other health care professional attending the birth of a child who tests positive for alcohol or a controlled dangerous substance shall promptly report the matter to the Department of Human Services.

3. No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

4. The reporting obligations under this section are individual, and no employer, supervisor or administrator shall impede or inhibit the reporting obligations of any employee or other person. No employer, supervisor or administrator of any employee or other person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, the employee or other person who in good faith provides such child abuse reports or information, testifies, or is about to testify in any proceeding involving child abuse or neglect; provided, that the person did not perpetrate or inflict such abuse or neglect. Any employer, supervisor or administrator who discharges, discriminates or retaliates against the employee or other person shall be liable for damages, costs and attorney fees. Internal procedures to facilitate child abuse or neglect reporting and inform employers, supervisors and administrators of reported suspected child abuse or neglect may be established provided that they are not inconsistent with the provisions of this section and that such procedures shall not relieve the employee or such other person from the individual reporting obligations required by this section.

5. Every physician or surgeon making a report of abuse or neglect as required by this subsection or examining a child to determine the likelihood of abuse or neglect and every hospital or related institution in which the child was examined or treated shall provide copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department of Human Services conducting an investigation of alleged abuse or neglect in the case.

B. If the report is not made in writing in the first instance, it shall be reduced to writing by the Department of Human Services, in accordance with rules promulgated by the Commission for Human Services, as soon as may be after it is initially made by telephone or otherwise and shall contain the following information:

1. The names and addresses of the child and the child's parents or other persons responsible for the child's health, safety or welfare;
2. The child's age;
3. The nature and extent of the abuse or neglect, including any evidence of previous injuries;
4. If the child has tested positive for alcohol or a controlled dangerous substance; and

5. Any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible therefor if such information or any part thereof is known to the person making the report.

C. Any person who knowingly and willfully fails to promptly report any incident as provided in this section may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

D. 1. Any person who knowingly and willfully makes a false report pursuant to the provisions of this section or a report that the person knows lacks factual foundation may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

2. If a court determines that an accusation of child abuse or neglect made during a child custody proceeding is false and the person making the accusation knew it to be false at the time the accusation was made, the court may impose a fine, not to exceed Five Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred in recovering the sanctions, against the person making the accusation. The remedy provided by this paragraph is in addition to paragraph 1 of this subsection or to any other remedy provided by law.

E. 1. Nothing in this section shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

2. Nothing contained in this subsection shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

F. Nothing contained in this section shall be construed to exempt or prohibit any person from reporting any suspected child abuse or neglect pursuant to subsection A of this section.

Added by Laws 1965, c. 43, § 2, emerg. eff. March 18, 1965. Amended by Laws 1972, c. 236, § 1, emerg. eff. April 7, 1972; Laws 1975, c. 98, § 2, emerg. eff. April 30, 1975; Laws 1977, c. 172, § 2, eff. Oct. 1, 1977; Laws 1980, c. 107, § 1, eff. Oct. 1, 1980; Laws 1985, c. 66, § 1, eff. Nov. 1, 1985; Laws 1986, c. 263, § 5, operative July 1, 1986; Laws 1987, c. 88, § 2, operative July 1, 1987; Laws 1987, c. 167, § 1, operative July 1, 1987; Laws 1992, c. 265, § 2, emerg. eff. May 25, 1992; Laws 1993, c. 209, § 4, eff. Sept. 1, 1993; Laws 1994, c. 324, § 1, eff. Sept. 1, 1994; Laws 1995, c. 353, § 3, eff. Nov. 1, 1995. Renumbered from § 846 of Title 21 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995. Amended by Laws 1998, c. 416, § 12, eff. Nov. 1, 1998; Laws 2000, c. 374, § 31, eff. July 1, 2000.

APPENDIX D

Oklahoma Statutes Annotated

Title 10 § 7105

§10-7105. Immunity from civil and criminal liability - Presumption.

A. Any person participating in good faith and exercising due care in the making of a report pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act, or any person who, in good faith and exercising due care, allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

B. For purposes of any proceeding, civil or criminal, the good faith of any physician, surgeon, osteopathic physician, resident, intern, physician's assistant, registered nurse, or any other health care professional in making a report pursuant to the provisions of Section 7104 of this title shall be presumed.

Added by Laws 1965, c. 43, § 3, emerg. eff. March 18, 1965. Amended by Laws 1977, c. 172, § 3, eff. Oct. 1, 1977; Laws 1984, c. 85, § 2, eff. Nov. 1, 1984; Laws 1989, c. 67, § 1, emerg. eff. April 13, 1989; Laws 1995, c. 353, § 5, eff. Nov. 1, 1995. Renumbered from § 847 of Title 21 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995. Amended by Laws 2000, c. 293, § 1, emerg. eff. June 5, 2000.

APPENDIX E

Common Indicators of Child Abuse

PHYSICAL AND BEHAVIORAL INDICATORS OF CHILD ABUSE AND NEGLECT

Type of Child Abuse	Physical Indicators	Behavioral Indicators
Physical Abuse	<ul style="list-style-type: none"> Unexplained Bruises and Welts: <ul style="list-style-type: none"> on face, lips, mouth, torso, back, buttocks, thighs, in various stages of healing clustered, forming regular patterns reflecting shape of article used to abuse child (such as electric cord, belt buckle, etc.) appearance of bruising consistently after school absence, weekend, vacation or visitation Unexplained Burns: <ul style="list-style-type: none"> circular burns on buttocks, back soles of feet, palms immersion burns Failure to Thrive Self Mutilation 	<ul style="list-style-type: none"> Leery of adult contacts Avoid hugs or touching Apprehension when other children cry Display of phobic reaction to people or places Behavioral extremes: <ul style="list-style-type: none"> aggressive will agitate withdrawn lethargic flat affect Frightened of one or both parents Refers to abuser as monster Reports injury by parents Inability to concentrate on class Afraid to go home Nightmares/night terrors Suicidal ideations
Physical Neglect	<ul style="list-style-type: none"> Consistent hunger poor hygiene, inappropriate dress Consistent lack of supervision especially in dangerous activities for long periods Medical needs unmet Abandonment 	<ul style="list-style-type: none"> Begging, stealing, or hoarding food Poor hygiene Early alcohol or drug use or abuse Delinquency, theft, breaking & entering, truancy States that there is no caretaker
Sexual Abuse	<ul style="list-style-type: none"> Difficulty in walking or sitting Torn, stained or bloody underclothing Pain, itching or persistent rash in genitalia Bruises or bleeding in external genitalia vaginal, anal, crotch, lower pelvic areas Early pregnancy Loss of bladder and bowel control 	<ul style="list-style-type: none"> Phobia of certain person or place Unwilling to change for gym or participate in physical education class Withdrawal from peers or other adults Phobia of going to bed, person or place Overly affectionate Dressing in a provocative manner (i.e., makeup, heels at early age) Anorexia/bulimia at young age Frequent nightmares Sexually acting out with dolls or peers Fantasy life to change their reality Immature behavior Bizarre, sophisticated, or unusual sexual behavior or knowledge Poor peer relationships Delinquent or runaways Reports sexual assault In very young female, attempts to insert objects in to vagina Suicidal ideations
Emotional Abuse	<ul style="list-style-type: none"> Speech disorders Developmental delay (physical and emotional) Failure to thrive 	<ul style="list-style-type: none"> Habit disorders (sucking, biting, or rocking, etc.) Conduct disorder antisocial destructive or abusive Neurotic traits (sleep disorders, inhibitions of play) Psychoneurotic reactions (hysteria, obsession, phobias hypochondriac) Behavioral extremes: <ul style="list-style-type: none"> complaint, passive aggressive, demanding Overly adaptive behavior: <ul style="list-style-type: none"> inappropriately adult inappropriately infant Developmental delays (mentally and emotionally) Suicidal ideations
<p>For More Information, Please Contact:</p> <p>THE PARENT CHILD CENTER OF TULSA</p> <p>1516 South Boston Tulsa, OK 74119 599-7999</p> <p>Family Resource Project 592-4100</p>		

APPENDIX F

Dr. David Pelcovitz Original Survey

Dear Teacher,

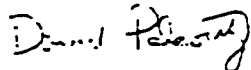
I am currently doing research investigating how teachers assess suspected cases of child abuse. The purpose of this research is to learn how a teacher decides that he/she may have an abused child in class; and the procedure followed if there is such a suspicion. Understanding this process will aid in developing more efficient procedures for dealing with abuse.

The questionnaire you are asked to fill out is anonymous and will be kept confidential. Any reports based on this research will not identify individuals or individual characteristics, such that you could be identified.

I hope that you will fill out this questionnaire as completely and honestly as possible. Feel free to contact me if you have any questions.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Pelcovitz", with a stylized flourish at the end.

David Pelcovitz

General Information

1. Age: _____
2. Gender: Male _____ Female _____
3. Grade presently taught: _____
4. Highest educational level achieved: Bachelors Masters Doctorate
5. For how many years have you worked as a teacher? _____ years.
6. How long have you been working in the district? _____ years.
7. For how many years have you been teaching the grade that you are currently teaching? _____ years.
8. Do you have tenure? Yes _____ No _____
9. Have you ever suspected that a child in your class was the victim of child abuse? Yes _____ No _____
10. Have you ever reported a suspected case of child abuse? Yes _____ No _____

(1) Give a brief definition of what you believe to be child abuse.

1. Have you read any books or articles on the topic of child abuse? Yes _____ No _____

2. Please list the books or articles you read:

3. Have you attended any lectures, seminars, or workshops on child abuse? Yes _____ How Many? _____ No _____

4. Have your attitudes about child abuse changed as a result of these readings or seminars? Yes _____ No _____

5. If your attitudes have changed, briefly explain how: _____

Thank you for taking the time in filling out this questionnaire.

If you have encountered a suspected case of child abuse, and/or reported that case, I would like to interview you so that I might get a broader understanding of how you dealt with that case. I anticipate that the interview would take no longer than 20 minutes of your time. As with the questionnaire, the interview will be conducted so as to maintain your anonymity.

If you think you would like to be interviewed please indicate below how I can get in touch with you, and what time would be most convenient for us to meet (or speak over the phone).

Thank you.

(2) In this section, a number of situations which may be considered "child abuse" are enumerated. By means of the scale below, indicate whether you agree that the item describes a situation which you consider to be associated with child abuse.

Please encircle:

A, if you strongly agree that what the item describes is child abuse.

a, if you agree but not strongly so.

N, if you are neutral or undecided

d, if you disagree but not strongly so, or

D, if you strongly disagree; and you believe that the item is not a situation which you would term child abuse.

- | | | | | | |
|--|---|---|---|---|---|
| a. Child has received a willfully inflicted physical injury due to a beating by a parent or guardian. | A | a | N | d | D |
| b. Child has been injured due to careless child care by parents or guardian. | A | a | N | d | D |
| c. Child shows signs of emotional difficulties as a result of lack of emotional stimulation from parent. | A | a | N | d | D |
| d. Child has received serious physical injuries due to frequent beatings by a parent or guardian. | A | a | N | d | D |
| e. Child is having difficulties in school as a result of a lack of sufficient intellectual stimulation from parents. | A | a | N | d | D |
| f. Child shows signs of malnutrition, due to willful withholding of food by parents | A | a | N | d | D |
| g. Child shows signs of malnutrition, due to parents' financial inability to purchase proper food. | A | a | N | d | D |
| h. Child is 'struck by parent in course of punishment, but is not injured. | A | a | N | d | D |
| i. Child is seriously injured by parent whose intent is mild physical punishment. | A | a | N | d | D |

- (3) For the purposes of this question think of "child abuse" as being only instances where a parent has inflicted a PHYSICAL INJURY on a child. Given this definition of abuse, please indicate which factors you believe to be related to child abuse.

For each item encircle the symbol which best indicates how strongly the factor is related to child abuse.

AR, if you feel it is always related to child abuse
 r, if you feel it is moderately related to child abuse.
 ?, if you are not sure or undecided
 u, if you feel it is usually unrelated to child abuse
 UR, if you feel it is always unrelated to child abuse

a. Maturity of parent or caretaker.	AR	r	?	u	UR
b. Whether child was wanted by parent or parents.	AR	r	?	u	UR
c. Drinking by parents (alcohol)	AR	r	?	u	UR
d. Family financial status.	AR	r	?	u	UR
e. Psychological maladjustment of parent	AR	r	?	u	UR
f. Unemployment of parent.	AR	r	?	u	UR
g. Parents expectations from the child.	AR	r	?	u	UR
h. Parent(s) abused as child.	AR	r	?	u	UR
i. Child's behavior	AR	r	?	u	UR
j. Isolation of parent(s) from relatives/friends	AR	r	?	u	UR
k. Drug usage by parent(s)	AR	r	?	u	UR
l. Stress on family	AR	r	?	u	UR
m. Single parent family	AR	r	?	u	UR
n. Social class of family	AR	r	?	u	UR
o. Race of family	AR	r	?	u	UR
p. Age of child	AR	r	?	u	UR
q. Gender of child	AR	r	?	u	UR
r. Age of abuser	AR	r	?	u	UR
s. Gender of abuser	AR	r	?	u	UR

Other:

- (5) IN THE FOLLOWING SERIES OF QUESTIONS I AM INTERESTED IN LEARNING ABOUT YOUR ATTITUDES AND OPINIONS ABOUT CHILD ABUSE; AND YOUR OWN RESPONSIBILITIES IN DEALING WITH CHILD ABUSE.

For each statement encircle the appropriate symbol which best represents your level of agreement with the statement.

A, if you Strongly Agree with the statement
a, if you Agree with the statement
U, if you are Undecided
d, if you disagree
D, if you Strongly Disagree with the statement

- | | | | | |
|--|---|---|---|---|
| a. Looking for cases of child abuse is part of my job. | A | a | U | d |
| b. It is my responsibility to investigate all cases of students in my class (who show signs of physical injury) to determine if they have been abused. | A | a | U | d |
| c. Teachers should be responsible for protecting children in their care, even if it means physically stopping an adult from hurting a child. | A | a | U | d |
| d. If I suspect a case of child abuse of a child in my class, it is my responsibility to report it. | A | a | U | d |
| e. If I suspect a case of child abuse of a child in the school who is not in my class, it is my responsibility to report it. | A | a | U | d |
| f. If I suspect a case of child abuse of a child in my neighborhood, it is my responsibility to report. | A | a | U | d |
| g. Generally, teachers overreact to incidents of abuse and embarrass parents with many unwarranted reports. | A | a | U | d |
| h. One can treat child abuse without going through the formal reporting and investigating system. | A | a | U | d |
| i. The school system has responsibility for providing services to families where child abuse has occurred. | A | a | U | d |

- | | | | | | |
|--|---|---|---|---|---|
| u. I am reluctant to report a case of child abuse because of what the abuser may possibly do to me if my identity becomes known. | A | a | U | d | D |
| v. I am reluctant to report a case of child abuse because the agency in charge of servicing the child will remove him from his home. | A | a | U | d | D |
| w. Parents have a right to expect complete obedience from their children. | A | a | U | d | D |
| x. Almost anyone could at some time injure a child in his care. | A | a | U | d | D |
| y. There were times when I could hardly keep myself from using physical force on a child in my class. | A | a | U | d | D |
| z. There were times when I used physical force on a child in my class. | A | a | U | d | D |

Comments:

APPENDIX G

Dr. David Pelcovitz Permission to Use Survey



The
University of Oklahoma

EDUCATIONAL LEADERSHIP
AND POLICY STUDIES
320 Van Vleet Oval
Norman, Oklahoma 73019-0250

September 4, 1991

David Pelcovitz, Ph.D.
Division of Children & Adolescent Psychiatry
400 Community Drive
Manhasset, New York 11030

Dear Dr. Pelcovitz:

I am a Doctoral student at the University of Oklahoma, Norman, Oklahoma. I am preparing my Doctoral Dissertation concerning teachers' knowledge and attitudes about child abuse and neglect in Oklahoma Public Schools. Of particular interest is the reasons for failure to report the abuse to State agencies as required by law.

I would like permission to use the questionnaire in your 1977 Doctoral Dissertation. The only change I would like to make concerns the State. The word Pennsylvania would be changed to reflect Oklahoma in Section 5 on the laws about child abuse.

Please send me a copy of the questionnaire, if you have one readily available. If there are any charges, please forward a statement to the above address.

Thank you for your time and consideration in the matter.

Sincerely,

Brenda L. Stubblefield

Brenda L. Stubblefield
Doctoral Research Assistant

ELS:bl



NORTH SHORE UNIVERSITY HOSPITAL

NORTH SHORE UNIVERSITY HOSPITAL - CORNELL UNIVERSITY MEDICAL COLLEGE



Department of
Psychiatry
Division of Child and
Adolescent Psychiatry

May 6, 1992

Brenda Stubblefield
University of Oklahoma
Educational Leadership and Policy Studies
820 Van Vleet Oval
Norman, Oklahoma 73019-0260

Dear Ms. Stubblefield

Enclosed you will find permission to use my measure. If you call me at 516-562-3005 I will be happy to discuss any questions you might have. Two doctoral students have adapted this measure for their own research - I will be happy to give you their names in case you would find it helpful to contact them.

Sorry about the delay in getting this to you- I misplaced your first letter and I was hoping that you would contact me again.

Please let me know if you need any more information.

Sincerely,

David Pelcovitz
David Pelcovitz, Ph.D.
Chief Child Psychologist

GENERAL PERMISSION

Brenda Stubblefield has my permission to use the questionnaire from my 1977 Dissertation "Child Abuse as Viewed by Suburban Elementary Teachers". Minor changes may be made to conform the questionnaire to the Oklahoma jurisdiction.



DAVID A. PELCOVITZ, Ph.D.

5/4/92

DATE

APPENDIX H

Institutional Review Board Approval



The University of Oklahoma

OFFICE OF RESEARCH ADMINISTRATION

May 8, 2001

Ms. Brenda Stubblefield
13450 South 267th East Avenue
Coweta OK 74429

SUBJECT: "Mandatory Child Abuse Reporting Practices of Oklahoma Educators"

Dear Ms. Stubblefield:

The Institutional Review Board has reviewed and approved your requested revisions to the project questionnaire. The project has approval through November 23, 2001.

Please note that this approval is for the protocol and informed consent form reviewed and approved by the Board on November 23, 1999 and the revisions noted in your letter of April 26, 2001. If you wish to extend your approval and/or make additional changes, you will need to submit a request for change to this office for review.

If you have any questions, please contact me at 325-4757.

Sincerely yours,

Susan Wyatt Sedwick, Ph.D.
Administrative Officer
Institutional Review Board-Norman Campus

SWS:pw
FY00-48

cc: Dr. E. Laurette Taylor, Chair, IRB
Dr. L. Rossow, Educational Leadership & Policy Studies

APPENDIX I

Cover Letter Sent to Teachers and Questionnaire



The University of Oklahoma

EDUCATIONAL LEADERSHIP AND POLICY STUDIES

May 4, 2001

Dear Educator:

You are being asked to take part in a study that examines educators' attitudes and knowledge concerning mandatory child abuse reporting practices being conducted under the auspices of the University of Oklahoma. Brenda Stubblefield, a doctoral student from the University of Oklahoma, is conducting this study. If you choose to take part in this study, you will be asked to complete the enclosed survey. The survey will have questions about your knowledge, attitudes, and beliefs about mandatory child abuse reporting. You will not be asked to give your name, so no one will know how you answered the questions. Your participation is voluntary.

By returning the completed survey you will be signifying your agreement to participate as a volunteer in the research conducted by Ms. Stubblefield. Participation will further signify your understanding that this research may result in increased knowledge about mandatory child abuse reporting practices of Oklahoma Educators.

Your participation in this survey will be held confidential. None of the questionnaires are to contain your name. All reports, papers, and publications will use aggregate data that cannot be used to identify individual responses.

As stated previously, your participation is purely voluntary. A self-addressed, stamped envelope is provided for your prompt return of the survey. Thank you for taking part in this educational process.

Should you have any questions concerning the project, please feel free to contact Ms. Stubblefield at (918) 279-1961 or (918) 521-9301. If you have any questions concerning your rights as a participant please contact the Office of Research Administration at (405) 325-4757.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Rossow", written over a horizontal line.

Lawrence F. Rossow
Professor of Education and
Adjunct Professor of Law

SURVEY
GENERAL INFORMATION

SECTION I

Demographics

1. Student population your school serves (ex. K-5): _____
2. Student population at your school: _____
3. District population (approx.): _____
4. How many years have you worked as a teacher? _____ years
5. How many years have you worked in this school district? _____ years
6. How many years have you been teaching the grade or level that you are currently teaching? _____ years
7. Have you ever suspected that a child in your class was a victim of child abuse?
Yes _____ No _____
8. Have you ever reported a suspected case of child abuse or neglect?
Yes _____ No _____
9. If you answered yes, what happened?
 - (a) Nothing. _____
 - (b) Child was sent to foster home. _____
 - (c) Child was made ward of the court. _____
 - (d) Parent was prosecuted. _____
 - (e) Don't know. _____
10. If you answered no to question 8, why didn't you report?
 - (a) You didn't know you were legally responsible to report suspected child abuse & neglect. _____
 - (b) You didn't know who to report such a case to. _____
 - (c) You felt that even if you reported the case, the local DHS agency would not follow through. _____
 - (d) You were afraid of parent reprisal. _____
 - (e) You were afraid of administrative reprisal. _____

- (f) You weren't aware of any suspected child abuse and neglect cases in your classroom. ____
- (g) Other. _____
11. Does your school district have a formally written policy for reporting child abuse & neglect? Yes ____ No ____ Don't Know ____
- If you answered Yes, are you familiar with the policy?
- Yes ____ No ____
12. Have you taken a course in School Law? Yes ____ No ____
- If you answered Yes, how long ago? _____
13. Have you had an in-service workshop on School Law?
- Yes ____ No ____
14. Have you taken a course on child abuse/neglect? Yes ____ No ____
15. Have you had an in-service workshop on child abuse/neglect?
- Yes ____ No ____

Section II

Possible Child Abuse Situations

In this section, a number of situations which may be considered "child abuse" are enumerated. By means of the scale below, indicate whether you agree that the item describes a situation which you consider to be associated with child abuse.

Please circle:

- A if you strongly agree that what the item describes is child abuse.
a if you agree but not strongly so.
N if you are neutral or undecided
d if you disagree but not strongly so, or
D if you strongly disagree, and you believe that the item is not a situation which you should term child abuse.
-

- | | | |
|----|---|-----------|
| 1. | Child has received a willfully inflicted physical injury due to a beating by a parent or guardian. | A a N d D |
| 2. | Child has been injured due to careless child care by parents or guardian. | A a N d D |
| 3. | Child shows signs of emotional difficulties as a result of lack of emotional stimulation from parent. | A a N d D |
| 4. | Child has received serious physical injuries due to frequent beatings by a parent or guardian. | A a N d D |

Please circle:

- A if you strongly agree that what the item describes is child abuse.
a if you agree but not strongly so.
N if you are neutral or undecided
d if you disagree but not strongly so, or
D if you strongly disagree, and you believe that the item is not a situation which you should term child abuse.
-

- | | | |
|-----|---|-----------|
| 5. | Child is having difficulties in school as a result of a lack of sufficient intellectual stimulation from parents. | A a N d D |
| 6. | Child shows signs of malnutrition, due to willful withholding of food by parents. | A a N d D |
| 7. | Child shows signs of malnutrition, due to parents' financial inability to purchase proper food. | A a N d D |
| 8. | Child is struck by parents in course of punishment, but is not injured. | A a N d D |
| 9. | Child is seriously injured by parent whose intent is mild physical punishment. | A a N d D |
| 10. | Due to inadequate availability of health services in the community, a child does not receive medical care (e.g. immunizations, regular checkups, etc.). | A a N d D |
| 11. | Child is injured due to poor conditions of housing. | A a N d D |
| 12. | Sexual molestation of a child by parent or guardian. | A a N d D |

Please circle:

- A if you strongly agree that what the item describes is child abuse.
a if you agree but not strongly so.
N if you are neutral or undecided
d if you disagree but not strongly so, or
D if you strongly disagree, and you believe that the item is not a situation which you should term child abuse.
-

13. Physician withholds treatment of a severely handicapped newborn child. A a N d D
14. Child is placed by school officials in a class for the educatable mentally retarded when in fact, he has average intelligence. A a N d D
15. Locking a child in a dark room or closet as punishment. A a N d D
16. Not providing adequate precaution to prevent a child's accidental injury (e.g. gates on stairs, putting medicine out of reach, etc.) A a N d D

SECTION III

Possible Factors Related Child Abuse

For the purposes of this question think of "child abuse" as being only instances where a parent has inflicted a **PHYSICAL INJURY** on a child. Given this definition of abuse, please indicate which factors you believed to be related to child abuse.

Please circle:

- AR if you feel it is always related to child abuse.
r if you feel it is usually related to child abuse.
? if you are not sure or undecided.
u if you feel it is usually unrelated to child abuse.
UR if you feel it is always unrelated to child abuse.
-

- | | | |
|-----|--|-------------|
| 1. | Maturity of parent or caretaker. | AR r ? u UR |
| 2. | Whether child was wanted by parent or parents. | AR r ? u UR |
| 3. | Drinking by parents (alcohol). | AR r ? u UR |
| 4. | Family financial status. | AR r ? u UR |
| 5. | Psychological maladjustment of parent. | AR r ? u UR |
| 6. | Unemployment of parent. | AR r ? u UR |
| 7. | Parents expectations from the child. | AR r ? u UR |
| 8. | Parent(s) abuse as child. | AR r ? u UR |
| 9. | Child's behavior. | AR r ? u UR |
| 10. | Isolation of parent(s) from relatives/friends. | AR r ? u UR |

Please circle:

- AR if you feel it is always related to child abuse.
r if you feel it is usually related to child abuse.
? if you are not sure or undecided.
u if you feel it is usually unrelated to child abuse.
UR if you feel it is always unrelated to child abuse.
-

- | | | |
|-----|--------------------------|-------------|
| 11. | Drug usage by parent(s). | AR r ? u UR |
| 12. | Stress on family. | AR r ? u UR |
| 13. | Single parent family. | AR r ? u UR |
| 14. | Social class of family. | AR r ? u UR |
| 15. | Race of family. | AR r ? u UR |
| 16. | Age of child. | AR r ? u UR |
| 17. | Gender of child. | AR r ? u UR |
| 18. | Age of abuser. | AR r ? u UR |
| 19. | Gender of abuser. | AR r ? u UR |

SECTION IV

Child Abuse Cues

The following are cues that may alert the teacher that a child may be abused. For each item circle the symbol which best indicates how strongly this cue is suggestive of possible abuse.

Please circle:

- A if you feel it is always suggestive of abuse.
s if you feel it is sometimes suggestive.
? if you are unsure.
r if you feel it is rarely suggestive.
N if you feel it is never suggestive of abuse.
-

- | | | |
|-----|---|-----------|
| 1. | Child is disruptive in class. | A s ? r N |
| 2. | Child seems afraid of adults. | A s ? r N |
| 3. | Child frequently gets into fights. | A s ? r N |
| 4. | Child is withdrawn. | A s ? r N |
| 5. | Child "clings" to adults. and frequently seeks attention. | A s ? r N |
| 6. | Child is frequently absent. | A s ? r N |
| 7. | Child comes to school early. and leaves late. | A s ? r N |
| 8. | Child is inadequately dressed. | A s ? r N |
| 9. | Child comes to school with unexplained bruises. | A s ? r N |
| 10. | Child is unkept and dirty. | A s ? r N |

Please circle:

- A if you feel it is always suggestive of abuse.
s if you feel it is sometimes suggestive.
? if you are unsure.
r if you feel it is rarely suggestive.
N if you feel it is never suggestive of abuse.
-

- | | | |
|-----|--|-----------|
| 11. | Child seems uncommonly hungry. | A s ? r N |
| 12. | Child seems uncommonly tired. | A s ? r N |
| 13. | There is an odor of alcohol
on the child. | A s ? r N |
| 14. | The child's height and/or
weight is quite different from
that of peers. | A s ? r N |
| 15. | The child's parents show
bizarre behavior in dealing
with the school. | A s ? r N |
| 16. | The child's parent(s) show no
interest in school. | A s ? r N |
| 17. | Child's parents are unusually
abusive to teacher. | A s ? r N |
| 18. | Child seems to be in need of
medical attention e.g. needs
glasses. or dental work. | A s ? r N |

SECTION V

Attitudes/Opinions/Responsibilities in Dealing with Child Abuse

In the following series of questions, I am interested in learning about your attitudes and opinions about child abuse; and your own responsibilities in dealing with child abuse. For each statement circle the appropriate symbol which best represents your level of agreement with the statement.

Please circle:

- A if you strongly agree with the statement.
 - a if you agree with the statement.
 - U if you are undecided.
 - d if you disagree.
 - D if you strongly disagree with the statement.
-

- | | | |
|----|---|-----------|
| 1. | Looking for cases of child abuse is part of my job. | A a U d D |
| 2. | It is my responsibility to investigate all cases of students in my class (who show signs of physical injury) to determine if they have been abused. | A a U d D |
| 3. | Teachers should be responsible for protecting children in their care, even if it means physically stopping an adult from hurting a child. | A a U d D |
| 4. | If I suspect a case of child abuse of a child in my class, it is my responsibility to report it. | A a U d D |

Please circle:

- A if you strongly agree with the statement.
a if you agree with the statement.
U if you are undecided.
d if you disagree.
D if you strongly disagree with the statement.
-

- | | | |
|------|---|-----------|
| 5. | If I suspect a case of child abuse of a child in the school who is not in my class, it is my responsibility to report it. | A a U d D |
|
 | | |
| 6. | If I suspect a case of child abuse of a child in my neighborhood, it is my responsibility to report it. | A a U d D |
|
 | | |
| 7. | Generally, teachers overreact to incidents of abuse and embarrass parents with many unwarranted reports. | A a U d D |
|
 | | |
| 8. | One can treat child abuse without going through the formal reporting and investigating system. | A a U d D |
|
 | | |
| 9. | The school system has responsibility for providing services to families where child abuse has occurred. | A a U d D |
|
 | | |
| 10. | School personnel who report cases of suspected child abuse should not get involved beyond the initial report itself. | A a U d D |

Please circle:

- A if you strongly agree with the statement.
a if you agree with the statement.
U if you are undecided.
d if you disagree.
D if you strongly disagree with the statement.
-

- | | | |
|------|--|-----------|
| 11. | Teachers are responsible for helping children to learn; and their involvement in reporting parents for suspected abuse does not quite seem compatible with educational objectives. | A a U d D |
|
 | | |
| 12. | It would hurt my job if I were to accuse a person of abusing his/her child. | A a U d D |
|
 | | |
| 13. | The procedures used by the School District for reporting suspected abuse to welfare authorities, are familiar to me. | A a U d D |
|
 | | |
| 14. | I am reluctant to pursue the issue of child abuse because it is extremely difficult to gather enough evidence to warrant turning the case over to the proper authorities. | A a U d D |
|
 | | |
| 15. | Child abuse would be eliminated if judges were less lenient with adults who assault children. | A a U d D |
|
 | | |
| 16. | The more I know a family or person, the less likely I am to suspect an injury of a child as being child abuse. | A a U d D |

Please circle:

- A if you strongly agree with the statement.
a if you agree with the statement.
U if you are undecided.
d if you disagree.
D if you strongly disagree with the statement.
-

17. A mother who is accused of seriously assaulting her children should be temporarily excluded from parent meetings. A a U d D
18. Reporting an abusive parent and abused child to the agency responsible for child abuse will improve the service made available to that family. A a U d D
19. Teachers can unwillingly contribute to some child abuse incidents when they only contact the home to report negative behavior of their pupils. A a U d D
20. I am reluctant to report a case of child abuse because of what parents will do to the child if he/she is reported. A a U d D
21. I am very reluctant to report a case of child abuse because of what the abuser may possibly do to me if my identity becomes known. A a U d D
22. I am reluctant to report a case of child abuse because the agency in charge of servicing the child will remove him/her from his/her home. A a U d D

Please circle:

- A if you strongly agree with the statement.
a if you agree with the statement.
U if you are undecided.
d if you disagree.
D if you strongly disagree with the statement.
-

23. Parents have a right to expect complete obedience from their children. A a U d D
24. Almost anyone could at some time injure a child in his/her care. A a U d D
25. There were times when I could hardly keep myself from using physical force on a child in my class. A a U d D
26. There were times when I used physical force on a child in my class. A a U d D

SECTION VI

FAMILIARITY WITH ABUSE LAWS

The following questions are designed to explore teachers familiarity with current law pertaining to abused children. Please circle either T (true), F (false), or DK (don't know) for each statement which follows.

1. Teachers are legally required to report suspected cases of child abuse. T F DK
2. There is no penalty if a teacher fails to report a suspected case of child abuse to the proper agency. T F DK
3. A person who reports a case of child abuse must be able to prove that the child was abused. T F DK
4. Any individual making a report of child abuse that cannot be proven in a court of law is liable to criminal and/or civil prosecution. T F DK
5. The Oklahoma law on abused children includes sexual molestation under the definition of "child abuse". T F DK
6. The Oklahoma law on abused children includes malnutrition under the definition of "child abuse". T F DK
7. When a suspected case of child abuse is reported the child is automatically removed from the family. T F DK

Please circle either T (true), F (false), or DK (don't know) for each statement which follows.

- | | | |
|------|--|--------|
| 8. | A teacher making a report of suspected child abuse will have to appear in court to testify in proceedings to determine if abuse did occur. | T F DK |
|
 | | |
| 9. | Child abuse under Oklahoma law includes all children under the age of 18. | T F DK |
|
 | | |
| 10. | The person reporting suspected child abuse is identified, and named to the accused parent. | T F DK |