BACKGROUND

This Loss Control Technical Bulletin addresses the topic of child abuse in the following child-care facilities: day care facilities, health/mental health care facilities, foster care facilities, out-of-home care facilities, schools, shelters (homeless or domestic violence), youth development organizations (Boy Scouts, Girls Scouts, Big Brothers Big Sisters, etc.), and volunteer programs for persons with disabilities.

The general number of child abuse and neglect reports nationwide

In 1997, over 3 million (3,195,000) children were reported for child abuse and neglect to child protective service (CPS) agencies in the United States. This figure represents a 1.7% increase over the number of children reported in 1996. Child abuse reporting levels have increased 41% between 1988 and 1997. Experts attribute much of the increase in reporting to greater public awareness of and willingness to report child maltreatment, as well as changes in how states collected reports of maltreatment.

In 1997, 1,054,000 children were confirmed by CPS as victims of child maltreatment. This represents 15 out of every 1,000 U.S. children. According to the 1997 survey, physical abuse represented 22% of confirmed cases, sexual abuse 8%, neglect 54%, emotional maltreatment 4% and other forms of maltreatment 12%. These percentages have undergone some shift since 1986 when approximately 26% of the children were reported for physical abuse, 16% for sexual abuse, 55% for neglect, and 8% for emotional maltreatment.

Child abuse in child-care facilities

Reports of child maltreatment involving child-care facilities attract a great deal of attention. Such publicity has created the perception that abuse is common place in these out-of-home settings. However, this perception seems out of line with reality based on published articles. Reports of abuse in day care, foster care, or other institutional care settings only represented about 3% of all confirmed cases in 1997.

Based on the 1995 statistics from 42 states providing data on the identity of the perpetrators, approximately 3% of the total number of perpetrators were considered caretakers (facility staff, day care providers, child-care providers, or foster home providers). States which failed to report statistics included California, Maine, Maryland, Massachusetts, New Hampshire, North Dakota, Ohio, and West Virginia. This equates to 2,414 facility care perpetrators and 7,041 child day care perpetrators.


Of the reporting states, the statistics show that the following states have the highest rate of incidence for child day care providers: (Illinois – 955, Pennsylvania – 764, Washington – 552, Virginia – 409, Kentucky – 380, North Carolina – 343, Arkansas – 314, Iowa – 295, Florida – 279, Georgia – 273)
Definitions

**Child abuse / abused or neglected child:** A child whose physical or mental health is threatened with harm by the acts or omissions of the person responsible for the child’s welfare.

**Child maltreatment:** Harm to a child through acts of commission (assault) or acts of omission (failure to protect) by caretakers.

Child maltreatment encompasses a fairly broad spectrum of abuse and neglect scenarios. For the purposes of this analysis, maltreatment included seven subtypes: physical abuse, sexual abuse, physical neglect, lack of supervision, emotional maltreatment, educational maltreatment, and moral-legal maltreatment. Table 1 contains definitions of maltreatment subtypes and examples from the severity rating scales of the least and most serious types of cases.

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<th>Subtype of maltreatment</th>
<th>Brief definition</th>
<th>Examples of least &amp; most severe cases</th>
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| **Physical Abuse**            | A caregiver inflicts a physical injury upon a child by other than accidental means | Least – Spanking resulting in minor bruises on arm.  
Most – Injuries requiring hospitalization, cause of permanent disfigurement, or lead to a fatality. |
| **Sexual Abuse**              | Any sexual contact or attempt at sexual contact that occurs between a caretaker or responsible adult and a child for the purpose of a caretaker’s sexual gratification or financial benefit. | Least – A child is exposed to pornographic materials.  
Most – A caretaker uses force to make a child engage in sexual relations. |
| **Physical Neglect**          | A caretaker fails to exercise a minimum degree of care in meeting a child’s physical needs. | Least – Food is not available for regular meals, clothing is too small, child is not kept clean.  
Most – A child suffers from malnutrition or severe dehydration due to gross inattention to his/her medical needs. |
| **Lack of Supervision**       | A caretaker does not take adequate precautions (given a child’s particular emotional developmental needs) to ensure his or her safety in and out of the residence. | Least – An 8-year-old is left at home for short periods of time with no immediate source of danger in the environment.  
Most – A child is placed in a life-threatening situation without adequate supervision. |
| **Emotional Maltreatment**    | Persistent or extreme thwarting of a child’s basic emotional needs (such as the need to feel safe and accepted) | Least – A caretaker often belittles or ridicules a child.  
Most – A caretaker uses extremely restrictive methods to bind a child or places them in closed confinement such as a trunk or closet. |
| **Educational Maltreatment**  | A caretaker fails to ensure that a child receives adequate education. | Least – A caretaker allows a child to miss school up to 15% of time.  
Most – A caretaker does not enroll a child in a school to provide educational instruction. |
| **Moral-Legal Maltreatment**  | A caretaker exposes or involves a child in illegal or other activities that may foster delinquency or antisocial behavior. | Least – A child is permitted to be present for adult activities.  
Most – A caretaker causes a child to participate in felonies. |

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Legal Challenges

Youth-serving organizations can be held liable for child abuse that occurs on their watch, though understanding the legal obligations can sometimes be very difficult. Legal standards involve completing policies and procedures and each state has slight variations. The law is constantly evolving both through legislative and judicial opinions.

Resources are available to help you find out what the legal requirements are for a particular state (National Child Prevention Act of 1993). A lawyer experienced in child abuse issues can help assure that all state and local requirements are properly documented in the organization’s governing policies and procedures.

Statutory

Each State is responsible for providing definitions of child abuse and neglect within the civil and criminal context. Civil laws, or statutes, describe the circumstances and conditions that obligate mandated reporters to report known or suspected cases of abuse, and they provide definitions necessary for juvenile/family courts to take custody of a child alleged to have been maltreated. Criminal statutes specify the forms of maltreatment that are criminally punishable. (The “State Statutes Series” from the National Clearinghouse on Child Abuse and Neglect Information summarizes over 30 civil and criminal State statutes pertaining to child maltreatment.)

Federal

The key Federal legislation addressing child abuse and neglect is the Child Abuse Prevention and Treatment Act (CAPTA), originally enacted in 1974 (P.L. 93-247). This Act has been amended several times and was most recently amended and re-authorized on October 3, 1996, by the Child Abuse Prevention and Treatment Act Amendments of 1996 (P.L. 104-235). CAPTA provides Federal funding to States in support of prevention, assessment, investigation, prosecution, and treatment activities and also provides grants to public agencies and nonprofit organizations for demonstration programs and projects.

Conclusion (Loss Control and Underwriting Approach)

Child abuse happens to children of all ages from birth though adolescence and does not discriminate between gender, race, geography, or socio-economic or cultural groups.

Our policyholders should have an existing documented child abuse program which include the below items as a minimum.

If they don’t have a formalized documented program they should be taking the proper risk management steps towards reducing this exposure. To help achieve the desired result of completely eliminating child abuse, top management should begin the risk management process by effectively planning, organizing, leading and controlling all aspects of the child abuse program. The organization should begin by organizing their child abuse prevention strategies into four categories. These 4 categories include Personnel, Program, Premises, and Participants. Then though implementation of the 5 Steps of the Risk Management Process (Identify, Evaluate, Select, Implement, and Monitor) the exposures associated from all 4 elements will help ensure a safer environment for children.

Items of a Child Abuse Risk Management Program

These steps should include, but not be limited to the following:

1) Meet all statutory requirements and regulations pertaining to preventing and reporting child abuse and neglect. When reporting a child abuse or neglect incident be sure the policyholder understandings the following:
   ♦ The definition of “abuse” and “neglect” varies from state to state.
   ♦ Some, but not all states impose mandatory reporting requirements on caretaker professionals.
   ♦ Most states require reporting when there is a “reason to believe” a child has been abused or neglected.
   ♦ Most states require the report be filed within 48 hours of the incident.
   ♦ All states provide some type of immunity for filing a report that means if the perpetrator abuse or neglect allocation can’t be proven, he/she has the right to sue the reporter.

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2) Develop and implement formal recorded written policies and procedures addressing the issue of child abuse. Include the following as standard practices and procedures:

- Adopt policies of staff selection (regardless of whether paid or volunteer) that include the following screening elements:
  a. Position description
  b. Application
  c. Orientation overview
  d. In-depth interview
  e. Personal reference checks
  f. MVR check
  g. Criminal history record checks (local, state, FBI)/background checks
  h. State central child abuse registry check / State sex offender registry check
  i. Confirmation of education
  j. Written application
  k. Psychological tests
  l. Medical tests
  m. Home visit (if warranted)
  n. Alcohol/drug testing
- Adopt clear written policies prohibiting unauthorized conduct.
- Adopt supervision guidelines.
  a. Parents are free to come and go without calling
  b. No areas are off limits to parents
  c. Bathrooms do not contain areas where children can be isolated (two thirds of all daycare sexual abuse takes place during visits to the bathroom)
  d. There is adequate supervision during naps.
  e. Safety measures are taken to prohibit the release of your child to anyone without your written authorization.
- Create confidentiality policies to prevent disclosure of hiring or disciplinary practices.
- Develop specific job descriptions and review each description annually.
- Notify parents of activities, behavior, and practices that an organization deems to be unacceptable.
- With respect to staff departures, voluntary or otherwise, establish procedures concerning when and how to notify the parents that an individual is no longer affiliated with the organization.

3) Develop and initiate a child abuse prevention training program for all staff members

4) Develop and enforce accountability guidelines for re-employment of accused abusers.

References

1) Child Abuse Prevention Primer for Your Organization (Nonprofit Risk Management Center)

2) Guidelines for the Screening of Persons Working With Children, the Elderly, and Individuals With Disabilities in Need of Support (The National Criminal Justice Service Center – Office of Juvenile Justice and Delinquency Prevention - OJJDP)

3) National Committee to Prevent Child Abuse (NCPCA)

4) National Clearinghouse on Child Abuse and Neglect Information (http://www.calib.com/nccanch/)

5) Department of Health & Human Services “Children’s Bureau” (http://www.acf.dhhs.gov/)
Resources

FEDERAL AGENCIES

Recognizing the link between maltreatment and subsequent juvenile delinquency, OJJDP recently initiated demonstration projects to reduce child abuse and neglect in several communities (Safe Kids/Safe Streets). Other activities include training and technical assistance to States, discretionary grants to organizations to support delinquency prevention, and support for professionals working with juvenile victims and offenders.

For more information on available resources, contact:

National Clearinghouse on Child Abuse and Neglect Information
330 C Street, SW
Washington, DC 20447
(800) FYI-3366
(703) 385-7565
Fax: (703) 385-3206
E-mail: nccanch@calib.com

Department of Health and Human Services
http://www.dhhs.gov
The Department of Health and Human Services has several agencies that provide support for child abuse and neglect prevention activities:

- Children's Bureau
- Head Start Bureau
- Administration on Developmental Disabilities
- Public Health Service.

Children's Bureau
P.O. Box 1182
Washington, DC 20013
http://www.acf.dhhs.gov/programs/cb
The Children's Bureau/NCCAN is the lead source of funding for child abuse and neglect activities within the Federal Government. This agency allocates funds to States for prevention activities as well as to community-based prevention organizations. The Community-based Family Resource and Support Program is a formula grant program for States to establish and coordinate a comprehensive network of family resource and support services. Discretionary grants can be obtained by community-based programs to establish, maintain, and evaluate child abuse and neglect prevention activities.

Head Start Bureau
P.O. Box 1182
Washington, DC 20013
http://www.acf.dhhs.gov/programs/hsb
This agency administers a national program for preschool children and their families. Activities related to child maltreatment include staff training on child abuse and neglect identification and reporting, public awareness and education, and parental involvement.

Administration on Developmental Disabilities
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201
http://www.acf.dhhs.gov/programs/add/

The Administration on Developmental Disabilities provides support to enable people with developmental disabilities to

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achieve their maximum potential. Formula and discretionary grants are available through this agency. Discretionary grants may support child abuse and neglect prevention activities through early intervention services, program models, and protection of legal and human rights.

Public Health Service
Parklawn Building
5600 Fishers Lane
Rockville, MD 20857

The Public Health Service is involved in activities related to child abuse and neglect through several agencies:

- Centers for Disease Control and Prevention, National Center for Injury Prevention and Control
  (http://www.cdc.gov/ncipc/dvp/dvp.htm)
- Indian Health Service
  (http://www.tucson.ihs.gov)
- Office of Disease Prevention and Health Promotion.

Department of Education
600 Maryland Avenue, SW
Washington, DC 20202
http://www.ed.gov

Within the Department of Education, the Office of Elementary and Secondary Education and the Office of Special Education and Rehabilitation Services engage in activities related to child maltreatment.

Office of Elementary and Secondary Education
400 Maryland Avenue, SW
Washington, DC 20202-6100
http://www.ed.gov/offices/OESE
This office carries out child abuse and neglect prevention, public awareness/education, and demonstration project activities.

Office of Special Education and Rehabilitation Services
Mary Switzer Building
330 C Street, SW
Washington, DC 20202-2500
http://www.ed.gov/offices/OSERS
This office provides formula grants to States and other organizations to improve educational outcomes for children and adults with disabilities, including abused and neglected children. Emphasis is on special education programs, early intervention, resource development, and service delivery improvement.

Department of Justice
http://www.usdoj.gov

The Department of Justice supports activities related child maltreatment prevention by collecting crime statistics (Bureau of Justice Statistics), supporting training in the prosecution of child abuse cases (Bureau of Justice Assistance), and training law enforcement personnel (Federal Bureau of Investigation). The Office of Juvenile Justice and Delinquency Prevention supports prevention activities.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)
633 Indiana Avenue, NW
Washington, DC 20531
http://ojjdp.ncjrs.org/