



Frequently Asked Questions:

Reporting Child Abuse and Neglect in the University System of Maryland

I. What Constitutes Child Abuse and Neglect

A. What is Child Abuse?

Abuse is defined in Maryland law as “the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed; or

sexual abuse of a child, whether physical injuries are sustained or not. Sexual abuse is defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.”

What are some of the indicators of child abuse?

Physical Indicators	Sexual Indicators	Neglect
Physically injurious behavior beyond physical discipline	Difficulty or painful walking	
Unexplained bruises; or a pattern of bruises	Injury or reported pain or itching in genital area	
Cuts and burns (cigarette, liquid) to the body	Expressions of sexual knowledge or behavior	
Rope marks or burns		
Fractures/broken bones		
Welts, abrasions		
Bite marks or puncture wounds		
Chipped teeth		

B. What is Child Neglect?

Under Maryland law, *Neglect* is defined as the failure to give proper care and attention to a child, including leaving the child unattended, by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances indicating:

- 1) that the child's health or welfare is harmed or placed at substantial risk of harm;
or
- 2) mental injury to the child or a substantial risk of mental injury.

C. What is Mental Injury?

"Mental injury" is defined as the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

D. Under what age is a person considered a "child" under Maryland child abuse and neglect laws?

For the purposes of Maryland's child abuse and neglect laws, a "child" is defined as any individual under the age of eighteen (18) years.

E. How do I determine if physical discipline is considered child abuse?

This is a complicated question. In some families and cultures, physical discipline (spanking, hitting, and "whipping") is a common practice in managing the behavior of children. Generally, physical discipline should be reported as abuse if it leaves an injury and either harmed the child or put the child's health and welfare at substantial risk of harm. Child Protective Services will then determine whether the punishment was abusive considering the totality of the circumstances, including the severity of the injury, nature of the punishment, gravity of the act being punished, and the adult's attempt to use other nonphysical means of discipline.

F. How do I distinguish between child sexual abuse and the crime of sexual assault?

Under the child abuse reporting law, *sexual abuse* is defined as "any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child or by any household or family member." It includes a wide array of sexual conduct including such things as exposure, sexual advances, and engaging in the pornographic display of a child.

Much of what is reported to Child Protective Services as child sexual abuse also constitutes a crime such as criminal child sexual abuse, sexual assault, incest, or rape. However, it does not always work the other way around: not every sexual

assault perpetrated on a child is reportable to Child Protective Services as child sexual abuse. Unless a sexual act was perpetrated by a parent, household or family member, or other person caring for or supervising a child, it is not considered reportable "child sexual abuse" even if it is unwelcome or nonconsensual touching that would constitute a sexual assault.

Of course, if you should ever witness the sexual assault of the child—regardless of whether it fits the definition of child sexual abuse—you are encouraged to call 911 to report it.

G. What if a student discloses that she was sexually abused at the age of five (5) perpetrated by another sibling who was nine (9) at the time?

Under Maryland’s Child Abuse reporting laws, *sexual abuse* is defined as an “act that involves sexual molestation or exploitation of a child ... by any household or family member.” Given that the two children are “household members” you are mandated to report. The case worker can make a determination of whether it should be investigated.

II. Basic Reporting Requirements

A. What is the source of the child abuse and neglect reporting requirements in the USM policy?

The purpose of the policy is to set out the mandatory reporting requirements that are established by State law as they apply to the USM. The source of those legal requirements is a set of statutes in the Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708. The policy also applies requirements established in various Opinions of the Attorney General that authoritatively interpret the Family Law Article statutes, and it includes USM-specific requirements for reporting to designated institution officials when an incident involves members of the campus community or institution sponsored activities.

B. Which USM employees must report child abuse and neglect?

Under Maryland Law, all adults in the State have an obligation to report suspected child abuse and neglect. However, the reporting requirements for members of the USM community are different, depending upon whether they are “professional employees.”

The law mandates that health practitioners, educators/professional employees, human service workers, law enforcement officers, or other professional employees, when acting in a professional capacity, who have “reason to believe” that a child has been subjected to abuse or neglect to call Child Protective Services or the local police and notify the University President’s Designee for reporting child abuse and neglect. These employees must also promptly follow up the call with a written report sent to Child Protective Services and the institution’s designee for reporting child abuse and neglect.

All other members of the campus community are required to call CPS or the police. They may, but are not required to follow up with a written report.

C. Who are “professional employees” in the USM System?

According to the USM Policy, “*Professional employee*” means a person employed by the USM as a faculty member, administrator, coach or any other employee who provides academic support, student service, or institutional support activities, whose duties require either a college degree or comparable experience.

D. Are students required to report?

The requirement to make an oral report to CPS or the local police extends to students, as well as all members of the USM community other than a USM professional employee acting as a staff member of a USM institution, including other *staff, students, and contractors on campus*.

E. What if I am a direct witness to child abuse that occurs in connection with the institution?

Call 911 immediately. If you are a direct witness to an abusive situation involving a child, call the police and provide whatever information you have about the incident. Then follow all of the other procedures for reporting suspected child abuse for your institution.

F. How do I know if I have enough information to have “reason to believe” that an incident may have been child abuse or neglect? Sometimes information may be quite vague, and it is not clear whether to report.

The purpose of a report is to give CPS and the police information that will enable them to begin an investigation of suspected child abuse or neglect. These authorities need information sufficient to identify the child and decide whether the incident may constitute child abuse or neglect under the law. According to child protective services, the information that they need includes:

- I. Sufficient information to identify and contact the victim; and
- II. Information that will allow CPS or the police to determine whether the incident constituted child abuse or neglect under the law, including:
 - a.

If you do not have at least some of this essential information, you are not required to report the incident. However, you still should consider making a report if the facts that you do know

Decision: Report to CPS a

circumstances, simply provide the information that is known to you and leads you to believe that a child has been subjected to child abuse or neglect.

The reporting laws ask for the following information, to the extent that you have it:

- 1) The name and home address of the child and the parent or individual responsible for the care of the child;
- 2) The present location of the child;
- 3) The age of the child;
- 4) Names and ages of other children in the home;
- 5) The nature and extent of injuries or sexual abuse or neglect of the child;
- 6) Any information relayed by the individual making the report of previous possible physical or sexual abuse or neglect;
- 7) Information available to the individual reporting that might aid in establishing the cause of the injury or neglect;
- 8) The identity of the individual or individuals responsible for the abuse or neglect.

J. If I do not have all of the information listed above, should I talk to the child to get more information.

Generally, no. Unless you have a professional relationship with the child in which

For professional employees who must report all cases of child abuse and neglect that they suspect in the course of their professional duties, sharing their report with the President's designee for child abuse and neglect reporting is required by State law. For all other members of the campus community, the USM policy requires this if the incident involved employees, students, volunteers or contractors of the institution, occurred on campus, or involved an institution sponsored or recognized activity.

Each institution President has named a specific designee or designee to receive these

children are in the custody of coaches, teachers, camp counselors, resident assistants, police officers, or professional counselors, and you should regard them as caregivers who are responsible for the care and supervision of children for reporting purposes.

B. What if an essay submitted by an a

E. Our campuses sponsor events, such as “Take Back the Night,” where students and others are encouraged to describe past experiences of abuse, assault or harassment. Do the reporting requirements apply at such an event, where students have an expectation that they should be able to speak candidly and without repercussions?

Reporting requirements may apply at these events if a speaker’s disclosure creates “reason to believe” child abuse actually occurred and there is sufficient information to prompt a report. Planners of these events may want to inform participants that there is an obligation to report detailed disclosures of past child abuse and neglect in their promotional materials and/or at the beginning of the event.

F. What if a young woman, whom I do not know, emerges from the crowd at a campus event and describes past child abuse but does not identify herself at all?

Event sponsors do not have an obligation to report if the speaker does not identify herself, or provide sufficient information about the abuse or the abuser for child protective authorities to take any action in response. However, for example, if the individual describes past child sexual abuse that involved his/her high school science teacher and provides identifying information about the school and/or the teacher, you must report. Such a report would give child protective authorities sufficient information to investigate further and, most importantly, to determine if any children currently may be at risk of abuse.

G. At such an event or in a classroom setting, does everyone present who hears a disclosure of abuse have an independent obligation to report it?

In settings where many people are present during a disclosure of child abuse or neglect, only one report must be made. The USM expects that the event’s sponsors and/or supervisors will take responsibility for making a report under these circumstances.