

For Mandated Reporters, Concern Is Not the Same as Suspicion



In the process of doing her monthly visit, a social work case manager notices another child in the foster home. The child is moaning softly and seems listless and groggy. There are no noticeable bruises, no bleeding, no obvious broken bones. The child is not the case manager's client, nor a client of the worker's agency. When the case manager gets back to her office she casually mentions her concern regarding the child to her supervisor. Both are mandated reporters but neither calls the state child abuse hotline. A week later they find out that, tragically, the child died a few days after the case manager had made her visit. The cause of death was non-accidental blunt force trauma.

Months later a lawsuit is initiated by the estate of the deceased child. Among the named defendants are the social work case manager and her

supervisor. The plaintiffs claim that, as mandated reporters, both were negligent in not contacting the state hotline. Had they done so the child would not have died.

In its publication, *Mandatory Reporters of Child Abuse and Neglect* (2016), the Child Welfare Information Gateway reports: "The circumstances under which a mandatory reporter must make a report vary from State to State. Typically, a report must be made when the reporter, in his or her official capacity, suspects or has reason to believe that a child has been abused or neglected. Another standard frequently used is in situations in which the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child (p. 3)."¹

Mandated reporters, especially child care workers, health professionals, and

educators, may see children on a daily basis who have suffered harm. This does not necessarily mean the children were abused or neglected. Mandated reporters are not obligated to determine whether abuse or neglect has in fact happened or is likely to occur. They are not CPS investigators. Their duty to report begins once, in their own minds, they reach the threshold point of suspecting that abuse or neglect may have occurred or may occur in the future. What may be characterized as "concern" to one mandated reporter may be "suspicion" to another. The two terms are not the same. Look at a thesaurus, and you'll find that synonyms for "concern" include anxiety, worry, disquiet, apprehensiveness, unease, and consternation. The terms

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permanency decreased by 12 percent.¹ This means that children were experiencing fewer disruptions and were returning home or being adopted more quickly. Placements made according to ECAP's recommended Level of Care were more stable than those made against recommendations.² Children placed with ECAP have a better chance for stability, reducing the likelihood of another traumatic move to a new household. In the study, children achieved permanency an average of 53 days sooner. To some children, those 53 days represent the ability to celebrate a birthday at home or start the school year with the security of a forever family.

Foster Care Technologies (FCT) was founded in 2015 to make this tool available to public and private agencies across the country. The FCT continues to update ECAP's algorithms and to work with researchers to learn more about how to make the best placement decisions. ECAP is currently used to match foster families in seven states, and FCT is partnering with other technology companies to offer ECAP as a

module of many of the new CCWIS systems currently being built.

We all know the statistics: At any given moment, there are more than 400,000 children in foster care.³ Each year, thousands of foster youth age out of the system without the safety net of a forever family, and their outcomes as a group are grim. We know that adverse childhood experiences haunt children as they grow into adulthood and throughout their lives.⁴

Placement disruptions taint almost every aspect of a child's foster care experience. Disruptions often cause school changes, loss of services, delays in court procedures, and increased distance from family—making visits and reunification more difficult. Each move to a new stranger's house further traumatizes these vulnerable children, and every day spent in foster care can add to the doubts about whether they will ever have a permanent family again, whether biological or adopted. By reducing these traumas with the use of research-backed technologies, we can change the lives of these children and future generations.

For more information, visit FosterCareTech.com or send an email to info@FosterCareTech.com. 

Reference Notes

1. Moore, Terry D., Summary of ECAP Research Findings. Available at fostercaretech.com.
2. Moore, Terry D., McDonald, Tomas P., & Cronbaugh-Auld, Kari (2016): Assessing Risk of Placement Instability to Aid Foster Care Placement Decision Making, *Journal of Public Child Welfare*, <https://doi.org/10.1080/15548732.2016.1140697>
3. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. AFCARS report. www.acf.hhs.gov/programs/cb
4. Centers for Disease Control and Prevention, CDC-Kaiser Permanente Adverse Childhood Experiences (ACE) study. www.cdc.gov/violenceprevention/acestudy/about.html

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“suspect,” “suspicion,” or similar terms do not appear.

Suspicion must be grounded in the process of accurate observation, analysis, and assessment. Florida attorney Troy Beecher notes, “Mandatory reporters and investigators face a number of challenges, including heavy caseloads, limited financial resources, and, in most cases no opportunity (or legal right) to observe the home environment around the clock. They are not always optimally informed of all the factual circumstances under which abuse reports arise. They are often required to make quick decisions based on their personal observations and available records and, absent any reason to disbelieve otherwise, information provided from a child's caretakers.

Certain observations such as sluggishness, illness, or even minor bumps and bruises, are not uncommon for children even in households not under agency supervision. It is for these reasons that state legislatures must distinguish ‘suspicions’ of child abuse from mere ‘concerns’ to strike a fair balance between protecting children and permitting mandatory reporters to use their discretion and best judgment given the inherent challenges.”

Mandated reporters can find themselves in rapidly evolving circumstances where they may have to make quick judgments to deal with potentially dangerous situations. If mandated reporters have observed a child being subjected to circumstances or conditions that would result in

abuse or neglect, they should make a report. Absent evidence that obviously is indicative of present suspected abuse or neglect or that would result in future abuse or neglect, we must acknowledge the subjective, individualized nature of mandated reporting. Suspicion is more than just a hunch. Our understandable revulsion at child abuse should not, using 20/20 hindsight, result in a generalized antipathy to mandated reporters after the fact. 

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Reference Note

1. See <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/mandat/>