

## Child Abuse & Role of Child Protective Services

Sometimes, Indian American parents and their visiting family members may be accused with child abuse and child neglect allegations due to their lack of knowledge in US laws pertaining to child care. Raising children in USA is entirely different from raising in India. In Indian culture, it is quiet common for parents to isolate, beat, punish, and accuse children when they are wrong but it is a serious crime in USA. It is very important to understand the laws related to upbringing children in USA. Unfortunately, more than 3 million child abuse allegations are being reported every year in the USA.

### **Child Safety:**

Keeping Children Safe is utmost importance for parents. Kids like to explore. It's part of growing up. It can be risky sometimes, but there are things you can do to help to keep kids safe.

- I. Safe Sleep:
  - Infants should be kept in a crib alone on their back in a smoke free room.
  - Don't put babies to sleep with blankets, pillows, stuffed animals or bumper pads.
  - Don't cover a baby's face or let baby cover its face with anything
- II. Car Safety:
  - You must put kids under the age of two in a car seat that faces backward and is installed in the backseat of a car.
  - Older kids must be in booster seat or car seats until they are 8 years old or reach 4 foot 9 inches tall.
  - Check to make sure that there are no children nearby before you get into a car to drive.
- III. Water Safety:
  - Watch kids around water at all times. Never leave a baby alone in a bath for any reason.
- IV. Gun Safety:
  - Keep your guns unloaded when you are not using it.
  - Always store guns in a lockbox, vault or safe.
  - Teach your child that whenever they see a gun they must stop and do not touch, leave the area and tell an adult.
- V. Poison/Medicine Safety:
  - Keep all medicines, cleaners, chemicals out of the reach and sight of the children.
- VI. Toys, TV, Furniture etc., Tip Overs:

- Keep toys or any other articles away from kids walking area
- Secure firmly TV's, furniture or any other household items so that the children cannot tip over.

## **What is Child abuse?**

Any action, or failure to act, by a parent or caregiver that results in the injury, death, or risk of serious emotional or physical harm to a child is considered child abuse.

### 1. Physical Child abuse:

- Hitting, kicking, shoving, biting, hair pulling or whipping
- Cuts, scratches, bruises, burns or blisters
- Broken bones, dislocated joints or sprains
- Internal injuries including brain damage
- Forcefully offering food to unknown kids
- Hugging and kissing strange kids

### 2. Emotional Child Abuse:

Behaviors that impair a child's mental health and social development is considered emotional child abuse.

Emotional child abuse includes:

- *Terror* – Acts like blaming, accusing, insulting, threatening a child, abandonment, isolation, injury, death that cause extreme trauma.
- *Shame and Humiliation* – Criticizing, belittling, mocking, scolding acts that batters the child's self-esteem.
- *Rejection* – Giving a child little or no attention or not showing any affection and expressing to a child that he / she is not wanted or loved
- *Isolation* – Confining a child to his / her room or a small area and preventing the child from interacting with other children
- *Corruption* – Encouraging the child to engage in criminal activity or encouraging bullying
- *Trauma* - Creating emotional and psychological trauma to the child

### 3. Child Sexual Abuse:

Child sexual abuse refers to the use of a child for sexual purposes like involving a child in sexual acts or child pornography.

#### 4. Child Neglect:

Failure of a parent or caregiver to give affection, supervise, protect and provide health and safety environment to the child.

- i. Physical child neglect includes acts such as:
  - Abandoning a child
  - Failing to provide healthy food and drink
  - Failing to provide clothes appropriate to the weather
  - Failing to ensure good personal hygiene
  - Failing to supervise a child adequately or leaving the child with an inappropriate caregiver
  - Exposing a child to an unsafe or unhealthy environment
  - Leaving a child alone in the car
  - Travelling in a car where the child is not wearing a seatbelt or car seat when the child is below 8 years
  - Seating the child in front seat of the car when the child is below 14 years
  
- ii. Emotional child neglect includes acts such as:
  - Failing to provide affection, attention and emotional support
  - Isolating a child from friends or loved ones
  - Exposing a child to frequent violence including domestic violence
  - Allowing a child to use drugs or alcohol or to engage in criminal acts
  
- iii. Medical child neglect includes acts such as:
  - Failing to provide preventive medical and dental care
  - Failing to take child to a doctor or hospital when seriously ill or injured
  - Failing to follow medical instructions or recommendations for a child
  - Preventing child from getting appropriate medical treatment
  
- iv. Educational child neglect includes acts such as:
  - Failing to enroll child in school or failing to provide adequate home schooling
  - Allowing child to miss school excessively
  - Failing to allow child to receive needed special educational services

#### Warning Signs of Child Abuse:

- Unexplained injuries such as bruises, scrapes, burns or broken bones

- Fear of going home
- Changes in behavior such as anxiety, depression, aggressiveness or fear
- Changes in eating or sleeping habits
- Changes in grades or attendance at school
- Lack of personal hygiene including dirty hair, body odor and inappropriate clothing
- High-risk behaviors such as carrying a weapon, using drugs or alcohol
- Inappropriate sexual behavior or using profanity

### **What is Child Protective Services (CPS)?**

When anyone reports that child is in danger of child abuse or neglect, the government agency – Child Protective Services (CPS) responds immediately and provides necessary child protection. In different states, these services are called with different names such as --

- Department of Children and Families (DCF)
- Department of Children and Family Services (DCFS)
- Department of Social Services (DSS)
- Department of Human Services (DHS)

### **What happens after complaint? / Role of CPS**

- CPS investigation starts right away when they receive a complaint from anyone on a suspected child abuse or ill-treatment.
- If CPS assess that safety of a child is not at risk - then CPS case worker will counsel the family to reduce the risk of future ill-treatments and also help the child to cope up with the effects of previous ill-treatment.
- If CPS assess that safety of a child is at risk - then CPS can have a family member either come into the home or take the child and do what's called a voluntary placement. Typically CPS searches for a family member first that can be a voluntary placement before removing the child. If no one is provided and it's not an option for the child to re-enter the home then that could result in a removal and sending the child to a foster home
- Voluntary placement gives CPS the opportunity to work with the family and offer services before getting legal involved or CPS could also have the perpetrator leave the home so that the children can stay with a protective parent and/or family member.
- CPS always try to make sure to look at family first or having someone leave a home to prevent further trauma to the child.
- CPS case worker involves with an intensive counseling with the family and try to unite the child with the family.

- Normally, the investigation completes within 30 days. This allows the investigator to determine if :
  - The child was abused or neglected.
  - The child is at risk of future abuse or neglect.
  - Is Child safe?

### **What are the Outcomes of CPS Investigation?**

- Reason to Believe: Based on the evidence gathered, CPS believes that abuse or neglect has occurred
- Ruled Out: Based on the evidence gathered, CPS believes that abuse or neglect did not occur or if the alleged perpetrator of the reported abuse or neglect is younger than 9 years of age. If the outcome of the CPS Investigation is ruled out case, then some states (currently 40 states) allow for the expunge (removal of the case history from central database) of the case records.
- Unable to Complete: CPS cannot make a determination because the family cannot be located, moves, or refuses to cooperate with the investigation and a court order requiring cooperation is denied
- Unable to Determine: There is not enough evidence to determine whether or not abuse or neglect occurred

### **What happens to the child after CPS removes the child from home?**

- If it is decided that child is not safe, the investigator with the approval of his / her supervisor and court order removes the child from home and sends the child to foster care.
- In some cases, without a court order CPS is entitled to remove the child from home but they need to present the case in the court within 2 court days. In all cases, a judge will schedule a hearing within 2 weeks after CPS removes child.
- The parent (s) must complete a “Child Caregiver Resource Form” mentioning at least names of three people including relatives or friends who can provide care, emotional support for the child while the parent (s) receive counseling services.

### **How & when can parent (s) get back their child?**

- The court determines in an initial hearing, if the child should remain out of the parent (s) care. This initial hearing is where the court either approves or disapproves the actions of the CPS.

- In almost all cases, the court issues temporary orders to detain the child as stated in CPS petition.
- The court grants supervised visitation to the parent (s) with their child.
- However, this is only the beginning, and there are two more hearings with higher standards of proof which occur within approximately four to six weeks.
- It is highly suggested for parent (s) to hire an attorney at this point.
- The parent (s) absolutely should not sign any documents before going into court. It is a trick to make the parent (s) plea as guilty of whatever the CPS has taken the kids away for.
- The court appointed CPS attorney will try to get the parent (s) to sign a paper before they go in. The attorney may state that the parent (s) can make all of this go away if they agree to a psychological evaluation. The court appointed CPS attorney might tell the parent (s) that they will not get their child back unless they do sign the papers. At the same time, the attorney may hold his thumb over to hide the title of the paper that says "*Plea of Guilt*".
- If the parent (s) sign that paper, the first thing that happens when they enter the courtroom is the judge will acknowledge the plea of guilt and proceed to assign custody of the child to CPS.
- The parent (s) attorney will make sure to call the case worker to the stand to testify what he / she observed, that the parent (s) did or will do in future to cause the child a significant harm.
- Make the state bring forth witness or professional people that can prove CPS allegations.
- When case worker gets off the stand, the parents will get a chance to testify where CPS is lying or telling half-truths.
- Parent (s) should focus all energy and time in building the case to get their child back at the next hearing.
- If the case is not settled by agreement of the parties, the case will go to '*adjudication (fact finding) hearing*'.

- At fact finding hearing, the parent (s) are allowed to present their own evidence if they continue to dispute with CPS version.
- The parent (s) should be prepared with declaration of facts and anytime they hear that is not true, the parent (s) must raise their hand to show the judge that they have something to say.
- In most cases, the child is handed over to the CPS at adjudication hearing or at '*disposition hearing*' if there is one.
- The next hearing would be disposition review hearing where the judge will evaluate the progress made towards completing the case plan and to finalize the plan.
- The next step is '*permanency hearing*'. The purpose of these hearings is to monitor the parent (s) compliance with the case and adjust it as needed so that the case can progress towards resolution. These hearings take place multiple times in one year period.
- If parent (s) are compliant to case plan, the child will be given back to parent (s).
- If parent (s) are not compliant to the case plan, the judge can terminate the parental rights that leads to adoption of the child by a relative or foster parent or non-relative.
- In order to have the child placed with a relative, that relative must pass a background check, needed training and must have a place for the child to sleep. CPS will walk through the relative's home in order to ensure the child's safety.
- The State government will provide the necessary funds to the foster care / relatives whoever is providing the child care.