

Example of child sexual abuse michigan criminal justice research paper

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Criminal Law

Michigan Mandatory Reporting Requirements Regarding Children

The definition of “ child abuse” as stated in the case of People v. Beardsley, and pursuant to the MCL 722. 622(e), as enacted under 2000 PA 45 stated that the term “ Child Abuse” shall refer to harm or threatened harm that may be caused to the health and welfare of the child by his or her parent, a legal guardian, or any other individual who is accountable for the health or welfare of the child, or by the child’s teacher or the teacher's aide, that may take place occur through maltreatment, sexual abuse; sexual exploitation; and other non-accidental physical or mental injury (People v. Beardsley)

According to the guidelines issues by the Rape, Abuse and Incest National Network or “ RAINN” (2011), there are designated persons who are required to report sexual abuses cases of minor children that will fall under the classification of rape, abuse or incest. There is a long list of individuals who are mandated by law to report such incidents and they are: doctors or physicians, physician’s assistant, dentist, registered dental, hygienist, medical examiner, nurse, licensed emergency medical care provider. Aside from the people who belong to the medical profession, included in the list are the audiologists, life coaches, psychologists, social workers, licensed master’s social worker, marriage and family therapists, licensed professional counselors, licensed bachelor’s social worker; registered social service technician and social service technician. In the school setting, the school administrator, school counselor and teachers are tasked to report any incidence of child sexual abuse. Law enforcement agencies, especially the police force are required to detect and investigate child sexual abuse cases

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(RAINN, 2011).

RAINN (2010) stated that the members of the clergy and those who belong to the religious sector are mandated by law to report child sexual abuse cases. In addition, a person who is employed in a professional capacity in any office of the friend of the court shall be required to report child abuse cases. Finally, any employee of an organization or entity operating using federal funding rules, contracts, regulations and statutes shall be barred to report without a court order or a state mandate (RAINN, 2011). Every child care provider that is being regulated under the state of Michigan is required to report child sexual abuses case.

In addition, the staff members of the Michigan Department of Human Services are required by law to report incidence of child abuse. This department is also known as the "family independence agency". The state of Michigan has ruled that mandatory reporting should be imposed among the members of the department which shall cover the family independence manager, the eligibility specialist, the, family independence specialist, social work specialist, social services specialist, social work specialist manager and welfare services specialist (RAINN, 2011).

Based on the given guidelines, the standard of knowledge required under the Michigan statute to justify the reporting of any child sexual abuses cases is a reasonable cause to for a suspicion that there is child abuse or neglect (RAINN, 2011). The applicable victim shall be a child below 18 years of age. Reports can be made by calling the designated telephone hotline and to make a verbal report to the Children's Protective Services ("CPS") at the Department of Human Services in the state of Michigan at telephone

numbers: (800) 942-4357 (statewide 24/7) or (800) 716-2234 (Wayne county 24/7) (RAINN, 2011). On the other hand, if the report is in written format, they should be sent by mail to the local CPS county office. The local CPS county office contact information can be found by visiting the website at: www.michigan.gov/dhs. Here, any person who intends to report child sexual abuse case can do so by clicking the button with the words " County Offices", which can be found on the left-hand side of the page. In the event that the person who will make the report is a member of the staff of a hospital, agency, or school, he or she has the duty to notify the person in charge of the hospital, agency, or school of any personal findings based on the report. It is expected that the person who will report will provide a copy of the written report to the person in charge. However, this procedure of reporting is in addition to the mandated report to be made to the Children's Protective Services.

The content of the verbal reports to be made regarding child sexual abuse case must cover all the essential details needed to establish the child's case. According to the guidelines established by RAINN (2011), the most basic information shall include the following data: the name of the primary caretaker of the child and the residence address; the names and birth dates for all the members of the household; the name and birth date of the alleged offender/s; it must in the report if the alleged offender is living with the child victim; the exact location or address of where the alleged abuse or neglect took place; and the reasons grounds to form a credible belief that such child is being abused or neglected by the alleged offender or perpetrator. The written reports must state the name of the child and should contain a

detailed description of the child abuse or neglect (RAINN, 2011). It is also necessary to include in the report the names and addresses of the parents of the child victim, or the name of the guardian, if the parents are not around, or any other person with whom the child is living with; the exact of the child; and all pertinent information that is available to establish the truthfulness of the report so that similar incidents will be avoided in the future. The person who is reporting should be able to establish the cause of the child sexual abuse or neglect and the manner how such offense has taken place.

Those interested persons who intend to file the report on child sexual abuse should immediately make a verbal report by calling the designated hotline numbers assigned to take their call. A formal written report must be submitted within 72 hours after the verbal report was made (RAINN, 2011).

The applicable statute that has implemented the filing system is in accordance to

Michigan Compiled Laws of 2010 Sections 722. 622, 722. 623, 722. 623a 722. 631, 722. 633. The aforesaid statute was revised in order to make a clarification on the issue of the terms “ the physical or mental injury, sexual abuse or exploitations, or maltreatment should be committed by named individuals who are required to make a mandatory reportable incident within the provisions of the Child Protection Law. As decided in the case of People v. Beardsley, the mandatory reporter would need to account through a verbal report and a formal written reports of any incidence of child abuse, to be filed by “ the child’s parent, a legal guardian, or any other individual who is in charge of the health or welfare of the child, the child’s teacher, the aide of the teacher, or any member of the clergy” (RAINN, 2011). In the event that

the mandatory reporter shall fail to immediately report the incident/s of child abuse or neglect to the authorities, he or she will be held civilly liable for the damages which was proximately the result of the failure to report. If the mandatory reporter has knowingly and purposely failed to report, such individual shall be held liable for misdemeanor and shall suffer the corresponding legal consequences, which is in the form of an imprisonment, that is punishable of not exceeding 93 days, along with the fine of not more than \$500. In the event that the mandated reporter is dissatisfied with the response by Department of Human Services (DHS), he or she has the option to report the matter to the Mandated Reporter Hotline at (877) 277-2585. However, it is legally sound to settle the case by making an initial attempt to contact the local DHS office director to raise their concerns (RAINN, 2011). However, in the state of Michigan, there are only two exceptions to mandatory reporting on the basis of legally recognized privileged communications. The two exceptions are: privileged communications between a lawyer and his client or the confession made to a clergy member by reason of his or her professional character which is also characterized by the same confidential communication (RAINN, 2011).

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