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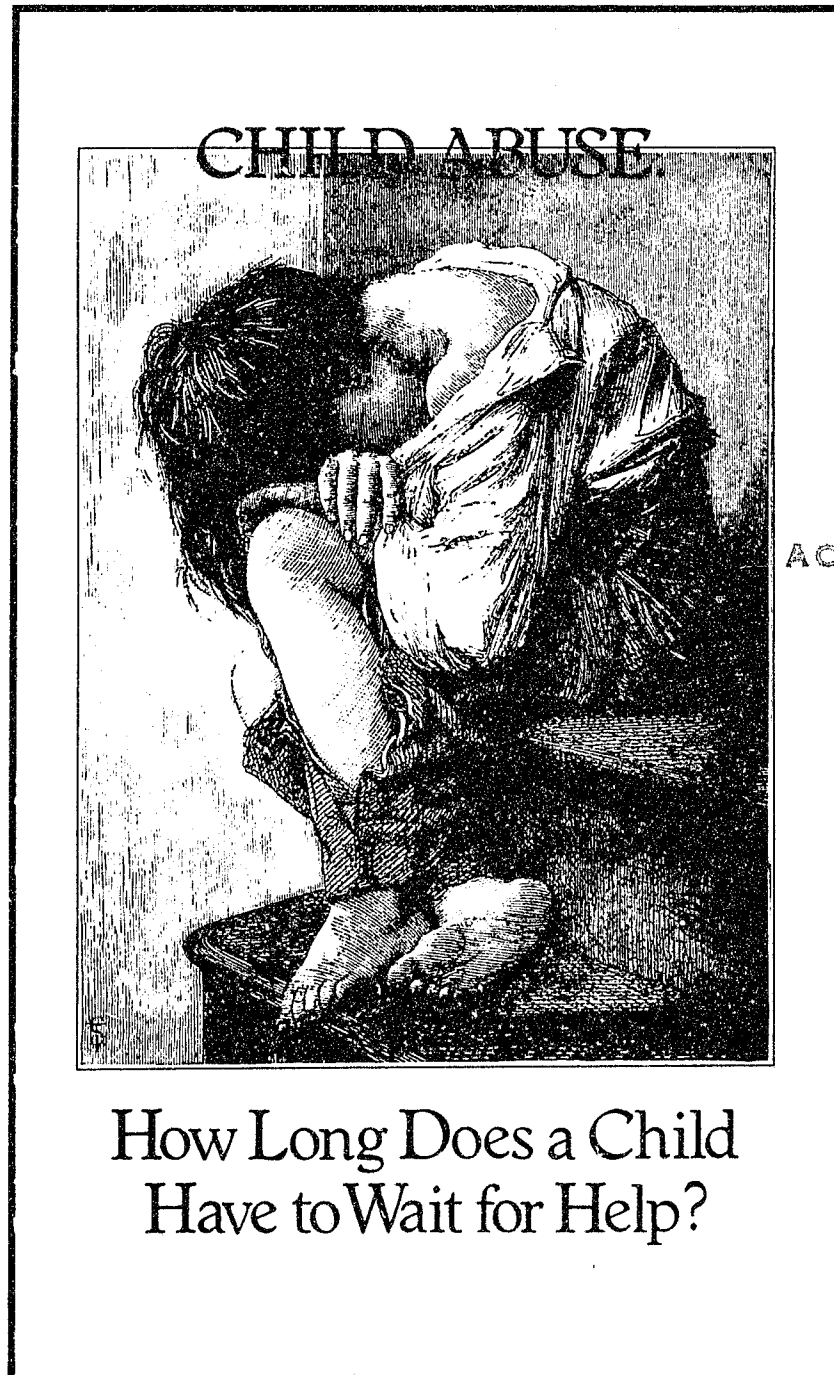
South Dakota Department of
Social Services

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CR-Sent
4-25-85

A Primer On CHILD ABUSE & NEGLECT



NCJRS
JAN 28 1985
ACQUISITIONS

South Dakota
DEPARTMENT OF SOCIAL SERVICES
Children, Youth & Family Services

Your children are not your children. They are the sons and daughters of Life's longing for itself. They come through you but not from you. And though they are with you yet they belong not to you.

You may give them your love but not your thoughts. For they have their own thoughts. You may house their bodies but not their souls, for their souls dwell in the house of tomorrow, which you cannot visit, not even in your dreams.

You may strive to be like them, but seek not to make them like you. For Life goes not backward nor tarries with yesterday.

You are the bows from which your children as living arrows are sent forth. The archer sees his mark upon the path of the infinite, and He bends you with His might that His arrows may go swift and far. Let your bending in the archer's hand be for gladness; for even as He loves the arrow that flies, so He loves also the bow that is stable.

"Children" by Kahlil Gibran
The Prophet

CHILD ABUSE AND NEGLECT

How Much Do You Know About It?

QUIZ YOURSELF

1. When parents do not take care of their children (neglect them), it is
☐ because the parents are poor
☐ because the parents have more problems than they can handle (someone in the family is sick or dies or someone loses a job and there is not enough money to pay the bills).
2. Which happens more often?
☐ parents neglect their children.
☐ parents beat or harm (abuse) their children.
3. Parents most often neglect children who are
☐ babies to one year old
☐ 2 to 5 years old
☐ 6 to 18 years old
☐ any age
4. Poor parents are likely to neglect their children.
☐ Yes ☐ No
5. If a child has been neglected, when he himself becomes a parent he will probably neglect his children, too.
☐ Yes ☐ No
6. If there are 2 or 3 children in a family, often only one child is the one who is beaten or abused by the parent and the other children are not.
☐ Yes ☐ No
7. Is beating or hurting a child badly the only kind of abuse?
☐ Yes ☐ No
8. Do some children act bad on purpose?
☐ Yes ☐ No
9. If one parent abuses a child, does the other parent know about it?
☐ Yes ☐ No

Quiz Yourself cont'd

10. Are some children beaten or abused because the parent expects too much of them?
☐ Yes ☐ No
11. Young children often get bruised or have a sore place from falling or getting bumped, and this is almost always from an accident.
☐ Yes ☐ No
12. If a child has a lot of bruises, bumps, scars, or burns, it may mean someone is abusing him.
☐ Yes ☐ No
13. A child who is being abused does not often tell anyone about it.
☐ Yes ☐ No
14. Should a child who is being abused tell someone?
☐ Yes ☐ No
15. If a child tells someone that his parent beats him, will he get that parent in trouble?
☐ Yes ☐ No
16. If people find out a parent is abusing a child, will the child be taken away from the parent?
☐ Yes ☐ No

QUIZ ANSWERS

1. Because they have too many problems.
2. More parents neglect their children than abuse them.
3. Parents may neglect children of any age.
4. No. Almost all poor families take care of their children as well as they can and see that the children have food, clothing, a safe home, and go to a doctor when they are sick.
5. Yes. Very often parents treat their children the way they were treated when they were children.
6. Yes. Often it is only one child in the family who is abused.
7. No. A parent can abuse a child by words, by telling him over and over that he can do nothing right, that he is dumb or clumsy or bad.
8. Yes. To get attention some children will annoy or tease a parent or not do anything they are told to do.

Quiz Answers cont'd.

9. Yes. Almost always the other parent knows about, but does not know what to do to stop it.
10. Yes. Some parents expect their children to act more grown up than they are or expect them to do things they do not know how to do.
11. Yes. Young children fall a lot and bump into things and have bruises or sore places on their elbows, knees, legs, and forehead.
12. Yes. Bruises and burns on the back, thighs, buttocks, face, or back of the legs may be the result of abuse.
13. Yes. Children often are afraid to tell anyone or do not know whom to tell.
14. Yes. To get help for the family. The parent who abuses a child needs help as much as the child does. People who can be told about abuse are a teacher or a relative or a doctor or a minister. These people will know where to get help for the child and the family.
15. Parents who abuse or beat their children need to be helped. The law does not want to punish the parent as much as it wants to help the parent and protect the child.
16. Only in very, very bad cases will the child be taken away from the parent, only if the child is in real danger of serious harm. In most cases, the child and the parent can be helped so they can stay together.

What are the indicators of physical abuse?

Some of the more common *physical indicators* are:

● BRUISES

- occurring on the posterior side of the body
- occurring in unusual patterns
- occurring in clusters
- occurring on an infant, especially on the face
- in various stages of healing.

● BURNS

- immersion burns, such as "stocking burns" or doughnut-shaped burns on the buttocks
- cigarette-type burns, especially on the palms of hands, soles of feet, or genitals
- rope burns, possibly from confinement
- dry burns, such as those caused by an iron.

● LACERATIONS AND ABRASIONS

- on lips, eyes, or any portion of an infant's face
- of gum tissue, caused by forced feeding
- on external genitals.

● MISSING OR LOOSENED TEETH

● SKELETAL INJURIES

- metaphyseal or corner fractures of long bones, caused by twisting and pulling
- epiphyseal separation—separation of the growth center at the end of the bone from the rest of the shaft, caused by twisting or pulling
- periosteal elevation—detachment of periosteum from shaft of bone with associated hemorrhaging periosteum and shaft
- spiral fractures
- stiff, swollen, enlarged joints.

● HEAD INJURIES

- absence of hair
- hemorrhaging beneath scalp, caused by pulling hair
- sub-dural hematomas, caused by hitting or shaking
- retinal hemorrhages or detachment, caused by shaking
- nasal or jaw fracture.

● INTERNAL INJURIES

- duodenal or jejunal hematoma, caused by hitting or kicking
- rupture of inferior vena cava
- peritonitis, which can be caused by hitting or kicking.

These and other physical indicators should be considered in light of their consistency with the child's medical history, the developmental ability of the child to injure himself/herself, and any other indicators, such as behavioral or environmental indicators.

The *behavioral indicators* of physical abuse are varied and are influenced by the severity and frequency of the abuse, the age of the child at onset, the nature of the child's relationship to the abuser, the availability of supportive persons, and the child's genetic endowment for coping.

A child who is abused at an early age, frequently and severely, will likely exhibit these "low profile" behavioral characteristics:

- unusually neat in eating habits
- overly compliant to avoid confrontation
- lacking in curiosity
- fearful of physical contact
- excessively self-controlled
- lacking in development due to efforts all being directed to self-protection
- cries little
- enjoys little or nothing
- can perform motor skills but does not want to
- may appear autistic.

A child who is less severely abused, less often, and is a little older at onset, will likely exhibit some of these behavioral characteristics:

- timid, easily frightened
- psychosomatic complaints, such as enuresis and vomiting
- craves affection
- continues to affirm love for abusing parent
- experiences language delay
- has difficulty with school in spite of normal ability (energy is misdirected)
- exhibits sporadic temper tantrums
- assumes the role of parent in the parent-child relationship or is extremely immature in parent-child interactions
- shows indiscriminate attachment to strangers.

A child who is mildly, infrequently, or inconsistently abused at an older age will likely exhibit these characteristics:

- hurts other children
- may try to "make happen" what he/she expects in order to gain feeling of control
- shows extreme aggressiveness
- has rageful temper tantrums
- is hyperactive
- has short attention span
- is demanding
- shows lag in development
- may seem accident-prone or clumsy.

The general *physical indicators* of neglect are:

- abandonment
- lack of adequate supervision
- lack of adequate clothing for the weather
- lack of good hygiene
- lack of necessary medical or dental care
- lack of adequate nutrition
- lack of safe, warm, sanitary shelter.

These physical indicators should be considered in light of poverty, cultural values, and parental capacity.

The child who is neglected, like the child who is abused, will exhibit one or more *behavioral indicators*. These commonly are:

- failure to thrive among infants
- falling asleep in school
- poor learning
- poor school attendance or chronic lateness
- chronic hunger or tiredness
- begging or collecting leftovers or stealing other children's lunches
- coming to school early and staying late
- dull, apathetic appearance
- squinting
- use of drugs or alcohol
- engaging in vandalism
- engaging in sexual misconduct.

The neglected child is often, although not always, living in an *environment* characterized by one or more of the following elements:

- a large family with marital disruption
- poverty
- long-term parental illness
- indifferent parental attitude
- situational stress, such as unemployment
- lack of material resources
- parental characteristics stemming from neglect.

As with abusive parents, neglectful parents frequently were victims of the same type of parenting that they provide for their children. Following are *personal characteristics* or behaviors of neglectful parents:

- apathetic
- craving for excitement, change
- desire to be rid of the demands of the child
- lack of interest in child's activities
- low acceptance of child's dependency needs.
- unskilled as parents
- little planning or organization
- frequently unkempt.

These indicators should prompt careful watchfulness for physical injuries. Children are often embarrassed by abuse and as fearful as their parents are of the possible consequences of discovery. The known, no matter how bad, is often less frightening than the unknown, especially to young children. These children will often wear inappropriate clothing, such as long sleeves in hot weather, to hide injuries or may refuse to change clothes for gym at school.

In addition to the physical and behavioral indicators of physical abuse, there are *environmental indicators*, those social, cultural, and familial circumstances that increase the likelihood of abuse. Some of these factors are:

- family crises of unemployment, death, desertion, ill health
- severe personal problems, such as drug addiction, alcoholism, mental illness
- geographic and/or social isolation of family
- child seen as or actually is different or difficult
- parent unaware of appropriate behavior for child at given age
- parental characteristics stemming from own childhood abuse.

Although most persons are capable of abuse under conditions of excessive stress, this last factor bears special comment in that many seriously abusive parents share characteristics common to persons who have been abused or poorly parented themselves as children. In fact, most such parents have been abuse victims. The *personal characteristics* of abusive parents are:

- poor self-concept
- passive marital relationship or marital difficulty
- fear of authority
- lack of skills to meet own emotional needs
- belief of necessity for harsh physical discipline
- undue fear of spoiling child
- rigidity or compulsiveness
- hostility and aggressiveness
- acceptance of violence as a means of communication
- poor emotional control, impulsive
- emotional dependency of non-abusive spouse to the point that he/she will not intervene and will protect abusive spouse
- unreasonable expectations for child.

What are the indicators of neglect?

Neglect is essentially inadequate or dangerous child-rearing practices. It may not produce visible signs, and it usually occurs over a period of time.

What are the indicators of emotional maltreatment?

Emotional maltreatment or mental injury is usually related to a constellation of interactions and is cumulative. Like physical abuse, emotional abuse can be thought of as ranging from mild, infrequent, or isolated acts mixed with support, to a pervasive, psychologically destructive, pattern of parenting.

Behavioral indicators are the best indicators of emotional abuse. Among these are:

- hyperactivity or withdrawal
- overeating
- fire-setting
- nervous skin disorders
- psychosomatic complaints
- autism or failure to thrive
- suicide attempts
- truancy or other disciplinary problems
- delinquency, aggressiveness
- hypochondriasis
- over-submissiveness
- either too adult or too infantile
- stuttering
- enuresis.

The *environmental indicators* frequently related to emotional maltreatment are:

- continuous friction in the home
- mentally ill or immature parents
- excessive drinking or drug addiction
- criminal involvement
- inappropriate discipline
- home values in conflict with society's values
- frequent marriages or broken homes
- no recreation provided or permitted
- promiscuity/prostitution
- rejecting parents who withhold love
- discriminatory treatment among children in family.

What are the indicators of sexual abuse?

Sexual abuse is relatively difficult to detect outside the clinical setting for several fairly obvious reasons. The physical trauma is not exposed. The victim is usually reluctant to reveal the abuse. There is a general lack of awareness of the prevalence of child sexual abuse and lack of confidence in detecting it.

The *physical indicators* of sexual abuse include:

- bruises of or bleeding from external genitalia, vagina, or anal regions
- swollen or red cervix, vulva, or perineum
- presence of semen, pregnancy, positive tests for gonococcus, or other sexually transmitted diseases
- torn, stained, or bloody underclothes
- pain or itching in the genital area
- hymen stretched at very young age.

Behavioral indicators are frequently the best or only signs you may have. The sexually abused child will usually exhibit one or more of these characteristics or behaviors:

- poor peer relationships
- regression (may appear mentally retarded)
- sexual promiscuity
- aggressiveness or delinquency
- prostitution
- truancy from home
- drug usage
- difficulty walking or sitting
- seductive behavior
- reluctance to participate in recreational activity
- preoccupation, in young children, with sexual organs of self, parents, or other children
- confiding in friend or teacher
- reporting to authorities.

Usually when a child says he/she has been abused, it is true. If a young girl states that anything has been placed in her vagina, believe it. She has no frame of reference for this unless it has happened.

What are the *environmental indicators* associated with sexual abuse? Some common elements tend to distinguish such cases. These are:

- prolonged absence of one parent
- overcrowding in the home
- alcoholism
- social and/or geographic isolation of the family
- a pattern of incest in the family
- the abusive parent is extremely protective of the child, jealous of the child, refusing to allow the child any social contact, accuses child of sexual promiscuity.

PROFILE OF ABUSIVE OR NEGLECTFUL PARENTS

Abusive or neglectful parents are likely to share several of the following characteristics:

- They are isolated from family supports, such as friends, relatives, neighbors, and community groups.
- They consistently fail to keep appointments, discourage social contact, rarely or never participate in school activities.
- They seem to trust no one.
- They are reluctant to give information about the child's injuries or condition. They are unable to explain the injuries or they give far-fetched explanations.
- They respond inappropriately to the child's condition, either by over-reacting, or seeming hostile and antagonistic when questioned; or they under-react, showing little concern or awareness and seem more occupied with their own problems than those of the child.
- They refuse to consent to diagnostic studies of the child.
- They delay or fail to take the child for medical care -- for routine checkups or for treatment of injury or illness. Or they may choose a different doctor or hospital each time.
- They are overcritical of the child and seldom discuss the child in positive terms.
- They have unrealistic expectations of the child, expecting or demanding behavior that is beyond the child's years or ability.
- They believe in harsh punishment.
- They seldom touch or look at the child.
- They ignore the child's crying or react with impatience.
- They keep the child confined - perhaps in a crib or playpen - for very long periods of time.
- They seem to lack understanding of the child's physical and emotional needs.
- They are hard to locate.
- They may be misusing alcohol or drugs.
- They appear to lack control or fear that they may lose control.
- Their behavior may generally be irrational, they may seem incapable of child-rearing, and may seem to be cruel and sadistic.

PROFILE OF ABUSED OR NEGLECTED CHILDREN

Abused or neglected children are likely to share several of the following characteristics:

- They appear to be different from other children in physical and emotional makeup or their parents describe them as being different or bad.
- They seem afraid of their parents.
- They may bear bruises, welts, sores, or other skin injuries, which seem to be untreated.
- They are given inappropriate food, drink or medication.
- They are left alone or with inadequate supervision.
- They are chronically unclean.
- They exhibit extremes in behavior: cry often or cry very little and show no real expectation of being comforted; they are excessively fearful or seem fearless of adult authority; they are unusually aggressive or extremely passive or withdrawn.



Department of Social Services

- They are wary of physical contact, especially with an adult. They may be hungry for affection yet have difficulty relating to children and adults. Based on their experiences, they feel they cannot risk getting close to others.
- They exhibit a sudden change in behavior, exhibit regressive behavior, such as wetting their pants or bed, thumb-sucking, whining, or becoming uncommonly shy or passive.
- They have learning problems that cannot be diagnosed. Their attention wanders and they easily become self-absorbed.
- They are habitually truant or late to school. Frequent or prolonged absences from school may result from the parent's keeping an injured child at home until the evidence of abuse disappears. Or they may arrive at school early and remain after classes instead of going home.
- They are tired and often sleep in class.
- They are not dressed appropriately for the weather. Children who wear long sleeves on hot days may be dressed to hide bruises or burns or other marks of abuse or they may be dressed inadequately and suffer frostbite or illness from exposure to the weather.

CHILD ABUSE & NEGLECT IS A COMMUNITY PROBLEM

Who suffers from child abuse? Obviously, the child victim suffers most. But abusive parents certainly are affected by the realization they have harmed their child, and they may suffer psychological problems as the result. Emotional and behavioral problems are evidenced in brothers and sisters of the abused child, even though they themselves are not the primary targets of the abuse. Many abused children become overly aggressive, violent, delinquent become abusive parents themselves; may become criminals, rapists, murderers. Victims of violence, the only behavior they know is violent. And the victims of their violence can be any of us. All of society is a victim of child abuse.

Child abuse and neglect is a serious and widespread problem that obviously cannot be stopped without all of us working together toward a solution. Here are the ways you can help:

- Learn to recognize the warning signals and indicators of child abuse and neglect. If you suspect abuse or neglect, contact your local South Dakota Department of Social Services Office, or law enforcement agency. Encourage your friends to do the same. Most people do not want to hurt their children, but are faced with problems they cannot solve alone, and in times of severe stress, they lose control, and take out their frustrations on their child. These people need help. Help them to get help.
- Work toward eliminating the causes of child abuse and neglect. Encourage your schools to provide classes in parenting education.
- Encourage parent-teacher groups to order this primer and use it for discussion at meetings.
- Work with members of your city council and your mayor to establish child abuse and neglect as a community priority.
- Volunteer to be a Big Brother, Big Sister. Offer to teach your skills to parents and children who need your help. Abuse or neglect may occur because a family is isolated and without the support of friends and family.
- Encourage members of your community to support children's protective services programs. Write letters to the editor of your newspaper. Call your radio and television stations and ask them to run public service announcements and editorials about child abuse and neglect. Contact the opinion leaders in your community. Ask your clergyman to deliver a sermon about child abuse and neglect.

- Apply to be a foster parent. Your home may be licensed to provide foster care for children who are victims of abuse and neglect. If you are interested in being a foster parent, find out about the program from your local Department of Social Service Office.
- Learn more about the services available in your community. Determine, through active participation, the kinds of family services needed in your community.
- Encourage your friends and neighbors to learn about child abuse and neglect. Invite representatives from your local South Dakota Department of Social Services Office to talk to your clubs and school groups about child abuse and neglect.

REPORTING CHILD ABUSE AND NEGLECT

Why Should You?

First and foremost, to protect the child. That's why you should not hesitate to report...and promptly. It is not the intent of the law to remove the child from the home unless the child clearly is in danger. Nor is it the intent of the law to punish the parents. Instead, in most cases, the family can be helped so that parents and child can stay together. If you understand that the intent of the law is to get help to the family, then you will report and you will report early.

In South Dakota you are protected by law when you report what you suspect to be a case of child abuse or neglect. This means that you are protected or immune from civil or criminal liability. If you do not want to give your name when you report, the case will still be investigated.

Certain professional people are required by law to report suspected child abuse or neglect. But even though the law does not require you to report, you have the moral obligation to protect a child from harm.

Please care enough to help all of our children and keep them safe. If you suspect child abuse or neglect, report it.

PREVENT CHILD ABUSE -- ASK FOR HELP

Being a parent is difficult. At times so difficult that parents become frustrated and lose control - and take it out on their children. Yes, being a parent is a hard job and a lot of work, and there are many pressures. And pressures can build up to the breaking point.

You are not a bad parent if you sometimes feel you can no longer stand the demands made on you. But you need help, because the demands and frustrations of being a parent never seem to end. You need to learn more about the job of being a parent and ways to make that job easier for yourself.

Wouldn't it help to pick up the phone and talk with someone who understands how you feel and who will listen to you? The time to call and talk about it is NOW - to prevent something happening that will be painful to your child and painful to you.

When a parent abuses a child, it is seldom caused by hateful intent. It is the result of overreacting to a usually temporary stressful situation. The child refuses to eat. He wets his pants. He just won't stop crying. For reasons like these, children have been severely beaten, burned, even killed. A parent lost control, because he was unable to cope with too many demands, too much stress.

Before pressures get too great, call people who can help. Call your local Department of Social Service Office. Ask to speak to a children's protective services worker.

Your problems won't suddenly disappear. But you will be given help and counseling from people especially trained to help families under stress.

DON'T DELAY IN GETTING HELP IF YOU NEED IT. PICK UP THE PHONE NOW.

What Kind of Help May Be Available?

- Counseling
- Protective Services
- Emergency Shelter for Children
- Day Care for Children
- Self-Help Groups
- Help or Hot Lines
- Homemaker Services
- Transportation
- Financial Help
- Employment Help
- Courses in Education for Parenthood
- Mental Health Services

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SOUTH DAKOTA CHILD ABUSE AND NEGLECT LAWS

SDCL

26-4-9. Enforcement of laws for protection of children. The Department of Social Services shall assist in the enforcement of all laws relating to the welfare of children, including child labor laws, laws relating to cruelty, contributory delinquency and dependency, nonsupport, desertion, sex offenses against children, compulsory education, and all other laws designed to protect and assist the child and shall take the initiative in securing the enforcement of laws for the protection of children where no adequate provision is made for such enforcement.

26-8-6. Neglected or dependent child defined. In this chapter unless the context otherwise plainly requires "neglected or dependent child" means a child:

1. Whose parent, guardian, or custodian has abandoned him or has subjected him to mistreatment or abuse;
2. Who lacks proper parental care through the actions or omissions of the parent, guardian, or custodian;
3. Whose environment is injurious to his welfare;
4. Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, education, medical care or any other care necessary for his health, guidance, or well-being; or

5. Who is homeless, without proper care, or not domiciled with his parent, guardian, or custodian through no fault of his parent, guardian or custodian.
6. Who is threatened with substantial harm.
7. Who has sustained emotional harm or mental injury as indicated by an injury to his intellectual or psychological capacity evidenced by an observable and substantial impairment in his ability to function within his normal range of performance and behavior, with due regard to his culture.
8. Who is subject to sexual abuse, sexual molestation or sexual exploitation by his parent, guardian, custodian or any other person responsible for his care.

Provided however, notwithstanding any other provision of this chapter, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

26-10-1. Abuse of or cruelty to minor as felony. Any person who abuses, exposes, tortures, torments or cruelly punishes a minor in a manner which does not constitute aggravated assault, is guilty of a Class 4 Felony.

26-10-1.1. Spiritual treatment by accredited practitioner of recognized church not considered abuse. Notwithstanding any other provision of this chapter, no parent or guardian who in good faith is providing to a child treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church through a duly accredited practitioner shall for that reason alone be considered to have abused or intentionally neglected the child.

26-10-10. Practitioners, hospital and school personnel, law enforcement officers and coroners to report child abuse and neglect cases -- Failure as misdemeanor -- Reports by other persons. Any physician, surgeon, pathologist, dentist, doctor of podiatry, psychologist, religious healing practitioner, social worker, hospital intern or resident, parole or probation officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider or coroner, having reasonable cause to suspect that any child under the age of eighteen years, has been starved, neglected as defined in § 26-8-6, or has had physical injury or injuries inflicted upon him by abuse or intentional neglect other than by accidental means, or has been subjected to circumstances or conditions which would reasonably result in abuse or neglect, by any person, including a parent or other person responsible for his care, shall report or cause reports to be made in accordance with § 26-10-12. Any person who intentionally fails to make a report required of him is guilty of a Class 1 misdemeanor. Any person who knows, suspects, or has reason to believe that a child has received physical or emotional injury or injuries as the result of abuse or intentional neglect may make a report as provided by law. with the provisions of § 26-10-11 and § 26-10-12. Any person herein-before described who knowingly and intentionally fails to make a report required of him is guilty of a Class 1 misdemeanor. Any person who knows, suspects, or has reason to believe that a child has received physical or emotional injury or injuries as the result of abuse or intentional neglect may make a report as provided by law.

26-10-10.1. Report to coroner or medical examiner of suspected abuse or neglect causing death of child - Investigation - Failure as misdemeanor. Any person who has reasonable cause to suspect that a child has died as a result of child abuse, sexual abuse or neglect shall, in addition to the report required under § 26-10-10, report that information to the medical examiner or coroner. Upon

receipt of such report the medical examiner or coroner shall cause an investigation to be made and submit his findings in writing to the state's attorney and the department of social services. Any person required to report under this section who knowingly and intentionally fails to make a report is guilty of a Class 1 misdemeanor.

26-10-11. Child abuse reports by hospital personnel -- Failure as misdemeanor. When the attendance of any person under §26-10-10 with respect to a child is pursuant to the performance of services as member of a staff of a hospital or similar institution such person shall, in addition to the report required by §26-10-10, forthwith notify the person in charge of the institution or his designated delegate, who shall report or cause reports to be made in accordance with the provisions of §26-10-12. Any such person in charge or delegate who knowingly and intentionally fails to make a report required of him is guilty of a Class 1 misdemeanor. Each hospital or similar institution shall have a written policy on reporting of child abuse and neglect.

26-10-11.1. Child abuse reports by school personnel -- Failure as misdemeanor -- Written policy required as to reporting. When the presence of any person under §26-10-10 is pursuant to the performance of services as a teacher, school nurse, school counselor, school official or administrator, such person shall, in addition to the report required by §26-10-10, notify the school principal or school superintendent or his designate who shall report or cause reports to be made in accordance with the provisions of §26-10-12. Any such school principal or superintendent or their delegate, who knowingly and intentionally fails to make a report required of him is guilty of a Class 1 misdemeanor. Each school district shall have a written school district policy on reporting of child abuse and neglect.

26-10-12. Oral report of child abuse -- To whom made -- Notice of report between agencies. The report required by §§ 26-10-10 and 26-10-11 shall be made orally and immediately by telephone or otherwise to the state's attorney of the county in which the child resides or is present, or to the department of social services, or to the county sheriff, or to the city police. The state's attorney, the police department or the county sheriff, upon receiving a report shall immediately notify the department of social services, the department of social services, upon receiving a report, shall immediately notify the state's attorney, the police department or the county sheriff. Anyone receiving a report of suspected child abuse shall keep the report confidential as provided in SDCL 26-10-12.3.

26-10-12.1. Investigation or oral report -- Other actions permitted -- Prosecution of action -- Counsel for child. Upon receipt of a report pursuant to §26-10-12, an investigation shall be made by the department of social services or any county sheriff or city police. Such investigation does not prohibit any other lawful action. If such investigation and report indicate that child abuse has occurred, the state's attorney shall commence an appropriate action.

26-10-12.2. Report to social services department -- Contents -- Filing -- Central information registry -- Release of information restricted. The court shall make a report to the office of the department of social services which shall include the name and address of the parents, guardian or responsible persons, the date and place of birth of the child, the date of the report, the suspected or proven physical or emotional abuse or intentional neglect and the disposition of the proceedings. Such report shall be filed within ten days of the date of any judgment or order entered by the court. The department of social services shall be the central registry for such information and shall release such information only to the attorney general, the state's attorneys, a law enforcement agency investigating a report of known or suspected abuse and neglect, the judges of the court, a child protection team, a protective services worker who is investigating a reported incident of abuse and neglect,

a public official and his authorized agent who requires such information in connection with the discharge of his official duties, an agency having the legal responsibility or authorization to care for, treat or supervise a child who is the subject of a report, and to any person by order of the court as provided herein or to a state, regional or national registry of child abuse and neglect cases and to courts of record of other states on request. Such information shall only be released to such persons upon proof that it is necessary in the performance of official functions relating to child abuse, or neglect and all such information so released or furnished shall be held in confidence by the person receiving it, provided however, the court may order the release of information necessary for determination of an issue before such court.

26-10-12.3. Child abuse information confidential -- Unauthorized disclosure as misdemeanor. All investigative and case records, files and information concerning child abuse reports are confidential, and no disclosure of such reports, files or information shall be made except as provided in § 26-10-12.2. Any person who shall knowingly violate the confidential nature of such records, files or information shall be guilty of a Class 1 misdemeanor.

26-10-14. Immunity from liability Anyone participating in good faith in the making of a report pursuant to §§ 26-10-10 to 26-10-12, inclusive, or under any other provision of this chapter, shall have immunity from any liability, civil or imposed, and shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. Immunity shall also extend in like manner to persons requesting the taking of photographs and X-rays pursuant to section 10 of this Act, to persons taking the photographs and X-rays and to child protection teams established by the secretary of social services, public officials or employees involved in the investigation and treatment of child abuse and neglect or who make a temporary placement of children pursuant to this chapter, or to any person who in good faith cooperates with a child protection team or the department of social services in an investigation, placement or treatment plan. The provisions of this section or any other section granting or allowing the grant of immunity may not be extended to any person alleged to have committed an act or acts of child abuse.

26-10-15. Communications not privileged in child abuse or neglect cases. The confidential relation privilege set forth in §§ 19-2-3, 19-2-5/1. and 19-13-6 to 19-13-15, inclusive, may not be claimed in any judicial proceeding involving child abuse or child neglect or resulting from the giving of any report concerning a child's injury or neglect or the cause thereof, pursuant to §§ 26-10-10 to 26-10-12, inclusive.

26-10-16. Child protection teams. The secretary of social services may appoint one or more child protection teams within the state to assist in the prevention and treatment of child abuse and neglect. A child protection team may consist of, but is not limited to, licensed or certified medical and health professionals, a court service worker recommended by the presiding judge of a judicial circuit in which the team is to operate, the secretaries of social service and health or their designees, a representative of a mental health center, a representative of public school district in which the team shall operate, an attorney and one or more representatives of the public.

26-10-17. Counsel appointed for child allegedly abused or neglected -- Duty of counsel -- Assistance. Notwithstanding the provisions of §26-8-22.2, the court shall appoint counsel for any child alleged to be abused or neglected in any judicial proceeding. The counsel shall be charged with representation of the child's best interests and may not be the counsel for any party, governmental agency or social agency involved. The court may designate other persons who may or may not be attorneys licensed to practice law to assist in the performance of the counsel's duties.

26-10-18. Photographs, X-rays, and medical examinations and tests of subject of report -- Disposition. Any person receiving a report under §26-10-10 may cause to be taken color photographs of the areas of trauma visible on a child who is the subject of a report and may cause to be performed a radiological or other medical examination or testing of the child without the consent of the child's parents, guardian or custodian. All photographs taken pursuant to this section shall be taken by law enforcement officials or by the department of social services upon the request of any person required to report child abuse or neglect. All photographs, X-rays, test results or copies of them, shall be sent upon request to the appropriate law enforcement agency, state's attorney or to the department of social services.

HOW TO REPORT CHILD ABUSE AND NEGLECT

A report may be made by telephone, in person, or in writing to your local South Dakota Department of Social Services Office, or to your local law enforcement agency.

What Information To Give:

- The name and address of the child you suspect is being abused or neglected.
- The age of the child.
- The name and address of the parent or caretaker of the child.
- The name of the person you suspect is abusing or neglecting the child.
- Why you suspect the child is being abused or neglected.
- Any other helpful information.
- Your name if you want to give it. This makes it possible for the children's protective services worker to get more information from you if necessary - but you may report anonymously if you choose.

TO REPORT ABUSE OR NEGLECT, CONTACT THE NEAREST DEPARTMENT OF SOCIAL SERVICES OFFICE

Aberdeen 622-2388 422 S. Washington, P.O. Box 1300, 57401	Mitchell 996-7630 116 E. 11th Street, 57301
Brookings 692-6301 629 Fifth Avenue, P.O. Box 500, 57006	Mobridge 845-2922 920 West 6th, P.O. Box 160, 57601
Chamberlain 734-6581 704 N. Main, P.O. Box 430, 57325	Pierre 773-3521 804 N. Euclid, 57501
Custer 673-4347 Courthouse, 57730	Pine Ridge 867-5865 Airport Building, P.O. Box 279, 57770
Deadwood 578-2402 668 Main Street, P.O. Box 607, 57732	Rapid City 394-2434 2301 E. St. Charles, P.O. Box 2440, 57709
Eagle Butte 964-4484 P.O. Box 360, 57625	Sioux Falls 339-6477 405 S. 3rd Avenue, P.O. Box 1504, 57101
Hot Springs 745-5100 602 Jennings, Box 830, 57747	SiSSetOn 698-7675 119 E. Cherry Street, P.O. Box 230, 57262
Huron 352-8421 Christen-Holm Bldg, P.O. Box 1436, 57350	Vermillion 624-8606 419 Cherry Street, 57069
Lake Andes 487-7607 210 Main, P.O. Box 156, 57356	Watertown 886-7000 312 9th Ave. SE, P.O. Box 933, 57201
Martin 685-6521 P.O. Box 236, 57551	Winner 842-0400 649 West 2nd Street, 57580
Mission 856-4489 Main Street, P.O. Box 269, 57555	Yankton 665-3671, Ext 241 114 E. Third Street, 57078

**IF A CHILD IS IN IMMEDIATE DANGER,
CALL THE DEPARTMENT OF SOCIAL SERVICES,
OR CALL YOUR LOCAL POLICE DEPARTMENT**

IF YOU NEED HELP

If you're so angry you're afraid you'll hurt your children...
If you want to be a better parent, but don't know where to turn,

**CALL THE NEAREST DEPARTMENT OF
SOCIAL SERVICES OFFICE LISTED ABOVE**

We Will Listen To Your Problems And Offer Support, Understanding & Help.

If you would like additional information on child abuse and neglect, or if you have questions, please feel free to contact the Protective Services' Program Specialist at 605-773-3227, or South Dakota Department of Social Services, Children, Youth & Family Services, 700 N. Illinois Street, Kneip Building, Pierre, SD 57501.

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