

# Myth vs. Fact

## Child Abuse Reporting

*By Heath Merchen  
OEA Associate General Counsel*

The OEA Legal Department annually receives a large number of calls regarding child abuse issues. Sadly, countless members are misinformed about their reporting obligations and many districts run afoul of the statutory requirements. The following article is designed to help dispel the most common myths relating to child abuse reporting.

**Myth:** If I don't believe the child's story, I don't have to report it.

**Fact:** Your job isn't to assess credibility, it is to report. However, if you do not believe the child's story, you should tell that to the DHS worker or police officer you contact. Reporting abuse doesn't mean acting as an advocate for the prosecution. Rather, you simply convey all information you possess to the DHS worker or police officer.

**Myth:** Telling my counselor or principal about the concern meets my reporting obligation, and if my principal tells me not to report, I don't need to.

**Fact:** We deal with numerous calls annually from school staff members who have been instructed by their principals just to tell the counselor or not to report the incident at all. The principal may not believe the child, wants to avoid dealing with angry parents, doesn't want a police investigation on his or her campus, hopes to duck negative press, etc. Regardless of the motivation, you have the obligation to report the alleged abuse yourself and no administrator can lawfully direct you to do otherwise or relieve you of your individual reporting obligation under the statute.

In addition, if your district procedure states or implies that you should let someone else make the DHS call, you need to make the DHS call anyway (violate the procedure, not the law), but in all other respects follow the procedures set forth in your district. In short, you have to report child abuse cases to DHS yourself regardless of your internal district procedures or your principal's directives.

**Myth:** If I didn't hear it first hand, I don't have to report it.

**Fact:** First hand, third hand, written on a bathroom stall, or an anonymous phone call – you have to report the alleged abuse. Every person “having reason to believe” a child is being abused must report it, and it is not your right to assess the credibility of the source.

**Myth:** If I call DHS and the person answering the telephone tells me not to report this type of incident again, I should do as they advise.

**Fact:** Many DHS workers are well informed, qualified individuals who will work to assist you and provide accurate answers. Some won't and many don't fully understand the laws they are supposed to enforce. Don't rely on their legal advice – make the call, and if it annoys the DHS worker, so be it.

**Myth:** If a child is in imminent danger, calling DHS is enough.

**Fact:** DHS is as understaffed and overburdened as any other state agency, and it is unlikely that they will be able to immediately respond to every situation where a child is facing imminent harm. In situations where you believe a child will be facing an imminent threat, call 911 in addition to DHS.

**Myth:** As long as I made the call, DHS will keep the record that I contacted them so I won't get in trouble for failing to report.

**Fact:** Sometimes they will, sometimes they won't. Especially in cases where the DHS worker tells you that the information you reported isn't reliable enough to act on or doesn't constitute abuse, keep a record of the time and date you called, the name of the individual you spoke with, the number you called, and what information you conveyed.

**Myth:** Being strict or chastising a student constitutes child abuse.

**Fact:** While “threatened physical harm” to a child constitutes abuse, simply yelling at a child (while it may be inappropriate) does not meet the statutory definition of child abuse. The same is true of making a child feel guilty or embarrassing a child – even though it, here again, may be inappropriate and unprofessional conduct. Unfortunately, many districts in attempting to discipline staff members will apply the term “child abuse” to actions that, while not professional, in no way constitute abuse. Similarly, simply seeing a parent yelling at a child or exercising reasonable parental discipline (including spanking), does not constitute child abuse under Oklahoma law.

The above article by no means answers every child abuse reporting question, but hopefully gives you some useful guidance. The safest bet is to always keep student safety as your first priority and call your advocate with questions when specific concerns arise.