

What Exactly is Child Abuse and Who Must Report It?

By Amy A. Edwards

This is the first of three articles. Child abuse is the topic of this article, to be followed by articles on child neglect and the abuse and neglect courts in NC. Although child abuse is also crime, this article addresses civil law (*i.e.*, family law).

By North Carolina statute, anyone who has reason to believe a child is being abused must make a report to [CPS \(Child Protective Services\)](#). This also applies to suspected neglect or dependency upon the state when a child is abandoned. The identity of a person who reports suspected child abuse is sealed by the State so that the parent or caretaker of the child will not know who made the report to CPS. As long as you have a good faith basis to report child abuse, you do not have any legal liability if CPS decides no abuse has occurred.

The policy of the law is to trigger an investigation into a child's circumstances so CPS can prevent potential harm to the child, or remove the child from an abusive environment. People sometimes hesitate to report suspected abuse because they feel the parent will be punished. Reporting doesn't always result in a finding that abuse or neglect has occurred. Upon receiving a report of suspected abuse, there is an investigation by social workers and/or other trained and licensed professionals. If the CPS investigation finds evidence there is abuse or neglect, a lawsuit may be filed and the parent will usually be entitled to an appointed attorney to represent him or her in the case. Parents are then given access to resources that give them tools for dealing with their inclination to abuse their child. Punishment is not the goal in these civil (non-criminal) courts. The constitutional rights of parents must be respected, just as they are in criminal cases.

What Counts as Child Abuse?

In a perfect world, there would be a simple definition for child abuse. But we live in an imperfect world where it is necessary to include lots of examples of abuse as we try to define it. Taken together, this patchwork of situations creates the legal definition of child abuse in our state. It gives you a flavor of the sort of thing you must report. Fortunately, you don't have to figure all of that out because it is the task of the NC Department of Social Services through CPS to decide exactly what fits into the definition of child abuse or neglect. All you have to do is err on the side of caution and call CPS when you see abusive behavior or evidence that indicates a child is in danger. An [abused child](#) is one whose parent, guardian, custodian, or caretaker:

- Inflicts serious physical injury by other than accidental means. This includes an adult allowing someone else to inflict injury on the child;
- Creates a substantial risk of serious physical injury to the child by other than accidental means (or allows someone else to create that risk);
- Uses or allows . . . cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
- Commits, permits, or encourages the commission of various sexual and obscenity offenses;
- Creates (or allows to be created) serious emotional damage to the juvenile shown by the child's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; or

- Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the child.

What are the Signs of Child Abuse?

For the [signs of suspected abuse](#), see the list on the NC Department of Social Services web site. If you suspect a child is being abused in [Pitt County](#), call 252-902-1110 during the day, and 252-830-4141 after hours. See the list of phone numbers for [other NC counties](#), or call law enforcement. There is a [good pamphlet](#) about the basics of reporting suspected abuse in NC, offered by the [TEDI Bear](#) Children's Advocacy Center.

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