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Approved:	Cynthia K. Walcott, Deputy Commissioner	Effective 7/1/2009
Supersedes:	Family Services Policy No. 50	Dated 10/3/2008

Purpose

To provide statutory and legal definitions to guide staff in accepting and substantiating reports of child abuse and neglect. The policies in this section of the manual contain further information and policy guidance on child safety interventions made by the division.

Definitions

Abused or neglected child is a child whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. Also, a child who is sexually abused or at substantial risk of sexual abuse by any person (33 VSA § 4912(2)).

Assessment means a response to a report of child abuse or neglect that focuses on the identification of the strengths and support needs of the child and the family, and any services they may require to improve or restore their well-being and to reduce the risk of future harm. The child and family assessment does not result in a formal determination as to whether the reported abuse or neglect has occurred. (33 VSA § 4912(12)).

Assessment Record means a summary of information gathered during the assessment phase which includes an evaluation of safety of the subject child and other children living in the same environment; identification of family strengths; resources; service needs; the recommended plan of services.

Child is an individual under the age of majority (33 VSA 4912 (1)).

Child in need of care and supervision (CHINS) (33 VSA § 5102(3)) is a child who:

- A) has been abandoned or abused by the child's parent, guardian, or custodian. A person is considered to have abandoned a child if the person is: unwilling to have physical custody of the child; unable, unwilling, or has failed to make appropriate arrangements for the child's care; unable to have physical custody of the child and has not arranged or cannot arrange for the safe and appropriate care of the child; or has left the child with a care provider and the care provider is unwilling or unable to provide care or support for the child, the whereabouts of the person are unknown, and reasonable efforts to locate the person have been unsuccessful.
- B) is without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being;
- C) is without or beyond the control of his or her parent, guardian, or custodian; or
- D) is habitually and without justification truant from compulsory school attendance.

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Child care facility is any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of less than 24 hours a day by a person other than a child's own parent, guardian, or relative, as defined by rules adopted by the department for children and families, but not including a kindergarten approved by the state board of education. (33 VSA Chapter 35 § 4902 (2)).

Child protection registry means a record of all investigations that have resulted in a substantiated report on or after January 1, 1992. (33 VSA § 4912(14)).

Disfigurement is that which impairs or injures the beauty, symmetry, or appearance of a person or thing; that which renders unsightly, misshapen, or imperfect, or deforms in some manner (Black's Law Dictionary).

Domestic Violence is a pattern of assaultive and coercive behaviors including physical, sexual, psychological, emotional, and economic coercion that an adult or adolescent uses to obtain and maintain control over an intimate partner.

Educational Neglect is not defined in Vermont statute. Referrals for "educational neglect" will be assessed according to Policy 60 on Juvenile Proceedings Act Assessments. If "substantiated", educational neglect is not entered into the Child Protection Registry.

Emotional maltreatment is a pattern of malicious behavior which results in impaired psychological growth and development (33 VSA § 4912(7)).


Exploitation is taking unjust advantage of another person for one's own gain.

Harm (33 VSA § 4912(4)) can occur by:

- physical injury or emotional maltreatment; or,
- failure to supply the child with adequate food, clothing, shelter or health care, including medical or non-medical remedial health care permitted or authorized under state law (33 VSA Chapter 49);
- abandonment

Incest is sexual relations between people who cannot marry under Vermont statute. According to 15 VSA, Chapter 1, Section 1 "A man shall not marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister". Also, "A woman shall not marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother." (Note: First cousins may marry in Vermont.)

Impair is to weaken, to make worse, to lessen in power, diminish, or relax, or otherwise

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affect in an injurious manner (Black’s Law Dictionary).

Investigation means a response to a report of child abuse or neglect that begins with the systematic gathering of information to determine whether the abuse or neglect has occurred and, if so, the appropriate response. An investigation shall result in a formal determination as to whether the reported abuse or neglect has occurred. (33 VSA § 4912(16)).

Investigation Record means a summary of information gathered during the investigation phase which includes the nature, extent and cause of any abuse or neglect; the identity of the person alleged to be responsible for such abuse or neglect; consideration of the physical and emotional condition of other children living in the same environment and a formal determination as to whether the reported abuse or neglect has occurred.

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Member of the clergy means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner. (33 VSA § 4912(12)).

Neglect is the failure to supply the child with adequate food, clothing, shelter or health care, including medical or non-medical remedial health care permitted or authorized under state law (33 VSA Chapter 49).

Perpetrator is an individual of any age who is determined to have committed child abuse or neglect.

Person responsible for a child's welfare includes the child's parent; guardian; foster parent; any other adult residing in the child's home who serves in a parental role; an employee of a public or private residential home, institution or agency; or other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person. (33 VSA 4912(5)).

Physical injury is death, or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means (33 VSA § 4912(6)).

Reasonable is just, proper, ordinary or usual, fit and appropriate to the end in view (Black’s Law Dictionary).

Redacted investigation file means the intake report, the investigation activities summary, and case determination report that are amended in accordance with confidentiality requirements set forth in subsection 4913(d) of this title. (33 VSA § 4912(13)).

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Registry record means an entry in the child protection registry that consists of the name of an individual substantiated for child abuse or neglect, the date of the finding, the nature of the finding, and at least one other personal identifier, other than a name, listed in order to avoid the possibility of misidentification. (33 VSA § 4912(15)).

Religious Exemption is a provision under 33 VSA § 4912(3)(B)) that a parent or other person responsible for a child's care legitimately practicing his religious beliefs who thereby does not provide specific medical treatment for a child shall not be considered neglectful for that reason alone.

Risk of harm means a significant danger that a child will suffer serious harm other than by accidental means, which harm would be likely to cause physical injury, neglect, emotional maltreatment or sexual abuse (33 VSA § 4912(4)).

Sexual abuse is any act or acts by any person involving sexual molestation or exploitation of a child including, but not limited to, incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts a sexual conduct, sexual excitement or sadomasochistic abuse involving a child (33 VSA § 4912(8)).

Substantial Child Endangerment means conduct by an adult involving or resulting in sexual abuse, and conduct by a person responsible for a child's welfare involving or resulting in abandonment, child fatality, malicious punishment, or abuse or neglect that causes serious physical injury.

Substantiated Report means that the commissioner or the commissioner's designee has determined after investigation that a report is based on accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected (33 VSA § 4912(10)).

Valid Allegation means a report of child abuse or neglect that has been accepted for either an investigation or an assessment.