Anonymous Versus Identified Reporting of Child Maltreatment

The child abuse and neglect hotline rings. All other factors being equal, does it matter if the reporter is anonymous or identified?

Effective child maltreatment investigation relies, to a significant extent, upon information supplied by anonymous reporters. Reliance on these individuals presents the child protection, law enforcement, and judicial systems with a challenge: giving proper weight to such reports while safeguarding everyone’s constitutional rights.

During Federal Fiscal Year 2012, child protective services agencies received 3.4 million referrals involving approximately 6.3 million children. Among the 46 states that reported both screened-in and screened-out referrals, 62 percent of referrals were screened in and 38 percent were screened out.1 “For 2012, professionals made three-fifths (58.7%) of reports of alleged child abuse and neglect. The term professional means that the person had contact with the alleged child maltreatment victim as part of his or her job. This term includes teachers, police officers, lawyers, and social service staff. Nonprofessionals, including friends, neighbors, and relatives, submitted one-fifth of reports (18%). Unclassified sources submitted the remainder of reports (23.3%). Unclassified includes anonymous, other and unknown report sources [emphasis added].2

All professions struggle with the concept of information, which is supplied anonymously. An example that quickly comes to mind is law enforcement. This past term, the U.S. Supreme Court considered the case of Navarette v. California, a case that asks whether the Fourth Amendment requires a police officer, who receives an anonymous tip about a drunken or reckless driver, to corroborate the dangerous driving before stopping the vehicle. In the child abuse context, one court has held that, “Just as ‘an anonymous tip, standing alone, is rarely sufficient to provide probable cause for a warrant,’ Kohler v. Englade, 470 F.3d 1104, 1110 (5th Cir. 2006), an anonymous tip regarding child abuse will rarely be sufficient to justify the seizure of a child. However, anonymous tips that have been independently corroborated by government officials may provide sufficient grounds to seize a child. See United States v. Martinez, 486 F.3d 855, 863 (5th Cir. 2007).”3 It is worth emphasizing that a report of child maltreatment is, by definition, an assertion that abuse or neglect has likely already taken place. It may be continuing in the present or future, but it is not principally predictive; it is retrospective.

Child maltreatment reporters, who seemingly have the greatest veracity, are those who give their name and address, or self-identify in such a way that they can be held accountable for the report. Next on the scale of reliability are those who, although they do not identify themselves, give sufficient information that their identity may be discerned—for instance, when individuals call from their workplace. In theory, the least reliable (but not necessarily unreliable) are anonymous reporters, whose veracity cannot be determined, and from whom it may not be possible to obtain additional or clarifying information.

See Legal Notes on page 36
There are numerous reasons why people prefer to make reports anonymously:

- The child they are reporting may be related to a relative, neighbor, friend, or colleague at work.
- They are concerned that the report will be detrimental to their relationship or to their employment.
- They may not be fully confident about whether their allegations are sufficiently accurate to warrant a report.
- They may be fearful of financial repercussions.
- They may be concerned about being ostracized.
- They may be wary of legal retaliation, e.g. a defamation lawsuit.

In general, are reports attributed to anonymous sources more or less accurate than identified sources? If not, in what ways does their trustworthiness differ? To the receiver of the report, is there a practical difference in terms of how to act on the report?

An attorney in the child protection field, South Carolina’s Diane Rodriguez, notes that anonymous tips “may be based on improper personal motivation. There’s no way to tell if the caller is a truly concerned citizen or is being vindictive. Every effort should be made to urge anonymous reporters to identify themselves. I have been involved with clients who had been reported when they should not have been. They wound up caught in the system for years and had to spend thousands of dollars fighting a false accusation. Of course, there are plenty of other children who have been saved because of a caring anonymous reporter.”

As concerns about Fourth Amendment protections have arisen in the child protection context, will the courts get involved in further defining the parameters of the veracity of anonymous reporters? I am unaware of any recent definitive studies that have assessed the reliability of anonymous versus identified reporters in the child maltreatment reporting context. Perhaps it’s time to undertake this effort.

Daniel Pollack is a professor at Yeshiva University’s School of Social Work in New York City. He can be contacted at dpollack@yu.edu, (212) 960-0836.

Reference Notes
2. Stet
4. E.g., Camreta vs. Greene, 131 S.Ct. 2020 (2011); Jones v. Hunt, 410 F.3d 1221 (10th Cir. 2005);
5. Doe v. Heck, 327 F.3d 492 (7th Cir. 2003); Roe v. Texas Dep’t of Protective & Regulatory Servs., 299 F.3d 395 (5th Cir. 2002); Brokaw v. Mercer Cnty., 235 F.3d 1000 (7th Cir. 2000); Wallis v. Spencer, 202 F.3d 1126 (9th Cir. 2000).