

By Daniel Pollack



## 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.<sup>1</sup> "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].<sup>2</sup>

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)."<sup>3</sup> 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.

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**Name:** Donna Jarvis-Miller, CMP, CEM

**Title:** Conference Manager

**Time at APHSA:** Two months

**Life Before APHSA:** For the past seven years, I have worked with multi-management firms managing and producing a variety of educational conferences with 250–2,000 attendees, plus trade shows. Prior to moving to the Washington, D.C. area, I lived in Ohio where I produced regional consumer shows.

**Priorities at APHSA:** (1) To bring a fresh perspective to the conferences and meetings. (2) To be strategic with site selection, contract negotiations, and conference execution.

**What I Can Do For Our Members:** As the conference manager, I will provide the highest customer service for all stakeholders to help our members and conference

attendees have an excellent experience during our conferences.

**Best Way To Reach Me:**

You can reach me at (202) 682-0100 ext. 259 or [djarvis-miller@aphsa.org](mailto:djarvis-miller@aphsa.org).

**When Not Working:** I enjoy cooking and trying recipes from my cookbook collection, (which is now more 90 cookbooks) for my husband, Chris. I have recently started participating in endurance races as a walker—completing a half marathon and 10K thus far. I am part of a Team in Training group, which raised more than \$135,000 for Leukemia and Lymphoma Society for the 2014 Nike Half Marathon. And nothing beats an afternoon of watching the Cincinnati Bengals or walking my chocolate lab, Bentley.

**Motto To Live By:** My life motto is to love unconditionally and live every day to the fullest with gratitude.

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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,<sup>4</sup> 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. ■

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### Reference Notes

1. *Child Maltreatment 2012*, p. Summary x. Available at <http://www.acf.hhs.gov/sites/default/files/cb/cm2012.pdf>
2. Stet
3. *Gates v. Tex. Dep't of Protective & Regulatory Servs.*, No. 06-20763, United States Court of Appeals for the Fifth Circuit, 537 F.3d 404; 2008 U.S. App. LEXIS 15947, July 28, 2008.
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).