

Child Abuse/Neglect

What is Child Abuse or Neglect?

Pursuant to 6 CMC § 5312. Child Abuse: Defined.

(a) A person commits the offense of child abuse if the person:

(1) Willfully and intentionally strikes, beats or by any act or omission inflicts physical pain, injury or mental distress upon a child under the age of 18 who is in the person's custody or over which the person occupies a position of authority, such pain or injury being clearly beyond the scope of reasonable corporal punishment, with the result that the child's physical or mental health and well-being are harmed or threatened;

(2) Through willful or negligent act or omission fails to provide a child under the age of 18, who is in the person's custody or over which the person occupies a position of authority, with adequate supervision, medical care, food, clothing or shelter with the result that the child's physical or mental health and well-being are harmed or threatened; or

(3) Commits any act that would constitute a criminal offense under 6 CMC §§ 1306-1311 against a child under the age of 18 who is in the person's custody or over which the person occupies a position of authority.

(b) Child abuse does not include the exercise of reasonable and traditional parental discipline, which may be determined in reference to prevailing community and cultural standards.

(c) A person convicted of child abuse may be punished by imprisonment for not more than five years, a fine of not more than \$2,000, or both; however, the court may, upon conviction, order that the person be provided with appropriate counseling to cure, alleviate or prevent psychological problems that are judged to be related to the child abuse incident.

(d) As used in this chapter, "position of authority" means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor.

(e) As used in this chapter, "in the person's custody" means in the custody of the child's parent (including natural parents, stepparents and adopted parents), legal guardian, foster parent, an employee of a public or private residential home or facility, or any other person over the age of 18 responsible for the child's welfare in a residential setting.

(f) As used in this chapter, “willful or negligent action or omission” includes both negligent treatment and maltreatment as defined by federal regulation.

(g) As used in this chapter, “mental distress” means an effect on the intellectual or psychological capacity of a child as evidenced by observable and substantial impairment of his ability to function within normal ranges of performance and behavior, with due regard to his culture.

Who are mandated reporters?

Pursuant to 6 CMC § 5313. Duty to Report Incidents of Child Abuse.

(a) Any health care worker, school teacher or other school official, day care provider, counselor, social worker, peace officer or other law enforcement official who comes into contact in a professional capacity with a child who the person knows or has reasonable cause to suspect is, or will become, a victim of child abuse shall report this knowledge or suspicion directly to the Department of Public Safety.

(1) Any report required under this chapter shall be made to the Department of Public Safety promptly, which in no circumstances shall exceed 24 hours from the time that the person making the report first knew, or had reasonable cause to suspect that the child in question is, or will become, a victim of child abuse.

(2) The report shall contain a statement of the time, date, circumstances and details or information which gave rise to the knowledge or suspicion that the child in question is, or will become, a victim of child abuse.

(3) All reports required under this chapter to be made to the Department of Public Safety may not be disclosed to the public.

(b) The Department of Public Safety shall promptly notify the Office of the Attorney General and the Division of Youth Services of all reports made under this chapter. This notification shall be within 24 hours of receipt of any such report by DPS.

(c) Any person or official required to report cases of known or suspected child abuse may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated, cause a radiological examination to be performed on the child. Any photographs or x-ray taken shall be sent to the Department of Public Safety at the time the report is sent or as soon thereafter as possible.

(d) Any person or official required to report cases of known or suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report that fact to the medical examiner. The medical examiner shall accept the report for

investigation and report its findings to the Department of Public Safety, the Attorney General and the Division of Youth Service and, if the report is made by the hospital, the Director of Public Health and Environmental Services.

(e) Any person not obligated to do so by this chapter, may, at any time, voluntarily report known or suspected instances of child abuse to the Department of Public Safety.

(f) In any instance where a report required under this chapter involved an act or omission of the Department of Public Safety or its personnel or agents, notification of the report may, alternatively, be made to the Office of the Attorney General. Any such report shall comport with the same requirements as set forth above.

(g) For purposes of this section:

(1) "health care worker" includes a person who is, or purports to be, an anesthesiologist, acupuncturist, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, nurse practitioner, osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician's assistant, psychiatrist, psychologist, psychologist associate, radiologist, religious healing practitioner, surgeon, x-ray technician, or substantially similar position.

(2) "day care provider" includes persons who operate or are employed by day-care centers, nurseries or alternative schools; nannies; au-pair workers; or any other person who is entrusted with the temporary care of a minor child in return for compensation, but does not include babysitters who are themselves minor children.

How to File Reports?

To report alleged child abuse/neglect that requires immediate attention, call the CNMI Department of Public Safety (DPS). It is advisable to also inform the Division of Youth Services Child Protection Unit (DYS-CPU). Aside from DPS and DYS-CPU, you must also contact the Department of Community and Cultural Affairs Child Care Licensing Program (670-664-2572) and report such incidents to a CCLP Safety Inspector.