

Topic 9: Confirming Mental Injury

Link to [Policy](#)

In order to establish that mental injury has occurred as a result of the actions of caretakers, there must be solid evidence in the form of a diagnosis by a licensed clinical professional as well as clear evidence of substantial impairment of child functioning.

For allegations of mental injury, gather and document credible evidence that the following factors are present:

- Factor 1:** The victim is a **child**.
- Factor 2:** The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.
- Factor 3:** There is **observable and substantial impairment** in the child's ability to function within the normal range of performance and behavior.

Examples of credible evidence of impairment include:

- ◆ A verbal or written statement from a physician or qualified mental health professional that the child has suffered an "observable and substantial impairment." (See the definition of "[mental health professional](#).")
- ◆ A medical or psychological diagnosis that describes a condition that a reasonable and prudent person would be able to observe and would consider to be a substantial impairment.
- ◆ Observation by a credible person involved with the child that documents behavior that would constitute an "observable and substantial impairment."

- Factor 4:** This impairment is **diagnosed and confirmed** by a licensed physician or qualified mental health professional.

Examples of credible evidence include:

- ◆ A verbal or written statement from a physician or qualified mental health professional that the child has suffered an "observable and substantial impairment."
- ◆ A documented medical or psychological diagnosis that describes a condition that a reasonable and prudent person would be able to observe and would consider to be a substantial impairment.

This impairment was the result of the **acts or omissions** of the child's caretaker.

Examples of credible evidence include:

- ◆ A verbal or written statement from a physician or qualified mental health professional that the child's impairment is the result of the acts or omissions of the child's caretakers.
- ◆ A statement from a credible person that the child's impairment could not have happened except for the acts or omissions of the child's caretakers.