ACKNOWLEDGMENTS

Developed with funding from the Child Welfare Fund, Hedge Funds Care, and William T. Grant Foundation. Translated by Ambalika Misra.

Researched and written by Lydia Fan, Esq. Additional thanks to the National Coalition for Child Protection Reform and the firm of Davis, Polk & Wardwell for research assistance; to the individuals and the community-based organizations who reviewed the brochure; and to Jade Lee for design and layout.

The Coalition for Asian American Children and Families seeks to improve the quality of life for the New York City Asian American community by facilitating access to health and human services that are sensitive to all Asian American children and families.

JANUARY 2002
HINDI

Understanding The Laws
On How You Can Discipline Your Children

A GUIDE FOR NEW IMMIGRANT FAMILIES TO THE LAWS ABOUT CHILD ABUSE AND NEGLECT IN NEW YORK

बच्चों को अनुशासन में रखने सम्बंधी कानून ।

नये आप्रवासी परिवारों के लिए:
बच्चों के प्रति दुर्बलवहार और उपेक्षा से जुड़े कानूनों को समझाने वाली संदर्भिका
My family came from India five years ago. My son’s friends at school were bad boys who told him to miss school and stay out late. My husband and I grew tired of this behavior, and locked our son in his room for two days.

His teacher learned about his punishment and reported us for child abuse. Someone came to our house to investigate. Even though the investigation has ended, we still have a record of suspected child abuse. Why did this happen?

Immigrant families can get in trouble unknowingly with the U.S. laws on child abuse. Asian families often get involved in child abuse investigations because they have different beliefs on how to raise children. For example, Asian parents believe that children must be respectful. Some parents believe that strong discipline is one way to make sure that children are obedient.

In Indian culture, the family is most important. An Indian family might expect their child to support the family by doing well in school and obeying his parents. The Indian family might use strong discipline to make sure that the child represents his family in the proper way. However, in America, the individual is most important. American society might consider the family’s discipline to be too strong, especially if the child is hurt physically or emotionally.

American laws give parents a lot of freedom on how to discipline their children. But the laws also protect children if the authorities believe that the discipline becomes dangerous. The government strictly enforces these laws against child abuse and child neglect. These laws are meant to protect the safety of children, even if the parents do not mean to hurt the children.

You need to understand how the American laws affect how you raise your children, and you may have to learn new ways to discipline your children. The U.S. laws are based on the views of the general American society, which may be different from your own views. It does not matter how people in your home country use discipline. You will be judged by the customs of America and not by your own personal religious or cultural beliefs.
Your best protection is to know the law. Once a child abuse report is made, the process can take weeks, months, or even years to end. You may have to go to court. The government can even take your children away from your home before you go to court. This brochure explains how you can discipline your child legally to avoid a child abuse report. You will see that you still have a lot of choices on how to punish your child, with some limits. We also hope that you will teach other families about how to discipline their children in their new home.

**CAN I SPANK MY CHILD?**

A 10-year-old boy stole some candy from the supermarket. His parents were upset because this was the third time he was caught stealing. His father yelled at him and hit him on the palms and legs repeatedly with a cane until there were swollen red marks. He said that the marks would remind him not to steal again.

American society has many different views on spanking your child. Some parents believe that spanking is okay. However, many Americans believe that spanking is not good for the child’s development. Even though lightly spanking your child may be legal, the authorities may consider it child abuse, especially if there is a bruise or a mark on the child’s body. Any spanking that leaves a mark or involves hitting your child with an object (like a cane, a coat hanger, or a belt) will be considered child abuse by American society.

Some forms of traditional discipline do not include hitting the child, such as having the child hold one position for a long time. However, you should know that American society might consider these punishments too painful for the child. Discipline that causes excessive pain to the child may be child abuse even if you do not physically hit the child.
CAN I TAKE AWAY MY CHILD’S PRIVILEGES?

A 14-year-old girl comes home late again. Her parents are so frustrated that they don't let her watch TV for a week so she will not do it again.

Rewarding a child for good behavior is the best way to encourage him to continue that behavior. However, some parents prefer to punish bad behavior by taking away privileges, such as taking away the TV or not letting the child play with friends. Taking away privileges is usually okay.

But even though parents can take away privileges, they must still make sure that the child develops physically and emotionally. Parents cannot punish their children by depriving them of basic necessities or by hurting their long-term emotional health. Physical neglect is when a child suffers physically, mentally or emotionally because the parent did not provide enough food, clothing, shelter, education or medicine. Emotional abuse and neglect includes when a child is threatened, repeatedly yelled at, or made to feel fear to the extreme that it hurts the child's mental or emotional development. Parents need to make sure that the child is reasonably happy, friendly, self-confident and not overly worried or scared. So you can take away privileges, but you cannot hurt the child's physical or emotional growth.

WHOM DO THESE LAWS APPLY TO?

You should know that under U.S. law, parents and others who care for the child have a duty to protect the child from the danger of excessive discipline.

Persons who “Allow” the Abuse

If you know that someone else is disciplining your child in a way that might be child abuse, you must protect your child. You must do more than just try to stop the abuse. You must actually stop it. A parent might have to call the police if he or she cannot stop the abuse alone.

बच्चे में अपने बच्छे के विशेष अधिकार को बापस ले सकता हूँ?

14 साल की एक बच्ची पिता के द्वारा पर जाती है। उसके पिता इसे तांता आ चुके हैं कि बच्चे अपने यह एक हफ्ते का दिन देते हैं। नहीं देखने देते ताकि वह दोबारा ऐसा नहीं करे।

अच्छा बच्चा करने पर बच्चे को प्रोत्साहन देना सबसे बेहतर होता है किसी यह भविष्य में अच्छा बचता रहे। परन्तु अब तक व्यवहार करने पर कई माता बच्छे को कुछ बिश्वास दृष्टिकोणों को बापस लेते हैं जैसे उसे ती. भी नहीं देखने देते या अपने दोस्तों के साथ खेलने नहीं देते। आयुष्मान पर ऐसा अनुशासन ठीक ही है?

हां, क्योंकि आप बच्छे के विशेष अधिकारों को बापस ले सकते हैं परन्तु वहे इस बात का ध्यान रखना होगा कि बच्छे का शारीरिक और मानसिक विकास ठीक से हो। बच्छों के उनकी बुद्धिमत्ता को झेलता है उसके मानसिक स्वास्थ्य को नुकसान पहुँचाकर माता बिता उन्हें सख्त नहीं दे सकते। शारीरिक उपेक्षा मानसिक विकास पर असर पड़े। बच्छों को उस बात का ध्यान रखना चाहिए कि बच्छे बुद्धि ही ज्ञान बिंदु बन गया हो, जैसे ती. भी बच्छे के मानसिक और शारीरिक विकास पर असर पड़े। बच्छे को उस बात का ध्यान रखना चाहिए कि बच्छे बुद्धि ही ज्ञान बिंदु बन गया हो, जैसे ती. भी बच्छे के मानसिक और शारीरिक विकास पर असर पड़े। आप उसके विशेष अधिकारों को बापस ले सकते हैं पर बच्छे के मानसिक और शारीरिक विकास का चोट नहीं पहुँचाकर सकते।

ये बच्छे का निस्तर पर लागू होते हैं?

अमेरिकी सांस्कृतिक अनुसार, आप अपनी बच्छे को अपनी बच्छे की दीखावाले करना है उनका फर्ज़ बनाता है कि ये बच्छे को बहुत कड़े अनुशासन के खटो से बचकर रहें।

दुर्योग्य वर्तमान के क्षेत्र रोक सकते हैं?

यदि आप जानते हैं कि अपने बच्छे को बच्छे के इस तरह अनुशासन कर रहा है जो दुर्योग्य वर्तमान रोक सकता है तो आप अपने बच्छे को बच्छे का बचाना चाहिए। दुर्योग्य वर्तमान के रूप में क्रियास प्रथा भी है, जो क्रियास प्रथा नहीं है, उसी क्रियास प्रथा भी है। यदि मैं या बाप अपने बच्छे को दुर्योग्य वर्तमान को नहीं रोक सकते तो दुर्योग्य वर्तमान को नहीं रोक सकते हैं।
The authorities will also hold a parent responsible if they think that the parent “should have known” about the abuse. For example, if a spouse has abused the child before and might abuse the child again, then the parent will be expected to protect the child.

Other People Caring for a Child

Even if you are not a child’s parent, these laws apply to you if you are taking care of a child like a parent would. This includes a person responsible for the child’s care at the time of the abuse, or a person who is regularly in the child’s house, such as a grandparent or babysitter.

In New York, certain people must report any suspected abuse or neglect according to the law. These people include doctors, teachers, day care providers, social services workers and police.

WHERE CAN I GO FOR HELP OR INFORMATION?

What we have written so far is not meant to frighten you, but to help you understand the laws and customs of your new American home. You may need to learn new ways to discipline your child. On the following page is a list of agencies that can help make these changes easier for you.
The following agencies have bilingual speakers. You can call them with questions or if the Administration for Children’s Services (ACS) is investigating you.

Queens Child Guidance Center
(718) 899-9810
87-08 Justice Ave. Room C-7
Elmhurst, NY 11373

Nav Nirman Foundation, Inc.
(718) 478-4588
87-08 Justice Ave. Room LA
Elmhurst, NY 11373

Elmhurst Hospital Center
(718) 334-1825
79-01 Broadway RM 6-16
Elmhurst, NY 11373

If you suspect child abuse or neglect, call the NY State Child Abuse and Maltreatment Hotline 24 hours/7 days a week at (800) 342-3720. Hindi language assistance is available, but you must be able to make initial request for an interpreter in English. The New York State Child Protective Services will document all calls made to report child abuse or neglect, and, in some cases, they might have to report the case to the Police Department.