

REPORTING CHILD ABUSE

Definition of Abuse or Neglect

The Child Protection Act of 1987 contains the following definition of child abuse or neglect:

- A. Child abuse or neglect is defined as an act or omission in one of the following categories, which threatens the health or welfare of a child:
1. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death; or when circumstances indicate that such condition or death may not be the product of an accidental occurrence.
 2. Any case in which a child is subjected to unlawful sexual behavior as defined in state law.
 3. Any case in which a child's parents, legal guardians or custodians fail to take the same actions or to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.
 4. Any case in which a child is subjected to emotional abuse, which results in an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk or impairment of the child's intellectual or psychological functioning or development.
 5. Any case in which, in the presence of a child, on the premises where a child is found, or where a child resides, a controlled substance, as defined by law, is manufactured or attempted to be manufactured.
 6. Any act or omission described as neglect in state law, specifically:
 - a. A parent, guardian or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
 - b. The child lacks proper parental care through the actions or omissions of the parent, guardian or legal custodian.
 - c. A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for his or her health, guidance or well-being.
 - d. The child is homeless, without proper care or not domiciled with his or her parent, guardian or legal custodian through no fault of such parent, guardian or legal custodian.

- e. The child has run away from home or is otherwise beyond the control of his or her parent, guardian or legal custodian.
- f. A parent, guardian or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse and the parent, guardian or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or has determined that such parent's, guardian's or legal custodian's abuse or neglect cause the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

An act of a teacher or other school employee is not considered child abuse if the act was performed in good faith and in compliance with the school district's discipline code, or if the act was an appropriate expression of affection or emotional support.

School Employee's Legal Responsibility

Any school employee who suspects abuse or neglect has a legal responsibility immediately upon receiving such information to report or cause a report to be made to County Social Services or the appropriate law enforcement agency. A willful violation of the reporting requirements is a class three misdemeanor and may, upon conviction, result in a fine not to exceed \$750, a maximum penalty of six months imprisonment, or both, as well as liability for damages proximately caused. A person making a good faith report is immune from criminal or civil liability and employment sanctions.

School employees have a legal responsibility to maintain confidentiality concerning reports of child abuse and neglect. Child abuse or neglect reports must be kept in a confidential file.

Reporting Child Abuse and Neglect

1. Any school official or employee who has reasonable cause to know or suspect that a child has been subject to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately report or cause a report to be made to the County Department of Social Services.
2. School Employee:
 - a. Suspects abuse or neglect.
 - b. Informs the building principal that a report is being made.
 - c. Calls the Department of Social Services, Child Protection Unit (679-4490).
 - d. Completes district-reporting form. (Send original to Social Services, one copy to building principal and one copy to school social worker at Central Office.)
3. A school employee is not required to investigate the incident, and the employee should not contact the child's family or any other person to determine the cause of the suspected abuse or neglect. The employee may inquire of the child, however, how an

injury occurred. A school employee's reasonable cause to suspect that a child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry, or from an explanation, which does not fit the injury.

4. After the report is made to the County Department of Social Services, district and school staff members will make themselves available for meeting with the agency's representative to facilitate communication. The school will report any further incidents of abuse or neglect to the agency's representative.
5. School personnel are required by law to make both an oral and a written report of suspected child abuse or neglect. Every effort should be made to report the suspicion immediately. This will help facilitate investigations in a timely manner for the safety of the child. In an emergency situation, law enforcement officials have the legal authority to take custody of the child. In other situations, a court order must be obtained to legally withhold a child from his parent or guardian.
6. Once a report of child abuse is given to the County Social Services, the responsibility for investigation and follow-up lies with that agency. It is not the responsibility of the school staff to investigate the case. Therefore, the school staff will not engage in the following activities:
 - a. Make home visits for investigative purposes.
 - b. Take the child for medical treatment (this does not preclude taking action in an emergency situation).
 - c. Convey messages between the agency and the parents/guardians.
7. School health and other educational records may only be released as part of an investigation if furnished in compliance with a judicial order or pursuant to a lawfully issued subpoena.

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