

Policy JLF - REPORTING CHILD ABUSE AND NEGLECT

DEFINITIONS

- 1) **Child abuse and neglect** as defined by Maine Statute (Title 22, Section 4002 (1)) means “a threat to a child’s health or welfare by physical or mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year) by a person responsible for the child.”
- 2) A **“person responsible for the child”** means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

EMPLOYEE DUTY TO REPORT

- 1) Any employee of the West Bath School Administrative Unit (WBSAU) who has reason to suspect that any child enrolled in the school ~~may be~~ **has been or is likely to be** a victim of abuse or neglect must immediately notify the building principal who shall process the report as provided in Section III of this policy.
 - a) In addition to notifying the building principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney when the employee believes a direct report will better protect the child in question.
- 2) If the reporting employee does not receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report that a report has been made to DHHS and/or District Attorney, the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E).
- 3) If the reporting employee does receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report (which is a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator/Superintendent.

ADMINISTRATOR DUTIES

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports.

- 1) If a building administrator receives the report, he/she shall notify the Superintendent immediately.
- 2) The Superintendent or building administrator shall then make a verbal and written report(s) of suspected abuse or neglect to DHHS. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/building administrator shall also make a report to the District Attorney.
- 3) The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the Superintendent/building administrator.
- 4) The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form (JLF-E).
- 5) The Superintendent/building administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the reporting employee within 24 hours of the employee’s initial report. The reporting employee shall sign the report and return it to the Superintendent/building administrator.

- 6) The form will be forwarded to DHHS and/or the District Attorney, and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

REPORTING REQUIREMENTS

- 1) The name and address of the child and the persons responsible for his/her care or custody;
- 2) The child's age and sex;
- 3) The nature and extent of the alleged abuse or neglect, including description of injuries and any explanation given for them;
- 4) A description of any sexual abuse or exploitation, if any;
- 5) Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- 6) The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
- 7) The actions taken by the school staff, including any photographs taken or other materials collected; and
- 8) Any other information that the person making the report believes may be helpful. Upon DHHS' request for a written report, the principal/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHHS. Proper documentation shall be maintained in accordance with Section III.C.

INTERNAL INVESTIGATIONS AND DISCIPLINE

1) Employees

If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.

2) Students

If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school as provided in this section. The building administrator or designee shall:

- a) Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, the interview is necessary to carry out its duties;
- b) Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance, school nurse, social worker or building administrator as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
- c) Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;
- d) Provide an appropriate, quiet and private place for the interview; and
- e) Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

CONFIDENTIALITY OF INFORMATION AND RECORDS

All records, reports and information concerning alleged cases of child abuse and neglect shall be kept confidential to the extent required by Board policies and applicable law.

The building principal/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

GOOD FAITH IMMUNITY FROM LIABILITY

Any person who in good faith reports or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceedings. Good faith does not include instances when a false report is made and the person knows the report is false.

Legal Reference:

22 MRSA § 4011-A 20 USC § 1232g
Family Educational Rights and Privacy Act

Cross Reference:

Article III, Section 6 – Student Harassment Policy
Article VI, Section 45 – Child Abuse and Neglect Article VI, Section 23 – Pupil Records: Maintenance of and Dissemination of Data
Article VI, Section 56 – School Health Records

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