

REPORTING CHILD ABUSE AND NEGLECT

I. DEFINITIONS

—A. Child abuse or neglect. Child abuse or neglect is defined by Maine law as “a threat to a child’s health or welfare by physical, 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, ~~if the~~ under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six and 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.)

—B. Person responsible for the child. 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.

II. EMPLOYEES’ DUTY TO REPORT

A. Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal ~~who shall process the report as provided in Section III of this policy.~~

1. 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.~~ (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).

III. ADMINISTRATORS’ DUTIES

—A. The principal shall make an immediate verbal report to B. If the reporting employee does not receive written confirmation from the building administrator/Superintendent/designee. If it is determined within 24 hours of his/her report that there is a duty to make a report has been made to DHHS and/or the District Attorney, the Superintendent/designee employee shall make the appropriate an immediate report(s), as provided in section B.

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~~B. The law provides that a report must be made directly to DHHS when and, if the person suspected is not a “person responsible for the child,” or to the District Attorney when In such cases, the person suspected is not employee shall then complete a person responsible for copy of the child. However, because Suspected Child Abuse and Neglect Reporting Form (JLF-E).~~

C. If the legal definition of “person responsible for reporting employees does receive written confirmation from the child” is vague, the building administrator/Superintendent/designee shall report all cases 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.

III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

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

[NOTE: Other administrators may also be designated at the discretion of the Superintendent.]

A. If a building administrator receives the report, he/she shall notify the Superintendent immediately.

B. 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/ ~~designee~~ building administrator shall also make a report to the District Attorney.

~~C. The Superintendent/designee shall retain a record of all verbal and written reports made to DHHS, law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney, or other outside agencies as well as all actions taken by the school unit.~~

IV. REPORTING PROCEDURES

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— The verbal report shall include the following information, if known:

- A. — The name and address of the child and the persons responsible for his/her care or custody;
- B. — The child's age and sex;
- C. — The nature and extent of the alleged abuse or neglect, including description of injuries and any explanation given for them;
- D. — A description of alleged sexual abuse or exploitation, if any;
- E. — Family composition and evidence of prior abuse or neglect of the child or his/her siblings;

1. — F. — The source of the he/she has not received confirmation within 24 hours that such a report, the has been made by the Superintendent/building administrator.

The person making the report, his/her occupation to DHHS and where he/she can be contacted;

- G. — Any actions taken by school staff, including any photographs taken / or other materials collected; and
- H. — Any other information the person making the report believes may be helpful.

C. — Upon DHHS' request for a written report, the Superintendent/designee District Attorney shall complete the Suspected Child Abuse/ or Neglect Report and mail a copy to DHHS. Proper documentation shall be maintained in accordance with Section III. C. Form (JLF-E).

D. VThe 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.

E. 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.

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IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

A. ~~_____~~ A. ~~_____~~ 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.

B. ~~_____~~ B. ~~_____~~ 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.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

~~_____ Upon Department of Human Services (DHHS) request, DHHS personnel shall be permitted to meet with and interview a the child ~~who is named in a~~ the report of suspected child abuse and neglect when the child is present at the school. as provided in this section. The interviewer building administrator or designee shall be required.~~

A. ~~Require the DHHS employee requesting to~~ interview the child to provide written certification that ~~he/she is an authorized representative of the DHHS and that, in DHHS in the Department's judgment, the interview is necessary to carry out that Department's~~ its duties under Maine law.

~~_____ The~~ B. Require the DHHS caseworker ~~shall~~ to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher ~~or guidance counselor or the school's,~~ school nurse, social worker or principal, building administrator as the caseworker determines deems is necessary for the provision of any to provide needed emotional support to the child prior to and following the interview.

~~_____ School officials may not~~ C. Not place any other conditions on the DHHS's ability to conduct 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; ~~or~~ and requiring notice to or consent from a parent or guardian.

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School officials shall provide ~~D.~~ Provide an appropriate, quiet and private place for the interview to occur; and

~~That DHHS intends~~ E. Not disclose any information about DHHS's intention to interview the child is confidential information and may not be disclosed to any person except those to school officials, including an or the school's attorney for the school, who need the information to comply with Maine law pertaining to child abuse and neglect investigations.

~~School personnel who assist DHHS in making a child available for an~~ the interview are regarded as participating in a child protection investigation or proceeding for the purpose of immunity from liability request.

~~VII~~ VI. 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~~ administrator/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.

~~VIII~~ VII. GOOD FAITH IMMUNITY FROM LIABILITY

—Any person who in good faith reports assists DHHS in making the child available for an interview, 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 proceeding. 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, 4021~~ Chap. 1071, Child and Family Services and Child Protection Act
20 USC § 1232g, Family Educational Rights and Privacy Act
20-A M.R.S.A. §§ ~~3272(2);~~ 5051-A(1)(C); 5051-A(2)(BC)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students

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_____JLF-E --Suspected Child Abuse/ and
Neglect Report Form
JRA – Student Records

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