

REPORTING CHILD ABUSE AND NEGLECT

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 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).
- 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.

EMPLOYEE'S DUTY TO REPORT

Any employee of the School Department who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal or designee using the Suspected Child Abuse and Neglect Form - JLF-E.

In addition to notifying the building principal or designee, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (DA). If the reporting employee does not receive written confirmation from the building principal or designee within 24 hours, the reporting employee shall make a report to DHHS or the DA.

ADMINISTRATOR'S DUTIES

- A. If it is determined that there is a duty to make a report to DHHS or the District Attorney, the building principal or designee shall make the appropriate report(s), as provided in section B.
- B. The law provides that a report must be made to DHHS when the person suspected is a "person responsible for the child," or to the District Attorney when the person suspected is not a person responsible for the child. However, because the legal definition of "person responsible for the child" is vague, the building principal or designee shall report all cases 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 building principal or designee shall also make a report to the District Attorney.

- C. The building principal or designee shall contact the reporting employee within 24 hours of his or her initial report. The building principal or designee shall confirm that the Suspected Child Abuse and Neglect Form (JLF-E) has been processed.
- D. The building designated DHHS gatekeeper shall retain a record of all verbal and written reports made to DHHS, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

REPORTING PROCEDURES

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

- A. The name and address of the child and the person(s) 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;
- F. The source of the report, the person making the report, his/her occupation 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.

Upon DHHS's request for a written report, the building principal or designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHHS. Proper documentation shall be maintained in accordance with Section D of Administrator's Duties.

INTERNAL INVESTIGATIONS AND DISCIPLINE

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

principal or 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 school nurse or social worker 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 that Department's 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 counselor, school's nurse, social worker, or principal, as the caseworker determines 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 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 to occur; 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 school nurse or social worker 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, assists DHHS in making a 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 Ref: 22 MRSA 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)(B)

Cross Ref: ACCA - Harassment and Sexual Harassment of Students
JLF-E - Suspected Child Abuse/Neglect Report Form
JRA - Student Educational Records

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