

## 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 under Title 20-A” (specifically when a child who is at least seven (7) years of age and has not completed grade six, has the equivalent of seven (7) full days of unexcused absences or five (5) 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.

### II. Employees’ Duty to Notify and/or Report

- A. Any employee of the school unit (hereinafter referred to as the “notifying employee”) who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify an administrator.
- The notifying employee may request consultation with a health or mental health professional employed by the district (eg. social worker, school counselor, nurse) prior to or following notification to the administrator.
  - In addition to notifying the administrator, the employee may also make a report directly to the Department of Health and Human Services (DHHS), and the District Attorney if required (see Section III.B).
  - When the notifying employee receives written confirmation from the administrator within 24 hours of his/her notification (on the Suspected Child Abuse and Neglect Form (see JLF-E)), he/she shall sign the form as acknowledgement that the report was made and return it to the administrator.
- B. If the notifying employee does not receive written confirmation from the administrator within 24 hours of his/her notification that a report has been made to DHHS (and the District Attorney if required), 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 Form (see JLF-E), and submit it to the administrator. The reporting employee may request

consultation with a health or mental health professional employed by the district (eg. social worker, school counselor, nurse).

III. Administrator Reporting and Confirmation Duties

- A. After the administrator has been notified, the administrator or a designee shall complete the Suspected Child Abuse or Neglect Form in consultation with the notifying employee (see JLF-E).
- B. The administrator/designee shall make an immediate report by telephone 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 administrator/designee shall also make a verbal report to the District Attorney.
- C. The administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the notifying employee within 24 hours of the employee's initial report. The notifying employee shall sign the report and return it to the administrator.
- D. Any time a report of child abuse or neglect is made, the administrator notifies the Superintendent by forwarding the completed form (JLF-E). The form shall be retained by the District for ten (10) years, along with any other information relevant to the case.
- E. The form will additionally be forwarded to DHHS, and to the District Attorney, if requested by these agencies.

IV. Internal Investigations and Discipline

- 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. (see ACAA – Harassment and Sexual Harassment of Students)
- 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. (see ACAA – Harassment and Sexual Harassment of Students)

V. 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/designee may:

- A. Require the DHHS employee to provide identification;
- B. Require the DHHS employee requesting to interview the child provide written certification that in the Department's judgment, the interview is necessary to carry out its duties; and,
- C. 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.

The building administrator or designee shall:

- A. 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;
- B. Provide an appropriate, quiet and private place for the interview; and,
- C. 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.

#### V. 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 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.

#### 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 M.R.S.A. 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. §§ 5051-A(1)(C); 5051-A(2)(C)***

***Cross Reference:***                    ***ACAA – Harassment and Sexual Harassment of Students***  
***GBEB – Staff Conduct with Students***  
***JLF-E – Suspected Child Abuse and Neglect Form***

**FIRST READING OF REVISIONS:**     **April 12, 2018**  
**SECOND READING OF REVISIONS:**   **April 26, 2018**  
**ADOPTION OF REVISIONS:**         **April 26, 2018**