

Reporting Child Abuse/Child Protection

1. Definition of Abuse or Neglect

Child abuse or neglect is defined in law as "an act or omission which seriously threatens the health or welfare of a child." Specifically, this refers to:

- a. 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 which is not justifiably explained or where the history given concerning such condition or death is at variance with the condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
- b. Any case in which a child is subject to sexual assault or molestation, sexual exploitation or prostitution.
- c. Any case in which a child is in need of services because the child's parent/guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent/guardian or custodian would take.
- d. Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment or risk of impairment of the child's intellectual or psychological functioning or development.
- e. Any act or omission described as neglect in state law as follows:
 - i) A parent/guardian or legal custodian has abandoned the child or have subjected the child to mistreatment or abuse or allowed another person to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
 - ii) The child lacks proper parental care through actions or omissions of the parent/guardian or legal custodian.
 - iii) The child's environment is injurious to his/her welfare.
 - iv) 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/her health, guidance or well-being.
 - v) The child is homeless, without proper care or not domiciled with his/her parent/guardian or legal custodian through no fault of such parent/guardian or legal custodian.
 - vi) The child has run away from home or is otherwise beyond the control of his/her parent/guardian or legal custodian.
 - vii) 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 had adjudicated another

child to be neglected or dependent based upon allegations or sexual or physical abuse or has determined that such parent/guardian's or legal custodian's abuse or neglect caused the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

2. Annual Training

Each school principal or designee shall review this policy, regulation and exhibit with all school staff members on an annual basis at the beginning of the school year. The Executive Director of Student Services or designee will insure that this information is reviewed with all other District employees having routine contact with students in that same time frame on an annual basis.

3. Reporting requirements

Any school employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact to the appropriate county department of social services or appropriate law enforcement agency. The employee must follow any oral report with a written report sent to the appropriate agency. The standard written report format is available at each school and/or through the Department of Learning Services.

In cases where the suspected or known perpetrator is a school employee, the report should be made to the law enforcement agency. (Reports made to social services will be referred to law enforcement.)

If a child is in immediate danger, the employee should call 911. "Immediate" refers to abuse that occurs in the employee's presence or has just occurred.

The employee reporting suspected abuse/neglect to social services or law enforcement officials must inform the school principal as soon as possible orally or with a written memo. The ultimate responsibility for seeing that the oral and written reports are made to social services or law enforcement agencies lies with the school official or employee who had the original concern. Adequate follow-up is required to insure that such reports have been made.

4. Contents of report

The following information should be included to the extent possible in the initial oral report:

- a. Name, age/date of birth, and sex of the child.
- b. Name, address and phone number of the child's parents/guardians and/or persons with whom the child lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or neglect, as well as any other pertinent information about this individual.

- d. The nature and extent of the child's injury or condition as well as any evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings--all with dates as appropriate.
- e. The family composition, if known.
- f. Any action taken by the person making the report.
- g. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the school official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. School personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. School personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A school employee's reasonable cause to suspect that the 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.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

5. After filing reports

After the report is made to the agency, District and school staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The school will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the school will provide support services for the child.

Once a report of child abuse is given to the agency, the responsibility for investigation and follow-up lies with the 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 investigate 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 parent/guardian.

Authorized school and District personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

6. Guidelines for consideration

- a. If any school employee has questions about reasonable cause of child abuse and the need for making a report, they may consult with the school principal and/or the appropriate director of Learning Services, unless the alleged perpetrator is an employee, then they should notify the Assistant Superintendent of Human Resources. Consulting with the county department of social services may be advisable.

Note that consultation with another school official or employee will not absolve the school official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise a court order must be obtained to legally withhold a child from their parent /guardian.
- c. When any school official or employee has a question about the thorough investigation of suspected abuse/neglect following the filing of a report, they should contact the school principal, the appropriate director of Learning Services and/or the county department of social services.
- d. While all school officials and employees are reminded of their legal responsibility to report suspected cases of abuse or neglect, they may be assured that reports will be investigated by trained professionals and that there are more supportive and therapeutic treatment alternatives available for parents/guardians, and/or other persons with whom the student lives than there have been in the past.
- e. The confidential nature of information pertinent to child abuse or neglect cases is a matter to be emphasized both legally and humanely.

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