

REPORTING CHILD ABUSE/CHILD PROTECTION

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.”
- 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

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 Principal who will process the report as provided in Section III of this policy. In addition to notifying the Principal, the employee may also make a report directly to the Department of Human Services (DHS) or the District Attorney when the employee believes a direct report will better protect the child in question.

III. ADMINISTRATORS’ DUTIES

- A. The Principal will make an immediate verbal report to the Superintendent/designee. If it is determined that there is a duty to make a report to DHS or the District Attorney, the Superintendent/designee will make the appropriate report(s), as provided in section B.
- B. The law provides that a report must be made to DHS 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 Superintendent/designee will report all cases of suspected abuse or neglect to DHS. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/designee will also make a report to the District Attorney.
- C. The Superintendent/designee will retain a record of all verbal and written reports made to DHS, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

IV. REPORTING PROCEDURES

The verbal report will 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 DHS' request for a written report, the Superintendent/designee will complete the Suspected Child Abuse/Neglect Report and mail a copy to DHS. Proper documentation will be maintained in accordance with Section III. C.

V. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. **Employees.** If the person suspected of abuse or neglect is an employee, the Superintendent/designee will 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 Superintendent/designee will investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHS personnel will be permitted to meet with and interview the child named in the report at school during school hours upon written certification from the DHS that:
(1) the interviewer of the child is an authorized representative of the Department of Human Services; (2) there are reasonable grounds to believe that prior notice to the child's parent(s)/guardian(s) would increase the threat of serious harm to the child or another person; and (3) the interview of the child at school during school hours is necessary to carry out the Department's duties under Maine law.

VII. CONFIDENTIALITY OF INFORMATION AND RECORDS

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

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

VIII. 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 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 U.S.C. § 1232g, Family Educational Rights and Privacy Act

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