

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 child 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 [**OR: failure to ensure compliance with school attendance requirements as provided in 20-A M.R.S.A. § 3272(2)(B) or § 5051-A(1)(C), 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

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 [**school unit may insert other supervisor**] who shall process the report as provided in Section III of this policy. 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.

III. ADMINISTRATORS’ DUTIES

- A. The principal shall make an immediate verbal report to the Superintendent/designee. If it is determined that there is a duty to make a report to DHHS or the District Attorney, the Superintendent/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 Superintendent/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 Superintendent/designee 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, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

IV. REPORTING PROCEDURES

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;
- 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' request for a written report, the Superintendent/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHHS. Proper documentation shall 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 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 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 child who is named in a report of suspected child abuse and neglect when the child is present at the school. The interviewer shall be required to provide written certification that he/she is an authorized representative of the DHHS and that, in DHHS judgment, the interview is necessary to carry out that Department's duties under Maine law.

The DHHS caseworker shall 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 nurse, social worker or principal, as the caseworker determines is necessary for the provision of any needed emotional support to the child prior to and following the interview.

School officials may not place any other conditions on the DHHS's ability to conduct the interview, including but not limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; or requiring notice to or consent from a parent or guardian.

[NOTE: The statute uses the phrase "school officials." In practice, this is typically the building principal.]

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

That DHHS intends to interview the child is confidential information and may not be disclosed to any person except those school officials, including an 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 interview are regarded as participating in a child protection investigation or proceeding for the purpose of immunity from liability.

VII. 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/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. 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 MRSA § 4011-A, 4021
20 USC § 1232g, Family Educational Rights and Privacy Act

Cross Reference: ACAA – Harassment and Sexual Harassment of Students
JLF-E – Suspected Child Abuse/Neglect Report Form JRA
– Student Records

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.