

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 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.

II. EMPLOYEE’S DUTY TO REPORT

- A. Any employee of RSU 56 who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building administrator.

In addition to notifying the building administrator, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).

- B. If the reporting employee does not receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report that a report has been made to DHHS and/or District Attorney, 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 Reporting Form (JLF-E).
- C. If the reporting employee(s) does receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report (which is a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator/Superintendent.

III. ADMINISTRATORS’ DUTIES

- A. The building administrator will forward a copy of the written verbal report to the Superintendent/ designee.

- B. The Superintendent or building administrator shall then make verbal and written report(s) 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/building administrator shall also make a report to the District Attorney.

The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the Superintendent/building administrator.

- C. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form (JLF-E).

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.
- 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.

V. INTERVIEWS OF CHILDREN AND SCHOOL PERSONNEL

DHHS personnel shall be permitted to meet with and interview a child when the child is present at the school as provided in this section. The building administrator or designee shall:

- A. Require written certification (RSU 56 form JLF-E2) that he/she is an authorized representative of DHHS and that, in DHHS judgment, the interview is necessary to carry out that Department's duties under Maine law. RSU No. 10 designee will photocopy DHHS interviewer's photo ID **badge and attach to JLF-E2 form.**
- 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 or guidance counselor or the school's nurse, social worker or administrator, as the caseworker determines is necessary for the provision of any needed emotional support to the child prior to and following the interview;
not place conditions on DHHS's ability to conduct the interview, including but not limited to requiring that certain persons be present during the interview;
- C. not prohibit certain persons from being present during the interview; or requiring notice to or consent from a parent or guardian;
- D. provide an appropriate place for the interview to occur;

- 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.

VI. 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. TRAINING

Any school unit employee who's required to make a report shall, at least once every four years, complete mandated training approved by DHHS.

The DHHS training is available online at <http://www.maine.gov/dhhs/ocfs/cps/>.

VIII. 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 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)(B) or § 5051-A(1)(C)

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

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