

# Your school and its role to report suspected child abuse

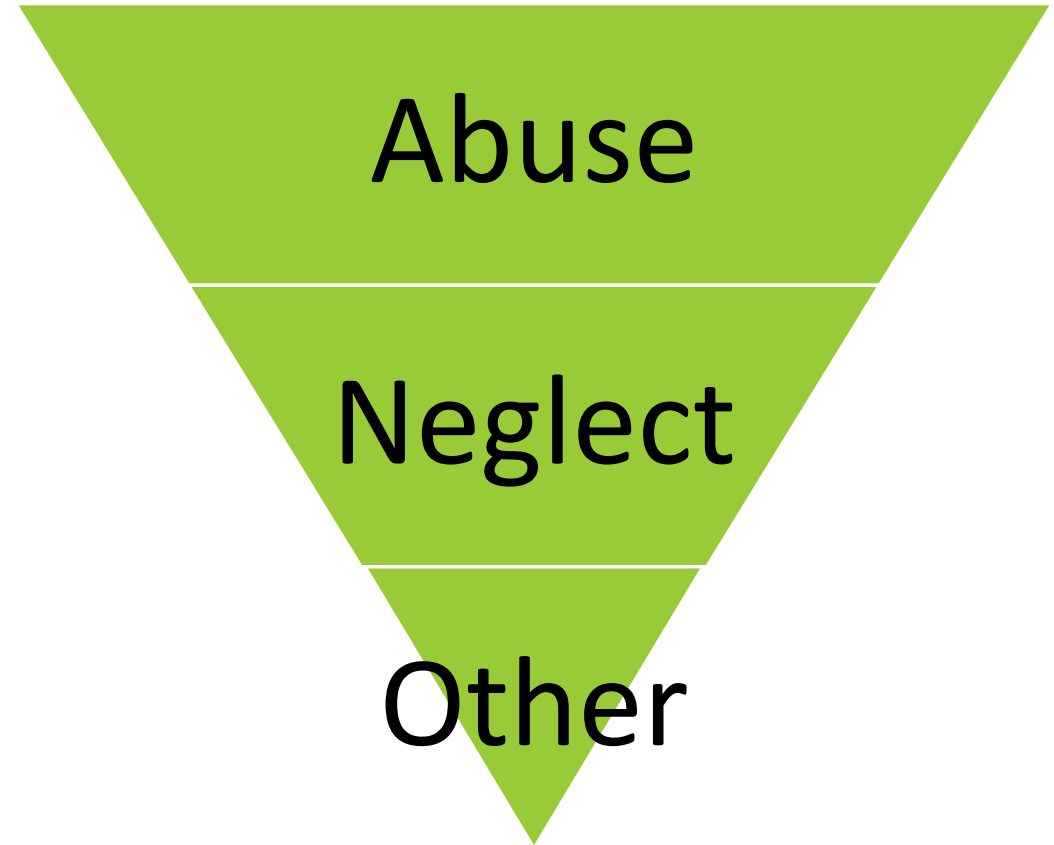
---

BRANDON CAREY

OSSBA STAFF ATTORNEY

---

If you get that gut feeling that something isn't right about a person or situation, trust it.



# We are often asked: What is Abuse?

---

Title 10A lists the following definitions:

- ❖ Non-accidental physical or mental injury
- ❖ Sexual abuse
- ❖ Sexual exploitation
- ❖ Neglect (inadequate food, clothing, shelter, sanitation, medical/dental/behavior health care, or supervision)
- ❖ Failure or omission to provide protection from harm or threatened harm, or
- ❖ Abandonment

10A-1-1-105

# What is Abuse?

---

70 O.S. 1210.163 lists these definitions:

1. Child abuse as defined in [Section 843.5 of Title 21](#) of the Oklahoma Statutes;
2. Sexual abuse or sexual exploitation as defined in [Section 1-1-105 of Title 10A](#) of the Oklahoma Statutes;
3. Contributing to the delinquency of a minor as defined in [Section 856 of Title 21](#) of the Oklahoma Statutes;
4. Trafficking in children, as defined in [Section 866 of Title 21](#) of the Oklahoma Statutes;
5. Incest as described in [Section 885 of Title 21](#) of the Oklahoma Statutes;
6. Forcible sodomy, as described in [Section 888 of Title 21](#) of the Oklahoma Statutes;

# What is Abuse?

---

7. Maliciously, forcibly or fraudulently taking or enticing a child away, as described in [Section 891 of Title 21](#) of the Oklahoma Statutes;
8. Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child pornography, as described in [Section 1021 of Title 21](#) of the Oklahoma Statutes;
9. Procuring or causing the participation of any minor child in any child pornography or knowingly possessing, procuring or manufacturing child pornography, as described in [Section 1021.2 of Title 21](#) of the Oklahoma Statutes;
10. Permitting or consenting to the participation of a minor child in any child pornography, as described in [Section 1021.3 of Title 21](#) of the Oklahoma Statutes;
11. Facilitating, encouraging, offering or soliciting sexual conduct with a minor, as described in [Section 1040.13a of Title 21](#) of the Oklahoma Statutes;

# What is Abuse?

---

12. Offering or offering to secure a minor child for the purposes of prostitution or any other lewd or indecent act, as described in [Section 1087 of Title 21](#) of the Oklahoma Statutes;
13. Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution, as described in [Section 1088 of Title 21](#) of the Oklahoma Statutes;
14. Rape or rape by instrumentation, as described in [Sections 1111.1](#) and [1114](#) of Title 21 of the Oklahoma Statutes; and
15. Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16) as described in [Section 1123 of Title 21](#) of the Oklahoma Statutes.

# Who is responsible for reporting?

---

## ***Every person is responsible for reporting:***

Every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services. Reports shall be made to the hotline provided for in subsection A of this section.

10A O.S. 1-2-1-1

# School Employees Are Specifically Responsible

---

- ❖ Every school employee having reason to believe that a student under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services and local law enforcement.

10A O.S. 1-2-101 (B)(2)(a) & 70 O.S. 1210.163



# School Employees Are Specifically Responsible

---

- ❖ Every school employee having reason to believe that a student age eighteen (18) years or older is a victim of abuse or neglect shall report the matter immediately to local law enforcement.

10A O.S. 1-2-101 (B)(2)(b) & 70 O.S. 1210.163

# Protection for School Employees

---

Local law enforcement shall keep confidential and redact any information identifying the reporting school employee unless otherwise ordered by the court. A school employee with knowledge of a report required by subsection A or B of this section shall not disclose information identifying the reporting school employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or the Department.

10A 1-2-101(B)(2)(c) & 70 O.S. 1210.163(C)

# How to Report

---

- ❖ DHS: Reports shall be made to the state toll free hotline at 1-800-522-3511.
- ❖ Law Enforcement: Simply contact your SRO, local police department or sheriff's office (your district may also have a form to document the report).

# After reporting to DHS, let Admin know

---

Employees are encouraged to let an appropriate administrator know if they have contacted DHS about a suspected child abuse/neglect allegation, even if the employee chooses not to divulge details about the call.

# Nobody can legally keep you from reporting

---

The obligation is to the individual. No employer, supervisor, or administrator shall interfere with your duty to report as long as it's a good faith report.

If an employee is discharged, discriminated against, or retaliated against, then the person that committed the action shall be liable for damages, costs, and attorney fees.

10A-1-2-101(B)(5)

# What might give one “reason to believe” that a child is a victim of abuse or neglect?

---

Common warning signs of abuse or neglect:

- ❖ Sudden change in child’s behavior/demeanor
- ❖ Reluctance to go home
- ❖ Tired a lot and/or frequent complaints of poor sleep
- ❖ Bruises in weird places – not from play
- ❖ Burns – holes like cigarette burns or like skin was rubbed
- ❖ Begging for food
- ❖ Obvious neglect of medical attention
- ❖ Fear of parents (or adults)

# What might give one “reason to believe” that a child is a victim of abuse or neglect?

---

- ❖ The child discloses it to you.
  - ❖ When a child discloses to an adult that some form of abuse has occurred, consider your reaction. Remain calm and be reassuring.
- ❖ If asking follow up questions to the disclosure, please only use open ended questions:
  - ❖ What happened?
  - ❖ Tell me more about it.
  - ❖ What happened next?

# What if I find out about past abuse/neglect?

---

**You are still obligated to report to DHS.**

Any person who has reason to believe that a child has been injured as a result of abuse or neglect must report such information, whether the information is current or historical, in all instances.

*March 20, 1995 (AG Op. No. 95-18)*





# Child Abuse Reporting Form

Hotline number: 800-522-3511  
Agency Contacted: DHS  Law Enforcement (LE)

Date of Contact with Agency/LE: \_\_\_\_\_ Time of Contact with DHS: \_\_\_\_\_

Agency/LE Confirmation Number: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Name of Child: \_\_\_\_\_ Age of Child: \_\_\_\_\_ ID # \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Names, Ages, ID #s of Additional Children: \_\_\_\_\_

Address of Child/ren: \_\_\_\_\_

Describe the injuries and/or incident as reported: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Submit form(s) to the principal and/or other designated administrator within 24 hours of hotline reporting.  
Submit one form for each agency contacted.

\_\_\_\_\_  
Signature of Principal/Director

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Principal and/or other Designated Administrator

\_\_\_\_\_  
Date Received

Keep track of reports to DHS

Failure to report to DHS when a reasonable belief is determined could get your school in hot water. OKSDE has created this form to be used internally – completely confidential – to track reporting.

# DHS Documentation

---

DHS keeps record of ALL reports on a family for at least a year, and using various reports, DHS can corroborate a larger picture of what is going on at home.

For example, if a neighbor reports yelling and loud crashing noises at night, then your staff reports a child who is tired but also won't sit back in his chair . . . Those reports together are very helpful!

# Do I really have to contact law enforcement?

---

Yes. 70 O.S. 1210.163 now requires *school employees* to report to DHS *and* law enforcement.

## And, if you don't . . .

---

Any person who knowingly and willfully fails to promptly report suspected child abuse or neglect or who interferes with the prompt reporting may be reported to local law enforcement for criminal investigation. 10A O.S.1-2-101(C)

Also if you knowingly and willfully report false allegations. 10A O.S. 1-2-101(D)(1)

# Why does DHS come to the school to meet with the child?

---

If there is abuse or neglect in the home, then DHS may have better luck contacting the child at school. The child may be more likely to share what is happening in a safe place where they are familiar with the surroundings and people.

# Law identifies school as possible place for DHS to interview/examine the child

---

The visit by DHS shall include an interview with and examination of the subject child and may be conducted at any reasonable time and at any place including, but not limited to, the child's school.

DHS shall notify the parent(s)/guardian(s) that the child has been interviewed at a school.

10A § 1-2-105(B)(1)

# School as place to pick up child for DHS custody placement

---

When a district court order is issued to place a child in the emergency custody of the DHS, that order may be executed by a DHS worker if:

1. The child is located in a hospital, school, or day care facility; and
2. It is believed that assumption of the custody of the child from the facility can occur without risk to the child or the employee of the Department.

10A § 1-4-201(C)

**Basically, it's safer at your school than the home in most cases!**

# DHS is on the way

---

If you receive a call that a DHS worker, police officer, or sheriff is coming to your school to talk with a child:

- Provide a private, quiet room
- Don't expect to be included in the meeting, although you may be requested to stay
- Do not interfere
- Do not notify anyone, including parents.



# Court order not required

---

When DHS comes to your school to interview a child, no court order is required. It is best to cooperate.

Also be aware that if you refuse to allow DHS into the building and/or to interview the child, the court will likely order it and will tell you when it will happen.

10A § 1-2-105(B)(2)



# Child Abuse DHS Investigation Form

The undersigned person has been identified as an official representative of:

\_\_\_\_\_ and hereby certifies to having legally constituted authority to conduct investigations concerning suspected child abuse/neglect/exploitation/trafficking.

Student's name: \_\_\_\_\_ Student ID# \_\_\_\_\_

Grade Level: \_\_\_\_\_ Age: \_\_\_\_\_ School: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Investigator*                      *Date*                      *Signature of School Administrator*

\_\_\_\_\_  
*Printed Name of Investigator*                      *Printed Name of Administrator*

\_\_\_\_\_  
*Badge or ID Numbers*                      *E-mail address of Investigator*

Administrator present during questioning of student \_\_\_\_ yes \_\_\_\_ no

\_\_\_\_\_

\_\_\_\_\_  
*Agency Name and Address*

\_\_\_\_\_  
*Agency Phone #*

A copy of this form should be kept in a confidential file separate from the student's permanent folder or any other records and be retained for five years. Confidential information should be transferred with all other student records if requested by another school district. Submit a copy to the principal and/or other designated administrator within 24 hours of the interview.

OKSDE Form to record DHS or Law Enforcement investigation visits

This form would be an excellent method to record details of DHS visits – and to protect your school later if it's alleged you provided access incorrectly.

# Parent request to deny DHS

---

Parents occasionally request that the school deny DHS from talking with their child. Many times this is because of a custody battle. . .

But a parent request like this might actually warrant contacting DHS to let them know. This might change how (and within what timeframe) DHS investigates.

# If the alleged perpetrator is a school employee...

---

1. Secure the child in a safe place with a safe adult while DHS is contacted *from another room*.
2. Notify law enforcement and DHS of the allegations.
3. Contact your school's retained legal counsel for guidance:
  - a) Usually, you will immediately suspend the employee with pay while you determine next steps.
  - b) Your attorney *may* want you to obtain statements from all parties involved or who witnessed/heard of the alleged actions, including the perpetrator.

# Report to OKSDE when certified employee involved in potentially criminal behavior

---

The Oklahoma State Department of Education should also be notified regarding any allegations involving potential criminal behavior by certified employees.

Further, if the Superintendent recommends that a certified employee be dismissed or not reemployed, and the grounds include actions that could form criminal charges, a copy of the recommendation shall be given to the state Board of Education.

# Professional Development Training Requirements

---

At a minimum of once an academic year, all certified and support staff shall be trained on the following:

1. Training on recognition of child abuse and neglect;
2. Recognition of child sexual abuse;
3. Proper reporting of suspected abuse; and
4. Available resources

70 O.S. § 6-194(D)

# What could that training look like?

---

## **Plan to spend some time going through each type of abuse:**

- Physical abuse – bruises, pain, swelling, etc.
- Neglect – smelly kid, hungry/thirsty, dirty clothes
- Sexual abuse – age-inappropriate behavior and touch with peers

## **Distribute prevention posters, post DHS hotline**

## **Review your school district's policies and procedures, including your handbook**

## **Determine other resources – i.e. websites, law enforcement, counselors, etc.**

# OKSDE Poster Requirements

---

Districts must post a sign or signs, in English and Spanish, showing the toll-free telephone number of the Child Abuse and Neglect Hotline operated by the Department of Human Services (DHS).





If you find yourself  
wondering whether you  
should call DHS,  
**you should call DHS.**

---

# Resources

---

## Websites:

Oklahoma Department of Human Services - [www.okdhs.org](http://www.okdhs.org)

Court Appointed Special Advocates (CASA) – [www.casaforchildren.org](http://www.casaforchildren.org)

Child Abuse Response & Evaluation (CARE) - <http://carecenter-okc.org/>

## Videos:

ReMoved: <https://www.youtube.com/watch?v=IOeQUwdAjE0>

Passing the Trash news story from Texas: <http://www.wfaa.com/news/local/investigates/three-local-school-districts-put-students-at-risk-by-passing-the-trash/164854425>

---

Thank you!

