

## 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.”
- 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 and shall also make a report directly to Tribal Child Protective Service or the Department of Health and Human Services (DHHS) and process the report as provided in Section III of this policy.

### III. ADMINISTRATORS’ DUTIES

- A. The principal may make an immediate verbal report to the Superintendent/designee.
- B. The law provides that a report must be made to Tribal Child Protective Service or DHHS in all cases of suspected abuse or neglect.
- C. The Superintendent/designee shall retain a record of all verbal and written reports made to Tribal Child Protective Services or DHHS, 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 principal/designee, including any photographs taken or other materials collected; and
- H. Any other information the person making the report believes may be helpful.

Upon Tribal Child Protective Services or DHHS' request for a written report, the Superintendent/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to said entity. 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 School Committee policies, 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 School Committee policies and federal and state laws.

#### VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

Upon Tribal Child Protective Services' or Department of Health and Human Services' (DHHS) request, 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 provide written certification that he/she is an authorized representative of Tribal Child Protective Services or Department of Health and Human Services and that, in the judgment of these representatives, the interview is necessary to carry out their duties under Maine law.

The Tribal Child Protective Services' or Department of Health and Human Services' caseworker shall discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance counselor 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 Tribal Child Protective Services' or Department of Health and Human Services' 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 Tribal Child Protective Services or Department of Health and Human Services 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 Tribal Child Protective Services or Department of Health Human Services 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 School Committee 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 Tribal Child Protective Services or Department of Health and Human Services 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 Chap. 1071, Child and Family Services and Child Protection Act  
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

IISC Adopted 5/11/10  
ITSC Adopted 5/11/10  
PPSC Adopted 5/11/10