

CHILD ABUSE REPORTING

The Newhall School District is concerned about the national problem of child abuse. In an effort to support existing laws and support personnel in reporting child abuse, the district has established Administrative Regulation 5141.4 which establishes procedures which offer direction and clarity to the reporting process.

Duty to report

All certificated and classified employees shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual. School district employees shall not conduct nor attempt to conduct an investigation of such suspicion.

Definitions

1. "Child Abuse" includes the following:
 - a. A physical injury inflicted by other than accidental means on a child by another person.
 - b. Sexual abuse of a child.
 - c. Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under person's care or custody.
 - d. Unlawful corporal punishment or injury resulting in a traumatic condition.
 - e. Neglect of a child or abuse in out-of-home care.
2. "Mandated Reporters" are those people defined by law as "child care custodians", "health practitioners", "child visitation monitors" and "employees of a child protective agency". Mandated reporters include virtually all school employees. All district personnel are designated as "child care custodians".
3. "Child Protective Agencies" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department and child protective services.
4. "Reasonable Suspicion" means that it is objectively reasonable for a person with your training and experience to entertain such a suspicion, based on facts to suspect child abuse.

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- a. To assist in determining whether an incident is reportable, you can ask yourself the questions, "Do I suspect, based on my training and experience, that the injury was not accidental or not self-inflicted?" If you have reasonable suspicion that a student is a victim of abuse, whether physical, sexual, or neglect, the incident is reportable.
- b. If a student tells you that he or she is being sexually abused, believe the student and report it immediately. It is extremely rare for a child not being abused to make up a scenario involving sexual abuse.
- c. When discussing a child abuse matter, remember that they are the victims of a crime and not to blame them for it. Also, do not belittle the student's parents.

Reporting Procedures

1. It is the policy of the district that child custodians immediately report known or suspected child abuse by telephone to the Department of Social Services if the minor resides in the county area of jurisdiction. Suspected sexual assault should be reported to Child Protective Services when a family member is the suspect; all other suspected sexual assaults should be reported directly to the respective law enforcement agency.

If someone other than the child care custodian makes the call to the respective protective agency, the child care custodian who first suspected child abuse or sexual assault is legally responsible for ensuring that the call was actually made.

Notify and request, if needed, the assistance of Pupil Services staff or a school nurse for non-investigative purposes only.

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include:

- a. The name of the person making the report.
- b. The name of the child.
- c. The present location of the child.
- d. The nature and extent of any injury.
- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

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When a verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

Department of Social Services

661/252-3611 or 213/901-4418

2. Within 36 hours of making the telephone report, the mandated reporter shall complete and mail to the local child protective agency a written report which includes a completed Department of Justice form (DOJ SS 8572). Copies of this form may be obtained from the District or the local child protective agency. Instructions are included on the form, and reporters may ask the site administrator for help in completing and either mailing or giving it to the responding officer or deputy; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.
3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. When so notified, the site administrator shall forward the information to the office of the Pupil Services.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing the forms and in working with any responding law enforcement official.

If the mandated reporter does not disclose his/her identity to a district administrator, a copy of the written report should be provided to Pupil Services without his/her signature or name.

Legal Responsibility and Liability

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. If a mandated reporter fails to report an instance of child abuse, which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six

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months, a fine of up to \$1,000 or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.

3. When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.
4. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.

Victim Interviews

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child (Penal Code 11174.3).

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements.

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school (Penal Code 11174.3).

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Release of Child to Peace Officer or Child Protective Services Agent

When a child is released to a peace officer or Child Protective Services agent and taken into custody as a victim of suspected child abuse, the Superintendent or designee and/or principal or designee shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to sign an appropriate release or acceptance of responsibility form.

If You Are Accused of Molesting or Abusing a Child

1. If a verbal allegation is made by a parent, tell them that in view of their serious concerns, you will contact your administrator who will arrange a joint meeting time. Do not debate the issue with the parent. If the parent insists on calling the principal or supervisor directly, that is their right. You may wish to call first to alert the administration to the situation.
2. If a report has been filed with the police or protective services agent, there will be an investigation and you will be questioned. If questioned, it is recommended that you speak with an administrator present who can confirm what you say, and the context in which you made the statement. It is your right not to talk to a peace officer or agent without first consulting your personal attorney at your own expense.

If a police officer comes to interrogate you, you may wish, for your own protection, to consult your personal attorney at your own expense prior to saying anything to the police. Sometimes innocent people feel "I don't mind talking, I have nothing to hide," but innocent statements can sometimes be manipulated or interpreted in such a way as to aggravate the situation. If you do choose to discuss the matter, it is recommended that you do so in the presence of an administrator.

3. If either formal charges or informal allegations are filed against you, the Newhall School District will conduct an investigation into the matter before deciding what action, if any, needs to be taken. Pending the

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outcome of an investigation and before formal charges are filed, the employee may be subject to reassignment or a paid leave of absence.

Upon filing formal charges or upon conviction, the District may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements. The Superintendent or designee shall seek legal counsel in connection with either the suspension or dismissal of the employee.