

5125R REPORTING SUSPECTED SEXUAL ABUSE, PHYSICAL ABUSE, AND NEGLECT - REPORTING DEPRIVATION OF PARENTAL RIGHTS

Who Must Report and When to Report

Any School District employee or volunteer who knows or has reason to believe that:

1. a minor student is being abused or neglected or has been abused or neglected at anytime in the previous three years,
2. a woman who is pregnant has used a controlled substance for a non-medical purpose during pregnancy,
3. a vulnerable adult is being or has been abused or neglected shall immediately report to St. Louis County Social Services, Duluth Police Department, or St. Louis County Sheriff's Department.

Any School District employee or volunteer who knows or has reason to believe that a parent is being deprived of their parental right to custody or visitation of a minor shall immediately report to the Duluth Police Department or the St. Louis County Sheriff's Department.

The procedures outlined herein relate primarily to reporting the maltreatment of minors. If an employee knows or has reason to believe that a student who is a vulnerable adult has been abused or neglected, they should contact the Adult Services Unit of St. Louis County Social Services Department to receive instruction for reporting.

How and Where to Report

An oral report shall be made immediately (as soon as possible but no longer than 24 hours) to the Initial Intervention Unit of St. Louis County Social Services, the Duluth Police Department, or the St. Louis County Sheriff's Department.

An oral report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, or St. Louis County Social Services. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect if the person is known, the nature and extent of the abuse or neglect, and the name and address of the reporter. The written report may be completed on reporting forms supplied by St. Louis County Social Services and available in the school office.

A staff member who knows or has reason to believe that abuse or neglect has taken place is solely responsible for reporting to St. Louis County Social Services or a local law enforcement agency. School support staff (i.e., nurse, social worker, counselor, or psychologist) or building administrator may be consulted before a report is made; however, under no circumstances does such a consultation or notification relieve a staff member from his/her responsibility to report. A staff member named by the Superintendent will be responsible for information and procedures on the Abuse and Neglect Reporting Laws. This person may also be contacted by staff if additional information is wanted.

Authority of St. Louis County Social Services or Local Law Enforcement Agency

Upon presentation of written authorization, St. Louis County Social Service and law enforcement personnel have the right to interview students in school without parental consent or knowledge. These agencies maintain exclusive authority to determine who may attend the interview. The interview may take place at school or the child may be transported to, and the interview conducted at, a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. This authority relates only to the assessment and/or investigation of abuse or neglect reports. The responsibility for investigation is solely that of local law enforcement and St. Louis County Social Services. School District employees shall not contact parents or attempt to investigate. If contacted by a parent, the parent should be referred to the investigative agency.

Records

The principal, program supervisor, or designee shall maintain a file of all written information relating to a report of abuse or neglect until they are notified by the appropriate investigating agency to destroy such information. No written information, whether originating from the investigating agency or from the school, should be maintained after notification to destroy has been given. Reports of suspected abuse or neglect are not to be placed in a student's permanent file.

Protection for Persons Reporting

All persons making reports, whether mandated or voluntary, are immune from civil or criminal liability if the report is made in good faith. In addition, any public school employee who permits access by St. Louis County Social services or local law enforcement and assists in an investigation or assessment is immune.

The name of the reporter shall be confidential, both during and after an assessment or investigation. Intentional disclosure of the identity of the reporter by persons conducting the assessment or investigation is a misdemeanor.

The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. The reporter should be aware that their name may be disclosed or they may be called as a witness in a criminal procedure. The employer of any person who is required to make reports is prohibited from retaliating against the person for reporting in good faith.

Failure to Report

A person mandated to report who knows or has reason to believe that a child is being

neglected or abused or has been neglected or abused within the preceding three years and fails to report is guilty of a misdemeanor.

Feedback to Reporter

Upon conclusion of every assessment it conducts, St. Louis County Social Services shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

Any person mandated to report shall, upon request to St. Louis County Social Services, receive a summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

Definitions

"Sexual Abuse" means the subjection of a person responsible for a child's care or by a person in a position of authority to any of the following: Acts ranging from touching or fondling to penetration or intercourse, solicitation, inducement or proposition of prostitution, use of minors in sexual performances. Sexual abuse includes threatened sexual abuse.

"Neglect" means failure of a person responsible for a child's care to supply a child with necessary food, clothing, shelter, or medical care when reasonably able to do so; or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Failure to take steps to ensure that a child is educated in accordance with state law. Neglect also includes prenatal exposure to a controlled substance used by the mother for a non-medical purpose.

"Physical abuse" means any physical or mental injury or threatened injury inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

"Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child, such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child, such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby-sitting, whether paid or unpaid, counseling, teaching, and coaching.

"Prenatal exposure to a controlled substance" means a woman who is pregnant who uses a controlled substance for non-medical purposes. Some examples of controlled substances as defined in Minnesota Statutes are cocaine, heroin, phencyclidine inethamphetamine and amphetamines.

"Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

"Threatened Injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

"Deprivation of Parental Rights" means a minor who has been taken or kept from a person who has right to visitation or custody.

"Vulnerable adult" means any person 18 years of age or older who is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

Reference: MSA 626.556

Adopted: 11-18-1975 ISD 709

Revised: 08-10-1982

12-10-1985

09-12-1989

01-18-1994

06-20-1995 ISD 709