

## **CHILD ABUSE, NEGLECT, DEPENDENCY AND DEATH BY MALTREATMENT- REPORTS**

All employees and volunteers of the New Hanover County Board of Education who have cause to suspect child abuse or neglect or that a juvenile is dependent or has died as the result of maltreatment, shall report or cause to be reported the case to the New Hanover County Department of Social Services. Any doubt about reporting a suspected situation shall be resolved in favor of the child and the report shall be made immediately. A school system employee or volunteer is immune from any civil and/or criminal liability when reporting in good faith under this Policy. Each employee and volunteer who suspects child abuse, neglect, dependency or death by maltreatment should notify his/her principal immediately; however, this does not relieve the employee or volunteer of the responsibility for directly reporting to the New Hanover County Department of Social Services. The identity of the individual making the report is confidential and may only be examined in limited situations set forth by law, such as the child or his/her attorney has the right to examine the report.

All employees new to the New Hanover County School System shall attend an in-service training on child abuse, neglect, dependency and death by maltreatment. Each school shall offer at least one update per year on these topics.

### **Pursuant to NCGS §7B-101, the following definitions apply to this Policy:**

Child abuse is action which makes a child an abused juvenile. An abused juvenile is defined as any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

- a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
- b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
- c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
- d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in NCGS §14-27.2; rape of a child by an adult offender, as provided in NCGS §14-27.2A; second degree rape as provided in NCGS §14-27.3; first-degree sexual offense, as provided in NCGS §14-27.4; sexual offense with a child by an adult offender, as provided in NCGS §14-27.4A; second degree sexual offense, as provided in NCGS §14-27.5; sexual act by a custodian, as provided in NCGS §14-27.7; crime against nature, as provided in NCGS §14-177; incest, as provided in NCGS §14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in NCGS §14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in NCGS §14-190.6; dissemination of obscene material to the juvenile as provided in NCGS §14-190.7 and NCGS §14-190.8; displaying or disseminating material harmful to the juvenile as provided in NCGS §14-190.14 and NCGS §14-190.15; first and second degree sexual exploitation of the juvenile as

provided in NCGS §14-190.16 and NCGS §14-190.17; promoting the prostitution of the juvenile as provided in NCGS §14-190.18; and taking indecent liberties with the juvenile, as provided in NCGS §14-202.1;

- e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; or
  - f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile.
- Caretaker: Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services. "Caretaker" also means any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider.
  - Dependent Juvenile: A juvenile in need of assistance or placement because the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision or whose parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.
  - Child neglect is action which creates a neglected juvenile. A neglected juvenile is a juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.
  - Custodian: The person or agency that has been awarded legal custody of a juvenile by a court or a person, other than parents or legal guardian, who has assumed the status and obligation of a parent without being awarded the legal custody of a juvenile by a court.

### **Reporting Abuse and Neglect**

Reports to the Department of Social Services made pursuant to this Policy shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if

not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number.

In compliance with federal laws, New Hanover County Schools administers all educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability or gender, except where exemption is appropriate and allowed by law.

LEGAL REFS: NCGS Chapter 7B, Articles 1 and 3; NCGS §115C-400; NCGS §14-27.2 through 27.7; NCGS §14-177-178; NCGS §14-190.5 through 190.8; NCGS §14-190.14 through 190.18; NCGS §14-202.1

Cross Ref: Policy 6441 Reporting Acts of Violence in School to Law Enforcement

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