

Barre Town Supervisory District Policy Manual

TITLE: Child Abuse & Neglect Reporting Policy CODE: JLF

General Statement of Policy

Purpose:

The purpose of this policy is to protect children whose health and welfare may be jeopardized by abuse and neglect, and to ensure that the school district employees meet their legal reporting obligations under 33 VSA, Chapter 49, section 4913.

This policy encourages school employees to consult with the Barre Social Services (SRS) district office whenever the school employee has any doubt as to whether the information she or he has constitutes abuse or neglect as defined by law.

Further, it is the purpose of this policy to clarify for district employees that their role is to be faithful and timely reporters of suspected abuse and neglect, so that such allegations can be brought to the attention of objective, trained and experienced SRS investigators.

General Policy:

Any school district employee, regardless of whether he or she is a “mandated reporter”, shall report suspected child abuse and neglect to the principal, or Assistant Principal. If the principal is the person suspected of child abuse and neglect, the report shall be made to the superintendent of schools.

Any school district employee who is a “mandated reporter” (see page 2 - definitions), in addition to reporting such suspected abuse and neglect to the principal, the assistant principal or superintendent, shall immediately report the suspected abuse or neglect within 24 hours to the Intake Unit of the Barre SRS Office (802-479-4260) between the hours of 7:45 am and 4:30 pm, Monday through Friday, excluding state holidays.

In the event, the school employee needs to report suspected abuse and neglect before 7:45 am or after 4:30 pm, the department maintains an after-hours emergency service (Emergency Services Program - ESP). Reports may be made to this service by calling 1-800-649-5285.

The child’s parents or guardians may be notified by the reporter that the report is being made, only following consultation with the SRS district office, as notification before the investigation commences could place the child at risk of further harm or jeopardize the outcome of the investigation.

Any school district employee who is not a mandated reporter is encouraged to report suspected abuse and neglect to SRS. Questions as to whether a school employee is a mandated reporter or not should be referred to 33 VSA, Chapter 49, section 4913(a).

The name of the person making the report shall remain confidential unless the person making the report specifically requests disclosure or unless a judicial procedure results from the investigation. (33 VSA, Chapter 49, section 4913 (d))

Any person who reports suspected abuse and neglect in good faith is immune from civil or criminal liability. (33 VSA, Chapter 49, section 4913 (c))

Failure by a mandated reporter to report suspected abuse and neglect may be subjected to monetary fines, not exceeding \$500.00 (33 VSA, Chapter 49, section 4913 (e))

The State’s Attorney’s Office or the Attorney General’s Office would be informed by SRS that a mandated reporter failed to make a timely report and prosecution might result.

On-site interviews of children suspected to be victims of abuse and neglect will be permitted under this policy and as allowed by law. If the interview is to take place on school property without the prior knowledge or approval of the parents, a "disinterested adult", who may be a teacher or a nurse, shall be present during the interview. (33 VSA, Chapter 49, section 4915 (b) (2))

In the event the disinterested person believes there is a need to interrupt the interview process for any reason, he or she shall ask the investigator for a brief recess during which the basis for the recess will be discussed.

The victim may be photographed during the course of the interview (33VSA, Chapter 49, section 4915 (d))

Definitions:

"Mandated reporter" means a physician, surgeon, osteopath, chiropractor, or physician's assistant licensed or registered, any resident physician, intern, or any hospital administrator, in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, dentist, psychologist, and any other health care provider, school superintendent school teacher, school librarian, day care worker, school principal, school guidance counselor, mental health professional, social worker, probation officer, camp owner, camp administrator or camp counselor (c 33 VSA, Chapter 49, section 4913 (a))

"Immediately" means as soon as the abuse and neglect is suspected, but in no case later than 24 hours after such abuse and neglect is suspected. (33VSA, Chapter 49, section 4913 (a))

"Suspected" means that the school district employee has reasonable cause to believe that such abuse and neglect has taken place. This does not mean that the employee must be convinced that it took place. Any doubts the employee may have should be resolved in favor of reporting the suspicion. The employee shall not refrain from making a report under this policy for the reason that there may be retaliation against the child, or for any other reason, no matter how well intended. If the child discloses abuse and neglect, but then recants to the school employee, the reporter is still obligated to report the information to SRS.

"Report" means an oral or written description of the suspected abuse and neglect. If the report was made orally, the reporter should make a written notation to whom the report was made and when the report was made. A report to SRS shall contain the following (33VSA, Chapter 49, section 4914):

1. the name and address of the reporter;
2. the name and address, if know, of the child and the child's parents or other person responsible for the child's care;
3. the age of the child;
4. the nature and the extent of the child's injuries together with any evidence of previous abuse and neglect of the child or the child' siblings;

"Abused and neglected child" means a child under the age of 18 whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. An abused or neglected child also means a child who is sexually abused or at substantial risk of sexual abuse by any person. (33 VSA, Chapter 49, section 4912 (2))

"Harm" can occur by physical injury or emotional maltreatment, by failure to supply the child with adequate food, clothing, shelter or health care. "Adequate health care" includes medical or non-medical remedial health care permitted or authorized under state law, or abandonment of the child. (33VSA, Chapter 49, section 4913 (3))

"Risk of harm" means a significant danger that a child will suffer serious harm other than by accidental means, which harm would likely to cause physical injury, neglect, emotional maltreatment or sexual abuse. (33 VSA, Chapter 49, section 4912 (4))

“A person responsible for the child’s welfare” includes the child’s parent/guardian; foster parent; any other adult residing in the home who serves in a parental role; an employee of public residential home, institution, or agency; or other person responsible for the child’s welfare in a residential, or day care setting, including any staff person. (33 VSA, Chapter 49, section 4912 (5))

“Physical injury” means death, or permanent or temporary disfigurement or impairment if any bodily organ or function by other accidental means. (33 VSA, Chapter 49, section 4912 (6))

“Emotional maltreatment” means a pattern of malicious behavior with results in impaired psychological growth and development. (33 VSA, Chapter 49, section 4912 (7))

“Sexual Abuse” consists of any act by any person including sexual molestation or exploitation of a child including but not limited to incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts a sexual act, sexual excitement, or sadomasochistic abuse of a child. (33 VSA, Chapter 49, section 4912 (8))

Sexual abuse may also be sexual harassment as defined by educational policy, but following the school district’ policy on sexual harassment does not fulfill the abuse/neglect mandatory reporting requirement.

Sexual abuse may be perpetuated by “any person” as defined by law and this includes abuse of children by other children.

Policy considerations involving sexual contact among children includes:

the perpetrator of the alleged act used force, threats, or coercion to victimize the child;

the perpetrator of the act used his/her age, developmental differences and/or physical size to victimize the other child;

the sexual acts between children are clearly outside the limits of what may be considered normal for the children’s ages and development;

Educational neglect does not fall with the Child Abuse/Neglect Reporting Law, but SRS does accept these reports as jurisdiction for such investigations is provided in another statute (33 VSA, Chapter 55).

Training:

All school district employees should receive training once each school year in reporting suspected child abuse and neglect. Additional training may be provided on an as needed basis.

Consultation:

In all matters relating to the process of identification, reporting and investigation of suspected abuse and neglect, school district employees are encouraged to contact the SRS district office and seek advice whenever necessary.

Date Adopted:

Date Revised:

Date Effective:

Legal Reference(s):

Cross References:

Date Distributed: