

Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees and patrons of the School District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities on observation and reporting of suspected child abuse, child abandonment or child neglect. The Superintendent shall review with staff the legal requirements concerning suspected child abuse at the commencement of each year.

The following terms are defined pursuant to Idaho Code § 16-1602:

- (1) "Abuse" means any case in which a child has been the victim of: (a) Conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or (b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, human trafficking as defined in section 18-8602, Idaho Code, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.
- (2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.
- (3) "Neglected" means a child: (a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well being, ... or (b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as result of such inability, the child lacks the parental care necessary for his health, safety, or well-being; or (c) Who has been placed for care or adoption in violation of law; or (d) who is without proper education because of the failure to comply with section 33-202, Idaho Code.

District employees who have reasonable cause to suspect that a student may be abused,

abandoned, or neglected, as defined above, or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment, or neglect shall notify their supervisor, or supervisor designee, immediately of the case. The supervisor, or supervisor designee shall determine which agency, local law enforcement or the Department of Health and Welfare, shall be contacted within twenty four (24) hours.

In the event a District employee is unable to notify their supervisor or supervisor designee, then the District employee shall immediately report the case to either local law enforcement or the Department of Health and Welfare within twenty four (24) hours.

The supervisor shall notify the District Office when a report has been made to either local law enforcement or the Department of Health and Welfare.

All procedures or activity after the reporting of the case of child abuse is to be controlled by law enforcement agencies or Department of Health and Welfare.

In the event an employee of the School District is identified as the person responsible for child abuse through an allegation made by a student, parent or other person, such employee's immediate supervisor shall promptly report such allegations to the Superintendent, who will direct an informal investigation. If a reasonable cause is determined to exist, a report shall be made to the appropriate law enforcement agency within 24 hours. A preliminary report shall be made to the Board of Trustees.

Any person who has reason to believe that a child has been abused, abandoned, or neglected and, acting upon that belief, makes a report of abuse, abandonment, or neglect as required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per Idaho Code § 16-1606.

In addition, according to I.C. § 16-1607:

Any person who makes a report or allegation of child abuse, abandonment, or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of two thousand, five hundred dollars (\$2,500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.

Any District employee who fails to report a suspected case of abuse, abandonment, or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

Legal Reference: I.C. § 16-1602 Definitions
I.C. § 16-1605 Reporting of Abuse, Abandonment or Neglect
I.C. § 16-1606 Immunity
I.C. § 16-1607 Reporting in Bad Faith-Civil Damages

Policy History:

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