

Policy Title: Investigating and Reporting Suspected Abuse, Abandonment, or Neglect

Policy No: 401.18

ABUSED AND NEGLECTED CHILD REPORTING

The personal safety and welfare of each child is of paramount concern to the St. Maries Joint School District No. 41 Board of Trustees, employees, and patrons. 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.

“Abuse” is defined in Idaho Code Section 16-1602 as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, and/or soft tissue swelling. Abuse is further defined in Idaho Code Section 16-1602 to include sexual conduct including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child’s health or welfare or mental injury to the child, abandonment, or neglect.

“Abandoned” is defined as 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 is evidence of abandonment pursuant to Idaho Code Section 16-1602(2).

“Neglected” means a child: Who is without proper parental care and control, or subsistence, education, 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 with these items pursuant to Idaho Code Section 16-1602(25).

A District employee who has reasonable cause to suspect that a student may be an abused, abandoned or neglected child as defined above or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported such a case to local law enforcement or the Department of Health and Welfare within twenty-four (24) hours.

The employees of St. Maries Joint School District No. 41 shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Superintendent or the Superintendent’s designee, who shall in turn report or cause to be reported the case to local law enforcement or the Department of Health and Welfare.

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 Section 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 pursuant to Idaho Code Section 16-1606.

In addition, “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 Five Hundred Dollars (\$500.00), 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”, pursuant to Idaho Code Section 16-1607.

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 proximately 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.

Policy Cross Reference:

Legal Reference:

Idaho Code §16-1602	Definitions
Idaho Code §16-1605	Reporting of Abuse, Abandonment or Neglect
Idaho Code §16-1606	Immunity
Idaho Code §16-1607	Reporting in Bad Faith – Civil Damages

Policy History:

Adopted:	04/25/1974
Amended:	06/14/1976
Amended:	08/20/1987
Reviewed:	03/13/2006
Amended:	04/19/2006
Reviewed:	12/12/2011
Amended:	12/12/2011

REPORT OF SUSPECTED CHILD ABUSE, ABANDONMENT OR NEGLECT

Original To: Local Law Enforcement _____
Department of Health and Welfare _____
Copy To: Superintendent _____
Building Principal/Lead Teacher _____

From: _____ Title: _____

School: _____ Telephone: _____

Persons Contacted: Principal Teacher School Nurse Other _____

Name of Minor: _____ D/O/B: _____

Minor Child's Address: _____

Minor Child's Phone: _____ Date of Report: _____

Attendance Pattern: _____

Father: _____ Telephone: _____

Father's Address: _____

Mother: _____ Telephone: _____

Mother's Address: _____

Guardian or Step-Parent: _____ Telephone: _____

Guardian or Step-Parent Address: _____

Any suspicion of injury/neglect to other family members: _____

Nature and extent of the child's injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused, abandoned and/or neglected:

Previous action taken, if any: _____

Follow-up by Local Law Enforcement / Department of Health and Welfare (copy to be completed and returned to the Superintendent/Building Principal/Lead Teacher:

Date Received: _____ Date of Investigation: _____