

Abused and Neglected Child Reporting

Any school district employee or volunteer having reason to believe that any child under the age of eighteen (18) has been abused, abandoned or neglected, or who observed the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect, shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the Department of Health and Welfare.

The failure of any District employee to report abuse, abandonment or neglect is a misdemeanor and may result in employee discipline 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
I.C. § 16-1619 Adjudicatory Hearing—Conduct of Hearing—
Consolidation
I.C. § 16-1620 Finding of Aggravated Circumstances—Permanency
Plan—Hearing
Idaho Attorney General's Opinion 93-2

Policy History:

Adopted on: 12/7/15

Revised on:

Abused and Neglected Child Reporting

DEFINITIONS:

Abused:

Any case in which the child has been the victim of: (1) conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, 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 is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or (2) sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photography, 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.

Abandoned:

The failure of the parent to maintain a normal parental relationship with the 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 will constitute prima facie evidence of abandonment.

Neglected:

A child who is without proper parental care or control, or subsistence, or education, or medical or other care or control necessary for his or her well-being because of the conduct or omission of the 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 will be deemed for that reason alone to be neglected or to lack parental care necessary for his or her health and well-being.

PROCEDURE FOR REPORTING

1. Any school district employee or volunteer ~~shall~~ must report or cause to be reported any suspected child abuse, abandonment or neglect. ~~within twenty four (24) hours to the appropriate agency (law enforcement or the Department of Health and Welfare). The employee or volunteer may ask the building principal or designee to call the appropriate agency on his/her behalf.~~
2. ~~The reporting party (district employee or volunteer initiating the report) shall complete a written report setting forth the reasons believed that a child has been abused, abandoned or neglected. The date and time shall be set forth on the written report. Immediately upon learning of information which triggers the mandatory reporting outlined by Idaho Code 16-1605 and the associated Policy 5260, the reporting party shall inform the building principal~~

or, if no building principal is available, the director of elementary education or the director of secondary education or designee, of the reporting event.

- ~~3. The agencies contacted and the names of the individuals with whom the reporting party spoke shall also be set forth on the written report.~~ The reporting party must also inform, no later than 24 hours after learning of the information which triggers the mandatory reporting, the Department of Health and Welfare (DHW) or local law enforcement. When making this report the reporting party must record the name of the person to whom the report was made, the reporting agency (DHW or law enforcement), the date that the report was made and the initials of the alleged victim. This information will be maintained only for purpose of demonstrating compliance with Idaho's mandatory reporting statues and will not be used for any educational purposes.

- ~~4. Any prior suspicions will also be set forth.~~

~~The written report will be delivered to the building principal, who shall then deliver a copy of the written report to the superintendent. In all cases, the building administrator or program supervisor will be notified as soon as possible.~~

INVESTIGATION

Because of the specialized training that may be necessary to conduct an investigation of alleged child abuse, abandonment or neglect, any formal investigations of the matter will be conducted by the Idaho Department of Health and Welfare or the local law enforcement agency. All District employees and volunteers will cooperate with these organizations in their investigatory capacities.

REPORTING IMMUNITY

~~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, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity in respect to participation in any judicial proceedings resulting from the report. All reporting parties participating in good faith have the criminal and civil immunity as outlined in Idaho Code 16-1606. Any person who reports in bad faith or with malice will not be protected, and may be subject to statutory and/or civil damages as allowed by law.~~ Any privilege between husband and wife, or between any professional person, except the lawyer-client privilege, including, but not limited to, physicians, counselors, hospitals, clinics, day care centers, and schools and their clients, shall not be grounds for excluding evidence in any proceedings regarding the abuse, abandonment or neglect of the child or the cause thereof.

FALSE REPORTING:

~~Any person who makes a report or allegation of child abuse, abandonment or neglect knowing the report to be false, or who reports or alleges such in bad faith or with malice, will be liable to the person or parties against whom the report was made for the amount of actual damages~~

~~sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney fees and costs of suit. If a court finds that the individual acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.~~

FAILURE TO REPORT:

Any District employee that fails to comply with these reporting requirements may be subject to disciplinary action up to and including termination. Any District volunteer that fails to comply with these procedures may be prohibited from engaging in further volunteering with the District.

Policy History:

Promulgated on: 12/7/15

Revised on:

THIS FORM WILL BE REMOVED – THE NEW FORM 5260F WILL BE AN INTERNAL ELECTRONIC FORM.

Coeur d’Alene School District No. 271

PERSONNEL

5260F

Report of Suspected Child Abuse, Abandonment, or Neglect

Name of Minor: _____ Date of Birth: _____

Address: _____ Phone: _____

School: _____

Date of Report: _____ Attendance Pattern: _____

Father: _____ Phone: _____

Address: _____

Mother: _____ Phone: _____

Address: _____

Guardian or Step-Parent: _____ Phone: _____

Address: _____

Original to: Local Law Enforcement _____

Department of Health and Welfare _____

Name(s) of individual(s) spoken with: _____

Date contacted: _____ Time contacted: _____

Copy to: Superintendent _____

Building Principal _____

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: _____

Date and Time such injuries or acts were observed: _____

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):

Date Received: _____ Date of Investigation: _____

Comments from Department of Health and Welfare or Law Enforcement: _____

From: _____ Title: _____

School: _____ Phone: _____

Persons contacted: Principal Teacher School Nurse
 Other _____

Copy to: Superintendent
Building Principal

Revised 12-7-15