

REPORTING CHILD ABUSE

Definition of Abuse or Neglect

A. Child abuse or neglect is defined in Colorado law as a threat to the health or welfare of a child from an act or omission in one of the following categories:

1. Any case in which evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death where such condition is not justifiably explained; or the history given concerning the condition is at variance with the degree or type of such condition or death; or the type of such condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
2. Any case in which a child is subjected to unlawful sexual behavior as defined in state law.
3. Any case in which a child is in need of services because the child's parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.
4. Any case in which the child is homeless without proper care or not domiciled with a parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian.
 - a. Pursuant to the McKinney Vento Homeless Assistance Act and TSD Policy JFABD, homelessness and/or McKinney Vento eligibility alone are not sufficient to report or cause a report to be made. Rather, the student must demonstrate a need for services or for proper care that the parent is unwilling or unable to provide.
5. Any case in which a child is subjected to emotional abuse, which results in an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk or impairment of the child's intellectual or psychological functioning or development.
6. Any case in which, in the presence of a child, on the premises where a child is found, or where a child resides, a controlled substance, as defined by law, is manufactured or attempted to be manufactured.
7. Any case in which a child is subjected to human trafficking of a minor for involuntary servitude or sexual servitude as defined in state law.
8. Any case in which a parent, guardian, or legal custodian has abandoned the child or has subjected the child to mistreatment or abuse or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
9. Any case in which the child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
10. Any case in which the child's environment is injurious to the child's welfare.

11. Any case in which a parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for the child's health, guidance, or well-being.
12. Any case in which the child has run away from home or is otherwise beyond the control of the child's parent, guardian, or legal custodian.
13. Any case in which a parent, guardian or legal custodian has subjected another child to an identifiable pattern of habitual abuse; and
 - a. that person has been the respondent in another proceeding where a court adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or the court determined that the person's abuse or neglect caused the death of another child; and
 - b. the pattern of habitual abuse and the type of abuse pose a current threat to the child.

An act of a teacher or other school employee is not considered child abuse if the act was performed in good faith and in compliance with the school district's discipline code, or if the act was an appropriate expression of affection or emotional support, as determined by the Board of Education.

Reporting Requirements

Any District employee who has reasonable cause to know or suspect that any child is subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect must immediately upon receiving such information report such fact to the appropriate county department of social services, the local law enforcement agency, or through the statewide child abuse reporting hotline system. The employee must follow any oral report with a written report sent to the appropriate agency.

In cases where the suspected or known perpetrator is a school employee, the report should be made to the law enforcement agency. *(Reports made to social services will be referred to law enforcement.)*

If a child is in immediate danger, the employee should call 911. "Immediate" means abuse that occurs in the employee's presence or has just occurred.

The employee reporting suspected abuse or neglect to social services or law enforcement officials must inform the school principal as soon as possible either verbally or through written notice. The ultimate responsibility for seeing that the verbal and written reports are made to social services or law enforcement agencies lies with the school official or employee who had the original concern.

Contents of the Report

The following information should be included to the extent possible in the initial report:

- a. Name, age, address, sex and race of the child.
- b. Name and address of the child's parents, guardians and/or persons with whom the student lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or

neglect.

- d. The nature and extent of the child's injury or condition as well as any evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings-all with dates as appropriate.
- e. The family composition, if known.
- f. The source of the report and the name, address, and occupation of the person making the report.
- g. Any action taken by the person making the report.
- h. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the school official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. School personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. School personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A school employee's reasonable cause to suspect that the child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry or from an explanation which does not fit the injury.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

After Filing Reports

After the report is made to the agency, district and school staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The school will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the school will provide supportive aid and counseling services for the child.

Once a report of child abuse is given to the agency, the responsibility for investigation and follow-up lies with the agency. It is not the responsibility of the school staff to investigate the case. Therefore, the school staff will not engage in the following activities:

- a. Make home visits for investigative purposes.
- b. Take the child for medical treatment. (*This does not preclude taking action in an emergency situation.*)
- c. Convey messages between the agency and the parents/guardian.

Authorized school and district personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

Guidelines for consideration

- a. If any school employee has questions about reasonable cause of child abuse and the need for making a report, the employee may consult with a school administrator. If a school administrator is not available, a direct call to the county department of social services about the concerns is advisable.

Note that consultation with another school official or employee will not absolve the school official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise, a court order must be obtained to legally withhold a child from the parent or guardian.

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