

NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED	SUBJECT: NO. 517 Reporting Suspected Abuse and Neglect
Effective Date: 7/29/96	Reviewed: 9/15/03, 10/1/04, 3/1/05, 3/16/05, 11/9/06, 11/8/07, 10/30/08, 10/29/09, 11/4/10; 2/19/15 Revised: 3/16/05; 9/8/11; 5/20/15
Distribution: All Staff	Kind: Board Policy

GENERAL POLICY

Pursuant to Section 32A-4-3, NMSA 1978, any NMSBVI staff member knowing or having reasonable suspicion that a child/adolescent/dependent adult is abused or neglected will report the matter immediately to:

1. A local law enforcement agency; and,
2. State of New Mexico Children, Youth & Families Department/Adult Protective Services Central Intake at 1-800-797-3260; or,
3. Tribal Law Enforcement or social services agencies for an Indian child/adolescent/dependent adult residing in Indian country.

Pursuant to Section 32A-4-5C, NMSA 1978, any NMSBVI staff member who has the duty to report child/adolescent/dependent adult abuse pursuant to Section 32A-4-3, NMSA 1978, shall permit a member of a law enforcement agency or an employee of the Children, Youth & Families Department /Adult Protective Services to interview the child/adolescent/dependent adult with respect to a report without the permission of his parent, guardian or custodian.

Any NMSBVI staff member who reports an instance of alleged child/adolescent/dependent adult abuse or neglect or participating in a judicial proceeding brought on as a result of a report; or, any NMSBVI staff member permitting an interview of the child/adolescent/dependent adult is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose. Section 32A-4-5B & C.

Pursuant to Section 30-6-4, NMSA 1978, any person knowingly inhibiting, preventing, obstructing or intimidating another from reporting alleged child/adolescent/dependent adult abuse or neglect, including child/adolescent/dependent adult sexual abuse; or, knowingly obstructing, delaying, interfering with or denying access to a law enforcement officer or child/adult protective services social worker in the investigation of a report of child/adolescent/dependent adult abuse or sexual abuse is guilty of a misdemeanor.

Failure to report allegations or suspicions of abuse/or neglect is in itself a form of neglect and NMSBVI staff will be held accountable for their inactions.

DEFINITIONS

Definitions provided by the Children, Youth & Families Department, Social Services Division, Child Abuse Prevention Unit, 300 San Mateo NE, Suite 802, Albuquerque, NM 87108, have been used in forming the following descriptions:

Emotional Abuse:

Two types of emotional maltreatment are generally recognized: emotional neglect and emotional abuse. Emotional neglect is the consistent failure of a parent or caregiver (including NMSBVI employees) to provide the appropriate support, attention and affection necessary for a child/adolescent/dependent adult to develop to his/her potential socially, intellectually and emotionally. Emotional abuse is a chronic pattern of verbal assault or coercive behaviors such as belittling, humiliating and ridiculing, which are destructive to a child/adolescent/dependent adult's self-esteem. Both emotional abuse and neglect attack a child/adolescent/dependent adult's emotional development and sense of self-worth.

Neglect:

Neglect is the chronic failure of a parent or caregiver (including NMSBVI employees) to meet the basic needs of a child/adolescent/dependent adult such as food, clothing, shelter, medical care, educational opportunity, protection and supervision.

Physical Abuse:

Physical abuse is any non-accidental injury to a child/adolescent/dependent adult by a parent or caregiver (including NMSBVI employees). Non-accidental injuries may include, but are not limited to; beating, shaking, burning, biting, strangulation or immersion in scalding water any one of which individually or in combination with another could result in bruises, welts, broken bones, scars or internal injuries. Child/adolescent/dependent adult abuse is rarely a single physical attack, but rather a pattern of behavior that repeats over time. It occurs when a parent or other person willfully or maliciously injures or causes a child/adolescent/dependent adult to be injured, tortured or maimed or when unreasonable force is used upon a child/adolescent/dependent adult. Abuse may also result from excessive discipline or from punishment that is too severe in relation to the child/adolescent/dependent adult's behavior or misconduct.

Sexual Abuse:

Child/adolescent/dependent adult sexual abuse is the exploitation of a child/adolescent/dependent adult for the sexual gratification of another person (including NMSBVI employees). It includes behaviors such as intercourse, sodomy, oral-genital stimulation, verbal stimulation, exhibitionism, voyeurism, fondling, prostitution or the production of pornography. Incest is sexual abuse that occurs within a family; the perpetrator may be a parent, stepparent, grandparent, sibling, cousin or other family member.

Residential Abuse and Neglect:

Any act of failure to act, by an NMSBVI employee, or contracted service provider, performed intentionally, knowingly or recklessly that causes or is likely to cause harm to a resident, including: physical contact that harms or is likely to harm a resident of a care facility; inappropriate use of physical restraint; isolation or medication that harms or is likely to harm a resident; inappropriate use of a physical or chemical restraint; medication or isolation as punishment or in conflict with a physician's order; medically inappropriate conduct that causes or is likely to cause physical harm to a resident; medically inappropriate conduct that causes or is likely to cause great psychological harm to a resident; and an unlawful act, a threat or menacing conduct directed toward a resident that results and might reasonably be expected to result in fear or emotional or mental distress to a resident. For the purposes of this definition "resident" refers to residential students at NMSBVI.

Ritual Abuse:

Child/adolescent/dependent adult ritual abuse is an organized, repetitive and systematic form of severe physical, sexual, emotional and spiritual abuse often involving multiple perpetrators and multiple victims. Such abuse is typified by acts such as; threats and/or harm to the child/adolescent/dependent adult or others, and animal and/or human sacrifice. Ritual abuse involves extreme physical and emotional pain and terror through torture and may produce a pronounced posttraumatic response and a host of other severe psychological problems. This type of abuse can be perpetrated by a family member, caregiver (including NMSBVI employee), or person whom the child/adolescent/dependent adult has a casual association.

PROCEDURES

The reporting process does not require that suspected cases must first be reported to the administrative authority of the school. Administrators do not have the authority to screen the reporting process; however, the staff member may choose to seek clarification and assistance from the immediate supervisor before reporting.

A report should be made when there is reasonable cause to believe that a child/adolescent/dependent adult has been abused or neglected or is in danger of being abused. A report of suspected abuse is only a request for an investigation. The person making the report does not need to prove the abuse. Investigation and validation of child/adolescent/dependent adult abuse reports are the responsibility of child/adult protection service workers.

Upon the suspicion or allegation that an employee of NMSBVI has directly or indirectly been involved in child/adolescent/dependent adult abuse or neglect, the superintendent will designate a department head other than the employee's direct supervisor to investigate the matter on behalf of NMSBVI.

Procedures for investigation of such allegations shall be issued administratively by the superintendent. Any facts, statements, or other information secured as a result of such investigation shall be kept confidential, EXCEPT in the following areas:

1. Discipline, termination or discharge of the employee; and
2. Assistance to the agency investigating the report of child/adolescent/dependent adult abuse and neglect.

The confidentiality requirements as set forth above shall be interpreted and administered so that such actions do not conflict with the Children's Code or the lawful authority of any agency empowered to investigate child/adolescent/dependent adult abuse or neglect. The report of the department director designated to investigate on behalf of NMSBVI shall be used for discipline, termination or discharge in accordance with the due process procedures for discipline, termination or discharge as outlined in the policies and procedures of NMSBVI and as allowed under the New Mexico "School Personnel Act," or other applicable New Mexico statutes, rules, or regulations.

All records and reports concerning the investigation by child/adult protective services of child/adolescent/dependent adult abuse and/or neglect are confidential in nature and are not to be

filed in the student's cumulative record. The Superintendent will ensure that confidential files are kept. In addition, discussion of the suspected neglect or abuse with anyone not directly participating in the referral and subsequent investigation should be avoided.

The Superintendent will be responsible for notifying the student's parents and/or guardian that a report of abuse or neglect has been made to the Children, Youth & Families Department/Adult Protective Services and/or the police in circumstances involving NMSBVI staff members and/or students. The school will not disclose abuse or neglect if this would create a possible threat to the child/adolescent/dependent adult's well being. Children, Youth & Families Department/Adult Protective Services will contact the family, in its discretion, if there is a possibility of abuse or neglect in the student's home or community.

Steps for Reporting and Investigating Suspected Abuse and Neglect:

1. NMSBVI staff members shall comply with the Protocol for Investigation of Suspected Abuse & Neglect adopted by NMSBVI, NM Children, Youth & Families Department/Adult Protective Services.
2. NMSBVI staff will also notify the local police when making a report of suspected abuse and neglect.
3. If an NMSBVI employee is accused of any misconduct involving a student, the administrative regulations governing investigation of such allegations shall be followed.
4. In cases of suspected sexual abuse: when the first investigative agency arrives, NMSBVI will immediately request a SANE assessment for the student.

Training for Staff:

The Superintendent will be responsible for ensuring that all employees receive training at the beginning of each semester. New employees will be trained within 2 weeks of employment and documentation of the training will be added to the employee's personnel file. A complete record of training agendas will be kept on file in the Human Resources office and documentation of training will be maintained in the employee's personnel files.