

Blue Hill and Penobscot

School Policy on Child Abuse and Neglect

Abuse and/or neglect of children is a serious problem affecting children from all social and economic levels. The residual affect of maltreatment of children has profound implications for the child, his or her family, and the community at large.

The School Committees of Blue Hill and Penobscot, recognizing the right of children to be protected from abuse and neglect and recognizing their responsibility under Title 22 MRSA 4001 et seq., have adopted this policy for all school personnel.

Schools - Policy/Procedures Relating to Child Abuse and Neglect

All procedures are in accordance with Child Protection Statutes (Title 22 MRSA 4001 et seq.).

Identification and Reporting

Any school staff member who knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected must instigate an immediate report to the Department of Human Services (DHS) and shall be followed by a written report within 48 hours if requested by the Department. That report may be made by the staff member or by the principal. The principal must be notified when a report has been made.

The report to DHS will include the following information if within the knowledge of the person reporting (22 MRSA 4012): (using Attachment #1)

1. The name and address of the child and the persons responsible for his/her care and custody;
2. The child's age and sex;
3. The nature and extent of abuse or neglect, including a description of injuries and any explanation given for them;
4. A description of sexual abuse or exploitation;
5. Family composition and evidence of prior abuse or neglect of the child or his or her siblings;
6. The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
7. The actions taken by the reporting source, including a description of photographs or x-rays taken;
8. any other information that the person making the report believes may be helpful.

Reports to DHS may be made at the designated office: Telephone 255-8641 or 1-800-432-7846, 8:00 - 5:00, Monday - Friday, or the Department's 24-hour Children's Emergency line evenings, weekends or holidays: 1-800-452-1999.

In cases of political sensitivity, threat to personal safety, suspected abuse occurring within the school, or any case determined by the principal to be appropriate, the principal or designee shall notify the superintendent of schools of the report which has been made to DHS.

When Attachment #1 is used, it will be kept in a locked file in the principal's office. The file may be accessed by the superintendent, principal, and the staff member responsible for making the report and/or reporting the incident.

Legal Responsibilities of School Personnel

“Child and Family Services and Child Protection Act” (22 MRSA 4001 et seq.)

1. Definition: Title 22 MRSA - Section 4002

- a. “Child abuse or neglect”: means a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child.
- b. “Child” means any person who is less than 18 years of age.
- c. “Custodian” means the person who has legal custody and power over the person of a child.
- d. “Person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as a part of its function, provides for care of the child. It includes the child’s custodian.

2. Persons mandated to report suspected abuse or neglect

- a. Title 22 MRSA section 4011 mandates certain professionals to report to the Department of Human Services when they have reasonable cause to suspect that a child has been or is likely to be abused or neglected.
- b. These professionals include teachers, school official, guidance counselors, and social workers.
- c. When the mandated reporter is on the staff of a facility he/she is to immediately notify the principal of his/her designee, who is to cause the report to be made. The staff may also make a report directly to the Department of Human Services (22 MRSA 4011).
- d. When a mandated reporter has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child, the reporter shall immediately report or cause a report to be made to the appropriate district attorney’s office.

3. Reporting Procedures

- a. Title 22 MRSA section 4012 requires that reports regarding abuse or neglect shall be made immediately by telephone to the Department and shall be followed by a written report within 48 hours if requested by the Department. The information required in the report can be found on Page 2 under Identification and Reporting.

4. Immunity from liability

- a. Title 22 MRSA Section 4014 states a person participating in good faith who makes a report of suspected child abuse/neglect or participates in a related child protection investigation or proceeding, is immune from any criminal or civil liability.

5. Discrimination

- a. Title 22 MRSA Section 4014 states that no person may be discriminated against by any employer in any way for participating in good faith in reporting or in a related child protection investigation or proceeding.

6. Interviewing a child on school property, during school hours:

- a. Title 22 MRSA section 4021 permits the Department to interview a child at school or elsewhere without prior notification to the parent or custodian when the Department has reason to believe that prior notice would increase the threat of serious harm to the child or another person (22 MRSA 4021).
- b. Title 22 MRSA section 4021 requires that school officials permit the Department to meet with and interview the child during school hours if the interview is necessary to carry out the Department's proceedings.
- c. When the Department of Human Services Caseworker comes to the school to interview a student(s), the caseworker will show photo identification, to verify state employment, to school principal/designee.
The caseworker and the principal/designee will also complete the School Waiver form. (see Attachment #2)

7. Records: Confidentiality; Disclosure D.H.S. Records

- a. Title 22 MRSA section 4008 deems all Department records pertaining to child protection activities to be confidential and specifies conditions when, and to whom, the Department may disclose information. Specified persons include a person having legal responsibility or authorization to educate, care for, evaluate, treat or supervise a child, parent or custodian who is the subject of a record, including a member of a treatment team or group convened to plan for or treat a child or family which is the subject of a record.

School Records

- a. The federal Educational Rights and Privacy Act (FERPA 45 CFR subtitle A. part 99) ordinarily requires that if a school record is to be shared outside the school, parental

consent is required, however, there are certain exceptions. Among those exceptions: teachers and school officials may use information from school records when (1) reporting child abuse and neglect when the health or safety of a child is endangered or (2) in compliance with a judicial order or subpoena (section 99.31 (a) (9)).

8. Penalty for violation

- a. Title 22 MRSA section 4009 sets forth a civil penalty of up to \$500 for a violation of a provision of the Child Protection statutes (Title 22 MRSA section 4001 et seq.)

Adopted: Blue Hill School Committee - September 13, 1989

Amended: Blue Hill School Committee - August 8, 2001

Adopted: Penobscot School Committee - October 10, 1989

Amended: Penobscot School Committee - August 13, 2001

Blue Hill and Penobscot
Worksheet for Reporting Suspected Child Abuse and Neglect

Confidential Record: To be filed with the principal. Under no circumstances is this to be placed in the child's cumulative folder.

Complete the following worksheet to assist you in providing information to the Department of Human Services when filing a report of suspected child abuse or neglect.

REFERRAL

1. Child's Name _____ Child's age _____
Address _____ Sex _____
_____ Grade _____

2. Name of parent/guardian _____
Directions to Home: _____

3. Nature and extent of suspected abuse or neglect, including a description of injuries and any explanation given for them:

Evidence of prior abuse or neglect of child or siblings:

4. Family composition:

5. Name of person making referral _____
Position _____
School _____

Confidentiality of reporter requested: YES NO

6. Action taken by the reporting source and other information that the person making the report believes may be helpful:

7. Date of referral to Department of Human Services _____
Date of notification to principal of report to DHS _____

8. Parent notification of referral: YES NO

9. Any other comments or commitments made by DHS or school at time of referral:

Follow-Up

1. Department of Human Services decision:

To Open Case

Not to Open Case

2. Name of child protective worker assigned: _____

3. Department investigation or treatment plans which would impact the school's responsibility for the child's well-being (attach comments, wherever applicable):

Interview at school: Date _____

Interview with school personnel: Date _____

PET or IEP involving protective worker: Date _____

Other commitments:

4. Nature of any school record information released to DHS:

5. Department notification to school of Client Service Status:

_____ Case study/investigation completed. Date _____

For your records, please attach any additional supportive information, documentation or authorization relating to the above.

Effective Date:

Blue Hill and Penobscot
Waiver Form

Purpose: For use when a Department of Human Services caseworker wishes to interview a child at school.

I, _____, in accordance with my duties as an
(D.H.S. Official)
official of the Maine Department of Human Services wish to interview
_____ who is currently enrolled as a student
(Name of child)
at _____.
(Name of school)

I intend to conduct this interview with/without (circle one) prior notification to the parent or custodian and hereby certify that the Department has reasonable grounds to believe that prior notice would increase the threat of serious harm to this child or another person.

Signed _____
D.H.S. Official

Date _____

I have seen identification and/or know this person to be employed as a case worker for D.H.S.

Signed _____
Principal or Designee

Effective Date: