

## **Reporting Child Abuse/Child Protection Procedures**

### **Introduction and Purpose:**

Along with GLOBE Charter School parents, school personnel occupy a unique position as the most constant and perceptive observers of the emotional, social and intellectual growth of students. Because of that pivotal role, we are required to assist in our community's efforts to prevent the tragedy of child abuse and neglect from occurring and to help give maltreated children and their families the professional protection and treatment they need.

This guide will define the legal obligations of employees to identify, report, and assist students who have suffered abuse and neglect.

### **Revised Statute (C.R.S.) 19-1-103 Defines Abuse as Follows:**

"Abuse" or "child abuse or neglect" means an act or omission in one of the following categories which threatens the health or welfare of a child:

1. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, 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 circumstances indicate that such condition or death may not be the product of an accidental occurrence;
2. Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution;
3. Any case in which the 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 a child is subjected to emotional abuse. "Emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

### **Legal Obligation: C.R.S. 19-3-304**

Any employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately report or cause a report to be made of such fact to the County Department of Human Services or local law enforcement agency.

An immediate report must also be made in instances of suspected child abuse related to actions by a staff member. This protects the rights of both student and staff member.

### **Immunity and Confidentiality**

Persons making good faith reports of suspected child abuse or neglect are immune from any liability, both civil and criminal. (C.R.S. 19-3-309).

The name and address of any child or family involved in child abuse or neglect, and the identity of persons making reports of suspected child abuse or neglect are confidential and persons releasing such information are subject to being charged with a class 2 petty offense, and upon conviction shall be punished by a fine of not more than \$300.00 (C.R.S. 19-3-307).

### **Process for Reporting Child Abuse/Neglect:**

**All certified public school staff members are mandated reporters. The mandate for reporting applies to each of the three categories of suspected child abuse.**

1. The reporting person notifies the building principal or designee that a report was made.
2. The reporting person maintains notes, dates, and times of all that was recorded through the proper channels including the reference number of the report. There is also a form that can be filled out online, however a copy must be given to the principal.
3. In the event of institutional or intra-familial abuse/neglect, the building principal/designee will make a verbal or telephone report to the Department of Human Services via the child abuse hotline. This will be followed up by the written report; therefore the reporting person must be certain that a report is made and given to the principal.
4. In the event of a third party abuse/neglect, the building principal/designee will make a verbal or telephone report to the Colorado Springs Police Department via dispatch or the Juvenile Victims Unit. This will be followed up by the written report; therefore the reporting person must be certain that a report is made.
5. The building principal/designee is responsible for verifying that a report is made.
6. When completed, these steps fulfill the reporting person's legal obligation.

### **Response from Department of Human Services**

If the school referral is assigned by DHS for investigation, the reporting school will be contacted. If the school referral is not assigned for investigation, DHS will notify the school in writing.

### **Informing Parents or Guardians**

School personnel **should not** contact a parent/guardian following a report. They should first confer with DHS to determine the appropriate time to make such a contact. The intent of this process is to serve the best interests of the **child**.

### **Releasing Children to DHS or Law Enforcement**

DHS representatives can take custody of children with verbal or written court order. Law enforcement officials do not need verbal or written court order to take custody. Appropriate identification of these representatives is required.

### **Procedures to Facilitate Law Enforcement or DHS Investigations of Child Abuse or Neglect**

1. When a law enforcement official or DHS caseworker comes to the school and asks to see a child, please ask the nature of their business and ask for proper identification. If it is to interview a child who may be the victim of child abuse or a child who has knowledge of alleged child abuse, allow the officer or caseworker to interview the child in an empty office or classroom. GLOBE employees are to take a copy of the identification and notate the date and time.
2. Do not insist on attending the interview of the child. If the child demands/requests that you be present in the interview, inform the law enforcement official or caseworker of this request. Inform the student that you cannot but the principal/designee can attend the interview but are not allowed to make statements or ask questions.
3. If the student demands to call a parent or refuses to talk to the law enforcement official or caseworker, it is the judgment of the law enforcement official as to whether he/she wishes to require the student to comply with the interview. The school is not responsible for making this determination or to advocate in one way or another regarding the interview. While it may seem important to aid the student's decision, once the caseworker or law enforcement official has made the request to you on the basis that he/she is conducting a confidential child abuse investigation, your involvement is simply to facilitate the process. The school and employee have no further responsibility.

4. A response to inquiries (from parents) should simply state that a law enforcement official or caseworker appeared at the school, asked to see the student, conducted an interview (or did not) and your role was simply to present the child to the law enforcement official or caseworker for an interview. You should state that the school has an OBLIGATION BY LAW to cooperate with these agencies in this way. Please refer them to the principal/designee.
5. Please do not share any specific information with your staff or other inquisitive individuals. Remember that all aspects of a child abuse investigation are confidential, including the fact that a law enforcement official or DHS caseworker has conducted an interview.
6. If the student reports other incidents of abuse and a case worker or law enforcement official are already assigned, employees are to contact those specific individuals.

Following these guidelines will protect our students, will provide measures to protect our staff from possible lawsuits, and will fulfill the intent of the Child Abuse Reporting Act, and ensure appropriate cooperation with local law enforcement personnel and Department of Human Services employees.

LEGAL REFS.: C.R.S. 19-3-301, et seq. (the Child Protection Act of 1987)