

CHILD ABUSE AND NEGLECT - AR

It is a state mandate that all employees, volunteers, student teachers and interns in Talbot County Public Schools (TCPS) understand their responsibility to recognize and report suspected cases of child abuse and neglect

I. Definition

- A. **ABUSE:** The physical or mental injury of a child (under 18) by any parent or other person who has permanent or temporary care of custody or responsibility for supervision of a child, or by any household family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed. Mental injury includes the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an act of a parent, caretaker, household, or family member. The sexual abuse of a child (under 18), whether physical injuries are sustained or not, means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care of custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes, but is not limited to, obscene photography, pornographic photography, prostitution, human trafficking, incest, rape, ~~or~~ sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.
- B. **NEGLECT:** The leaving of a child (under 18) unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate (1) the child's health or welfare is harmed or placed at substantial risk of harm or (2) mental injury to the child or a substantial risk of mental injury. Mental injury means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

The following are examples of child neglect that may be appropriate for referral to Talbot County Department of Social Services (DSS), Child Protective Services (CPS):

1. Child left unattended or inadequately supervised for long periods of time or with responsibilities beyond the child's capacities.
2. Child showing signs of failure to thrive that have not been explained by a medical condition, such as evidence that the child is receiving insufficient food.
3. Child not receiving essential medical, mental health, or dental treatment to the extent that the child's health or welfare is harmed or at substantial risk of harm.
4. Child wearing weather inappropriate clothing that creates risk to the child's health.
5. Child living in a home where safety standards put the child's health or welfare at substantial risk of harm.

Neglect referrals are investigated by Talbot County Department of Social Services. Situations, which do not meet the criteria for acceptance as neglect may be referred to appropriate school resources (e.g., student

services worker or school-based personnel such as school nurse, school counselor, school social worker, etc.).

FOR ANY PERSON 18 YEARS OR OVER, CONSULTATION FOR SITUATIONS INVOLVING ABUSE OR NEGLECT SHOULD BE SOUGHT WITH THE DEPARTMENT OF SOCIAL SERVICES (DSS).

II. Reporting – General Information

- A. Consultation services to all employees, volunteers, student teachers, or student interns are available from Child Protective Services, Talbot County Department of Social Services at 410-853-3000.
- B. Any person who has reason to believe that a child has been subjected to abuse, on or off school property by a parent, guardian, caretaker, or a household or family member shall notify Talbot County Department of Social Services or the appropriate law enforcement agency as soon as possible.
- C. Any person who has reason to believe a child has been neglected by a parent, guardian, or custodial person shall notify Talbot County Department of Social Services as soon as possible.

III. Procedures For Reporting

The procedures below are to be followed in suspected physical abuse, sexual abuse, and neglected cases.

- A. Oral Report: (Each incident of suspected child abuse/neglect should be reported separately.)
 - 1. Between 8:00 a.m. and 5:00 p.m. on business days, all employees, volunteers, student teachers, or student interns of the Talbot County Public Schools shall orally report suspected child abuse or neglect to Child Protective Services, Talbot County DSS, (410- 770-4848). In cases of abuse, if unable to contact CPS/DSS, oral reports shall be made to the appropriate law enforcement agency.
 - 2. To facilitate this reporting procedure, employees, volunteers, student teachers, or student Interns may consult with administrators, counselors, nurses, school social workers, student services workers, School Resource Officers, or psychologists to assist in this reporting process. Using this support system does not release employees or volunteers from their obligation to make sure the referral is completed as required.
 - 3. At the time an oral report is made, the referring persons should have available the following information to facilitate prompt investigation:
 - a. the name, age, and home address of the child;
 - b. the name and home address of the child's parent or other person who is responsible for the child's care;
 - c. the whereabouts of the child;
 - d. the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
 - e. any other information that would help to determining:

- f. the cause of the suspected abuse or neglect; and
 - g. the identity of any individual responsible for the abuse or neglect
4. Clarification of whether or not a specific situation regarding suspected child abuse or neglect is to be reported should be resolved through consultation with Child Protective Services, Talbot County DSS, at 410-770-4848. Any doubt about reporting a suspected situation is to be resolved in favor of the child and the report made immediately.
 5. The local school principal should be informed that a case of suspected child abuse or neglect has been reported.

B. Written Report

The person making the oral report, whether to DSS or to the police, is also responsible for submitting a written report. A written report must follow the oral report within 48 hours of the contact, which disclosed the existence of possible abuse or neglect. A copy of the written report shall be sent to each of the following:

Child Protective Services
Talbot County Department of Social Services
PO Box 1479
Easton, MD 21601
410-770-4848

Office of Student Services
Talbot County Public Schools
12 Magnolia Street
Easton, MD 21601
410-822-0330

State's Attorney for Talbot County (abuse reports only)
20 N. West Street
Easton, MD 21601
410-770-8060

School Principal

IV. Penalty

Any employee, volunteer, student teacher, or intern who knowingly fails to report suspected child abuse or neglect is subject to suspension or dismissal and/or revocation of Maryland certificate issued by the Maryland State Department of Education and/or Maryland license to practice issued by the Department of Health and Mental Hygiene.

V. Immunity

Any employee, volunteer, student teacher, or intern who, in good faith, participates in the making of a report or the investigation of child abuse or neglect, or in any judicial proceedings, is immune from

any civil liability or criminal penalty. A good faith report is based upon honest beliefs, absence of malice, and no conscious attempt to falsify information.

VI. Suspected Child Abuse/Neglect By School Personnel

If the suspected abuser/neglector is an employee, substitute, intern, student teacher, or volunteer of Talbot County Public Schools, the same reporting procedures as listed in Sections II and III are to be followed. However, if the suspected abuser/neglector is a school administrator (as with any other suspected abuser/neglector), the administrator shall not be notified of the report without consultation and agreement by Talbot County Department of Social Services and the appropriate law enforcement agency. Additionally, an incident report form for the employee suspected of child abuse, neglect, or inappropriate behavior toward a —student must be completed immediately by the principal or office manager in all cases of suspected child abuse and/or neglect toward a student by an employee, substitute, volunteer, student teacher, or intern following a limited inquiry by the principal or office manager to determine the facts of the allegations. The incident form will be forwarded to the Director of Personnel. The employee may neither be notified of the accusation nor interviewed by the principal until an investigation has been conducted by DSS or the Police Department. After consultation with the appropriate Assistant Superintendent, the principal will take administrative steps to remove the accused person from contact with students while external and/or internal investigations take place. Cases not accepted by DSS or not meeting a criminal standard shall be assessed to determine whether inappropriate behavior by an employee toward a student has occurred. Inappropriate behavior is defined as unprofessional acts committed toward a student by school employees, substitutes, volunteers, student teachers and interns. These behaviors may include willful acts of misconduct, deliberate violations, or disregard of standards of behavior that the employer has the right to expect of any employee. When inappropriate behavior is suspected, the Director of Personnel conducts an internal investigation. Appropriate disciplinary action may be recommended to the Superintendent.

VII. Child Protective Services Liaison

The child protective services liaison (CPS Liaison), usually the school counselor, serves as a point of contact for all Child Protective Services/Police Department Investigative Personnel visits to the school. The CPS liaison is an identified member of the school-based Multi Level Intervention Process Team, usually the counselor, who will facilitate the interviews and subsequent services of a Talbot County Department of Social Services' CPS social worker and/or Talbot County Police Department Personnel following a report of child abuse or neglect.

VIII. Investigation

While Talbot County Public Schools employees, volunteers, student interns, and student teachers may not investigate child abuse cases, they have an obligation to cooperate reasonably with Child Protective Services, Department of Social Services, and/or the Talbot County Police Department in child abuse and child neglect investigations. Failure to cooperate with the Department of Social Services and/or the Talbot County Police Department will be considered misconduct in office.

IX. Parent/Guardian Notification

The decision of when to notify the parent(s)/guardian(s) will be made after the child has been interviewed by the investigating CPS/DSS social worker or police officer. The principal or principal's designee in consultation with the representative from social services shall then determine when parent(s)/guardian(s) shall be notified and by whom. When in the judgment of the principal,

CPS/DSS social workers, or police department, it is believed that disclosure would create a threat to the well being of the child or another child in the household or would impede the investigation, the social worker or police officer will notify the parent(s)/guardian(s).

X. Interviews

The CPS/DSS social worker and/or police officer have the authority to interview the child at the school without permission of the child's parent(s)/guardian(s). After consultation with the principal or assistant principal, as the designated representatives of the Superintendent, the CPS/DSS social worker or the police officer shall determine whether or not a school official shall be present during the questioning of the student. The child's preference should be considered as well as the investigator's concerns about preserving the integrity of the interview. At no time is it appropriate for the school official to prompt the child, remind the child of what had been said previously, or add unsolicited details during the interview. Proper identification should be required of the CPS/DSS social worker and police officer. Name and agency of the CPS/DSS social worker and police officer should be recorded. Police badges and CPS/DSS social workers' identification cards may not be photocopied.

XI. Confidentiality

Child abuse and/or neglect reports and records shall not be placed in the student's school record. Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offence. All child abuse and/or neglect referrals or reports shall be kept in a separate file in the principal's office until the time the student turns 21 years old.

Legal References:

Annotated Code Of Maryland, Family Law Article, § 5-701 ET SEQ.

Annotated Code Of Maryland, Education Article, § 6-107, 108, 202

Education COMAR, 13A.12.05.02C(4)

Education COMAR, 13A.08.01.13 A, B, D, E

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