

# JLF - REPORTING CHILD ABUSE AND NEGLECT

## I. DEFINITIONS

- I. Child abuse or neglect. Child abuse or neglect is defined by Maine law as “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, or failure to ensure compliance with school attendance requirements under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year). Child abuse of a sexual nature is also addressed in Policy JLFA – Child Sexual Abuse Prevention and Response.
- II. Person responsible for the child. A “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 part of its function, provides for the care of the child. It includes the child’s parent, guardian, or other custodian.

## II. EMPLOYEES’ DUTY TO REPORT

[See [Policy JLFA – Child Sexual Abuse Prevention and Response](#) for reporting procedures specific to allegations of child sexual abuse.]

- I. Any employee or volunteer of the school unit who knows or has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify a school administrator, the Title IX Coordinator, or the Superintendent.
  1. In addition to notifying a school administrator, Title IX Coordinator, or Superintendent, the employee or volunteer may also make a report directly to the Department of Health and Human Services (DHHS) or, if the person suspected is not a person responsible for the child, to the District Attorney (DA).
- II. If the notifying employee or volunteer does not receive written confirmation within 24 hours that a report has been made to DHHS or the DA, the employee or volunteer shall make an immediate report directly to DHHS or the DA. In such cases, the employee or volunteer shall then complete the Suspected Child Abuse, Including Sexual Abuse, and Neglect Report Form (JLF-E) and give it to the Superintendent.
- III. If the notifying employee or volunteer does receive a copy of the Suspected Child Abuse, Including Sexual Abuse, and Neglect Report Form (JLF-E) within 24 hours of their report, they shall sign the form as acknowledgement that the report was made and return it to the Superintendent.

## III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

All school administrators, the Title IX Coordinator, and the Superintendent are designated agents to make child abuse and neglect reports. Other employees, in addition to the notifying employee, may also be designated at the discretion of the Superintendent.

- I. If a school administrator or the Title IX Coordinator receives the report, they shall notify the Superintendent immediately.

II. The Superintendent or designee shall make a report by telephone to DHHS immediately and, if requested by DHHS, provide a written report of the suspected abuse or neglect to DHHS within 48 hours. If the person suspected of abuse or neglect is not the person responsible for the child, the Superintendent or designee shall instead make the report to the DA.

1. The law requires the notifying employee to make their own report to DHHS or the DA if they have not received confirmation within 24 hours that such a report has been made by the Superintendent or designee.

III. The person making the report to DHHS or the DA shall complete the Suspected Child Abuse, Including Sexual Abuse, and Neglect Form (JLF-E).

IV. The Superintendent or designee shall provide a copy of the Suspected Child Abuse, Including Sexual Abuse, and Neglect Form (JLF-E) to the notifying employee within 24 hours of the employee's initial report. The notifying employee shall sign the form and return it to the Superintendent.

V. If requested by the relevant agency, the form will be forwarded to DHHS or the DA, and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

#### IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

I. Employees. If the person suspected of abuse or neglect is an employee, the Superintendent or designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining agreements, and federal and state laws.

II. Students. If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise interfering with the alleged victim's ability to function effectively in school, the Superintendent or designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

#### V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

I. DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school without prior notification to the parent or custodian when DHHS has reasonable grounds to believe that prior notice would increase the threat of serious harm to the child or another person. DHHS may conduct one initial interview with a child without prior notification to the parent or custodian of the child when the child contacts DHHS or a person providing services puts the child into contact with DHHS.

II. Upon request of a DHHS employee to meet with and interview the child named in the report when the child is present at school, the school principal or designee shall:

1. Require the DHHS employee requesting to interview the child to provide written certification that in DHHS's judgment, the interview is necessary to carry out its duties;
2. Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, school counselor, school nurse, social worker, or school principal as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
3. Not place conditions on how the interview is conducted, including, but not necessarily limited to, requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;

4. Provide an appropriate, quiet, and private place for the interview; and
5. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

## VI. CONFIDENTIALITY OF INFORMATION AND RECORDS

All records, reports, and information concerning alleged cases of child abuse and neglect shall be kept confidential to the extent required by Board policies and applicable law.

The school principal or designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials in response to a lawful subpoena or as necessary to protect the health or safety of the child or other individuals under federal law.

## VII. TRAINING

Any school unit employee who is required to make a report shall, at least once every four years, complete mandated training approved by DHHS.

## VIII. GOOD FAITH IMMUNITY FROM LIABILITY

Any person who, in good faith, reports, assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false.

## Legal Reference:

- 22 MRSA §4002
- 22 MRSA §4011-A
- 22 MRSA §4014
- 20 USC § 1232g, Family Educational Rights and Privacy Act
- 20-A MRSA §§ 5051-A(1)(C); 5051-A(2)(C)

## Cross Reference:

- [ACAA – Harassment and Sexual Harassment of Students](#)
- [JLF-R – Reporting Child Abuse, Including Sexual Abuse, and Neglect Administrative Procedure](#)
- [JLF-E – Suspected Child Abuse, Including Sexual Abuse, and Neglect Report Form](#)
- [JLFA – Child Sexual Abuse Prevention and Response](#)

## Adopted:

- May 13, 2008

## Revised:

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