

REPORTING CHILD ABUSE/CHILD PROTECTION

It is the policy of the Governing Board of Directors that SFTBOCES comply with the Child Protection Act.

To that end, any BOCES official or 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, as defined by statute, shall immediately report or cause a report to be made to the appropriate county department of social services or local law enforcement agency. Failure to report promptly may result in civil and/or criminal liability. A person who reports child abuse or neglect in good faith is immune from civil or criminal liability.

Reports of child abuse or neglect, the name and address of the child, family or informant or any other identifying information in the report shall be confidential and shall not be public information.

The Board shall provide periodic inservice programs for all employees in order to provide them with information about the Child Protection Act, to assist them in recognizing and reporting instances of child abuse and to instruct them on how to assist victims and their families.

BOCES employees and officials shall not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the BOCES official or employee to prove that the child has been abused or neglected.

The Special Education Director shall submit such procedures as are necessary to the Board for approval to accomplish the intent of this policy.

Adopted: December 8, 1999

LEGAL REFS.: C.R.S. 19-1-103 (1) (*definition of child abuse or neglect*)
C.R.S. 19-3-102 & 103 (*definition of neglected or dependent child*)
C.R.S. 19-3-304 (*persons required to report abuse*)
C.R.S. 19-3-307 (*reporting procedures*)
C.R.S. 19-3-309 (*immunity from liability for persons reporting*)
C.R.S. 22-32-109 (1) (z) (*providing inservice for teachers*)

NOTE: The law cited above grants BOCES employees and other persons who report or facilitate investigation of child abuse immunity from liability that might otherwise be incurred, except for making maliciously false statements.

Santa Fe Trail Board of Cooperative Educational Services, La Junta, Colorado

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1. Definition of abuse or neglect

Child abuse or neglect is defined in law as "an act or omission which seriously threatens the health or welfare of a child." Specifically, this refers to:

- a. 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 which is not justifiably explained or where the history given concerning such condition or death is at variance with the condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
- b. Any case in which a child is subject to sexual assault or molestation, sexual exploitation or prostitution.
- c. Any case in which a 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.
- d. Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk or impairment of the child's intellectual or psychological functioning or development.
- e. Any act or omission described as neglect in state law as follows:
 - i) A parent, guardian or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
 - ii) The child lacks proper parental care through the actions or omissions of the parent, guardian or legal custodian.
 - iii) The child's environment is injurious to his or her welfare.
 - iv) A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for his or her health, guidance or well-being.

- v) The child is homeless, without proper care or not domiciled with his or her parent, guardian or legal custodian through no fault of such parent, guardian or legal custodian.
- vi) The child has run away from home or is otherwise beyond the control of his or her parent, guardian or legal custodian.
- vii) A parent, guardian or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse and the parent, guardian or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or has determined that such parent's, guardian's or legal custodian's abuse or neglect caused the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

2. Reporting requirements

Any BOCES employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must report such fact to the appropriate County Department of Social Services (Otero or Bent) or appropriate local law enforcement agency where the abuse or neglect is suspected to have occurred. The employee must follow any oral report with a written report sent to the appropriate agency.

In cases where the suspected or known perpetrator is a BOCES or school employee, the report should be made to the law enforcement agency. (Reports made to social services will be referred to law enforcement).

If a child is in immediate danger, the employee should call 911. "Immediate" refers to abuse that occurs in the employee's presence or has just occurred.

The employee reporting suspected abuse/neglect to social services or law enforcement officials must inform the Special Education Director as soon as possible orally or with a written memo. The ultimate responsibility for seeing that the oral and written reports are made to social services or law enforcement agencies lies with the BOCES official or employee who had the original concern.

3. Contents of the report

The following information should be included to the extent possible in the initial report:

- a. Name, age, address, sex and race of the child.
- b. Name and address of the child's parents, guardians and/or persons with whom the student lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or neglect.
- d. The nature and extent of the child's injury or condition as well as any evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings-all with dates as appropriate.
- e. The family composition, if known.
- f. Any action taken by the person making the report.
- g. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the BOCES official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. BOCES personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. BOCES personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A BOCES employee's reasonable cause to suspect that the child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry or from an explanation which does not fit the injury.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

4. After filing reports

After the report is made to the agency, BOCES staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The BOCES will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the BOCES will provide supportive aid and counseling services for the child.

Once a report of child abuse is given to the agency, the responsibility for investigation and follow-up lies with the agency. It is not the responsibility of the BOCES staff to investigate the case. Therefore, the BOCES staff will not engage in the following activities:

- a. Make home visits for investigative purposes.
- b. Take the child for medical treatment. (This does not preclude taking action in an emergency situation.)
- c. Convey messages between the agency and the parents/guardian.

Authorized BOCES personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

5. Guidelines for consideration

- a. If any BOCES employee has questions about reasonable cause of child abuse and the need for making a report, the employee may consult with the Special Education Director. If the Special Education Director is not available, a direct call to the county department of social services about concerns is advisable.

Note that consultation with another BOCES official or employee will not absolve the BOCES official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise a court order must be obtained to legally withhold a child from his parent or guardian.

- c. When any BOCES official or employee has a question about the thorough investigation of suspected abuse/neglect following the filing of a report, the employee or official should contact the Special Education Director.
- d. While all BOCES officials and employees are reminded of their legal responsibility to report suspected cases of abuse or neglect, they may be assured that reports will be investigated by trained professionals and that there are more supportive and therapeutic treatment alternatives available for parents/guardians, and/or other persons with whom the student lives than there have been in the past.
- e. The confidential nature of information pertinent to child abuse or neglect cases is a matter to be emphasized both legally and humanely.

Adopted: December 8, 1999