

REPORTING CHILD ABUSE, NEGLECT AND MALTREATMENT

I. Rationale for Reporting:

New York State Social Services Law §413, as amended on July 3, 2007 mandates that school personnel report all cases of suspected child abuse and maltreatment immediately to child protective services (CPS). This regulation emphasizes the urgency of school cooperation in investigations of suspected abuse and maltreatment, including permitting child protective services workers to examine pupil records, to interview allegedly abused and maltreated pupils, and to remove pupils from school into protective custody if potential danger to their welfare warrants such removal.

The purpose of the mandatory reporting statute is to identify suspected abused, neglected and maltreated children as soon as possible so that such children determined to be abused, neglected and maltreated can be protected from further harm and, where appropriate, can be offered services to assist their families. The intervention of child protective services cannot begin until a report is made. Consequently, as mandated reporters, school professionals play a critical role in preventing future abuse, neglect or maltreatment to a child. School professionals identified as mandated reporters include, but are not limited to:

- Administrator
- Athletic Coach (full time or part time)
- Guidance counselor
- Nurse
- Psychologist
- Social worker
- Teacher
- Any other school employee required to hold a license or certificate

II. Penalties for Failure to Report:

- A. Any person, official, or institution required by the law to report a case of suspected child abuse, neglect or maltreatment, who willfully fails to do so, may be guilty of a Class A misdemeanor. Furthermore, any person, official, or institution required by law to report a case of suspected child abuse, neglect or maltreatment who willfully fails to do so may be civilly liable for damages caused by the failure to report.
- B. In addition, a staff member who fails to follow the reporting requirements provided by this policy is subject to internal discipline, including possible dismissal, as provided by law.

III. Immunity and Protection for the Reporter:

- A. Any persons, officials or institutions who in good faith make a report of abuse, maltreatment or neglect, take photographs or X-rays, or who take a child into protective custody are immune from any civil or criminal liability (Social Services Law, §419) that might result from such actions. All persons, officials or institutions who are required to report suspected child abuse, neglect or maltreatment are presumed to have done so in good faith, as long as they were acting in the discharge of their official duties and within the scope of their employment, and so long as their actions did not result from willful misconduct or gross negligence.
- B. School districts are prohibited from taking any retaliatory action against an employee who believes there is reasonable cause to suspect that a child is an abused or maltreated child, and upon such reasonable belief makes a report.
- C. Neither schools nor individual school officials can impose any conditions (such as prior approval by or notification to a school administrator), upon a mandated reporter prior to the filing of a report.

IV. Child Abuse, Neglect and Maltreatment Defined:

- A. A child is considered to be "**abused**" if he/she is under 18 years old and his/her parent (or other person legally responsible for his/her care):
 - 1. inflicts physical injury or allows physical injury to be inflicted on the child (other than accidentally) which creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
 - 2. creates or allows to be created a substantial risk of physical injury (other than accidentally) which is likely to lead to any of the results described in subparagraph (1) above; or
 - 3. commits or allows a sex offense to be committed against the child; permits or encourages the child to engage in acts of prostitution; engages in incest with the child; or permits the child to engage in a sexual performance.
- B. A child is considered to be "**neglected**" or "**maltreated**" if he/she is under 18 years old, and:
 - 1. he/she has had serious physical injury inflicted upon him/her other than accidentally; or
 - 2. his/her physical, mental or emotional condition has been impaired (or is in imminent danger of becoming impaired) because his/ her parent (or other person legally responsible for his/her care):

- a) has failed to supply the child with adequate food, clothing, shelter or education in accordance with the compulsory education laws, or with medical dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
 - b) has unreasonably inflicted harm or allowed harm to be inflicted (including through excessive corporal punishment, through misuse of drugs, through misuse of alcohol, or through similarly serious acts); or
 - c) has abandoned the child.
- C. The terms "impairment of emotional health" and "impairment of mental or emotional condition" include but are not limited to, conditions such as failure to thrive, failure to control aggressive or self-destructive impulses, inability to think and reason, and acting out or misbehavior (e.g., incorrigibility, ungovernability or habitual truancy); provided, however, that such impairment must be clearly attributable to the failure of the parent or person legally responsible for the child to exercise a minimum degree of care toward the child.
- D. "Person legally responsible" includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person in the same household as the child, over the age of eighteen, whose conduct causes or contributes to the abuse or neglect of the child.

V. Staff Reporting Responsibilities:

- A. Any professional staff member who has reasonable cause to suspect that a child is abused, neglected or maltreated must report such suspicion immediately to the New York Central Register of Child Abuse and Maltreatment, and then immediately notify the school principal, superintendent, or his/her designee. The principal, superintendent or superintendent's designee then becomes responsible for all subsequent administration necessitated by the report. When physical abuse is suspected, the building nurse shall examine the child and make a written statement of the observation.
- B. It is the responsibility of the building principal to determine if the abused, neglected or maltreated child is in need of immediate medical care or evaluation. If immediate medical treatment is required the principal must contact the school physician and the chief administrator in charge of pupil services.
- C. The building principal will retain in his/her office all records of information concerning each case and shall also file timely reports of all significant developments in the matter with the chief administrator in charge of pupil services.

VI. Reporting Procedures:

A. Reports of suspected child abuse or maltreatment shall be made immediately by telephone to: **1-800-635-1522**

The report should include the following information:

- Name and address of the child and his/her parents or other persons legally responsible for his/her care
- The child's age, sex and race
- The nature and extent of the child's injuries, suspected abuse, neglect or maltreatment--including any evidence of prior injuries, abuse, neglect or maltreatment of the child or his/her siblings.
- The name(s) of the person or persons alleged to be responsible for causing the injury, abuse neglect or maltreatment
- The family composition
- The name of the person making the report and where he/she can be reached.
- Any action taken by the reporting source including the taking of photographs and X-rays, removal of the child or notifying the Medical Examiner or Coroner
- Any additional information that may be helpful.

B. Within 48 hours after the oral report, a written report (5460-E) should be completed and submitted to the **Nassau County Department of Social Services Child Protective Services Registry, 101 County Seat Drive Mineola, NY 11501.**

C. The Office of the Superintendent and the office of the chief administrator in charge of pupil services should be notified of all cases of suspected child abuse, neglect or maltreatment.

D. School employees and officials shall not contact a child's family or any other person to determine the cause of the suspected child abuse or maltreatment. It is not the responsibility of the school employee or official to prove that a child has been abused or maltreated.

VII. Confidentiality of Reports:

Reports of suspected child abuse, neglect or maltreatment are confidential and may only be made available to those individuals or groups specified by law. No record of suspected abuse, neglect or maltreatment shall be placed in the child's folder or health record. The principal and the chief administrator in charge of pupil services will retain in their offices all information relating to such reports.

VIII. Access to School Records:

Parental consent is not required for information disclosure in any situation where immediate knowledge is crucial to the welfare of the child, i.e. to protect the health and safety of the child or others.

IX. Physical Examinations:

Where the suspected child abuse, neglect or maltreatment is required to be reported, the School District may take photographs of visible trauma and, if medically indicated, have radiological examinations performed. Any photographs or X-rays taken should be submitted with the written report, or as soon as thereafter possible.

X. Interviews on School Property:

It may be necessary for the Child Protective Services caseworker to interview and obtain affidavits from pupils in school without the knowledge or permission of their parents or other persons of legal responsibility. Title VI of the Social Services Law allows for such interviews if the pupil's case is under official investigation by the Nassau County Department of Social Services and the investigator is a caseworker assigned for this purpose. The school principal or his/her designees (such as the school psychologist or social worker) shall assist the staff of the Child Protective Services to fulfill their responsibilities and shall be present during all interviews conducted on school property.

XI. Protective Custody:

If the Child Protective Services caseworker determines that a child's life or health is in imminent danger, the caseworker has the authority to take the child into protective custody without a court order or the consent of the child's parent(s) or legal guardian. Peace officers, police officers or other law enforcement officials are other agents who are empowered to place a child into protective custody. School employees and officials are not authorized to take a child into protective custody.

XII. Court Orders:

The New York Family Court Act contains detailed provisions and procedures for the short and long-term protection of abused, neglected and maltreated children. Under appropriate circumstances, the School District may ask Family Court for permission to initiate such proceedings.

XIII. Reporting of Deaths:

A person required to make reports of suspected abuse, maltreatment or neglect, as outlined above, and who has reasonable cause to believe that a child has died of abuse or maltreatment, shall so advise the Nassau County Medical Examiner.

XIV. Child Abuse, Neglect and Maltreatment Training:

A. It is required that all new certificated staff will have completed a two-hour course in the identification and reporting of child abuse.

B. This policy will be reviewed annually with the professional staff in each school building.

Great Neck Public Schools

Adopted: 06/20/94

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