

School District of Hortonville

Title: Child Abuse and Neglect Reporting

Date Adopted: 11/25/96
Date Revised:

Policy No. 5064
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Policy Statement:

It shall be the policy of the School District of Hortonville to require that all District employees who have knowledge of, or who suspect, child abuse or neglect, or threat of child abuse or neglect, to immediately report all such actual or suspected child abuse or neglect to the County Department of Social Services. If a report to the department is not possible, then the District staff shall report child abuse or neglect of children to the County Sheriff's Department or to the Municipal Police Department. If the child's abuse or neglect is life threatening, the staff is first to make a report to the law enforcement agency and request immediate investigation. Upon making the report, the District staff person shall also immediately report the law enforcement referral to the County Department of Social Services.

A report is described as "...the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that child abuse or neglect will occur..." s.s. 48.98(3), Wisconsin Statutes. The law requires such information to be conveyed to the county social services department of the local law enforcement agency.

It is the policy of the District that no administrator or other school district employee may prevent or attempt to prevent another District employee from making a report of the alleged child abuse or neglect.

It is the District's policy that no administrator or other school district employee, may require or attempt to require, that another District employee desiring to make a report of suspected child abuse or neglect be required to change any aspect of that report.

It shall be the policy that the School District of Hortonville shall not take any disciplinary action against a District employee who makes a report of suspected child abuse or neglect. Disciplinary action may result from the failure of a District employee to report suspected child abuse or neglect of which they have knowledge.

It is the policy of the School District of Hortonville to maintain as confidential any and all information pertaining to the suspected child abuse or neglect report and to share information only with those individuals provided for under s.s. 48.981, Wisconsin Statutes.

Rationale:

Children who are abused and/or neglected not only are harmed physically and emotionally but also educationally. Wisconsin Statutes 48.981 require that certain school district employees report any suspected child abuse or neglect which they encounter in the course of their professional duties. The Department of Public Instruction has worked with the Department of Health and Social Services to develop a uniform approach which will assist school district employees to meet this responsibility. It is important that each person in the educational system know and understand their responsibilities for reporting abuse and neglect in order to insure that county child protection service agencies intervene and develop effective treatment programs for children and their families.

President _____ Date _____

Clerk _____ Date _____

The District is committed to providing a positive environment with the school and assisting families and community child protection agencies to provide positive environments in the home and community. As a part of that commitment, the School District of Hortonville establishes this policy regarding reporting of any threatened or suspected child abuse or neglect in accordance with s.s. 48.981.

SCOPE: District Personnel PK-12

RESPONSIBILITY: All District Personnel PK-12

IMPLEMENTATION:

The School District of Hortonville requires that all staff members report the following situations or conditions as described in s.s. 48.981, Wisconsin Statutes: Any mandated reporter having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect will occur shall report. "Abuse" includes physical injury, sexual abuse and conduct causing emotional damage. Physical injury means injury inflicted on a child by other than accidental means. Physical injury includes, but is not limited to, laceration, fractured bones, burns, internal injuries, severe or frequent bruising. Sexual abuse includes sexual intercourse or contact, sexual exploitation or permitting or allowing or encouraging a child to engage in prostitution. Emotional damage means harm to a child's psychological or intellectual functioning which is exhibited by anxiety, depression or aggression. Emotional damage may be demonstrated by observable changes in the child's behavior or in emotional responses or learning incompatible with the child's age or stage of development. Neglect is the refusal or inability by the child's parent, legal guardian, or other person exercising temporary or permanent control over the child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

The School District of Hortonville shall conduct review sessions for all staff regarding this policy on a yearly basis. Those persons who are mandatory reporters under s.s. 48.981, Wisconsin Statutes, shall be required to attend. All district staff will be given a copy of the child abuse and neglect reporting procedures each year.

District staff who are required by law to make a report may consult with other district staff prior to making a report but may not delay the report beyond the time that student leaves the supervision of school staff on the day that the suspicion of an abuse or neglect or threatened abuse or neglect occurs. At all times it shall be the aim of the district employee to make the report of their concerns to the child protection agency as quickly as possible, any delay would not be in the best interest of the child and is not the policy of the district.

District staff making a report of child abuse or neglect shall inform their building principal of their intention to do so. If the building principal is unavailable for any reason, the individual making the report shall contact the next administrator in the chain of command. The building principal, or such other administrator that the staff person making the report contacts, shall support the staff member in their action and shall not attempt to delay, modify, or prevent any report of suspected child maltreatment.

District staff may request consultation from other district staff members, such as pupil service staff, on the reporting process and the necessary follow-up.

The fact that a report of suspected child abuse or neglect has been made, including the name of the reporter, the name of the alleged victim, and the content of the report, shall be kept confidential from all staff and other persons not authorized under s.s. 48.981, Wisconsin Statutes, to have that information. Staff members who divulge such information to an unauthorized person or persons are

liable for disciplinary action from the District as well as the penalties provided in s.s 48.981, Wisconsin Statutes.

Reports of suspected child abuse or neglect shall be made to the following community resources:

1. Outagamie County Department of Social Services

401 S. Elm St.
Appleton, WI 54911
Day Phone: 920/832-5161
Emergency Phone: 920/832-5000

2. Outagamie County Sheriff's Department

410 S. Walnut St.
Appleton, WI 54911
Day Phone: 920/832-5605
Emergency Phone: 920/832-5000

3. Hortonville Police Department

118 N. Mill St.
Hortonville, WI 54944
Day Phone: 920/779-6165
Emergency Phone: 920/832-5000

When making a report the District employee shall provide as much of the following information as possible:

1. The employee's name, position, relationship to the child and school phone number.
2. The name, home address and age of the child suspected of being maltreated.
3. The name, home address, work place, home phone number of the alleged victim's parents.
4. The names and ages of the alleged victim's siblings.
5. A brief description of why you believe the child is abused or neglected or is threatened with abuse or neglect, statements of the child made to the reporter or to others, and any surrounding circumstances and conditions in the home of which the reporter is aware.

Abuse

Child abuse may take any one of several forms:

1. Physical Abuse - Physical abuse is defined as physical injury inflicted on a child by other than accidental means. Physical injury includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising.
2. Sexual Abuse - Sexual abuse includes sexual intercourse or contact, sexual exploitation, forced viewing of sexual activity, or permitting or allowing or encouraging a child to engage in prostitution.
3. Emotional Abuse - Emotional abuse means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior or a combination of those behaviors which is caused by the child's parent, guardian or legal custodian or other person exercising temporary or permanent control over the child and for which the child's parent, guardian or legal custodian has failed to obtain the treatment necessary to remedy the harm. Emotional damage may be demonstrated by substantial and observable change in behavior, emotional response or learning which is incompatible with the child's age or stage of development.

Neglect

Neglect is failure by the child's parent, legal guardian or other person exercising temporary or permanent control over a child for reason other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

What must be reported?

The law requires only that the mandated reporter having seen a child in the course of professional duties have a reasonable suspicion that abuse or neglect has occurred, or a reasonable belief that a child is threatened with abuse or neglect and that abuse or neglect will occur. A report is not a determination of

abuse or neglect. It is up to the county department of Social Services to make an assessment and determine what action is appropriate to protect the child.

Who must report suspected child abuse and/or neglect?

In addition to many categories of nonschool personnel, Wisconsin statutes provide that teachers, social workers, psychologists, nurses, counselors, physical therapists, occupational therapists, speech therapists, audiologists and administrators are required to report suspected child abuse and/or neglect.

When should a report of suspected abuse or neglect be made?

A report should be made as soon as the mandated reporter has a reasonable suspicion of the possibility that a child has been abused or neglected or that the child may be abused or neglected. It is important that there be no delay in making a report to the county department of social services or the local law enforcement agency. Based on the information they receive, that department will determine how urgent the circumstances are and how quickly they must respond.

What protections are given to reporters for their actions?

Any person making a report in good faith is granted immunity from civil or criminal liability for their actions. In the event of a lawsuit, it is unlikely that they would be successfully sued as long as the report was made in good faith because of this protection. State law requires the school district to defend, or pay the cost of the defense for any lawsuit against a mandated reporter who is an employee and acting within the scope of his or her employment.

Is there any legal sanction to a mandated reporter for intentional failure to report suspected child abuse or neglect?

The law provides that a mandated reporter may be fined not more than \$1,000 or imprisoned not more than six months, or both.

Why are school personnel included as mandatory reporters?

Employees of the local school district, especially classroom teachers, have first-hand knowledge of students because they have frequent contact with them over an extended period of time. The student's appearance and behavior provides important clues as to whether abuse or neglect are present in the home. At times a student may share the fact of neglect or abuse through written assignment or by confiding in a staff member.

Is it necessary for a mandatory reporter to be absolutely certain that abuse or neglect is occurring before making a report?

No. The law only requires a reasonable suspicion that abuse or neglect has occurred or a reasonable belief that it will occur. It is the role of the child protective services agency to assess the situation and to determine the facts. Mandated reporters should not conduct any investigation on their own.

Where are reports of suspected abuse or neglect made?

Individuals who suspect that child abuse or neglect exists are required by law to report that suspicion to either the county department of Social or Human Services or the local Law Enforcement Agency. No other agency, public or private, is legally designated to receive, or act on a report of child abuse or neglect.

Reporting suspicions to an administrator or another staff member does not absolve the individual from the responsibility of reporting to the appropriate child protective services agency. No administrator or other school district member may counsel an individual against or prevent an individual who suspects abuse or neglect from making a report.

Can a mandated reporter ask another person to make the report?

An individual who requests that another staff person or an administrator make a report of suspected child abuse or neglect is not absolved from the legal responsibility of making the report. If the other staff person fails to make the report, the individual with first knowledge remains legally responsible for the consequences of not reporting.

It is permissible for the reporting staff member to consult with an administrator or another staff member in order to receive support and assistance in the procedure. The District may adopt a policy and is encouraged to conduct training concerning compliance with the child abuse reporting law, but the policy may not be inconsistent with the state law.

What information should be given to the child protection agency?

1. Your name, position, relationship to the child, the school phone number.
2. Child's name, home address and age.
3. Child's parents' name, address, work place, names and ages of siblings
4. Description of suspected child abuse and neglect or the threat of child abuse or neglect, statements of the child, statements allegedly made by the child to others, and any surrounding circumstances and conditions in the home of which the reporter is aware.

What are child abuse and neglect indicators?

The following descriptions of what to look for are to be considered as partial, not a comprehensive, list of indicators of child abuse and neglect:

Physical Abuse

1. Bruises and other marks which cannot be explained by referring to normal childhood accidents. The bruises are especially significant if they are frequent, numerous, or show the outline of an object (such as a hand print, or a straight line possibly caused by a cord or whip).
2. Burn marks of any kind, especially if they are frequent or show the outline of an object. Scald marks are important to note.
3. Cuts or abrasions which appear frequently, are unexplained by normal occurrences, or which are in unusual places.
4. Broken fingers, toes, teeth, loss of patches of hair and swelling on the scalp.
5. Children who have frequent headaches or complain of physical illness, who are wary of adult contacts, who are provocative, who seek affection excessively, who appear to be unnaturally bothered by other children crying or by discipline.
6. Often the child's parents or caretaker will describe the child as bad, a troublemaker in the family, or with other similar negative descriptors. They may be unable to give an adequate explanation of the child's condition or they may admit that the child's injuries were a result of something that they themselves did to the child as discipline.

Sexual Abuse

1. Pain or difficulty walking or sitting.
2. Complaints of pain, swelling or itching in the genital area.
3. Inappropriate knowledge of vocabulary concerning of sexual matters for the child's age.
4. Inappropriate sexual acting out.

Neglect

1. Habitual hunger.
2. Sickly appearance, frequent absences from school, general failure to thrive.
3. Poorly or inappropriately clothed (no coat during the winter, etc.).
4. Fatigue, listlessness, sleeping during class.
5. Development delays, lack of expression, frequent seeking for affection.
6. Parent or caretaker who fails to make contact with the school, who cannot be found, who is apathetic towards the child, or who is known to abuse alcohol or other drugs.

An important thing to note here is that the abusive or neglectful parent can often be helped to become an adequate caretaker. Reporting the neglect or abuse situation is frequently the beginning of their obtaining help to resolve their problems and meet the needs of their family themselves.

What happens after a report of suspected abuse or neglect is made?

If the agency determines that the referral information constitutes a suspicion of actual or threatened child abuse or neglect they will begin an investigation. They will observe the child and may request an opportunity to interview the student at school. The school should provide a private area for the interview to insure confidentiality. An administrator's office is often more appropriate because it is generally more private than any other office or room in the building. The child protection worker may interview the

child's parents and they may also interview other children in the family. The worker may also make a home visit to the family residence.

If the child protection worker conducts interviews with the child or the reporter at the school, may anyone be with them during that interview?

When the student is interviewed, the decision to have someone present is up to the child and the child protection worker. If the student wishes, and the child protection worker concurs, you or another staff person may be present to provide support. As a support to the child, you should not volunteer any information during the child's interview, additionally be alert for signs that the student may wish you to leave. It is fairly common for a child to want someone from the school present only until he/she is comfortable with the child protection worker.

What obligation does a mandated reporter have to protect the confidentiality of information gained through the reporting process or being a part of the interview with child?

All information gathered in the investigation, along with the name of the reporter is confidential and may not be disclosed to anyone except as provided by law. The county agency may not share details of the investigation, but upon its conclusion must inform the mandated reporter of what action, if any, was taken to protect the health and welfare of the child. If there is further suspicion of child abuse or neglect, it is important to report the situation once again. It is possible that that family, refused treatment or has not made adequate progress through the treatment. Another report will alert the agency to continued patterns of child abuse or neglect which may establish a need for further agency or court involvement.

Why doesn't the child protection agency remove the child, then do the investigation?

Most reports of child abuse or neglect do not result in a finding that child abuse is unsafe. The child can often be kept safely in his or her own home with appropriate supportive services. Federal and state laws and child protection practice are sensitive to the trauma that children and families experience from involuntary separation. Removal of a child is done only when absolutely necessary to protect the child. In addition, the child protection agency has only limited power to remove and hold the child without a court order. That power is restricted to brief periods of time on an emergency basis. The court must then decide if continued out-of-home placement is needed to protect the child.

ASSOCIATED INFORMATION: Wisconsin State Statutes 48.981