

**REPORTING CHILD ABUSE AND NEGLECT**

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I. DEFINITIONS

- A. Child abuse or neglect. Child abuse or neglect is defined by Maine law as “a 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, if the child is at least seven years of age and has not completed grade six and has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year, by a person responsible for the child.”
- B. 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

- A. Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal who shall process the report as provided in Section III of this policy. In addition to notifying the building principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney when the employee believes a direct report will better protect the child in question.
- B. If the reporting employee does not receive written confirmation from the building principal/Superintendent within 24 hours of the report that a report has been made to DHHS and/or District Attorney, the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Report of Child Abuse and Neglect Form (Form KNAG).
- C. If the reporting employee does receive written confirmation from the building principal/Superintendent within 24 hours of the report, he/she shall sign the form as acknowledgement that the report was made and return it to the building principal/Superintendent.

III. ADMINISTRATORS’ DUTIES

All building principals, Bangor administrators, and the Superintendent are designated agents to make child abuse and neglect reports. A building principal may also designate a specific agent to receive reports.

- A. If a building principal/designated agent receives a report, the principal shall notify the Superintendent immediately.
- B. The building principal or designee shall immediately make a report by telephone to DHHS, and if requested by DHHS, provide a written report of the suspected abuse or neglect to DHHS within 48 hours. In addition, if the person suspected of abuse or neglect is not the parent, guardian or other custodian of the child, the Superintendent/building



principal shall also make a report to the District Attorney and the Bangor Police Department.

1. The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the building principal/Superintendent.
- C. The person making the report to DHHS and/or the District Attorney shall complete the Report of Child Abuse and Neglect Form KNAG.
- D. The building administrator/Superintendent shall provide a copy of the Report of Child Abuse and Neglect Form to the reporting employee within 24 hours of the employee's initial report. The reporting employee shall sign the report and return it to the building administrator/Superintendent.
- E. The form will be forwarded to DHHS and/or the District Attorney and the Superintendent/designee. The school unit shall retain the form, along with any other information, relevant to the case, for ten years as specified in the Maine Archives Rules.

#### IV. REPORTING PROCEDURES

The verbal report shall include the following information, if known:

- A. The name and address of the child and the persons responsible for his/her care or custody;
- B. The child's age and sex;
- C. The nature and extent of the alleged abuse or neglect, including description of injuries and any explanation given for them;
- D. A description of alleged sexual abuse or exploitation, if any;
- E. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- F. The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
- G. Any actions taken by school staff, including any photographs taken or other materials collected; and
- H. Any other information the person making the report believes may be helpful.

Upon DHHS' request for a written report, the Superintendent/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHHS. Proper documentation shall be maintained in accordance with Section III. C.

#### V. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. Employees. If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Committee policies, collective bargaining contracts, and federal and state laws.
- B. 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 related to the school, the



Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Committee policies and federal and state laws.

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

Upon Department of Human Services (DHHS) request, DHHS personnel shall be permitted to meet with and interview a child who is named in a report of suspected child abuse and neglect when the child is present at the school. DHHS personnel shall be permitted to meet with and interview the child 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. The Department 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.

The interviewer shall be required to provide written certification that he/she is an authorized representative of the DHHS and that, in DHHS judgment, the interview is necessary to carry out that Department's duties under Maine law.

The DHHS caseworker shall discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher or guidance counselor or the school's nurse, social worker or principal, as the caseworker determines is necessary for the provision of any needed emotional support to the child prior to and following the interview.

School officials may not place any other conditions on the DHHS's ability to conduct the interview, including but not limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; or requiring notice to or consent from a parent or guardian.

School officials shall provide an appropriate, quiet and private place for the interview to occur.

That DHHS intends to interview the child is confidential information and may not be disclosed to any person except those school officials, including an attorney for the school, who need the information to comply with Maine law pertaining to child abuse and neglect investigations.

School personnel who assist DHHS in making a child available for an interview are regarded as participating in a child protection investigation or proceeding for the purpose of immunity from liability.

#### VII. 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 Committee policies and applicable law.

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

#### VIII. TRAINING

Any school unit employee who is required to make a report shall have completed training within 6 months of hire and at least once every four years, complete mandated training approved by DHHS.

#### IX. CHILD SEXUAL ABUSE PREVENTION EDUCATION PRE-K THROUGH GRADE 5 CURRICULUM PROGRAMS

Age-appropriate child sexual abuse prevention education curriculum programs shall be:

1. Delivered by qualified instructors;
2. Part of the written comprehensive school health education curriculum;



3. Aligned to the Maine Learning Results Health Education Standards for grades Pre-K through 5 (pursuant to 20-A MRS §6209); and
4. Follow an appropriate scope and sequence.

The classroom curriculum will be consistent with evidence-informed, age-appropriate child sexual abuse prevention education for students, and include:

1. Age-appropriate education regarding physical and personal boundaries, including biologically accurate body terminology;
2. Helps children identify unsafe or uncomfortable situations including a range of feelings, touches or violations of physical boundaries;
3. Helps children identify safe adults with whom they could discuss unsafe or uncomfortable situations; and
4. Helps children identify and develop skills to support a friend who may be experiencing unsafe or uncomfortable situations.

### **RESOURCES AND SERVICES**

The Bangor School Department maintains a list of age appropriate resources for victims of child sexual abuse and non-offending caregivers of a victim of child sexual abuse. These resources are updated annually and are available at all Bangor schools.

### **GOOD FAITH IMMUNITY FROM LIABILITY**

Any person who in good faith reports 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 § 4011-A, 4021  
20 USC § 1232g, Family Educational Rights and Privacy Act  
20-A M.R.S.A. §§ 5051-A(1)(C); 5051-A(2)(C)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students  
JLF-R –Reporting Child Abuse and Neglect Administrative Procedure  
JLF-E –Suspected Child Abuse and Neglect Report Form  
JRA – Student Records

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