

SUSPECTED CHILD ABUSE, NEGLECT AND MALTREATMENT REGULATION

New York State Law (Child Protective Service Act of 1973 and Chapter 193 of the laws of 2007) provides for reporting of suspected cases of child abuse by school personnel. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

- (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
 - b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

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 continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All district employees, including building administrators, teachers, registered nurses, doctors, psychologists, guidance counselors, social workers, or psychiatrists, and all other employees who come in contact with students are required personally to report all cases of suspected child abuse or maltreatment by either:
 - a. phoning the New York State Child Abuse and Maltreatment Center (800-342-3720) and informing them verbally of the problem; or
 - b. contacting the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services (LDSS-2221-A).

Once the report has been made, the Building Principal is to be notified of the particulars in writing using the form *Notification to the Principal of a Report of Suspected Child Abuse or Maltreatment*.

2. The Building Principal is required to:
 - a. inform the Superintendent of Schools or his/her designee of the information received; and

- b. ensure that the required written report is filed with the local child protective services agency and the statewide central registry of child abuse and maltreatment within forty-eight hours after the initial call or faxed report was made. A confidential copy of the report is to be sent to the Student Services Office.
3. The Building Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera shall be kept at the school and be available for this purpose.
4. The written report that must be filed shall include:
 - a. the name and address of the child and his/her parent(s) or guardian(s);
 - b. if applicable, the name and address of the residential care facility or program in which the child resides or is receiving care;
 - c. the child's age, sex, and race;
 - d. the nature of the child's injuries, abuse or maltreatment, including evidence of prior injuries, abuse or maltreatment to the child and his/her siblings;
 - e. if known, the name of the person(s) alleged to be responsible for causing the injury(ies), abuse or maltreatment;
 - f. the members of the family/family composition (e.g., father, mother, 2 sisters, grandmother, etc.);
 - g. the source of the report;
 - h. the person making the report and where he/she can be reached;
 - I. the actions taken by the reporting source, including the taking of photographs and/or x-rays, removal or retaining of the child, and/or notifying the medical examiner or coroner; and
 - j. any other information which the Commissioner of Social Services may require.
5. The school physician shall notify the appropriate police authorities or the local child protective service to take custody of any child the physician is treating, whether or not additional medical treatment is required, if he/she believes the child is in danger.
6. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

7. The Superintendent or designee can request a summary report of an investigation of a case referred to Child Protective Services. The adult subject of a case of suspected child abuse or maltreatment has a right to a copy of all information in the State Central register. Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.
8. All district employees who are required to report suspected child abuse shall be required to attend ongoing training sessions regarding identification and reporting of all cases of suspected child abuse.
9. All district employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
10. Only one report of any suspected abuse is required.
11. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
12. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate authorities.
13. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.
14. If a report of child abuse or maltreatment has been determined to be unfounded, all records, both in the State Central Register and in school files, shall be expunged.

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