

JLF - 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 under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).

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. Employee’s Duty Report

A. Any employee of the school unit who knows or has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal or designated agent.

1. In addition to notifying the building principal/designated agent, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).

B. If the reporting employee does not receive written confirmation from the building principal/designated agent or Superintendent within 24 hours of his/her 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 Suspected Child Abuse and Neglect Reporting Form (JLF-E).

C. If the reporting employee does receive written confirmation from the building principal/designated agent or Superintendent within 24 hours of his/her report (i.e., a copy of the

Suspected Child Abuse and Neglect Reporting Form (JLF-E)), he/she shall sign the form as acknowledgement that the report was made and return it to the building principal/administrator or Superintendent.

III. Administrator Reporting And Confirmation Duties

All building principals 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 the report, he/she shall notify the Superintendent immediately.

B. The Superintendent or building principal 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.

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 Superintendent/building principal.

C. The person making the report to DHHS and/or the District Attorney shall complete the Suspected child Abuse or Neglect Form (JLF-E).

D. The Superintendent/building principal shall provide a copy of the Suspected Child Abuse or 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 Superintendent/building principal.

E. If requested by the relevant agency, the form will be forwarded to DHHS and/or the District Attorney, and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

IV. 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 Board 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 Board policies and federal and state laws.

V. Interviews Of Child And School Personnel

A. DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school 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.

B. Upon request of a DHHS employee to meet with and interview the child named in the report when the child is present at school, the building principal or designee shall:

1. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, the interview is necessary to carry out its duties;
2. Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, school counselor, school nurse, social worker or building principal as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
3. Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;
4. Provide an appropriate, quiet and private place for the interview; and
5. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

VI. 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 Board 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 in response to a lawful subpoena, or as necessary to protect the health or safety of the child or other individuals under federal law.

VII. Training

Any school unit employee who is required to make a report shall, at least once every four years, complete mandated training approved by DHHS.

The DHHS training is available online at:

https://www.maine.gov/dhhs/ocfs/documents/MRT_Online_APR2018.pdf

VIII. Good Faith Immunity From Liability

Any person who in good faith reports, assists DHHS in making the child available for an interview, 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

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

JLFA - Child Sexual Abuse Prevention and Response

JLFA-R - Child Sexual Abuse Prevention and Response Procedure

JLFA-E Suspected Child Sexual Abuse Report Form

JRA – Student Records

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