

CHILD ABUSE AND NEGLECT REPORTING AND FOLLOW-UP

Although all individuals who witness an alleged child abuse or neglect incident are urged to report it, teachers or any other persons employed in a public school are **required to report** such incidents. “§63.2-1509 – Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report within 24 hours of the first suspicion of child abuse or neglect is a misdemeanor violation carrying an initial fine of not more than \$500.00.

- Any teacher or other person employed in a public or private school, kindergarten or nursery school who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the **DEPARTMENT’S TOLL –FREE CHILD ABUSE AND NEGLECT HOTLINE: 800-552-7096 OR 804-786-8536.** ;
- School personnel shall cooperate with the Coordinator of Child Protective services. “§63.2-1512 – Immunity of person making report, etc., from liability. Any person making a report pursuant to §63.2-1509, a complaint pursuant to §63.2-1510, or who takes a child into custody pursuant to §63.2-1517, or who participates in a judicial proceeding resulting there from shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.
- If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.
- The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violated the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)). Provision of such information, records and reports by a health care provider shall not be prohibited by §8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.
- Any person who makes a report or provides records or information or who testifies in any judicial proceeding arising from such report, records or information shall be immune

from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information or testimony, unless such person acted in bad faith or with malicious purpose.

- Any person required to file a report pursuant to this section who fails to do so within twenty-four hours of his first suspicion of child abuse or neglect shall be fined not more than \$500.00 for the first failure and for any subsequent failures not less than \$1,000.00. In cases of rape, sodomy, or object sexual penetration, a person who fails to make the required report shall be guilty of a Class 1 misdemeanor.
- (1975, c.341, §63.1-248.3; 1976, c. 348; 1978, c. 747; 1993, c. 443; 1994, c. 840; 1995, c. 810; 1998, cc. 704, 716; 1999, c. 606; 2000, c. 500; 2001, c. 853; 2002, cc. 747, 860.)

How to Report

Once you have decided that you are concerned about possible abuse/neglect, you must report it. The report must be made immediately. Mandated reporters who fail to report within (24) hours of first suspicion can be charged with a misdemeanor. You must report your suspicion to the Child Protective Services Office and notify the Director, Associate Director, or Assistant Director of the report.

INDIVIDUALS MAY CONTACT THE STATE HOTLINE WITHIN VIRGINIA AT 800-552-7096 AND FROM OUT-OF-STATE AT 804-786-8536.

HEARING IMPAIRED INDIVIDUALS MAY ALSO CONTACT THE HOTLINE THROUGH THE VIRGINIA RELAY CENTER AT 800-828-1120.

For additional information visit: <http://www.dss.state.va.us/family/childabuse/html>

Follow-up

As the reporter, you have a right to know what happened within the bounds of confidentiality requirements. Department of Social Services policy requires that you receive written feedback on your report. Child Protective Services will share information with you regarding the report and the follow-up as long as it is in the child's best interest and you have a need to know. If you are not contacted by the Child Protective Services worker within 45-60 days of the report and you wish to learn the outcome of the Child Protective Services response, you may call the worker assigned to the report or the supervisor.

Definitions

Physical abuse - intentionally injuring a child.

Sexual abuse - in Virginia this includes committing or allowing to be committed any act of sexual exploitation or any sexual act in violation of the law, the most obvious being incest and rape, but including fondling, other more subtle forms of sexual behavior, and child pornography.

Emotional abuse - this is difficult to define, but here we are talking about parents who reject their children, parents who verbally abuse, parents who fail to provide care and love for their children.

Physical neglect - ranges from abandonment through failure to care for children's physical needs (inadequate nutrition, shelter, clothing, or medical care) to leaving children unsupervised.

An abused or neglected child is one who is less than eighteen years of age and whose parent or other person responsible for his care:

- Creates or inflicts, threatens to create or inflict, or allows to be created or inflicted a physical or mental injury made by other than accidental means, or creates a substantial risk of death, disfigurement, impairment of bodily or mental functions.
- Neglects or refuses to provide care necessary for the child's health, unless the child is, in good faith, under treatment solely by spiritual means through prayer, according to the practice of a recognized church or denomination.
- Abandons the child.
- Commits or allows to be committed any sexual act in violation of the law.

SEXUAL ASSAULT

In the event there is an occurrence of rape and/or serious assault, an administrator or his/her designee should follow these procedures:

- Determine if first aid is needed. Depending on the situation, victim should not eat or drink, change clothes or shower while awaiting police arrival.
- Close off the area to everyone if there is a crime scene related to the assault. Assign crisis management team member for security.
- Call (911) and request that police respond.
- Notify parent/guardian or next of kin.
- Assign a crisis management team member (counselor if possible) to stay with the victim.
- Check for:
 - Emergency card on file in office if a student
 - Personnel emergency card if a staff member
- Obtain as much information regarding the assailant and incident as possible.
- Accompany victim if necessary.

CHILD-NAPPING

In the event of a child-napping

- Notify the police (911).
- Notify Child Protective Services (804-786-8536).
- Notify parent/guardian.

Preventive activities that may help avoid child-napping situations

- School personnel in front office positions should have at their desk a list of students who are not to be released to anyone except a particular parent or guardian. Emergency cards of such students should be tagged.
- Before releasing a child to anyone except the parent or guardian on the list, identification must be checked. School personnel also should check with the custodial parent/guardian for approval. A record of the time and date of phone approval should be made and kept.
- When a parent telephones a request that a child be released from school, the identity of the caller should be confirmed (by a separate call to the parent or guardian, if needed) before the child is permitted to leave. In the event of any doubt, the message and phone number should be written down; a return call should be made after cross-checking the phone number with those on file in the child's folder or on the emergency card.

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Annually within the Crisis Manual

Legal Ref: Code of Virginia §63.2-1509, §63.2-1510, §63.2-1512, §63.2-1517 and §8.01-399
Federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g))

Cross Ref: Pol No. 5075 Child Abuse and Neglect Reporting