

Abused and Neglected Child Reporting

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees, and patrons of the School District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding observation and reporting of suspected child abuse, child abandonment, or child neglect. The Superintendent shall review with staff the legal requirements concerning suspected child abuse at the commencement of each year.

"Abuse" is defined in I.C. § 16-1602 of the Idaho Code as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, or soft tissue swelling. Abuse is further defined in I.C. 16-1602 to include sexual conduct including rape; molestation; incest; prostitution; obscene or pornographic photographing, filming, or depiction for commercial purposes; or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child. Abuse also includes abandonment and neglect.

"Abandoned" is defined as the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one year is evidence of abandonment. I.C. § 16-1602(2).

"Neglected" means a child:

Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his or her well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items;

-I.C. § 16-1602(25).

A District employee who has reasonable cause to suspect that a student may be an abused, abandoned, or neglected as defined above or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment, or neglect shall report or cause to be reported such a case to local law enforcement or the Department of Health and Welfare within 24 hours.

Employees of the District shall notify their supervisor immediately of the case. Employees will not make any contacts with parents, students, or other employees regarding the report. The supervisor shall immediately notify the Superintendent or the Superintendent's designee, who shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.

Employees are encouraged to become familiar with the law regarding child abuse and to exercise a great deal of caution when working with children in order to avoid situations where actions and/or language might be interpreted as abusive. Employees are reminded that any form of physical or corporal punishment is not permitted in the Cottonwood District.

If there is reasonable suspicion that a District employee, abused a child, the suspected abuse will be reported in the same manner as other instances of suspected abuse. The District will take immediate steps to protect the complainant and the alleged victim while an investigation takes place. The employee may be placed on leave pending further investigation and possible court proceedings in compliance with State and federal law and administrative rules and District policy. If an employee is convicted of child abuse, or in the case of a voluntary resignation resulting from accusations of the same, the Idaho Professional Standards Commission will be notified.

Any person who has reason to believe that a child has been abused, abandoned, or neglected and, acting upon that belief, makes a report of abuse, abandonment, or neglect as required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per I.C. § 16-1606.

In addition, according to I.C. § 16-1607:

Any person who makes a report or allegation of child abuse, abandonment, or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.

Any District employee who fails to report a suspected case of abuse, abandonment, or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

Legal Reference:	I.C. § 33-512	Government of Schools
	I.C. § 33-513	Professional Personnel
	I.C. § 33-1208	Grounds for Revocation of Certificate
	I.C. § 16-1602	Definitions
	I.C. § 16-1605	Reporting of Abuse, Abandonment or Neglect
	I.C. § 16-1606	Immunity
	I.C. § 16-1607	Reporting in Bad Faith-Civil Damages

Policy History:

Adopted on: February 22, 2017

Revised on: