

## **REPORTING CHILD ABUSE/CHILD PROTECTION**

### **Introduction and Purpose:**

Along with Colorado Springs School District 11 (the District) parents, school personnel occupy a unique position as the most constant and perceptive observers of the emotional, social and intellectual growth of students. Because of that pivotal role, we are required to assist in our community's efforts to prevent the tragedy of child abuse and neglect from occurring and to help give maltreated children and their families the professional protection and treatment they need.

This guide will define the legal obligations of District employees to identify, report, and assist students who have suffered abuse and neglect.

### **Revised Statute (C.R.S.) 19-1-103 Defines Child Abuse as Follows:**

" Abuse" or "child abuse or neglect" means an act or omission in one of the following categories which threatens the health or welfare of a child:

1. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death; and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicate that such condition or death may not be the product of an accidental occurrence;
2. Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution;
3. Any case in which the child is in need of services because the child's parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.
4. Any case in which a child is subjected to emotional abuse. "Emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

### **Legal Obligation: C.R.S. 19-3-304**

Any District employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately report or cause a report to be made of such fact to the County Department of Human Services or local law enforcement agency.

An immediate report must also be made in instances of suspected child abuse related to actions by a staff member. This protects the rights of both student and staff member.

### **Responsibility for Investigation:**

Detailed investigations are not the duty of a reporting person.

Denial of abuse or neglect should never be a basis for failure to report a suspected incidence.

Investigations should be left to the Department of Human Services or the local law enforcement agency.

### **Immunity and Confidentiality**

Persons making good faith reports of suspected child abuse or neglect are immune from any liability, both civil and criminal. (C.R.S. 19-3-309)

The name and address of any child or family involved in child abuse or neglect, and the identity of persons making reports of suspected child abuse or neglect are confidential and persons releasing such information are subject to being charged with a class 2 petty offense, and upon conviction shall be punished by a fine of not more than \$300.00. (C.R.S. 19-3-307)

### **Process for Reporting Child Abuse/Neglect:**

C.R.S. 19-3-308 establishes three categories of abuse or neglect for purposes of investigation:

1. Institutional Abuse occurring in any public or private facility providing childcare, but NOT public schools.
2. Intra-familial Abuse occurring within the family context.
3. Third-Party Abuse occurring in any circumstance not identified in the previous two categories. Public school staff falls within this category.

Suspected child abuse, which would be categorized as either Intra-familial or Institutional abuse or neglect shall be reported to the Department of Human Services (DHS) via the child abuse hotline. Written reports shall be completed as indicated below.

Suspected child abuse, which would be categorized as Third Party abuse or neglect shall be reported to the Police Department via the dispatch center or directly to the Juvenile Victims Unit. Written reports shall be completed as indicated below.

### **All certified public school staff members are mandated reporters. The mandate for reporting applies to each of the three categories of suspected child abuse.**

1. The reporting person notifies the building principal or designee (assistant principal, coordinator, social worker, etc.)
2. The reporting person completes the written report (Form 88024) which is signed by principal/designee. Two copies of the form are sent to Department of Human Services, Child Welfare Intake, 1675 West Garden of the Gods Rd., 80907. One copy is retained by the reporting school in a separate file (not in the student's file).
3. In the event of institutional or intra-familial abuse/neglect, the building principal/designee will make a verbal or telephone report to the Department of Human Services via the child abuse hotline. This will be followed up by the written report; therefore, the reporting person must be certain that a report is made.
4. In the event of third party abuse/neglect, the building principal/designee will make a verbal or telephone report to the Colorado Springs Police Department via dispatch or the Juvenile Victims Unit. This will be followed up by the written report; therefore, the reporting person must be certain that a report is made.
5. The building principal/designee is responsible for verifying that a report is made.
6. When completed, these steps fulfill the reporting person's legal obligation.

## **Response from Department of Human Services**

If the school referral is assigned by DHS for investigation, the reporting school will be contacted. If the school referral is not assigned for investigation, DHS will notify the school in writing.

## **Informing Parents or Guardian**

School personnel **should not** contact a parent/guardian following a report. They should first confer with DHS to determine the appropriate time to make such a contact. The intent of this process is to serve the best interests of the child.

## **Releasing Children to DHS or Law Enforcement**

DHS representatives can take custody of children with verbal or written court order. Law enforcement officials do not need verbal or written court order to take custody. Appropriate identification of these representatives is required.

## **Procedures to Facilitate Law Enforcement or DHS Investigations of Child Abuse or Neglect**

1. When a law enforcement official or DHS caseworker comes to the school and asks to see a child, please ask the nature of their business and ask for proper identification. If it is to interview a child who may be the victim of child abuse or a child who has knowledge of alleged child abuse, allow the officer or caseworker to interview the child in an empty office or classroom.
2. Do not insist on attending the interview of the child. If the child demands/requests that you be present in the interview, inform the law enforcement official or caseworker of this request. Inform the student that you can attend the interview but you are not allowed to make statements or ask questions.
3. If the student demands to call a parent or refuses to talk to the law enforcement official or caseworker, it is the judgment of the law enforcement official as to whether he/she wishes to require the student to comply with the interview. The District is not responsible for making this determination or to advocate in one way or another regarding the interview. While it may seem important to aid the student's decision, once the caseworker or law enforcement official has made the request to you on the basis that he/she is conducting a confidential child abuse investigation, your involvement is simply to facilitate the process. The District and the employee have no further responsibility.
4. The District cannot act, and will not act, as a representative of these agencies. The District is not a law enforcement agency or a social service agency. IT IS A NEUTRAL PARTY IN SUCH MATTERS. This also should be made clear in your response to parents or others that may inquire about the interview.
5. A response to inquiries (from parents) should simply state that a law enforcement official or caseworker appeared at the school, asked to see the student, conducted an interview (or did not) and your role was simply to present the child to the law enforcement official or caseworker for an interview. You should state that the District has an OBLIGATION BY LAW to cooperate with these agencies in this way.
6. Please do not share any specific information with your staff or other inquisitive individuals. Remember that all aspects of a child abuse investigation are confidential, including the fact that a law enforcement official or DHS caseworker has conducted an interview.

7. Please cooperate fully with DHS caseworkers and law enforcement officials. Often school staff has important information needed by these people. **The non-involvement referred to in these guidelines refers to the actual investigation of a child's case, which should be left up to the appropriate officials. It does not refer to the idea of being helpful, cooperative, and with the sharing of background information of the child's case.**
8. Finally, on a yearly basis, please designate an individual in your school building to serve as the contact person for law enforcement officials and DHS caseworkers in the absence of the building principal or assistant principal(s). (Please contact The Office of Discipline Services with the name of this person(s). This information will be provided to law enforcement officials and DHS caseworkers.)

Following these guidelines will protect our students, will provide every possible measure to protect our staff from possible lawsuits, will fulfill the intent of the Child Abuse Reporting Act, and ensure appropriate cooperation with local law enforcement personnel and Department of Human Services employees. Please make every effort to discuss these guidelines with staff. In addition, please post these guidelines in visible areas throughout the building.

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LEGAL REFS.: C.R.S. 19-3-301, et seq. (the Child Protection Act of 1987)

CROSS REFS.: JLF, Reporting Child Abuse/Child Protection  
Internal District form 88024  
National Institute for Advanced Studies, pp. 11-14  
Child Abuse Resource Material Located in Each District School