



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

August 17, 2016

Date

- I. **PURPOSE:** To notify all employees of the Prince George's County Public Schools (PGCPS) that it is **mandatory** that they make a direct report when they have reason to suspect:

- A. A child has been physically or mentally abused;
- B. A child has been sexually abused, whether physical injuries sustained or not; or
- C. A child has been neglected as defined below.

II. **INFORMATION:**

Reporting Requirement

Maryland State Law mandates the direct reporting of suspected child physical and mental abuse, child sexual abuse or child neglect by teachers, counselors, psychologists, social workers, law enforcement officers and any other professional employee of a school. By adoption of Board Policy 0127 and this Procedure, PGCPS extends this reporting obligation to all employees, independent contractors and volunteers. If an employee, contractor or volunteer has reason to believe that a child has been abused or neglected by any parent, adoptive parent, other person who has permanent or temporary care or anyone who is responsible for the supervision of a child under the age of 18 years, he/she shall report directly and personally such observation or suspicion to the appropriate agency or designated person, following the procedures outlined below.

Immunity for Reporting

Formal investigation procedures - distinct from any personnel or labor relations procedures - are the responsibility of Child Protective Services and law enforcement agencies to which the report is made. Maryland law provides immunity from civil liability or criminal penalty for any individual who reports suspected abuse or neglect in good faith, or who participates in any investigation or judicial proceeding resulting from the report. Where school personnel or volunteers are unsure whether abuse or neglect has taken place, this situation should be discussed immediately with the local Department of Social Services.

III. **DEFINITIONS:** The following definitions are applicable to the content of these procedures.

- A. **Child:** Any person under the age of 18 years.
- B. **Abuse:** Physical or mental injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of a malicious act or acts by any parent, adoptive parent, or other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; any sexual abuse of a child, whether or not physical injuries are sustained.

Sexual Abuse: Sexual abuse shall mean any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy, or unnatural or perverted sexual practices on a child by any parent, or other person who has permanent or temporary care or responsibility for supervision of a minor child. Sexual abuse further includes allowing or encouraging a child to participate in human trafficking, prostitution, obscene or pornographic photography, films, poses or similar activity.



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C. Neglected Child:

1. A child who has suffered or is suffering significant physical or mental harm or injury as a result of conditions created by the absence of the parent(s), guardian(s), or custodian(s), or
2. A child who by the failure of the parent(s), guardian(s), or custodian(s) to give proper care and attention to the child and his/her problems under circumstances that indicate that the child's health or welfare is harmed or threatened thereby or that there is mental injury to the child or a substantial risk of mental injury.

A child may not be considered to be neglected solely because he/she is receiving non-medical remedial care and treatment recognized by state law in lieu of medical treatment.

- IV. **REPORTING PROCEDURES:** In general, the child suspected of having been abused or neglected should be supported and examined with the same concern and in the same manner as any child evidencing pain, injury, discomfort, or physical or emotional need. The legal right to make a determination of abuse or neglect is vested in the agency authorities to whom the report is made.

Schools shall post a sign in or near the front office with the phone number of Child Protective Services --

- On weekdays between 8:30 a.m. and 4:30 p.m., call 301-909-2450.
- On weekdays before 8:30 a.m. and after 4:30 p.m., or on weekends and holidays call 301-699-8605.

A. Suspected Child Abuse

1. Any employee of the Board of Education who suspects that a child has been abused by the parent, adoptive parent, or other person with permanent or temporary custody of the child shall call the Department of Social Services Central Intake and make an immediate oral report to the Division of Protective Services.
 - a. On weekdays between 8:30 a.m. and 4:30 p.m., call 301-909-2450.
 - b. On weekdays before 8:30 a.m. and after 4:30 p.m., call 301-699-8605.
 - c. On weekends and holidays, call 301-699-8605.
2. Prior to or after making the oral report to Child Protective Services, the employee **may** inform his/her immediate supervisor or building principal of the intent to so report and supply the supervisor or principal with all relevant information upon which the suspicion is based.
3. Within 48 hours of the occurrence of the situation giving rise to suspicion of abuse, the employee or volunteer must complete a written report of Form PS-60 (Revised 6/10), Report of Suspected Child Abuse, Child Neglect (copy attached).

One copy of the Form PS-60 will be sent to:



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- a. Prince George's County Department of Social Services
805 Brightseat Road
Landover, Maryland 20785
FAX 301-909-2460
 - b. State's Attorney for Prince George's County
Courthouse
Upper Marlboro, Maryland 20772
 - c. Director of Security Services
507 Largo Road
Upper Marlboro, MD 20772
Ph: 301-499-7000
Fax: 301-499-7013
 - d. If the suspected abuser is a system employee, contractor or volunteer, forward a copy to:

Employee and Labor Relations Office,
Sasscer Administration Building
14201 School Lane, Room 210
Upper Marlboro, Maryland 20772
Ph: 301-952-6315
Fax: 301-952-6187
4. In determining the need to report a suspicion of abuse, the following in-school procedures are to be followed.
- a. The staff member **may** inform the principal of the basis for the suspicion and that he/she is making a report, following the above procedures for reporting. (Section IV, A, 1-3)
 - b. School personnel **may** examine and/or question the child only as necessary to verify injury and the possibility that such injury resulted from cruel, inhumane, or malicious act(s) by the child's permanent or temporary caretaker. No attempts should be made to validate the suspicion.
 - c. A short statement **may** be prepared and signed, briefly describing the injury and the basis for suspicion of abuse. The signed statement will be attached to the copy of the Form PS-60 report to be maintained as described in Section VII of this Administrative Procedure.
- B. Suspected Child Neglect
1. Any employee of the Board of Education who suspects child neglect will first ascertain the presence of one of the two basic conditions defining neglect:
 - a. The absence of parent(s)/guardian(s)/custodian(s) resulting in significant physical or mental harm or injury to the child, or



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- b. The failure of parent(s)/guardian(s)/custodian(s) to give proper care under circumstances that indicate that the child's health or welfare is harmed or threatened thereby.
 2. If the school personnel determines there is a legitimate basis for the suspicion of neglect, he/she will immediately make the oral report to the Division of Protective Services by calling:
 - a. On weekdays between 8:30 a.m. and 4:30 p.m., call 301-909-2450.
 - b. On weekdays before 8:30 a.m. and after 4:30 p.m., call 301-699-8605.
 - c. On weekends and holidays, call 301-699-8605.
 3. The written report on Form PS-60 will be disseminated within 48 hours of the oral report, following the same steps as outlined for the reporting of child abuse. (Section IV, A, 3-4)

V. **INTERVIEWING PROCEDURES:**

- A. In the investigation of either child abuse or child neglect cases, if a child is questioned by the Child Protective Services worker and/or police during the school day on school premises, whether the child is the alleged victim or a non-victim witness, the school principal, or the principal's designee, should be present throughout that questioning.
- B. The school principal, or designee, shall advise the Chief Executive Officer or the CEO's designee whenever investigative questioning of students is permitted on the school premises, including the nature of the investigation and other relevant details. The copy of Form PS-60 sent to the Director of Security Services will suffice as notification to the CEO's designee.

School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect or abuse.

- C. In the course of the investigation, if Child Protective Services personnel feel it necessary to remove the child from the school, **they are legally authorized to do so** and will complete and leave with the principal or designee the Limited Custody Form as a part of that procedure.

The principal shall then call the parent/guardian to inform him/her that the child has been taken into protective custody and will provide the parent/guardian with the telephone number listed on the Limited Custody Form.

- D. In circumstances where the police are in a building for any reason and a child requests to talk to the officer, that request may be granted without informing the parent/guardian.

VI. **CONFIDENTIALITY:**

- A. All records and reports concerning child abuse or child neglect are confidential, and provision will be made by PGCPS to protect the identity of the reporter or any other person whose life or



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safety is likely to be endangered by disclosing the information.

- B. The Employee and Labor Relations Office shall maintain a confidential database of all alleged and confirmed cases of child abuse by employees – disaggregated by name, school and school year – with the final disposition of all appeals and criminal proceedings duly noted.

VII. **LIMITED MAINTENANCE OF REPORTS:** All child abuse and child neglect reports will be maintained by the Department of Security Services in a confidential Abuse and Neglect database for all cases. Information contained in the reports may be disclosed only under the following conditions.

1. Under a court order;
2. To personnel of local or state Department of Social Services, law enforcement personnel, and members of multidisciplinary case consultation teams who are investigating a report of known or suspected child abuse or neglect, or who are providing services to a child or family that is the subject of the report;
3. To local or state officials responsible for the administration of the child protective services as necessary to carry out their official functions;
4. To a person who is the alleged child abuser or the person suspected of child neglect if that person is responsible for the child's welfare; provided, however, that all references to the person who reported the suspected abuse or neglect or any other person whose life or safety is likely to be endangered by disclosing the information shall be removed before disclosure to the suspected abuser or person who is suspected of child neglect.

VIII. **CONSEQUENCES FOR FAILING TO REPORT**

An employee, contractor or volunteer who knowingly fails to report suspected abuse or neglect, or interferes with reporting suspected abuse or neglect, may be subject to the following:

- A. Disciplinary action, up to termination;
- B. A request to the State Superintendent of Schools to suspend or revoke the employee's professional certificate, as appropriate;
- C. Removal or disqualification from being selected for future contracts and school volunteering; and
- D. Referral to law enforcement authorities for civil or criminal liability, as appropriate.

IX. **LEGAL AUTHORITY:** Maryland Code, Family Law Article section 5-561 *et seq.*; Family Law Article 5-701 *et seq.*; Human Resources Article section 1-202. Code of Maryland Regulations (COMAR) 07.02.07 *et seq.*

X. **RELATED POLICY AND PROCEDURES:**

Board Policy 0127, Reporting Suspected Child Abuse and Neglect;



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Administrative Procedure 5144 – Cooperation with Law Enforcement Officers Contacting Students

- XI. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** The Division of Student Services will review and update these procedures as needed.
- XII. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 5145, dated July 1, 2010.
- XII. **EFFECTIVE DATE:** August 17, 2016.

Attachment: Form PS-60, Report of Suspected Child Abuse, Child Neglect

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, 11, and 12