

## ECU COMMUNITY SCHOOL

## PROCEDURE 10.620-P

### PROCEDURE FOR IMPLEMENTING CHILD ABUSE/~~NEGLECT~~ AND RELATED THREATS TO CHILD SAFETY

#### I. Training

A. The Dean will appoint a school system representative/liaison for child abuse reporting. This person will:

1. Be the school representative/liaison to coordinate information and concerns regarding the Child Abuse Reporting Law between schools and Department of Social Services, local law enforcement, and other community agencies;
2. Provide materials and other resources for the principal to do in-service with his/her staff about child abuse/neglect;
3. Inform the Dean of any changes in the law or Department of Social Services procedures for handling child abuse/neglect cases.

3-4. Ensure training in compliance with 115C-375.20 related to mandatory training for ECU Community school personnel to receive at least two hours of training on sexual abuse and sex trafficking in even-numbered years beginning in 2020

B. The principal will provide in-service training for his/her staff regarding the provisions of the Child Abuse Reporting Law and Expanded Duties for Reporting Under N.C.G.S. 14-318.6 including:

1. Definitions of abuse, neglect, ~~and dependency~~, serious bodily injury, serious physical injury, sexually violent offense, violent offense
2. Responsibilities of teachers, counselors, and other staff members for reporting instances of abuse or neglect, and violent offenses, serious bodily injury, or misdemeanor child abuse to law enforcement.
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3. Procedures of reporting
4. Role and responsibilities of department of social services caseworkers and other investigatory agencies, including law enforcement

5. Confidentiality

6. In even numbered years beginning in the year 2020, the school will provide a child abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and Community School policy.

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#### II. Reporting

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A. A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. A sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to the inappropriate sexual conduct with a child);
2. An offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;
3. An attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or
4. Misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school and is subject to civil and criminal action.

B. A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking involuntary servitude, or sexual servitude by any person is legally required to report the case to the Pitt County Department of Social Services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law.

C. A school employee, contractor, or volunteer who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the Department of Human Service (DHHS), Division of Child Development and Early Education (DCDEE).

A "child care facility" includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child's care is being provided in a child care facility must be resolved in favor of reporting, and the report

should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by the board, the principal shall immediately notify the Dean of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school.

D. Reporting is the responsibility of the individual who has first-hand knowledge or who has observed evidence of abuse or neglect. The principal or his/her designee will provide support to other staff members and act as a liaison with the local Department of Social Services.

B.E. Any report of suspected child abuse, neglect, dependency, or death due to maltreatment made to the local department of social services should, at a minimum, contain sufficient information to identify the child, his family, and the acts supporting the suspicion of child abuse, neglect or dependency. The report may be made orally, by telephone, or in writing. It may be followed by a written report and must be if requested by the Department of Social Services.

C.F. The report of suspected abuse/neglect does not have to come from the school for a Department of Social Services caseworker to be given access to the victim in school.

The presence of school personnel during the interview with the child by an investigator can be jointly decided by the school principal or designated representative and the investigator on a case-by-case basis. In some instances school personnel may request to remain with the child during the interview. However, the principal and school personnel are encouraged to respect the opinions and discretion of the Department of Social Services caseworker in these matters.

G. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

H. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

I. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

D.J. School personnel are advised that the N.C. Juvenile Code permits a law enforcement officer or a Department of Social Services worker to take a juvenile into temporary custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order. The social services worker or law enforcement officer is required to notify the child's parent or guardian that the child has been taken into temporary custody.

E.K. If a report of child abuse, made by a school employee, is not accepted by an intake worker at Department of Social Services, the person making the report may contact the intake supervisor at the Department of Social Services to register concern. If the person making the report is still not satisfied, the school Superintendent's appointed representative/liaison for child abuse reporting may be contacted.

F.L. When dealing solely with the fact that a child has accumulated unlawful absences, local school officials should comply with the provisions of the Compulsory Attendance Law. Local school officials are required to notify a student's parents, guardian, or custodian after he/she has accumulated three unlawful absences in a school year. After not more than six unlawful absences, the principal shall notify the parent, guardian, or custodian by certified mail that he may be prosecuted under the Compulsory Attendance Law if the absences cannot be justified under established attendance policies. After ten accumulated unlawful absences, the principal shall determine if the parents have made a good faith effort to comply with the Compulsory Attendance Law. If a good faith effort has not been made, the principal shall notify the local district attorney. If a good faith effort has been made, the principal may file a complaint with the local juvenile intake counselor.

Complying with this provision does not, in any way, preclude mandatory reporting of suspected

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abuse or neglect to the local Department of Social Services in accord with paragraphs mentioned above.

### III. Investigation

- A. G.S. 7A-544. Investigation by Director; access to confidential information; notification of person making the report. When a report of abuse, neglect or dependency is received, the Director of the Department of Social Services shall make a prompt and thorough investigation in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the Director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect or dependency, the Director shall initiate the investigation within 72 hours following receipt of the report. The investigation and evaluation shall include a visit to the place where the juvenile resides. All information received by the Department of Social Services shall be held in strictest confidence by the Department.

When a report of a juvenile's death as a result of suspected maltreatment is received, the Director of the Department of Social Services shall immediately ascertain if other juveniles remain in the home, and, if so, initiate an investigation in order to determine whether they require protective services or whether immediate removal of the juveniles from the home is necessary for their protection.

If the investigation indicates that abuse, neglect, or dependency has occurred, the Director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the Director shall immediately provide or arrange for protective services. If the parent or other caretaker refuses to accept the protective services provided or arranged by the Director, the Director shall sign a complaint seeking to involve the jurisdiction of the court for the protection of the juvenile or juveniles.

If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the Director shall sign a complaint which alleges the applicable facts to invoke the jurisdiction of the court. Where the investigation shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 46 of this Chapter.

- B. The Department of Social Services and law enforcement personnel, in keeping with their investigative responsibilities, may require direct and immediate access to the victim of an abuse or neglect complaint without parental consent. Seeing the child prior to interviewing the parent could insure the child's safety. In some instances the parents have persuaded the child to "change his/her story" or not talk at all with the protective services worker. The child is sometimes told that if he/she talks to the worker, he/she will be further abused (by the parent). In some instances the child is told that if he/she talks to the protective services worker, Department of Social Services will "take him/her away to a foster home." A visit to the school would enable the Department of Social Services to see the child alone and take pictures of him/her earlier than if they had to wait until the child returned home. During the visit to the school, teachers, counselors, and others who are involved might also be interviewed by the Department of Social Services as they would have knowledge of the child

and his/her situation.

- A. Upon initiating the investigation, the local child protective services worker assigned to the case should assess the situation to determine the necessity of involving or further involving local school personnel.

Interviewing the student at his/her local school is necessary at times; however, it is not standard procedure in every investigation.

- B. If the local protective services worker determines that a situation merits a visit to a local school, the worker should notify the local school principal or contact person to arrange a convenient time that is least disruptive to classes. The principal of that school should:
1. Provide access to the student upon request of a Department of Social Services caseworker or law enforcement personnel without prior consent of the child's parent or guardian. If examination of the child is needed, privacy for the child should be provided, and a member of the child's same sex should be present;
  2. Furnish the worker with all information which could establish child abuse or neglect;
  3. Permit the worker to interview school staff members familiar with the child or the report;
  4. Allow the worker to photograph any evidence of abuse or neglect on the child such as marks, bruises, etc.;
  5. Allow the worker to remove the child from the school if the worker determines that the child is at immediate or imminent risk. A removal of a child from school should usually be accomplished pursuant to a court order, unless the urgency of the situation necessitates removal of the child under the provisions of temporary custody.
- C. The presence of school personnel during the interview with the child by an investigator can be jointly decided by the school principal or designated representative and the investigator on a case by case basis. In some instances, school personnel may request to remain with the child during the interview; however, principal and school personnel are encouraged to respect the opinions and discretion of the Department of Social Services caseworker in such matters.

#### IV. Follow-up

- A. After a thorough investigation is completed, a disposition is made. The report must either be substantiated or unsubstantiated. If protective services cannot verify (substantiate) that abuse or neglect has occurred, the protective service worker cannot, by law, continue working with this child or his/her family in this capacity. However, the family is encouraged to use other supportive services offered by the Department of Social Services, and to request these services through the process of making a written referral.

- B. Within five working days after the receipt of the report of suspected child abuse or neglect from the local school personnel, the local Director of Social Services will provide the person who made the report information concerning the action taken or to be taken by the local Department of Social Services to protect the child's welfare.
- C. If at any time school employees are not satisfied with the Department of Social Services investigation procedures they should:
  - 1. Talk first with the Department of Social Services worker assigned to the case and see if concerns can be resolved;
  - 2. If concerns remain, contact the caseworker's immediate supervisor, the Service Administrator, or the Director of Social Services;
  - 3. If the problem is still unresolved, contact the Superintendent's representative/liaison for child abuse reporting.
- D. In any case of a report of suspected child abuse or neglect which necessitates involving or further involving local school personnel, it is appropriate for the local Department of Social Services to share more detailed information pertinent to the report of suspected child abuse or neglect with local school staff members who are assisting with the investigation or service planning for the child. The two agencies should fully cooperate and collaborate in planning consistent services for the child and his/her family in the treatment of further child abuse or neglect.

V. Possible Actions Taken

- A. If it is determined that the child is at immediate risk (imminent danger), immediate removal of the child is required. Protective services does so usually after securing a court order. It is possible that the child may be picked up at his/her school with this order, or under the provisions of temporary custody for twelve hours without a court order.
- B. Taking a juvenile into temporary custody (G.S. 7A-571). Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or non-secure custody can be obtained. A juvenile may be taken into temporary custody without a court order by a law enforcement officer or a Department of Social Services worker if there are reasonable grounds to believe that the juvenile is abused, neglected or dependent and that he would be injured or could not be taken into custody if it were first necessary to obtain a court order.
- C. If the child is removed from the home, the family will receive protective services to alleviate or lessen the problem while the child is in Department of Social Services foster care. One of the treatment goals, when feasible, is to return the child to his/her home.
- D. Custody of the child might be taken at a later date than the initial intervention. After working with a family for a period of time with no progress made, it may be necessary to ask the court to remove the child from the home.

VI. Confidentiality

- A. A child's protective services record maintained by the local Department of Social Services is confidential and may only be examined by court order except that the child or his attorney has the right to examine it. This, however, does not preclude the necessary sharing of information among authorized agencies.
- B. School personnel making a report or testifying in any judicial proceeding resulting from the report shall be immune from any civil or criminal with the requirements of the Child Abuse Reporting Law, unless such person acted in bad faith or with malicious purpose.
- C. Both the local Department of Social Services and the local school should take precautions in accordance with applicable law and their own regulations to insure the confidentiality of all information disclosed, discovered or maintained as a result of the investigation.





