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REVISED  
Second Reading  
Joint School District No. 2, Meridian

STAFF PERSONNEL

Series 400

Policy Title Child Abuse/Neglect Procedures

Code No. 403.72

~~School personnel are required by state law to report suspected instances of neglect or abuse of a child. Child abuse or neglect is an act or omission of act which seriously threatens the health or welfare of a child, in one of the following categories:~~

- ~~1. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, sub-dural hematoma, soft tissue swelling, or other conditions not justifiably explained.~~
- ~~2. Any case in which a child is subject to sexual assault or molestation.~~
- ~~3. Any case in which the child's parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, or supervision that a prudent parent would take.~~
- ~~4. Any case in which personnel have reasonable cause to believe that a child under the age of eighteen years has been abused or that the child has been subjected to conditions or circumstances which would reasonably result in abuse.~~

~~BUILDING PROCEDURE IN SUSPECTED ABUSE OR NEGLECT CASES~~

~~School employees are required to immediately report any suspected abuse and/or neglect to the principal as well as to the school resource officer. When appropriate, the school nurse, counselor, school psychologist, and resource officer will also be notified by the building principal.~~

~~The principal, or his designee, will within the hour, if possible:~~

- ~~1. Contact the person making the referral.~~
- ~~2. Gather the following information:
  - ~~a. how the reporting person became aware of the suspected abuse or neglect.~~
  - ~~b. what the child voluntarily related regarding any incidents that might have occurred.~~
  - ~~c. any previous history or suspicions of abuse or neglect.~~
  - ~~d. any related incidence affecting siblings of this child.~~~~
- ~~3. Meet with the child to observe his/her condition.~~

54 ~~If there is sufficient reason to suspect that abuse or neglect is present, the principal, or~~  
55 ~~his designee will:~~

56 ~~1. Document the facts and allegations including any graphic illustrations, and keep~~  
57 ~~this information in the principal's working file.~~

58

59 ~~2. Verify that a referral has been made to the school resource officer, such~~  
60 ~~verification to be made as soon as possible and at least within 24 hours~~

61

## 62 Reporting Requirements

63 According to Idaho Code 16-1619 **any person, including school personnel**, having  
64 reason to believe that a child under the age of eighteen (18) years has been abused,  
65 abandoned or neglected or who observes the child being subjected to conditions or  
66 circumstances which would reasonably result in abuse, abandonment or neglect shall  
67 report or cause to be reported within twenty-four (24) hours such conditions or  
68 circumstances to the proper law enforcement agency or to the Department of Health and  
69 Welfare.

70

## 71 Definitions

72 Idaho Code 16-1602 defines "abused," "abandoned" and "neglected" as follows:

73 **"Abused"** means any case in which a child has been the victim of: conduct or omission  
74 resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, sub-dural  
75 hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is  
76 not justifiably explained, or where the history given concerning such condition or death is  
77 at variance with the degree or type of such condition or death, or the circumstances  
78 indicate that such condition or death may not be the product of an accidental  
79 occurrence; or sexual conduct, including rape, molestation, incest, prostitution, obscene  
80 or pornographic photographing, filming or depiction for commercial purposes, or other  
81 similar forms of sexual exploitation harming or threatening the child's health or welfare or  
82 mental injury to the child.

83

84 **"Abandoned"** means the failure of the parent to maintain a normal parental relationship  
85 with his child, including but not limited to reasonable support or regular personal contact.

86

87 **"Neglected"** means a child: who is without proper parental care and control, or  
88 subsistence, education, medical or other care or control necessary for his well-being  
89 because of the conduct or omission of his parents, guardian or other custodian or their  
90 neglect or refusal to provide them.

91

## 92 Investigation

93 According to the Attorney General Opinion 93-2, the Idaho Department of Health and  
94 Welfare Child Protection Services employees have the authority and specialized training  
95 to investigate reports of suspected child abuse, abandonment and neglect. During a  
96 child abuse investigation members of the Department of Health and Welfare are acting  
97 in a law enforcement capacity. The authority of the Idaho Department of Health and  
98 Welfare to investigate reports of child abuse, abandonment and neglect includes the  
99 ability to determine who may be present and/or participate in the interview process.  
100 Interviews of suspected victims of child abuse, abandonment and neglect without  
101 parental consent or notification do not violate the parent's rights to privacy. It is the  
102 responsibility of the Department of Health and Welfare to notify parents of an  
103 investigation and/or interview.

104

105 Immunity  
106 Any person who has reason to believe that a child has been abused, abandoned or  
107 neglected and, acting upon that belief, makes a report of abuse, abandonment or  
108 neglect as required in section 16-1619, Idaho Code, shall have immunity from any  
109 liability, civil or criminal, that might otherwise be incurred or imposed. Any such  
110 participant shall have the same immunity with respect to participation in any such judicial  
111 proceeding resulting from such report. Any person who reports in bad faith or with  
112 malice shall not be protected by this section. (Idaho Code 16-1620)

113  
114 Failure to Report  
115 An employee may be subject to disciplinary action up to and including termination for  
116 failure to report or preventing a district employee from reporting a suspected case of  
117 abuse, abandonment or neglect to the Department of Health and Welfare or local law  
118 enforcement ~~misdemeanor~~.

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Date of Revision:  
1/24/94

Legal Reference: Code of Idaho  
~~33-1224, 16-1619, 16-1620~~  
I.C. §16-1602, I.C. §16-1619,  
I.C. §16-1620  
93-2 Attorney General Opinion