BROOKLIN SCHOOL COMMITTEE
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CHILD ABUSE AND NEGLECT

1. Child abuse and neglect is a serious problem affecting children from all social and economic levels. The residual effect of maltreatment of children has profound implications for the child, his or her family, and the community at large. The Brooklin School Committee, recognizing the right of children to be protected from abuse and neglect and recognizing its responsibility under 22 M.R.S.A. § 4001 et seq., has adopted this policy for all school personnel.

2. Legal Responsibility of School Personnel as stated in Title 22 M.R.S.A. § 4001-4002 "Child and Family Services and Child Protection Act"Title 22 M.R.S.A.

    A. "Child abuse or Neglect" means a threat to a child's health or welfare by physical or mental injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these by a person responsible for the child.

    B. "Child" means any person who is less than 18 years of age.

    C. "Custodian" means the person who has legal custody and power over the person of a child.

    D. "Person responsible for the child" means a person with responsibility for a child's health or welfare, whether in the child's home or another home or a facility which, as a part of its function, provides for the care of the child. It includes the child's custodian.

    E. Principal's "designee" shall be the superintendent of schools or the special services director.

3. Persons Mandated to Report Suspected Abuse and Neglect
    A. Title 22 M.R.S.A. Section 4011 mandates certain professionals to report to the Department of Health and Human Services when they have reasonable cause to suspect that a child has been or is likely to be abused or neglected. These professionals include teachers, school officials, and personnel.

    B. When the mandated reporter is on the school staff, he/she is to immediately notify his/her supervisor or the supervisor's designee, who shall cause the report to be made. The staff may also make a report

directly to the Department of Health and Human Services (22 M.R.S.A. 4011).

C. Title 22 M.R.S.A. Section 4012 requires that the report be made immediately by phone, followed by a written report if requested by the Department of Health and Human Services, and specifies the content of the report if within the knowledge of the person reporting.

D. Title 22 M.R.S.A. Section 4014 provides for immunity from liability for good faith in reporting or otherwise participating in a child protection matter. All procedures are in accordance with Child Protection Statutes (Title 22 M.R.S.A. 4001 et seq.).

4. When any school personnel know or have reasonable cause to suspect that a child enrolled in the Brooklin School has been or is likely to be abused or neglected, the person will immediately notify the Principal or Guidance Counselor. A verbal report to the Principal shall be followed as soon as possible by a written report, no later than the next working day. Report forms will be available from the Principal or guidance counselor. Any report shall include the following information if within the knowledge of the person reporting (22 M.R.S.A. 4011):

   A. The name and address of the child and the persons responsible for the child's care or custody;

   B. The child's age and sex;

   C. The nature and extent of abuse or neglect, including a description of injuries and any explanation given for them;

   D. Family composition and evidence of prior abuse or neglect of the child or siblings;

   E. The source of the report, the person making the report, including occupation and phone number.

   F. Any other information that the person making the report believes may be helpful.

5. Upon receipt of a verbal report, the Principal or Guidance Counselor will immediately report by telephone to the Department of Health and Human Services' local office 8:00 a.m.-5:00 p.m., Monday-Friday or the Department's 24-hour Children's Emergency line evenings, weekends, or holidays: 667-1600 or1-800-452-1999 (22 M.R.S.A. 4012). In the absence of the Principal and Guidance Counselor, the teacher shall place the call directly to DHS in consultation with the Superintendent. This verbal report will be followed by a written report, if requested, to the Department within 48 hours (22 M.R.S.A.

4012). The report will be written by the Principal or Guidance Counselor. No copy of the written report will be kept in the school. No person shall have access to the information on the written report, or to the fact that a referral has been made, except the person making the referral, the Principal, Guidance Counselor, and Superintendent.

6. The Principal or Guidance Counselor shall notify the Superintendent of any verbal or written reports made to the Department of Human Services. A copy of any written report will be maintained in the central file in the Superintendent's Office. Access to this central file will be supervised by the Superintendent and Special Services Director and shall be limited to the person making the referral, Principal, Guidance Counselor, Superintendent, and the assigned Department of Health and Human Services child protective worker.

7. When doubt exists concerning a report of suspected child abuse and neglect, staff members are cautioned to err in favor of the child. The judgment of validity of a report is the responsibility of the Department of Health and Human Services. Staff members who make a direct report to the Department of Health and Human Services will not be penalized for this action as long as it was done for appropriate reasons.

8. School personnel who are directly involved with the education and supervision of a child who is the subject of a report are authorized to give and receive information necessary for the planning and treatment of the child.

9. When the reports of child abuse and neglect requests confidentiality as to the identity of the reporter, it is the policy of the Department of Health and Human Services to respect that request (22 M.R.S.A. 4008 2D) except in the case of the judicial order, subpoena or other mandatory disclosure. The Department of Health and Human Services may disclose the identity of the reporter if the child is in immediate jeopardy and evidence is presented by the reporter in order to provide immediate removal of the child.

10. Teachers and other school personnel who are in daily contact with the child are an important part of the treatment team and should cooperate with the child protective worker in conducting the treatment plan.

11. Removal of children from school by police or other agency with responsibility for placing children in protective custody may be done with proper identification and authorization of the person representing the responsible agency.

12. A person participating in good faith in reporting under 22 M.R.S.A. 4011, or in a related child protection investigation or proceeding, is immune from any civil liability that might result from these actions. In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith (22 M.R.S.A. 4014).

13. Maine state law provides that any person, who knowingly violates a provision of 22 M.R.S.A. 4001 et seq., commits a civil violation for which a forfeiture of not more than $500 may be adjudged (22 M.R.S.A. 4009).

14. This policy will be discussed annually with staff members and training will be provided periodically to recognize the symptoms of abuse and neglect as well as reporting requirements.

Reference: 22 M.R.S.A. § 4001-4014 *Child and Family Services Child Protection Act*