

**STUDENT AND PERSONNEL  
SERIES 500**

**504.4**

**TITLE: CHILD ABUSE/NEGLECT**

**PURPOSE:**

The policy of Wilder School District Number 133 shall be to abide by the guidelines concerning Child Abuse as outlined in the Child Protection Act, Chapter 16, Idaho Code.

The purpose of the Child Protection Act is to protect children whose physical or mental health and welfare are adversely affected by abuse, abandonment, or neglect and may be further threatened by those who are responsible for their care and protection by providing for the mandatory reporting of suspected cases by any person who has reasonable cause to believe that such cases exist.

**DEFINITIONS:**

Section 16-1602 Idaho Code defines "abuse" to mean, "any case in which a child has been the victim of : (1) conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive 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 the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or (2) sexual or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child."

Section 16-1602 Idaho Code defines, "neglect": to mean a child, (1) "who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; (2) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or (3) who has been placed for care or adoption in violation of law."

**REPORTING:**

Legal Reference: Idaho Code 16-1619 as follows:

"16-1619. (a) Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or department. The department shall be informed by law enforcement of any report made directly to it. When...."

"(b) Failure to report as required in this section shall be a misdemeanor."

IMMUNITY is given reporting person as defined in Idaho Code 16-1620:

"Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in Section 16-1619, Idaho Code, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section. Any privilege between husband and wife, or between any professional person except the lawyer-client privilege, including but not limited to physicians, ministers, counselors, hospitals, clinics, day care centers, and schools and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse, abandonment or neglect of the child or the cause thereof."

PROCEDURES:

1.0 Employees of School District Number 133 who have observed incidents of child abuse, abandonment or neglect or who have reason to believe that conditions or circumstances which would reasonably result in abuse as defined in this policy shall report such conditions or circumstances to the administrator-in-charge (principals, superintendent, or designated teacher-administrator-in-charge). Observation of students, where child abuse is suspected, can be done only in a normal school setting.

In emergency cases, where the child is in immediate danger of harm and the administrator-in-charge is not to be found, the employee may elect to notify Child Protection and/or the appropriate law enforcement agency, personally. In such cases, the employee must notify the administrator-in-charge as soon as possible after making the report.

2.0 The administrator-in-charge, the counselor, or the school nurse shall report all cases immediately, if possible, but no later than 24 hours after having received the report from school staff. Reporting protocol is as follows:

First, report to the Canyon County Child Protection Agency.

If unable to reach the Child Protection Agency, and the case is within the city of Wilder, the Wilder Police should be notified.

If unable to reach the Child Protection Agency, and the case is outside the city of Wilder, the Canyon County Sheriff should be notified.

All procedures or activity after the reporting of the alleged case of child abuse or neglect is to be controlled by the child protection/law enforcement agencies. If such agency's representative feels that an examination of the child is necessary, such examination will be processed according

to their standard procedures.

DOCUMENTATION:

The administrator-in-charge, counselor, or the school nurse shall complete a Child Abuse/Neglect report

after such action. The report will note the date, time and action initiated as a result of a child abuse/neglect report, including the names of all parties to the action.

He/She shall also report to the staff member making the initial report that appropriate authorities have been notified within the 24-hour limitation. The Child Abuse/Neglect report shall be available to the staff member making the initial report to the administrator-in-charge.

CONFIDENTIALITY:

The initiator of a child abuse/neglect report and the administrator-in-charge, counselor, or school nurse shall accept responsibility for not divulging the allegations of abuse/neglect to any person not directly involved in the disposition of the report. Violation of the child's confidentiality shall be subject to disciplinary action.

Revised: September 8<sup>th</sup> 2008