

## Child Abuse – Reports and Investigations

Board Policy: SA-6  
Adopted: November 9, 1992  
Revised: March 13, 2000

### I. General Policy Statement

It is the policy of the Haywood County Board of Education that all personnel shall comply with the Child Abuse Reporting Law, N. C. General Statute 7B-301 of the N.C. Juvenile Code. This code states that “any person or institution who has cause to suspect that a juvenile is abused, neglected, dependent, or has died as a result of maltreatment, shall report the case of that juvenile to the Department of Social Services in the county where the juvenile resides or is found”. The agreement between the N.C. Department of Human Resources and the N.C. Department of Public Instruction (November 1, 1991) has been utilized in the development of this policy and the following procedures.

### II. Regulations

- A. Any school employee who knows or has cause to suspect child abuse, neglect or dependency is required to report the suspicion to the Department of Social Services and to the principal.
- B. A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith suspected child abuse, neglect or dependency.
- C. The superintendent shall develop any necessary procedures for reporting suspected child abuse, neglect or dependency and for cooperating with investigations by DSS. (See attached administrative procedures)
- D. All school personnel must participate in annual training regarding the procedures for reporting suspected child abuse, neglect, dependency, or death from maltreatment.

**Legal References: G.S. 7-B-100, -101, -200, -201, -300 – 311, G.S. 115C –400, 402**

## Child Abuse – Reports and Investigations

### Administrative Procedures

March 13, 2000

#### I. Reporting

- A. All employees of Haywood County Schools who have cause to suspect the abuse, neglect, or dependency of any child under 18 years of age shall immediately report the case to Child Protective Services Intake Unit of the Haywood County Department of Social Services (DSS) and the school principal. School personnel must not contact any outside parties regarding their suspicions, including the child's parent/guardian(s).
- B. On weekends, holidays, or evenings, reports shall be made by contacting the Haywood County Sheriff's Department and request an on-call Social Worker from Children's Services.
- C. Reporting is the responsibility of the individual who has first-hand knowledge of the situation or who has observed the evidence of possible abuse or neglect. In addition, any other person who has cause to suspect the abuse or neglect of a child has the duty to report such suspicion.
- D. The duty to report suspected child abuse, neglect, or dependency supersedes professional ethics or privilege status of school counselors or any other school professionals.
- E. The school employee must make the report to the Haywood County Department of Social Services by telephone, in person, or in writing. The reporting school employee is not required to give his/her name, address, or phone number to DSS, but is encouraged to do so. An individual who makes a report anonymously has no right to receive information regarding the findings of the investigation.
- F. The school employee shall give information, if known, regarding the name and address of the child, the child's parents, guardian, or caretaker, the age of the child; the present whereabouts, if the child is not at home: the names and ages of other children in the home, and the nature and extent of the injury or condition resulting from the abuse, neglect, or dependency.
- G. All information given by the reporting employee to DSS Services, including the identity of the reporting employees shall be kept in strictest confidence.
- H. If there are continuing reasons for suspicion of abuse, neglect or dependency the employee must make additional reports. The rule to follow is: "If in doubt, report."

#### II. Responsibilities of School Personnel When Talking with the Juvenile

- A. If a school employee suspects that a child has been abused or neglected or is a dependent, he/she must approach the child in an unalarmed, calm manner.

- B. It is not the responsibility of school personnel to investigate suspected abuse, neglect, dependency, or death by maltreatment. School employees must gather only enough information from the child to make a report to the Department of Social Services. (See I.F.) Whenever possible, the report must include any statement(s)/disclosure made by the child using the child's words. A child must not be pushed to provide any of the above information if they are unwilling to do so. Again, school personnel must not contact any other party regarding their suspicions, including the child's parent/guardian(s), nor discuss the case with anyone not involved in the investigation.
- C. The school employee must not insist on seeing the physical injury if the child does not wish to show the injury.
- D. If the child wishes to remove clothing to show injuries, the child should be allowed to do so only in the presence of the principal or designee and another school employee to act as a witness. Whenever possible, the witness should be of the same gender as the alleged victim.
- E. Under no circumstances should the child be asked to conceal from the parents/guardians that the conversation has taken place or that a report may be filed by the school employee.

### III. Investigation Procedures by the Department of Social Services

- A. Investigation of a report of suspected abuse, neglect, or dependency is the responsibility of the Haywood County Department of Social Services who may, when appropriate, involve the Haywood County Sheriff's Department or some other law enforcement entity. A DSS investigation must be initiated within 24 hours for abuse; 72 hours for neglect or dependency. All information given by the reporting school employee to DSS including the identity of the reporting employee, if given, shall be kept in strictest confidence by DSS.
- B. The protective service investigator may determine that a situation involves a need to interview the child and/or school personnel during school hours. Upon arriving at the school, the investigator will report directly to the office of the principal or designee. Whenever feasible, the investigator will contact the school in advance to determine if the child is in school and available for an interview.
- C. School employees will fully cooperate during the course of the investigation. Such cooperation should include, but not be limited to the following:
  - 1. Furnishing the worker with all information which could assist in establishing child abuse, neglect or dependency.
  - 2. Permitting the worker to interview school employees familiar with the child or the report.
  - 3. Permitting the worker to interview the child without the prior consent of the child's parent(s) or guardian(s).
  - 4. The interview with the child will be private, without the presence of local

school employees, unless otherwise determined by the child Protective Services Worker. Every effort must be made to ensure that neither other students nor school personnel not directly involved in the investigation are aware that the child is being interviewed as part of an abuse, neglect, or dependency investigation.

5. Allowing the worker to photograph any evidence of abuse or neglect of the child, such as marks, bruises, etc.
6. Allowing the worker to remove the child from the local school if the worker determines that the child is at immediate or imminent risk. A removal of the child should usually be accomplished pursuant to a court order, unless the urgency of the situation necessitated removal of the child under the provision of temporary custodian, which would require no order.

#### IV. Follow Up (From General Statute 7B-302)

- A. Within five working days after receipt of the report of abuse, neglect, or dependency DSS shall give written notice to the person making the report, unless requested by that person not to give notice as to the status of the report.
- B. Within five working days after completion of the protective services investigation, DSS shall give subsequent written notice to the person making the report, unless requested by that person not to give notice as to whether there is a finding of abuse, neglect, or dependency, whether DSS is taking action to protect the juvenile, and what action it is taking, including whether a petition has been filed.
- C. The person making the report shall be informed of procedures necessary to request a review by the prosecutor of the decision to file a petition. A request for review by the prosecutor shall be made within five working days of receipt of the second notification.
- D. The second notification shall include notice that, if the person making the report is not satisfied with the decision by DSS, he/she may request a review of the decision by the prosecutor within five working days of receipt.
- E. The person making the report may waive the right to this notification and no notification is required if the person making the report does not identify himself/herself to DSS.

#### V. Definitions

{Note: For Department of Social Services purposes, the following definitions are applicable to the actions of individuals who are responsible for the health and welfare of a child under age 18, such as parents, guardians, custodians, or caretakers (e.g. any adult responsible for a child in a residential or child care facility). If DSS determines that the alleged abuser is not a parent, guardian, or caretaker the case will be transferred to local law enforcement.}

- A. Abuse Juveniles - Any juvenile less than 18 years of age whose parent or other person responsible for his care:
1. Inflicts or allows to be inflicted upon the juvenile a physical injury by other than accidental means which causes or creates substantial risk of death, disfigurement, impairment of physical health, or loss or impairment of the function of any bodily organ; or
  2. Creates or allows to be created a substantial risk of physical injury to the juvenile by other than accidental means which would be likely to cause death, disfigurement, impairment of physical health, or loss or impairment of the function of any bodily organ; or
  3. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile; first degree rape, as provided in G. S. 14-27.2; second degree rape as provided in G.S. 14-27.3; first degree sexual offense, as provided in G.S. 27.4; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14.27.7; crime against nature, as provided in G.S. 13-177; incest, as provided in G.S. 14-178 and 14-179; preparation of obscene photographs, slides or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-190.18; and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1, regardless of age of the parties; or
  4. Creates or allows to be created serious emotional damage to the juvenile and refuses to permit, provide for, or participate in treatment. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal or aggressive behavior toward himself or others; or
  5. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile. (Delinquent acts are those that would be crimes if committed by an adult.)
- B. Caretaker - any person other than a parent who has the care of a juvenile. Caretaker includes blood relative, stepparent, foster parents, house parent, cottage parent or other person supervising a juvenile in a child-care facility. Caretaker also means any person who has the responsibility for the care of a juvenile in a day care plan or facility as defined in G.S. 110-86 and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider.
- C. Custodian - The person or agency that has been awarded legal custody of a juvenile by a court.

- D. Dependent Juvenile - a juvenile in need of assistance or placement because he has no parent, guardian or custodian responsible for his care or supervision or who parent, guardian, or custodian is unable to provide for his care or supervision.
- E. Juvenile - any person who has not reached his eighteenth birthday and is not married, emancipated, or a member of the armed services of the United States.
- F. Neglected Juvenile - A juvenile who does not receive proper care, supervision or discipline from his parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care or other remedial care recognized under State law, or who lives in an environment injurious to his welfare, or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of abuse or neglect or lives in a home where another juvenile has been subjected to sexual abuse of severe physical abuse by an adult who regularly lives in the home.
- G. Physical Abuse - Includes, but not limited to, beating, harmful restraint, use of weapon or instrument, or actions that result in or could result in serious physical injury to a child under 18 years of age.
- H. Sexual Abuse - Any sexual behavior imposed on a child under age 18. Includes, but is not limited to, fondling of the genital area, masturbation, oral sex, vaginal or anal penetration by the finger, penis or other object. Also includes exhibitionism. Child pornography, and suggestive behaviors or comments.
- I. Emotional Abuse - Creating or allowing others to create serious emotional damage to a child under age 18 as evidenced by severe anxiety, depression, withdrawal, or aggressive behavior towards himself/herself or others.
- J. Neglect - Broadly defined as lack of proper supervision, care, or discipline of a child under age 18.
- K. Dependency - A child under age 18 who has no parent or guardian responsible for his/her care or supervision; a child's parent or guardian is not able to provide for the child's care or supervision and lacks an appropriate alternative child-care arrangement.
- L. Death by Maltreatment - Death of a child under age 18 due to abuse or neglect.

**Legal References: G.S. 7B-100-311, G. S. 115C-400, -402**