

CHILD ABUSE AND NEGLECT

It is a state mandate that all employees, volunteers, student teachers, and student interns in Baltimore County Public Schools know of their responsibility to recognize and report suspected cases of child abuse, neglect, and mental injury.

I. DEFINITIONS

- A. **ABUSE:** The physical or mental injury of a child (under 18) by any parent or other person who has permanent or temporary care of custody or responsibility for supervision of a child, or by a family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed. **Mental injury** includes the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an act of a parent, caretaker, household, or family member. The **sexual abuse** of a child (under 18), whether physical injuries are sustained or not, means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care of custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes, but is not limited to, incest, rape, or sexual offense in any degree; sodomy and unnatural or perverted sexual practices.
- B. **NEGLECT:** The leaving of a child (under 18) unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate (1) the child's health or welfare is harmed or placed at substantial risk of harm or (2) mental injury to the child or a substantial risk of mental injury. **Mental injury** includes the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an omission or series of omissions by a parent or caretaker.

The following are examples of child neglect that may be appropriate for referral to Baltimore County Department of Social Services (DSS), Child Protective Services (CPS):

1. Child left unattended or inadequately supervised for long periods of time or with responsibilities beyond the child's capacities.
2. Child showing signs of failure to thrive that have not been explained by a medical condition, such as evidence that the child is receiving insufficient food.
3. Child not receiving essential medical, mental health, or dental treatment to the extent that the child's health or welfare is harmed or at substantial risk of harm.
4. Child wearing weather inappropriate clothing that creates risk to the child's health.

5. Child living in a home where safety standards put the child's health or welfare at substantial risk of harm.

Neglect referrals are investigated by Baltimore County Department of Social Services. Situations which do not meet the criteria for acceptance as neglect may be referred to appropriate school resources (e.g., pupil personnel worker or school-based personnel such as school nurse, school counselor, school social worker, etc.).

FOR ANY PERSON 18 YEARS OR OVER, CONSULTATION FOR SITUATIONS INVOLVING ABUSE OR NEGLECT SHOULD BE SOUGHT WITH THE DEPARTMENT OF SOCIAL SERVICES (DSS).

II. REPORTING – GENERAL INFORMATION

- A. Consultation services to all employees, volunteers, student teachers, or student interns are available from Child Protective Services, Baltimore County Department of Social Services at 410-853-3000.
- B. Any person who has reason to believe that a child has been subjected to abuse, on or off school property by a parent, guardian, caretaker, or a household or family member shall notify Baltimore County Department of Social Services or the appropriate law enforcement agency as soon as possible.
- C. Any person who has reason to believe a child has been neglected by a parent, guardian, or custodial person shall notify Baltimore County Department of Social Services as soon as possible.

III. PROCEDURES FOR REPORTING

The procedures below are to be followed in suspected physical abuse, sexual abuse, and neglected cases.

- A. **ORAL REPORT: (EACH INCIDENT OF SUSPECTED CHILD ABUSE/NEGLECT SHOULD BE REPORTED SEPARATELY.)**
 1. Between 8:30 a.m. and 4:30 p.m. on business days, all employees, volunteers, student teachers, or student interns of the Baltimore County Public Schools shall orally report suspected child abuse or neglect to Child Protective Services, Baltimore County DSS, (410-853-3000). In cases of abuse, if unable to contact CPS/DSS, oral reports shall be made to the Baltimore County Police Department, Family Crimes Unit, (410-853-3650) or FAX (410-853-3688).
 2. To facilitate this reporting procedure, employees, volunteers, student teachers, or student interns may consult with

administrators, counselors, nurses, school social workers, pupil personnel workers, School Resource Officers, or psychologists to assist in this reporting process. Using this support system does not release employees or volunteers from their obligation to make sure the referral is completed as required.

3. At the time an oral report is made, the referring persons should have available the following information to facilitate prompt investigation: name, address, telephone number, and birth date of child; if at all possible, name(s) and school(s) of other known siblings; and names, addresses, and telephone numbers of the parents/caretaker(s).
4. For abuse reports made outside of business hours, call 911.
5. Clarification of whether or not a specific situation regarding suspected child abuse or neglect is to be reported should be resolved through consultation with Child Protective Services, Screening Unit, Baltimore County DSS, at 410-853-3000.
Any doubt about reporting a suspected situation is to be resolved in favor of the child and the report made immediately.
6. The local school principal should be informed that a case of suspected child abuse or neglect has been reported.

B. WRITTEN REPORT

The person making the oral report, whether to DSS or to the police, is also responsible for submitting a written report. A written report must follow the oral report within 48 hours of the contact which disclosed the existence of possible abuse or neglect. A copy of the written report shall be sent to each of the following:

Child Protective Services

Baltimore County Department of Social Services
Drumcastle Government Center
6401 York Road
Baltimore, MD 21212
410-853-3000

Office of Pupil Personnel Services

Baltimore County Public Schools
9610 Pulaski Park Drive, Suite 219
Baltimore, MD 21220
410-887-0404

State's Attorney for Baltimore County (abuse reports only)

Court House

Towson, MD 21204

School Principal**IV. PENALTY**

Any employee, volunteer, student teacher, or student intern who knowingly fails to report suspected child abuse or neglect is subject to suspension or dismissal and/or revocation of Maryland certificate issued by the Maryland State Department of Education and/or Maryland license to practice issued by the Department of Health and Mental Hygiene.

V. IMMUNITY

Any employee, volunteer, student teacher, or student intern who, in good faith, participates in the making of a report or the investigation of child abuse or neglect, or in any judicial proceedings, is immune from any civil liability or criminal penalty. A good faith report is based upon honest beliefs, absence of malice, and no conscious attempt to falsify information.

VI. SUSPECTED CHILD ABUSE/NEGLECT BY SCHOOL PERSONNEL

If the suspected abuser/neglector is an employee, substitute, student intern, student teacher, or volunteer of Baltimore County Public Schools, the same reporting procedures as listed in Sections II and III are to be followed. However, if the suspected abuser/neglector is a school administrator (as with any other suspected abuser/neglector), the administrator shall not be notified of the report without consultation and agreement by Baltimore County Department of Social Services and the appropriate law enforcement agency. Additionally, Board of Education Policy 4004 requires that an "Internal Incident Report" form for the employee suspected of child abuse, neglect, or inappropriate behavior toward a student must be completed immediately by the principal or office head in all cases of suspected child abuse and/or neglect toward a student by an employee, substitute, volunteer, student teacher, or student intern following a limited inquiry by the principal or office head to determine the facts of the allegations. The incident form will be forwarded to the appropriate Executive Director or Area Assistant Superintendent, Assistant Superintendent of Human Resources and Governmental Relations, Superintendent's Designee (Multi D Representative) and the Office of Risk Management. The employee may neither be notified of the accusation nor interviewed by the principal until an investigation has been conducted by DSS or the Police Department. After consultation with the appropriate Executive Director or Area Assistant Superintendent, the principal will take administrative steps to remove the accused person from contact with students while external and/or internal investigations take place. Cases not accepted by DSS or not meeting a criminal standard shall be assessed to determine whether inappropriate behavior by an employee toward a student has occurred. Inappropriate behavior is defined as unprofessional acts committed

toward a student by school employees, substitutes, volunteers, student teachers and student interns. These behaviors may include willful acts of misconduct, deliberate violations, or disregard of standards of behavior that the employer has the right to expect of any employee. When inappropriate behavior is suspected, the Assistant Superintendent of Human Resources and Governmental Relations conducts an internal investigation. Appropriate disciplinary action may be recommended to the Deputy Superintendent, Business Services.

VII. CHILD PROTECTIVE SERVICES LIAISON

The child protective services liaison (CPS Liaison), usually the school counselor, serves as a point of contact for all Child Protective Services/Police Department Investigative Personnel visits to the school. The CPS liaison is an identified member of the school-based Student Services Team, usually the counselor, who will facilitate the interviews and subsequent services of a Baltimore County Department of Social Services' CPS social worker and/or Baltimore County Police Department Personnel following a report of child abuse or neglect.

VIII. INVESTIGATION

While Baltimore County Public Schools employees, volunteers, student interns, and student teachers may not investigate child abuse cases, they have an obligation to cooperate reasonably with Child Protective Services, Department of Social Services, and/or the Baltimore County Police Department in child abuse and child neglect investigations. Failure to cooperate with the Department of Social Services and/or the Baltimore County Police Department will be considered misconduct in office.

IX. PARENT/GUARDIAN NOTIFICATION

The decision of when to notify the parent(s)/guardian(s) will be made after the child has been interviewed by the investigating CPS/DSS social worker or police officer. The principal or principal's designee in consultation with the representative from social services or the School Resource Officer shall then determine when parent(s)/guardian(s) shall be notified and by whom. When in the judgment of the principal, CPS/DSS social workers, or police department, it is believed that disclosure would create a threat to the well being of the child or another child in the household or would impede the investigation, the social worker or police officer will notify the parent(s)/guardian(s).

X. INTERVIEWS

The CPS/DSS social worker and/or police officer have the authority to interview the child at the school without permission of the child's parent(s)/guardian(s). After consultation with the principal or assistant principal, as the designated representatives of the Superintendent, the CPS/DSS social worker or the police officer shall determine whether or not a school official shall be present during the interview. The child's preference should be considered as well as the investigator's concerns about preserving the integrity of the interview. At no time

is it appropriate for the school official to prompt the child, remind the child of what had been said previously, or add unsolicited details during the interview. Proper identification should be required of the CPS/DSS social worker and police officer. Name and agency of the CPS/DSS social worker and police officer should be recorded. Police badges and CPS/DSS social workers' identification cards may not be photocopied.

XI. CONFIDENTIALITY

Child abuse and/or neglect reports and records shall not be placed in the student's school record. All child abuse and/or neglect referrals or reports shall be kept in a separate file in the principal's office until the time the student turns 24 years old.

Legal References:

Annotated Code Of Maryland, Family Law Article, § 5-701 ET SEQ.

Annotated Code Of Maryland, Education Article, § 6-107, 108, 202

Education COMAR, 13A.12.05.02C(4)

Education COMAR, 13A.08.01.13 A, B, D, E

Board of Education Policy 5250

Board of Education Policy 4005