

FRANKLIN CENTRAL SUPERVISORY UNION AND ITS MEMBER SCHOOL DISTRICTS

COMMON PROCEDURE FOR REPORTING SUSPECTED CHILD ABUSE OR NEGLECT F8

Rationale:

Franklin Central Supervisory Union and its member school district employees shall report suspected child abuse and/or neglect as outlined in 33 V.S.A. §4911 et seq.

The purpose of these procedures is twofold:

1. To protect children whose health and welfare may be jeopardized by abuse or neglect, and
2. To make clear to all school district employees and school officials that it is not their role to be investigator, judge, and jury in cases of suspected abuse or neglect. Rather, it is the role of school district employees to be faithful and timely reporters of suspected abuse or neglect so that allegations can be brought to the attention of objective, trained and experienced investigators.

Definitions:

1. ***Immediately*** means as soon as the abuse or neglect is suspected but in no case later than 24 hours after such abuse or neglect is suspected.
2. ***Suspected*** means the school district employee has reasonable cause to believe such abuse or neglect occurred. This does not mean that the employee must be convinced the abuse or neglect occurred. Doubts the employee may have shall be resolved in favor of reporting the suspicion. Further, the employee shall not refrain from making a report under this policy for the reason that there may be retaliation against the child because the employee has a confidential relationship with the child, or for any other reason no matter how well-intentioned.
3. ***Report*** means an oral or written description of the suspected abuse or neglect. If the report is made orally, the reporter should note in writing the person to whom the report was made and when the report was made. A report made to Department for Children and Families (DCF) shall contain the following:
 - the name and address of the reporter,
 - the name and address, if known, of the child and the child's parents or other persons responsible for the child's care,
 - the age *and date of birth* of the child,
 - the nature and extent of the child's injuries together with any evidence of previous abuse or neglect of the child or the child's siblings, and
 - any other information the reporter believes might be helpful.
4. ***Abused or neglected child*** means a child under the age of eighteen whose physical health, psychological growth and development or welfare is harmed or at substantial risk of harm by the acts or omissions of the child's parent or other individual who may be responsible for the child's welfare (e.g. guardian, foster parent, stepparent, teacher, etc.), or in the case of sexual abuse, of any individual.

Harm can be caused by the actual infliction of harm, including physical injury or emotional maltreatment, by allowing such harm to occur, by failing to provide the child with adequate food, clothing, shelter, or health care, or by abandonment of the child.

5. **Sexual abuse** means any act by a person involving sexual molestation or exploitation of a child including but not limited to: incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child.

NOTE: The law provides that sexual abuse may also be sexual harassment. However, following the FCSU's policy on Sexual Harassment does not fulfill a mandatory reporter's legal responsibilities under the DCF reporting law. Suspected sexual abuse must be reported to DCF.

Implementation:

Any FCSU or member school district employee or school official, regardless of whether he or she is a "mandated reporter," under Vermont law (33 V.S.A. §4913), shall report suspected child abuse or neglect to the building Principal/Director or his or her designee. If the building Principal/Director or designee is the person suspected of child abuse or the person who suspects the abuse or neglect, the report shall be made to the Superintendent.

Upon receiving a report, the Principal/Director, Principal's designee, or the Superintendent, as the case may be, shall report the incident immediately to the Department of Children and Families (DCF).

Training:

All staff shall receive training once each school year in reporting suspected child abuse and neglect. Such training shall include assistance in recognizing the signs and symptoms of abuse and neglect.

Availability of Procedures:

These procedures shall be provided each year to the parents of students in attendance and to each employee of the school district including substitute teachers. Further, these procedures shall be posted in at least three prominent places within the school building.

**VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES
REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT**

Child's Name:	Child's Address:	Age or Date of Birth:
Parents or other person responsible for child's care:		Relationship to child:
Name:	Address:	
Was oral report made to DCF? <input type="checkbox"/> Yes <input type="checkbox"/> No	Reported by whom and when?	
Suspected Perpetrator's Name:	Address:	
Relationship to child:	Birthdate or approximate age:	
Name, address and phone number of other person having knowledge about alleged abuse:		

Explanation of the suspected abuse or neglect (including nature, extent, impact on child and evidence of previous abuse or neglect to the child or his/her siblings:

- Are there siblings in the family? Yes No
- Has the injury or problem been discussed with the family? Yes No
- Is the family aware you are making this report? Yes No
- Other information available: Medical exam Photographs Hospital Records X-Rays

PERSON MAKING THIS REPORT

Name:	Telephone:
Address:	Title or Relationship to child:
Signature: _____	Date: _____ Agency: _____

White copy for dcf, Yellow Copy for ReporterFS-305 R 2/00

Barre District Office 255 N. Main Street, Suite 7 Barre, VT 05641-4189 (802) 479-4260 fax 476-1660	Burlington District Office 1193 North Avenue Burlington, VT 05401 (802) 863-7370 fax 863-7516	Morrisville District Office 63 Professional Drive, Suite 3 Morrisville, VT 05661-9724 (802) 888-4576 fax 888-1343	St. Albans District Office 20 Houghton Street, Suite 211 St. Albans, VT 05478-2216 (802) 527-7741 fax 527-5404
Bennington District Office 200 Veterans Mem. Dr., Suite 14 Bennington, VT 05201 (802) 442-8138 fax 447-2808	Hartford District Office 226 Holiday Drive, Suite 32 White River Junction, VT 05001 (802) 295-8840 fax 295-4101	Newport District Office 100 Main Street, Suite 230 Newport, VT 05855 (802) 334-6723 fax 334-3371	St. Johnsbury District 67 Eastern Avenue, Suite 4 St. Johnsbury, VT 05819 (802) 748-8374 fax 751-3203
Brattleboro District Office 232 Main Street, 2nd Floor Brattleboro, VT 05301-2879 (802) 257-2888 fax 254-6341	Middlebury District Office 700 Exchange Street, Suite 105 Middlebury, VT 05753-1105 (802) 388-4660 fax 388-4665	Rutland District Office 220 Bloomer Building 88 Merchants Row Rutland, VT 05701-9401 (802) 786-5817 fax 786-8827	Springfield District Office 100 Mineral Street, Suite 101 Springfield, VT 05156 (802) 885-8900 fax 885-8921

This form is provided for the convenience of the individual making the written report and is to be forwarded to the nearest local office of the Family Services Division, VT Department for Children and Families (DCF). Excerpts from Vermont Statutes 33 VSA, Chapter 49 (§ 4912, 4913, 4914)

§ 4912 DEFINITIONS As used in this subchapter:

- (1) **"Child"** means an individual under the age of majority.
- (2) An **"abused or neglected child"** means a child whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. An "abused or neglected child" also means a child who is sexually abused or at substantial risk of sexual abuse by any person.
- (3) **"Harm"** can occur by:
 - a. Physical injury or emotional maltreatment;
 - b. Failure to supply the child with adequate food, clothing, shelter or health care. For the purposes of this subchapter, "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under state law. Notwithstanding that a child might be found to be without proper parental care under chapter 55 of Title 33, a parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone; or
 - c. Abandonment of the child.
- (4) **"Risk of harm"** means a significant danger that a child will suffer serious harm other than by accidental means, which harm would be likely to cause physical injury, neglect, emotional maltreatment or sexual abuse.
- (5) **"A person responsible for a child's welfare"** includes the child's parent; guardian; foster parent; any other adult residing in the home who serves in a parental role; an employee of a public or private residential home, institution or agency; or other person responsible for the child's welfare while in a residential, educational or day care setting, including any staff person.
- (6) **"Physical injury"** means death, or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means.
- (7) **"Emotional maltreatment"** means a pattern of malicious behavior which results in impaired psychological growth and development.
- (8) **"Sexual abuse"** consists of any act or acts by any person involving sexual molestation or exploitation of a child including but not limited to incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts a sexual conduct, sexual excitement or sadomasochistic abuse involving a child.
- (9) **"Multi-disciplinary team"** means a group of professionals, paraprofessionals and other appropriate individuals, empaneled by the commissioner of social and rehabilitation services under this chapter, for the purpose of assisting in the identification and investigation of cases of child abuse and neglect, coordinating treatment services for abused and neglected children and their families and promoting child abuse prevention.
- (10) **"Substantiated report"** means that the commissioner or the commissioner's designee has determined after investigation that a report is based upon accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected. (Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1985, No. 211 (Adj. Sess.), §§ 1, 2; 1989, No. 295 (Adj. Sess.), §§ 1, 2; 1991, No. 141 (Adj. Sess.), § 1; 1995, No. 145 (Adj. Sess.), § 5.)

§ 4913 SUSPECTED CHILD ABUSE/NEGLECT: REMEDIAL ACTION

- (a) Any physician, surgeon, osteopath, chiropractor or physician's assistant licensed, certified or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, dentist, psychologist, any other health care provider, school superintendent, school teacher, school librarian, day care worker, school principal, school guidance counselor, mental health professional, social worker, probation officer, police officer, camp owner, camp administrator or camp counselor who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this subsection, "camp" includes any residential or nonresidential recreational program. (b) Any other concerned person not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914.
- (c) Any person enumerated in subsections (a) or (b) of this section, other than a person suspected of child abuse, who in good faith makes a report to the department of social and rehabilitation services shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making a report
- (d) The name of the person making the report, or any person mentioned in the report shall be confidential unless the person making the report specifically requests disclosure or unless a judicial proceeding results therefrom or unless a court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the department to make the name available.
- (e) Any person who violates subsection (a) shall be fined not more than \$500.00. (Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1983, No. 169 (Adj. Sess.), § 1; 1985, No. 208 (Adj. Sess.), § 19, eff. June 30, 1986; 1989, No. 295 (Adj. Sess.), § 3; 1993, No. 156 (Adj. Sess.), § 1.)

§ 4914. Nature and content of report; to whom made

A report shall be made orally or in writing to the commissioner of social and rehabilitation services or designee. The commissioner or designee shall request the reporter to follow the oral report with a written report. Reports shall contain the name and address of the reporter as well as the names and addresses of the child and the parents or other persons responsible for the child's care, if known; the age of the child; the nature and extent of the child's injuries together with any evidence of previous abuse and neglect of the child or the child's siblings; and any other information that the reporter believes might be helpful in establishing the cause of the injuries or reasons for the neglect as well as in protecting the child and assisting the family. If a report of child abuse or neglect involves the acts or omissions of the commissioner of social and rehabilitation services or employees of that department, then such reports shall be directed to the secretary of the agency of human services who shall cause the report to be investigated by staff of the departments of mental health and mental retardation, corrections or other appropriate staff other than staff of the department of social and rehabilitation services. If the report is substantiated, services shall be offered according to the requirements of section 4915 of this title.