

# **CHILD ABUSE AND NEGLECT REPORTING PROTOCOL Guidance Document**

February 2020  
Office of Student Services

## FORWARD

The purpose of this document is to ensure that all staff are familiar with, and have the knowledge to aid in recognizing abuse and neglect. This document, further, explains the responsibilities of school personnel under the Ohio law, and to establish a reporting procedure.

As mandated reporters, it is important that due diligence occurs by staff when the individual “knows” or has reasonable cause to suspect based on facts that would cause a person in a similar position to suspect.

The protocol and statutes contained in this document come from varying sources. Using resources below, this document has been adapted to meet the protocol based on legal advice and Ohio statutes.

1. [Ennis Britton Co. LPA - Attorney at Law - PowerPoint slide presentation](#)
2. [Report Child Abuse - Ohio Department of Job and Family Services \(2018\)](#)
3. [Model School Protocol for Reporting Allegations of Child Abuse in Indiana Updated 2018](#)

## INTRODUCTION

Below are protocols for reporting child abuse and neglect cases in the school. It is important that you review the protocol so that you are familiar with the process of reporting. A PowerPoint slide presentation by the District's attorney is also part of this document. ([Ennis Britton Co. LPA - Attorney at Law - PowerPoint slide presentation](#)).

### **What is Child Abuse and Neglect?**

Child abuse and neglect is defined by the *Federal Child Abuse Prevention and Treatment Act* (CAPTA), as "any recent act or failure to act on the part of a parent, caregiver, or other persons responsible for a child which results in death, serious physical or emotional harm, sexual abuse or exploitation (including sexual abuse) or an act or failure to act which presents an imminent risk of serious harm" (42 U.S.C. 510). Ohio Revised Code 2151.421 defines child abuse as any child under the age of 18 who has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child."

**Who Shall Report:** Under Ohio law, any individual who has a reason to believe (ORC 2151.421) a child is a victim of abuse or neglect has the duty to make a report; therefore, each citizen of Ohio is considered a "mandated reporter." Reporting child abuse is everyone's responsibility; however, Ohio law requires a more stringent standard of reporting in some professions. *These professional reporters are staff members in a medical or other public or private institution, school facility, or agency. These reporters are legally obligated by their profession to report alleged child abuse or neglect. For the purpose of all employees working in the Princeton City School District, you have a mandatory duty to report suspected child abuse and neglect cases.*

School personnel is required to immediately make a report to the Child Protective Services (CPS) or the local law enforcement agency. After making the report, the individual shall notify the person the building principal or his/her designee that the report was made per ORC 2151.421(A)(1)(b).

**If a school professional depends on a designee to make an immediate report and that report is not made in a timely manner (within 24 hours) the school professional can be held liable under Ohio law.** Ohio law specifically states that notification of the administrator or designee does not relieve the first individual of the responsibility of seeing that the matter is reported. Both parties are responsible for seeing that a report is made to Child Protective Services.

Empowering each student for college, career, and life success

### Failure to Report

Failure to report child abuse or neglect is a Class B misdemeanor. Nothing relieves a person from reporting unless a report has already been made. Individuals risk being reported to the Ohio Department of Education Licensure Code of Professional Conduct and losing their license.

## SCHOOL PROTOCOL FOR REPORTING CHILD ABUSE AND NEGLECT

### Reporting

1. The school should make no attempt to investigate suspected child abuse, nor should the school inform parents of suspicions, or that a report has been made. At the point it is determined that the Child Protective Services (CPS) should be called, further questioning from school personnel must cease unless instructed otherwise by the CPS. If school personnel suspects child abuse, no further information is needed. **CPS and/or law enforcement are responsible for the investigation, not the school.** Interviews will be conducted at school ONLY when necessary and when possible will be pre-arranged with the school. These interviews will include those cases where the abuse is reported by the school, or if the alleged abuse involves a family member and the child is at school at the time the report is received. The District's Child Abuse and Neglect Form should be completed and sent to

2. Once the caseworker comes to the school, parental consent must be obtained and documented by the CPS prior to the interview of a child who is a victim or the alleged perpetrator unless CPS determines that there are critical circumstances. If the CPS determines that critical circumstances exist, notice must be given by the CPS to the parents as soon as possible after the interviews. If the parents refuse to allow the caseworker to do an interview and crucial circumstances do not exist, a court order must be obtained to do an interview.

3 After the interview with the CPS or law enforcement, the school may notify the parent to provide the names and telephone numbers of the law enforcement officer and CPS case manager for the family to contact. If the child is removed, the form (**Protective Custody Receipt Form, Appendix II**) may be given to the family. The school's only responsibilities are to make a report to CPS and to provide law enforcement/CPS with emergency telephone numbers, if available, of parents/caretakers of the child. If the school does not provide this information, law enforcement and CPS must ask for that information in order to be able to contact the parents/caretakers regarding the protective custody.

4. When at all possible, the CPS/law enforcement team investigating a reported abuse will notify the principal or school district designee they intend to visit on a particular date. Because of the irregularity of abuse reports, which are required by law to be received 24 hours a day, it is not always possible for workers and officers to come immediately.

**Empowering each student for college, career, and life success**

5. Upon entering the school building, the investigative team will immediately report to the office for an in-depth discussion regarding disclosure and information on how the investigation should proceed. Both CPS case managers and law enforcement personnel will present proper identification documents (ID cards or their equivalents) to the school representative.

6. The school district designee will arrange to have the child brought from the classroom to a designated area which ensures maximum privacy. It is recommended that the interview be conducted in a private room where the child is comfortable.

7. The detective or CPS case manager will conduct the interview. Current research of child interviewing techniques suggests that the optimal conditions for a successful interview of a child exist when the child is placed in a one-on-one situation with the interviewer. However, due to the age of the child, it is suggested that the CPS caseworker and a familiar adult from the school be present while the student is being interviewed. The investigation to be conducted at the school should not include an in-depth inquiry into the details of the abuse.

Questioning at the school should be aimed at determining basic information (whether the child was abused, the identity of the perpetrator, safety of the child, whether the child may be at risk of imminent danger if returned to his/her home environment, etc.) Due to the fact that any questioning of the child who was allegedly abused by another individual is part of a criminal investigation, it is the investigator (detective or CPS family case manager) who must be responsible for determining the manner in which an interview is to be conducted. The investigator will call upon school personnel for assistance when needed and where it is appropriate.

8. At the conclusion of the interview, the investigative team may decide that the protection of the child requires the immediate placement of the child into protective custody. This decision will be promptly and clearly communicated to the principal or school district designee. At this point, this decision also needs to be explained to the child before removal from the school.

9. If school personnel have any concerns about how an investigation is handled, that individual is strongly encouraged to contact CPS and the law enforcement involved. The superintendent or his/her designee should be contacted as well.

### Child Abuse Within the School

1. If a child reports that he/she is being sexually, physically, or emotionally abused by school personnel, the educator should remember that it takes courage for an abused child to talk to someone. Any verbal disclosure of abuse must be taken seriously and must be reported immediately to CPS or the local law enforcement agency. Only CPS and law enforcement have the responsibility to determine the truthfulness of the allegation. The mandated reporter must complete the district's **Child Abuse and Neglect Form (Appendix I)**.
2. School personnel should not attempt to determine the truthfulness of allegations. The school administration must be notified in case appropriate personnel action is deemed necessary, but the situation should not be discussed among the other staff. The collaboration with the District's legal counsel and the superintendent and/or designee it is determined what action must be taken with regard to any school employee suspected of abusing a student, both in the short term and long term, to protect the student population and to enforce the district's internal employment rules.
3. Never ask students to tell their stories in front of the accused. There is a significant difference in power and resources between teachers and students. If a student has been abused by an adult in the system, it is important to ensure that the system does not intimidate, minimize or victimize the child again when abuse by a staff member is reported. School personnel are mandated reporters whether the alleged abuser is a school employee or not. Under state child abuse and neglect reporting statutes, educators have the same liabilities for failure to report suspected incidents perpetrated by colleagues as they would in incidents resulting from interfamilial abuse or neglect. Always remember, if there is reason to believe that abuse has occurred, CPS or local law enforcement should be called immediately. Close, sufficient communication between law enforcement and the school is important to aid the school in taking appropriate action as quickly as possible and to ensure the safety of the child.

### Reporting Child Abuse and Molestation Possibly Involving School Personnel

When any staff member becomes aware of alleged abuse or molestation of a student by a school employee, that staff member shall immediately notify CPS or local law enforcement. The information to be provided to CPS or local law enforcement should include:

- the name of the alleged perpetrator;
- the name(s) of the alleged victim(s);
- the approximate time and duration of the alleged abuse; and
- the general nature of the abuse.

The matter should not be discussed with the alleged perpetrator until the following steps are taken, which should be done immediately:

1. Call the appropriate Child Abuse and Neglect hotline within the county in which the child resides. Tell the intake specialist that this report alleges that the perpetrator is a school professional. \*Note that if the principal or designee calls CPS, this does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.
2. If the child is believed to be at risk, contact law enforcement or 911 in case of an emergency.
3. Make a report to the building principal who will communicate the information to the superintendent or designee. \*Note: if the individual in charge of your school is alleged to be involved in the incident, report to your superintendent or designee(s) identified by the superintendent. The Child Protective Services or the local Police Department will attempt to respond immediately to all reports. While the Prosecutor's Office works cooperatively with the CPS and the Police Department in its investigation, it may become necessary for an administrator to take some appropriate personnel action. Due to the sensitive nature of such allegations, these matters must be treated with the utmost confidentiality. Care must be taken to protect the reputations of students, their families, and staff members.

### **If a Child is Taken into Protective Custody**

A child may be taken into protective custody by a law enforcement officer, a probation officer, or a case manager acting with probable cause to believe the child is in need of services. If a child is taken into protective custody, the local CPS office shall notify the child's custodial parent, guardian, not more than two (2) hours after the fact that the child has been taken into protective custody as a result of alleged child abuse or neglect. If, after making a reasonable effort, the custodial parent, guardian or custodian cannot be located, CPS shall make a good faith effort, not more than two (2) hours after the child has been taken into protective custody, to leave written notice of that fact at the last known address of the child's custodial parent, guardian or custodian. If the child is removed from the school, nothing in the statutes prohibits the school from calling the parent, guardian, or custodian of the child and notifying that individual that the child has been taken into protective custody and providing the name and telephone number of the removing party. All questions raised by the parent, guardian, or custodian of the child should be directed to the removing party.

### **Licensure Code of Professional Conduct**

1. This applies to any licensed school employee (e.g. teachers, administrators, coaches, paraprofessionals, nurses, etc.).
2. Generally speaking, this is not “double jeopardy” – if ODE determines adequate action taken by district it may not investigate.
3. Discipline ranges from admonishment to permanent revocation.
4. This is separate from other laws regarding certain criminal acts that can result in an employee becoming ineligible for employment in the schools and from more general ethics laws.

### **The Nine “Golden Rules” of Conduct (Rev. September 2019)**

Adapted from PowerPoint presentation from attorneys Ennis Roberts, LLC (2020)

The Ohio Department of Education recently revised the Licensure Code of Professional Conduct language.

1. Educators shall behave as professionals.
2. Educators shall maintain professional relationships with students.
3. Educators shall accurately report information required by local board, ODE, or federal agencies.
4. Educators shall follow federal, state, and local laws.
5. Educators shall comply with laws regarding confidential information (IEPs, FERPA, etc.).
6. Educators shall not use, possess, or distribute illegal or unauthorized drugs or use alcohol at events involving students.
7. Educators ensure school property, funds or fees are used in the best interest of students, and educators do not accept inappropriate compensation.
8. Educators shall fulfill all the terms of their contracts.
9. Educators use technology in a responsible manner and safeguard electronic information.

Empowering each student for college, career, and life success

## APPENDIX I

### PROCEDURE FOR REPORTING SUSPECTED CHILD ABUSE OR NEGLECT

In accordance with the Ohio Revised Code (Section 2151.421), school employees are obligated to report cases of suspected child abuse or neglect. The statute provides that any person who participates in making a report of child abuse or neglect is immune from any civil or criminal liability that might be incurred as a result of the report.

The procedures outlined below have been established to provide for a systematic and efficient method for processing suspected cases of child abuse or neglect within the Princeton City School District.

1. Employees having knowledge of a case of suspected child abuse or neglect must report directly to the appropriate agency listed below and employees must also inform the principal and/or a designee.
2. The principal will use the assistance of the nurse, counselor or social worker to help when necessary.
3. This team of professionals will work to resolve the immediate crisis.
4. Upon making the referral to the appropriate agency, the employee must complete the district Child Abuse and Neglect Form. The following information is to be included on the form:

-The name and address of the child suspected of being abused or neglected.

-The age of the child.

-The name and address of the parent or caretaker of the child.

-The reason(s) for suspecting that the child is being abused or neglected.

-The name of the person suspected of abusing or neglecting the child.

-Any other appropriate information.

-The report may be made anonymously; however, if a name is given, the investigators are able to get additional information if necessary.

Agencies to be contacted include:

- Students residing in **Hamilton County** – *Hamilton County Children Services*, 513-241-KIDS
- Students residing in **Butler County** - *Butler County Children Services*, 513-867-4055 or 800-325-2685
- Students residing in **Warren County** - *Warren County Children Services* – 513-695-1546
- If necessary, the police department having jurisdiction in the area where the child resides

5. The original copy of the district's Child Abuse and Neglect Form should be sent to the building principal/grade level principal with a *copy sent to the Director of Student Services*.

Empowering each student for college, career, and life success

**APPENDIX II**  
**Child Abuse and Neglect Form**

**Please complete the form immediately and send the form to the Office of Student Services within 24 hours.**

Child's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

County of Residence \_\_\_\_\_

Parent/Custodian Name(s) \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

1. Nature and extent of the child's injuries or evidence of neglect or molestation:
  
2. Describe any evidence of previous known or suspected abuse or neglect to the child or to the child's sibling:
  
3. Name and address(es) of the person(s) responsible for the suspected abuse or neglect, as reported by the child:
  
4. Action taken by school:
  - A. School personnel consulted (indicated personnel with whom you shared the suspected neglect or abuse)
  
  - B. Date and time of the call to Children's Services and police department: \_\_\_\_\_  
Name(s) of the person(s) to which information was given: \_\_\_\_\_
  
  - C. Other

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_ Date: \_\_\_\_\_

Original: Building Principal/Grade Level Assistant Principal  
Copies: Student Services Director  
Student's School Counselor

Empowering each student for college, career, and life success

**APPENDIX III**  
**Protective Custody Receipt**

*When the Child Protective Services (CPS) decides to take a child into custody, this form must be completed and signed by the person taking the child.*

To the parents of \_\_\_\_\_  
(child's name) (date).

It has been reported to the Child Protective Services that \_\_\_\_\_  
(child's name)

may be a victim of child abuse or neglect. Ohio Law REQUIRES that every report of suspected abuse or neglect be thoroughly and promptly investigated. As part of this investigation, an interview with \_\_\_\_\_ was conducted today at  
(child's name)

\_\_\_\_\_ by \_\_\_\_\_ and/or  
(CPS worker/agency)

\_\_\_\_\_. It was determined at the close of the interview  
(law enforcement rep/agency)

that protection of the child required the immediate placement of the child into protective custody. Therefore, at \_\_\_\_\_, \_\_\_\_\_  
(date & time) (child's name)

was taken into protective custody by \_\_\_\_\_.  
(law enforcement rep/agency)

Please contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
(Person taking child into custody)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(A copy of this form can be provided by the school to the parent/guardian upon request)