

CHILD ABUSE AND NEGLECT

The School District of West Salem recognizes the serious local, state, and national problems associated with child abuse and neglect. The Board also recognizes the legal responsibility for reporting suspected cases of child abuse to the proper constituted state, county, and local authorities.

Since school employees are in a position to identify potential cases of abuse and/or neglect of children, responsible action by school employees can be achieved through recognition and understanding of the problem, knowing the reporting procedures, and participating in the information programs in child abuse provided for school employees.

Based on these legal requirements and moral commitments, the Board directs the administration to develop guidelines which will define child abuse and/or child neglect. Such guidelines should make staff personnel aware that by state statute they are immune from civil and/or criminal liability when reporting suspected child abuse cases. Failure to report suspected abuse might result in legal action.

To maintain awareness on the part of all professional staff members, the School District of La Crosse will cooperate with other appropriate community agencies in providing periodic staff development on the subject of child abuse and neglect.

CHILD ABUSE AND NEGLECT - REGULATIONS

WISCONSIN STATE STATUTE 48.981

PERSONS REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE OR NEGLECT:

A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, or any other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, child care worker in any day care center or child caring institution or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected shall report as provided in sub. (3). Any other person having reason to believe that a child has been abused or neglected may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

PROCEDURES:

A. Initial Report:

Persons required to report under sub. (2) shall immediately contact, by telephone or personally, the county agency, sheriff or city police department and shall inform the agency or department of the facts and circumstances contributing to a suspicion of child abuse or neglect. The sheriff or police department shall, within 24 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the county agency all cases reported to it. The county agency may require that a subsequent report be made in writing.

B. Duties of Local Law Enforcement Agencies:

1. Any person reporting suspected abuse or neglect of a child may request an immediate investigation by the sheriff or police department if the person has reason to believe that the child's health or safety is in immediate danger. Upon receiving such request, the sheriff or police department shall immediately investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take any necessary action to protect the child.
2. If the investigating officer has reason under Wis. Stats. Sec. 48.19 (1) (c) or (d) 5 to take a child into custody, the investigating officer shall place the child in protective custody and deliver the child to the intake worker under Wis. Stats., Sec. 48.20.
3. If the police or other law enforcement officials determine that criminal action is necessary, they shall refer the case to the district attorney for criminal prosecution.

IMMUNITY FROM LIABILITY:

Any person or institution participating in good faith in the making of a report, ordering or taking of photographs or ordering or performing medical examinations of a child under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed.

CORONER'S REPORT:

Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report the findings to the appropriate district attorney, the department, the county agency and, if the institution making the report initially is a hospital, to the hospital.

PENALTY:

Whoever willfully violates this section by failure to file a report as required, may be fined not more than \$100 or imprisoned not more than 6 months or both.

A. If you, as an employee of the School District of West Salem observe possible abuse or neglect, contact the school administrator or his/her appointee and discuss the possibilities of initiating a referral. You need not determine for a fact that abuse or neglect exists, for simple observation of the possibility should be cause enough. In the absence of the school administrator, contact the school social worker, guidance counselor, or school nurse.

B. The administrator or the appointee will immediately report orally all suspected child abuse to the intake worker for Protective Services, La Crosse County Department of Social Services

C. If the child is in immediate physical danger, reports should be made directly to the police department.

D. If the administrator or his/her appointee is not available, someone must report to the Child Protection Unit, and at a later time, informs the administrator.

E. The school social worker will be notified by the person making the referrals as soon as possible if such report is made directly to Protective Services.

F. If there is any doubt or question in reporting such cases, it should be resolved in favor of the child. Consultation between administrator and school social worker should be encouraged; keeping in mind prompt reporting is essential.

G. Any repeated suspect child abuse on a previously referred child should be reported as outlined in Steps A-F.

PROCEDURES FOR REPORTING SUSPECTED NEGLECT:

In general, the reporting procedure for suspected neglect is identical to the reporting procedure for suspected abuse. Neglect cases are often less emergent and more difficult to substantiate. For these reasons, differences in procedures will be used regarding assessment of the situation and feedback from the Child Protection Unit.

A. In other than emergency situations, in which the child would be in immediate physical danger, suspected neglect cases will be reviewed by person(s) suspecting neglect, the school administrator, and the school social worker. This group will evaluate the situation to determine if neglect might exist or whether further information is needed to substantiate the likelihood of the claim.

B. In emergency situations, reports should be made directly to the police department.

PROCEDURES FOR REPORTING SUSPECTED EMOTIONAL MALTREATMENT:

In reporting suspected emotional maltreatment cases, a representative from the School District will report to and consult with the La Crosse County Protective Services regarding proper and appropriate action.

APPROVED: February 14, 2005