

## **SUSPECTED CHILD ABUSE REGULATIONS**

In order to ensure satisfactory compliance with the provisions of the Child Protective Services Act of 1973, as amended, the Berlin Central School District shall promulgate and implement the following regulations.

### **I. Definitions**

A. Abused child means, according to the Social Services Law and Family Court Act, a child less than 18 years of age whose parent or other person legally responsible for her/his care:

1. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted 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 such a child by other than accidental means that would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
3. commits, or allows to be committed, a sex offense against such child, as defined in the Penal Law.

B. Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

1. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of her/his parents or other person legally responsible for her/his care to exercise a minimum degree of care in:
  - a. supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical, or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

- b. providing the child with proper supervision or guardianship by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk of harm, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that she/he loses control of her/his actions; or by annoy other acts of a similarly serious nature requiring the aid of the court; or
2. who has been abandoned by her/his parent(s) or other person(s) legally responsible for her/his care.
- C. Person legally responsible means the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. "Custodian" shall be understood to include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.
  - D. Impairment of emotional health and impairment of mental or emotional conditions mean a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of that parent, guardian, or custodian to exercise a minimum degree of care toward the child.

## II. Reporting Procedures and Related Information

- A. MANDATED REPORTERS. Pursuant to applicable law, any "school official," which shall include a teacher, guidance counselor, psychologist, social worker, nurse, administrator, or other school personnel required to hold a teaching or administrative license or certificate, who has reasonable cause to suspect that a child has been subjected to abuse or maltreatment by a parent or other person legally responsible for such child, shall report the case promptly to the New York State Child Abuse and Maltreatment Register, as required by law.
- B. ALL OTHER EMPLOYEES TO REPORT INFORMATION TO SUPERINTENDENT. All other employees of the Berlin Central School District who come into contact with students are required to report all cases of suspected child abuse or maltreatment to the Superintendent of Schools or the building principal immediately. Building principals must immediately report all such cases to the Superintendent of Schools.

C. SUPERINTENDENT'S ACTIONS UPON RECEIVING INFORMATION. The Superintendent is required by law to:

1. either telephone the New York State Child Abuse and Maltreatment Center (1-800-342-3720) and inform them of the problem, or contact the New York State Child Abuse and Maltreatment Center by telephone facsimile machine on a form supplied by the New York State Office of Children and Family Services; and
2. file a written report with the local child protective services agency and the statewide central registry of child abuse and maltreatment within 48 hours after the report made pursuant to II.B. above. Copies of the report shall not be filed in the student's records.
3. The Superintendent may direct either a building principal or a school nurse to undertake the responsibilities described above.

D. PHOTOGRAPHING CHILD. The Superintendent or building principal or her/his designee may photograph or cause photographs to be taken of the visible trauma on the child, or, if medically indicated, cause the child to be examined, or both. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film will be kept in the school building and will be available for this purpose.

E. SUBSTANCE OF WRITTEN REPORT. The written report that must be filed pursuant to II.C.3, above, shall include:

1. the name and address of the child and her/his parent(s) or guardian(s);
2. if applicable, the name and address of the residential care facility or program in which the child resides or is receiving care;
3. the child's age, sex, and race;
4. the nature of the child's injuries, abuse, or maltreatment, including evidence of prior injuries, abuse, or maltreatment to the child or her/his siblings;
5. if known, the name(s) of the person(s) alleged to be responsible for causing the child's injury or injuries, abuse, or maltreatment;
6. the members of the child's family or her/his family's composition (i.e., father, mother, stepfather or -mother, number of sisters and brothers, grandparents, etc.)
7. the source of the report;

8. the name of the person making the report, and where she/he can be reached;
  9. the actions taken by the reporting source, if any, including photographs or x-rays, removal or retaining of the child, or notifying the medical examiner or coroner; and
  10. any other information that the New York State Office of Children and Family Services may require.
- F. RESPONSIBILITIES OF SCHOOL PHYSICIAN. The school physician shall notify the appropriate police authorities or the local child protective service to take custody of any child that the physician is treating, whether or not additional medical treatment is required, if the physician judges that the child is in danger.
- G. C.P.S. INTERVIEW OF CHILD AT SCHOOL.
1. Presence of School Official During C.P.S. Interview. In the event it is necessary for the Child Protective Services (CPS) to interview a child at school in order to ascertain whether that child has been abused or maltreated, or to obtain documentation of such acts, the interview shall be conducted in the presence of a school official unless the circumstances require otherwise. If sexual abuse of the child is indicated, then the school official shall be of the same sex as the child.
  2. Verification of C.P.S. Worker's Credentials. Before any child attending a school or program operated by the Berlin Central School District is interviewed by a person purporting to be a CPS worker or official, and before any such person is authorized to inspect any records of any pupil in the District, the school official to whom the person has presented her himself shall examine the person's credentials and verify their authenticity.
- H. ON-GOING TRAINING FOR MANDATED REPORTERS. All District employees who are mandated to report suspected child abuse be required periodically to attend training sessions regarding identification and reporting of all cases of suspected child abuse.
- I. DISTRICT REGULATIONS TO ALL EMPLOYEES. Each District employee who is mandated to report suspected child abuse will be provided with a copy of these regulations and of the related Board of Education policy concerning child abuse and reporting requirements.
- J. MULTIPLE REPORTS NOT REQUIRED. Only one report of suspected child abuse or maltreatment, as described at II.A and IIB, above, shall be required.

- K. IMMUNITY FOR GOOD FAITH REPORTS. As provided in Section 419 of the Social Services Law, any District employee or other person who, acting in good faith, makes a report or takes photographs of injuries and bruises of a child suspected of abuse or maltreatment has immunity from criminal and civil liability. The good faith of any person who is required by law to make such a report is presumed.
- L. MANDATORY REPORT TO CORONER OR MEDICAL EXAMINER. District personnel who have reasonable cause to suspect that a child has died due to child abuse or maltreatment shall, as required by Section 418 of the Social Services Law, report this information to the appropriate medical examiner or coroner.
- M. LIABILITIES FOR FAILURE TO REPORT SUSPECTED ABUSE OR MALTREATMENT. As provided in Section 420 of the Social Services Law, any person who is mandated to report suspected cases of child abuse or neglect and who fails to do so may be found guilty of a Class A misdemeanor, and may be held civilly liable for the damages caused by said failure.
- N. EXPUNGEMENT OF RECORDS WHEN REPORT DEEMED UNFOUNDED. If a report of child abuse or maltreatment has been determined to be unfounded, then all records, including those found in the State Central Register and also those placed in school files, shall be expunged.