

## CHILD ABUSE

The Livingston Parish School Board shall require that instances of suspected child abuse and/or neglect be reported in accordance with appropriate state and local laws and procedures. Therefore, the School Board directs that all school personnel be informed of their responsibilities under law as mandatory reporters when performing their occupational duties.

### DEFINITIONS

*Abuse* means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

1. The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
2. The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
3. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker or any other person of the child's involvement in (i) any sexual act with any other person; (ii) pornographic displays; (iii) any sexual activity constituting a crime under Louisiana law; or (iv) a coerced abortion conducted upon a child.

*Caretaker* means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person providing a residence for the child.

*Child*, for purposes of this policy, means a person under eighteen (18) years of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage.

A *mandatory reporter* means any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, bus operator, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child in a voluntary or professional capacity.

A *permitted reporter* means any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.

*Neglect* means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect. In accordance with statutory provisions, the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

#### PROCEDURE FOR REPORTING CHILD ABUSE OR NEGLECT

A *permitted reporter* shall make a report through the designated state child protection reporting hotline phone number or in person at any child welfare office of the state.

A *mandatory reporter*, notwithstanding any claim of privileged communication, who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death, in accordance with statutory provisions, shall immediately report suspected abuse/neglect in accordance with the following guidelines:

1. Reports in which the abuse or neglect is believed to be perpetrated by a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker or a person living in the same residence with the parent or caretaker as a spouse whether married or not, the mandatory reporter shall make the report to the Department of Children and Family Services through the designated state child protection reporting hotline telephone number, via the Department of Children and Family Services *Mandated Reporter Portal* online, or in person at any child welfare office.
2. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency.
3. Dual reporting to both the Louisiana Department of Child and Family Services and the local or state law enforcement agency is permitted.

4. A report made to the Louisiana Department of Children and Family Services by facsimile does not relieve the reporter of his/her duty to report in accordance with the applicable requirements.

#### Reporting Procedure

1. If the initial report was in oral form, it shall be followed by a written report made within five (5) days via the online *Mandated Reporter Portal* of the Department of Children and Family Services, or by mail to the centralized intake unit of the Department at the address provided on the website of the Department, or, if necessary, to the local law enforcement agency to whom the initial report was made.
2. The report shall contain the following information if known by the reporter:
  - A. The name, address, age, sex, and race of the child.
  - B. The nature, extent, and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to this child or the child's siblings.
  - C. The name and address of the child's parent(s) or other caretaker.
  - D. The names and all the ages of all other members of the child's household.
  - E. The name and address of the reporter.
  - F. An account of how this child came to the reporter's attention.
  - G. Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person.
  - H. The number of times the reporter has filed a report on the child or the child's siblings.
  - I. Any other information which the reporter believes might be important or relevant.
3. The report shall also name the person or persons who are thought to have caused or contributed to the child's condition, if known, and the report shall contain the name of such person if he/she is named by the child.
4. The reporter shall also immediately notify the principal or his/her designee of the school attended by the child of the fact that a report had been filed and the agency(ies) to which it was reported.

## INVESTIGATION OF REPORTS

Admission of the investigator on school premises or access to the child in school shall not be denied by school officials.

## ALLEGATION AGAINST SCHOOL EMPLOYEES OR VOLUNTEERS

When an employee is accused of the use of impermissible corporal punishment or moral offenses involving students, the principal shall initiate an investigation (see procedures under policy *GAMC, Employee Investigations*). If the offender is a central office employee, or principal, the immediate supervisor will initiate an investigation.

Upon any school employee receiving a report of, or information about, child abuse, against another school employee or volunteer, and the employee receiving said information has cause to believe the truthfulness thereof, the reporting procedure as outlined in this policy shall be followed, depending upon whether the employee or volunteer is considered a caretaker or someone other than a caretaker.

The school employee shall also, as soon as reasonably possible, notify the appropriate immediate supervisor of the accused individual, and that supervisor in turn will as soon as reasonably possible, notify the Superintendent or his/her designee. The Superintendent and the School Board's attorney will determine what appropriate action the school system may take over and above the investigation being conducted by the appropriate state agency. In any incident involving an employee or volunteer which is reported to the Superintendent or designee, the person shall be removed from all activities involving direct contact with students until the matter is resolved.

## ALLEGATIONS OF SEXUAL OFFENSES

The Superintendent or his/her designee shall be required to notify the local law enforcement agency of any allegation made by a student of the commission of a sex offense as defined by La. Rev. Stat. Ann. §15:541. Such notification shall be made by the Superintendent or his/her designee within twenty-four (24) hours of the time the student notified the Superintendent or other appropriate personnel. Any school employee who receives information from a student concerning the possible commission of a sexual offense shall immediately comply with the reporting procedure outlined in this policy and inform the Superintendent or his/her designee.

## CONFIDENTIALITY

The circumstances and information of the initial report, the fact that a report was made to an agency, and the written report shall be held in confidence and shall not be disseminated to third parties other than those persons or agencies designated by this policy or required by state law. Any written report or other written information regarding the report shall be kept in a confidential file separate from the child's routine school

records and accessible only by the principal/designee/supervisory employee or by court order.

### INSERVICE TRAINING

At the beginning of each school year, each principal shall provide mandated inservice training for mandatory reporters and other school personnel and volunteers on how to recognize and report suspected child abuse or child neglect. Each employee and volunteer shall sign a form indicating he/she has received and understands the guidelines for reporting child abuse/neglect.

### IMMUNITY FROM LIABILITY

Any person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings authorized under the Louisiana Children's Code shall have immunity from civil or criminal liability that otherwise might be incurred or imposed. This immunity, however, does not extend to (1) a person who participates in or conspires with a participant or an accessory to an offense involving the abuse or neglect of a child; (2) any person who makes a report known to be false or with reckless disregard for the truth of the report.

### LIABILITY

The Louisiana Children's Code and Louisiana criminal law provide substantial penalties for mandatory reporters who fail to report facts which would support a reasonable belief that child abuse or neglect has occurred. Additionally, educators or other employees of the Livingston Parish School Board who fail or refuse to report child abuse/neglect as provided by law or by this policy may be subject to disciplinary and/or dismissal proceedings for neglect of duty.

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