

Reporting Child Abuse or Neglect

A. Definitions

An abused or neglected child is one who is less than eighteen years of age and whose parent or other person is responsible for his/her care:

1. Creates or inflicts, threatens to create or inflict, or allows to be created or inflicted a physical or mental injury made by other than accidental means, or creates a substantial risk of death, disfigurement, impairment of bodily or mental functions;
2. Neglects or refuses to provide care necessary for the child's health, unless the child is, in good faith, under treatment solely by spiritual means through prayer, according to the practice of a recognized church or denomination;
3. Abandons the child;
4. Commits or allows the committing any sexual act in violation of the law.

B. School Personnel: Responsibility/Immunity

Although all individuals who witness an alleged child abuse or neglect incident are urged to report it, teachers or any other persons employed in a public school are required to report such incidents. All persons making reports are immune from civil or criminal liability unless there is proven malicious intent. The referral form and name of complainant will be considered confidential information unless the court directs it to be otherwise. School personnel shall cooperate with the coordinator of child protective services. Any person required to make a report of investigations may talk to any child suspected of being abused or any of his/her siblings without consent of his/her parent or guardian.

C. Procedures

In reporting suspected child abuse and neglect, the following procedures should be followed:

1. Suspected child abuse/neglect cases should be reported to the principal or a designee; who shall make such report forthwith. The principal may also request assistance from the visiting teacher, nurse or other personnel as appropriate.

2. The principal may elect not to make the report if in possession of clear and convincing information which indicates that the report is invalid and has been made with malicious intent. Consultation with social services is advisable in these situations. Such refusal by the principal or a designee to make a report should be reported immediately to the complainant who shall, should he continue to legitimately suspect child abuse or neglect, make the report himself.
3. The principal, designee or preferably the complainant with permission of the principal shall contact a child protective service worker at the department of social services. After hours the call should be directed to 1-800-552-7096 (Child Abuse Hotline).
 - a. The department of social services handles all local cases.
 - b. The reporter should give his/her name and phone number. He/she should also be prepared to give the child's name, address, birth date, caretaker's name, alleged abuser's name and any other pertinent information requested.
 - c. Complainant's name shall be confidential unless the court directs otherwise.
 - d. Social services shall make every effort to be readily accessible to the school. Timely feedback will be given whenever possible.
4. School personnel shall cooperate with the protective service worker in the detection and prevention of abuse/neglect. This cooperation includes permission for the social worker to interview the child at school without the presence of school personnel. If appropriate the worker may request the presence of school personnel.

D. Complaints Involving School Personnel

When the department of social services receives a report of suspected abuse or neglect of a child by any school personnel during the performance of their job, the following procedures will be followed:

1. The school services department shall notify the administrator (or other official designee) of the employee's school. In the event that the administrator is the subject of the complaint, contacts should be initiated through the superintendent of schools (or designee).
2. Upon receipt of notification of a complaint against school personnel, the administrator or other official designee of the employee's school should inform the school superintendent.

3. An immediate investigation following procedures outlined in Virginia Department of Social Services policy Volume VII, Section III, Chapter A, pages 68-71 and in the first section of these procedures, will be conducted. A disposition will be made by the protective services staff involved within 45 days of the receipt of the complaint.
4. Designated school officials (administrator or superintendent) are encouraged to participate in the investigative process initiated by the department of social services.
5. In all cases, the protective services worker shall notify the alleged abuser/neglect or and the superintendent in writing of the findings and any recommendations for corrective action.
6. In founded and reason to suspect cases, the social services workers shall forward a copy of the findings and recommendations to the following:
 - the division superintendent
 - the administrator (or other official designee) of the employee’s school, if involved in the investigation, and
 - the parents/guardian of the child.

Editor’s Notes

See “Child Abuse and Neglect An Agreement Between the (Virginia) Department of Social Services and the (Virginia) Department of Education” 12/16/88 and 2/8/89.

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