

Child Abuse and Neglect Reporting Policy**1. Basic Policy**

The Board of Upper West Shore School District #33 supports those sections of Montana law concerned with the reporting of suspected cases of child abuse and neglect perpetrated by persons within or outside District employment.

Realizing the seriousness of child abuse and neglect, this Board requires compliance with Montana law by all schoolteachers and other employees.

2. Laws and Definitions

Montana laws pertaining to reporting and investigating child abuse and neglect are found in Title 41, Chapter 3, Part 2, and MCA. This law provides that all records concerning the reporting of child abuse or neglect are confidential and grant immunity from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

An "abused or neglected child" is a child whose normal physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of his/her parent or other persons responsible for his/her welfare.

"Harm to a child's health or welfare" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

- a. Inflicts or allows to be inflicted upon the child physical or mental injury.
- b. Commits or allows to be committed sexual abuse or exploitation of the child;
- c. Causes failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education or health care, though financially able to do so or offered financial or other reasonable means to do so.
- d. Abandons the child by leaving him/her under circumstances that make reasonable the belief that the parent or other parent or other person does not intend to resume care of the child in the future or by willfully surrendering physical custody for a period of 6 months and during that period does not manifest to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child; or,
- e. Is unknown and has been unknown for a period of 90 days and reasonable efforts to identify and locate the parents have failed. □ 41-3-102, MCA.

3. Reporting

When a teacher or other employee suspects child abuse, sexual child abuse or neglect, that person must promptly notify the Department of Family Service, or its local affiliate. It is the individual's obligation to see that the situation is reported (reporting concerns to the Principal or County Superintendent does not satisfy the reporting requirement). Required information to be reported includes:

- a. The names and addresses of the child and the parents or other persons responsible for the child's care;
- b. To the extent known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries;
- c. Any other information the reporter believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible; and,
- d. The facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect.

4. **Penalty for Failure to Report**

Any of the District's employees who fail to report to the Department of Health and Human Services known or suspected cases of child abuse or neglect, or who prevent another person from reasonably doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and are guilty of a misdemeanor (§ 41-3-207, MCA). These persons will also be subject to disciplinary action, including discharge, by the Board of Trustees.

5. **Remedial Action and Prevention**

The District will take immediate action to protect victims of alleged child abuse or sexual child abuse. The District will also provide whatever remedial action, education, or training is necessary for students, staff, teachers and parents following any incidents of sexual child abuse within the schools of the District. The District will provide annual public awareness programs, parent and teacher/staff training, and programs for students on the prevention of child abuse and neglect.

Legal Reference:	§ 41-3-101, MCA	Declaration of policy
	§ 41-3-102, MCA	Definitions
	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality - disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report

Policy History:

Adopted on: 2008-09

Revised on: 11-2018