

Hawthorn Academy
Policy: Child Abuse and Neglect Reporting Policy
Amended: 7-22-20



Purpose

Hawthorn Academy (the "School") takes seriously the legal responsibility of its personnel to protect the physical and psychological well-being of its students. We believe that the School's personnel have an important role to play in the elimination of child abuse because they are in a unique position to observe children over extended periods of time on a daily basis.

Utah law requires that whenever any person, including any school employee, contracted or temporary employee, or volunteer who has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he/she shall immediately notify the nearest peace officer, law enforcement agency, or the Division of Child Family Service ("DCFS"). The law provides serious penalties for failure to fulfill one's duty to report.

This policy should help the School's personnel to understand and fulfill their legal responsibilities concerning child abuse.

Policy

1. If a School employee has reason to believe that a child may have been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, the employee shall immediately make an oral report to the nearest peace officer, law enforcement agency or DCFS. The employee shall also make a report to the School's Lead Director, but the requirement to notify the Lead Director does not satisfy the employee's personal duty to report to law enforcement or DCFS.
 - a. The oral report to law enforcement or DCFS may be made with the Lead Director present, but must be made by the person making the report.
 - b. The reporting employee must record the name of the individual and the agency contacted to make the required report.
 - c. The reporting employee must complete and provide a copy of the Child Abuse and Neglect Reporting Form to the Lead Director within twenty-four (24) hours. The Lead Director will keep the form in a separate file, and it shall not be placed in the student's permanent file. The form should also be sent to the agency to which the oral report was given.
 - d. The Lead Director will preserve the anonymity of the person making the report and any others involved in any investigation.
2. To determine whether or not there is **reason to believe** that abuse or neglect has occurred, school employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists. The employee will NOT conduct an extensive investigation.
 - a. Investigations by staff prior to submitting a report shall not go beyond what is minimally necessary to support a reasonable belief that a reportable problem exists.
 - b. It is not the responsibility of the Lead Director or any other school employees to prove who the abuser is or that the child has been abused or neglected, or to determine whether the child is in need of protection.
 - c. School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
 - d. School employees shall not conduct interviews with the child or contact the suspected abuser.
 - e. Notes of voluntary or spontaneous statements by the child, shall be given to the investigational agency.

3. Investigations of reports of abuse for children seventeen (17) years of age and younger are the responsibility of DCFS.
 - a. School employees shall not contact the child's parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
 - b. School personnel shall cooperate with DCFS and share all information with the division that is relevant to the division's investigation of an allegation of abuse or neglect. Additionally, School employees shall cooperate with DCFS and law enforcement employees authorized to investigate reports of alleged child abuse and neglect, including:
 - i. allowing appropriate access to students;
 - ii. allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;
 - iii. making no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities; and
 - iv. maintaining appropriate confidentiality.
 - c. If school officials are contacted by parents about child abuse reports, school personnel shall not confirm or deny that a contact or investigation is taking place. A school employee should refer the caller to law enforcement or DCFS.
4. If the suspected perpetrator of child abuse or neglect is a School employee, the Lead Director shall immediately report the allegation to the Utah State Board of Education. If a teacher is aware that another school employee is a suspected perpetrator, they shall bring to the attention of the administrator immediately. Steps shall be taken to assure that further abuse or neglect is prevented by the suspected perpetrator.
5. Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions.
6. The Lead Director shall annually (a) provide each School employee with the written Child Abuse and Neglect Reporting Policy including a copy of the Child Abuse and Neglect Reporting Form and (b) notify each School employee of the mandatory reporting requirements of this Policy and Procedure and Utah Code Sections 53E-6-701 and 62A-4a-403.
7. The Lead Director will provide School personnel every other year with training and instruction on child sexual abuse and human trafficking prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate, manner; (b) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and (c) the mandatory reporting requirements of this Policy, Utah Code 53E-6-701 and 62A-4a-403. Newly hired staff will be provided with the same training and the written policy at the beginning of their employment.
8. The Lead Director will provide the parents or guardians of elementary school students with training and instruction every other year on child sexual abuse and human trafficking prevention and awareness, including (a) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation and (b) effective, age-appropriate methods for discussing the topic of child sexual exploitation.
9. The training and/or distribution of materials will be documented.
10. Educational neglect means that, after receiving a notice of compulsory education violation under Utah Code Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.
 - a. When School personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described in Utah Code Subsection 53G-6-202(8) to DCFS.

- b. When School personnel have a reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, School personnel may not wait to report the other form of neglect or abuse pending preparation of a report regarding educational neglect.

References

Utah Code Ann. §§ 53E-6-701; 62A-4a-402, et seq.

Utah Administrative Rules R277-401

*****CONFIDENTIAL*****

Child Abuse and Neglect Reporting Form

| ORAL REPORT MADE TO LEAD DIRECTOR: | |
|------------------------------------|-------|
| Date: | Time: |

| CHILD'S INFORMATION: | | | |
|----------------------|------|------|-------------|
| Name: | Age: | Sex: | Birth Date: |
| Address: | | | |

| PARENT/GUARDIAN INFORMATION: | |
|------------------------------|----------------------|
| Father Name: | Mother Name: |
| Father Address: | Mother Address: |
| Father Phone: | Mother Phone: |
| | |
| Guardian #1 Name: | Guardian #2 Name: |
| Guardian #1 Address: | Guardian #2 Address: |
| Guardian #1 Phone: | Guardian #2 Phone: |

| CIRCUMSTANCES LEADING TO THE SUSPICION THAT THE CHILD IS A VICTIM OF ABUSE OR NEGLECT: |
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| DATE AND TIME OF OBSERVATIONS | |
|-------------------------------|-------|
| Date: | Time: |

| ADDITIONAL INFORMATION: |
|-------------------------|
| |
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| Oral Report Made To: | Written Report Made To: |
|----------------------|-------------------------|
| Agency: | Agency: |
| Individual's Name: | Individual's Name: |
| Date: | Date: |
| Time: | Time: |

| Reporting Individual: | | Lead Director: | |
|-----------------------|--|----------------|--|
| Name: | | Name: | |
| Date: | | Date: | |
| Signature | | Signature: | |

*****DO NOT PLACE THIS FORM IN THE STUDENT'S CUM FILE*****