

ADVISORY 278

Note: This material is written by NMSBA for informational purposes only, and not as legal advice. You may wish to consult with your attorney for further explanation and advice as to the content of this advisory.

REPORTING CHILD ABUSE / CHILD PROTECTION

Required Training

All School District personnel, school employees, school volunteers, contractors and contractors' employees shall be required to complete training in the detection and reporting of child abuse and neglect, ethical misconduct, professional responsibilities, sexual abuse and assault, and substance abuse. The training shall be conducted by providers approved by the Public Education Department. This requirement shall be completed within the School District employee's, school employee's, school volunteer's, contractors and contractors' employees first year of employment, unless they provide evidence that they have already completed the required training. Thereafter, all School District personnel, school employees, school volunteers, contractors and contractors' employees shall complete all the training required above every two (2) years. The District shall maintain records of the required ethical misconduct training completion, including initial and biennial training, of all District personnel, school employees, school volunteers, contractors and contractors' employees. ~~The training information shall be available through the department of education.~~

Mandatory Reporting

Every person, including ~~any school employee licensed or unlicensed but not limited to school employees, school volunteers, contractors and contractor's employees,~~ who has information that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child is an abused or a neglected child shall report the matter immediately to:

- ~~New Mexico Child Abuse Hotline (1-855-333-SAFE or #SAFE from a cell phone [#SAFE = #7233]);~~
- a local law enforcement agency;
- ~~the department office in the county where the child resides~~ New Mexico Children, Youth and Families Department (CYFD) statewide central intake child abuse hotline (1-855-333-SAFE [7233] or #SAFE from a cell phone); or
- a tribal law enforcement or social services agency for any Indian child residing in Indian country.

The report shall contain the following information:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.

Note: This material is written by NMSBA for informational purposes only, and not as legal advice. You may wish to consult with your attorney for further explanation and advice as to the content of this advisory.

- The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.
- Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

The school administrator should be informed ~~following~~ following the immediate report of abuse or neglect, and the "Agency Referral Form and Procedure" should be ~~used in order to have documentation and follow up (see the following exhibit).~~ Informing a school administrator or supervisor does not satisfy a person's mandatory obligation to report abuse or neglect, as set forth above. A person who fails to report abuse as provided in 32A-4-3 NMSA 1978 is guilty of a misdemeanor.

A school administrator and/or their designee may permit a member of a law enforcement agency or an employee of the ~~Human Services Department~~ CYFD to interview the child with respect to a report without the permission of the child's parent, guardian or custodian. A law enforcement agency or the CYFD shall have access to any of the records pertaining to a child abuse or neglect case maintained by any persons who make a mandatory report of child abuse or neglect.

~~A person who fails to report abuse as provided in 30-6-4 NMSA 1978 is guilty of a misdemeanor.~~

Adopted: date of manual adoption

LEGAL REF.:

22-10A-32 NMSA (1978)
 22-5-4.2 NMSA (1978)
 30-6-4 NMSA (1978)
 32A-4-2 NMSA (1978)
 32A-4-3 NMSA (1978)
6.29.1.9 (D)(3) NMAC
6.60.11 NMAC

CROSS REF.:

GBEB - Staff Conduct
 GBEBB - Staff Conduct With Students
 JKA - Corporal Punishment

Note: This material is written by NMSBA for informational purposes only, and not as legal advice. You may wish to consult with your attorney for further explanation and advice as to the content of this advisory.