

~~Minidoka County Joint School District No. 331 shall report child abuse, neglect or abandonment as required in Idaho Code 16-1605.~~

~~"Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department. failure to report as required in this section shall be a misdemeanor."~~

~~As discussed in Idaho Code 16-1606. Immunity~~

~~"Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required in section 16-1619, Idaho Code, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section."~~

Provisions:

~~The following provisions are to assist in the administration of this policy.~~

~~The following definitions are applicable to this policy:~~

- ~~—1.— Abuse/Neglect~~
 - ~~a. Any act towards a child that impairs physical and/or mental health immediately or over time.~~
 - ~~b. The basic need for emotional and physical well-being goes unmet.~~
 - ~~c. Failure of the provider to care for the child even though financially able.~~
- ~~—2.— Emotional Abuse~~
 - ~~a. The child is given the message through words and actions that he/she is no good and never will be.~~
- ~~3.— Physical Abuse~~
 - ~~a. Injury of child when parent or caretaker is not in emotional control is under stress or has little impulse control.~~
 - ~~b. Excessive punishment, sometimes hazing, initiations, or transference of adult anger into physical aggression against the child.~~
- ~~4.— Sexual Abuse~~
 - ~~a. Any sexual acts between a child and adult or a significantly older child.~~
- ~~5.— Family Abuse~~

- ~~a. Any incident which indicates the alleged perpetrator to be a member of the family.~~
- ~~b. The family by definition herein shall be members of the immediate family or extended family and/or persons living in the same household or home as the child.~~

~~6. Third Party Abuse~~

- ~~a. Any incident where the alleged perpetrator is not a member of the family as defined above, or does not live in the same home as the child.~~

Reporting:

- ~~1. All reports will be channeled through the school principal, vice principal, or counselor.~~
- ~~2. Reporting of an alleged family abuse shall normally be made to the Idaho Department of Health and Welfare and shall be reported within twenty four hours. In an emergency, reporting may be made to the local law enforcement.~~
- ~~3. Reporting of a third party alleged child abuse will normally be made to the local Department of Law Enforcement and/or the Department of Health and Welfare, and shall be reported within twenty four hours. The child's caretaker shall be notified as soon as possible unless it is determined not to be in the best interest of the child.~~

Instruction:

- ~~1. Each school year, teachers shall be instructed by the principal in identification and reporting of child abuse. Health and welfare personnel will be invited to assist as appropriate in the instructional process.~~
- ~~2. Each school shall provide instruction to students regarding prevention and reporting of abuse. Health and Welfare personnel will be invited to assist in instruction as appropriate.~~

Cooperation in Investigations:

- ~~1. The Department of Health and Welfare and the Local Law Enforcement Agencies may serve as team members with educators and other school personnel in providing and receiving input regarding a network of community resources which might be available to help families who are either involved with the Department or in need of help to avoid abusive situations.~~
- ~~2. If the Department of Health and Welfare and/or Law Enforcement desire information from the school, contact will be made with the building principal or designee to present the nature of the problem. If the principal or his/her designee is not personally acquainted with the Department representative, he/she should require identification.~~
- ~~3. School personnel will assist the Department of Health and Welfare and/or Law Enforcement with information to assist in locating a child or family.~~
- ~~4. School district personnel will provide information and assistance as required by the Department of Health and Welfare and/or Law Enforcement including access to the student's permanent record.~~
- ~~5. In all "family" child protection investigations conducted at the school by the Department of Health and Welfare and investigations by Law Enforcement, school facilities will be~~

~~made available to the investigator for conducting confidential interviews with the child. This should be done in a reasonable and prudent manner to expedite the investigation. A school representative should be present during the interview unless otherwise requested by the department investigator. This is especially true if the parent is not present. The representative may be asked to testify in court.~~

- ~~6. In "third party" investigations at the secondary level, a reasonable effort will be made by the school personnel to contact a child's caretaker prior to the interview unless the child has specifically requested no contact be made. In "third party" investigations at the primary level, a child's caretaker must be contacted and permission given before any contact by the Department of Health & Welfare and/or Law Enforcement is made with the child.~~
- ~~7. When the Department of Health and Welfare or Law Enforcement comes to the school regarding an unknown report by someone outside the school system, the school official or designee should determine when possible if this is a family or third party abuse and then follow procedures as outlined in guidelines eleven (11) or twelve (12).~~
- ~~8. If at any time the school is contacted by the caretaker as to whether or not the Department of Health and Welfare and/or Law Enforcement interviewed their child at school, the school will acknowledge such and refer the family to the Department for explanation.~~
- ~~9. If the Department of Health and Welfare and/or Law Enforcement takes any action that will affect the child's attendance or school performance, the school personnel will communicate with the Department in an effort to minimize any problems in learning and education.~~
- ~~10. If at any time the school has questions regarding actions of the Department of Health and Welfare, a school representative should contact an administrator at the Department of Health and Welfare and resolve those questions.~~

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees, and patrons of the School District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding observation and reporting of suspected child abuse, child abandonment, or child neglect. The Superintendent shall review with staff the legal requirements concerning suspected child abuse at the commencement of each year.

ABUSE

-Abuse is defined in I.C. § 16-1602 of the Idaho Code as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, or soft tissue swelling. Abuse is further defined in LC. 16-1602 to include sexual conduct including rape; molestation; incest; prostitution; obscene or pornographic photographing, filming, or depiction for commercial purposes; or other similar forms of sexual exploitation

harming or threatening the child's health or welfare or mental injury to the child. Abuse also includes abandonment and neglect.

ABANDONED

Abandoned is defined as the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one year is evidence of abandonment. LC. § 16-1602(2).

NEGLECTED

Neglected means a child: “Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his or her well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items; -J.C.§ 16-1602(25).

A District employee who has reasonable cause to suspect that a student may be an abused, abandoned, or neglected as defined above or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment, or neglect shall report or cause to be reported such a case to local law enforcement or the Department of Health and Welfare within 24 hours.

Employees of the District shall also notify their supervisor immediately of the case. The supervisor shall immediately notify the Superintendent or the Superintendent's designee, ~~who shall in turn report or caused to be reported the case to local law enforcement or the Department of Health and Welfare.~~

Any person who has reason to believe that a child has been abused, abandoned, or neglected and, acting upon that belief, makes a report of abuse, abandonment, or neglect as required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per LC.§ 16-1606.

In addition, according to I.C. § 16-1607:

Any person who makes a report or allegation of child abuse, abandonment, or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars (\$500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with

malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.

Any District employee who fails to report a suspected case of abuse, abandonment, or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.



LEGAL REFERENCE: J.C§ 16-1602 Child Protection Act Definitions
I.C.§16-1605 Reporting of Abuse, Abandonment or Neglect
I.C § 16-1606 Immunity
I.C § 16-1607 Reporting in Bad Faith

~~Idaho Code 16-1602, 16-1605, 16-1606, 16-1619~~

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