

PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE AND NEGLECT  
Administrative Rule

Definitions:

The term, "Abuse", other than when used in referring to abuse of alcohol beverages or other drugs means any of the following:

- Physical injury inflicted on a child in a manner that is not accidental. Physical injury is described as related to bodily harm and means physical pain or injury, illness, or any impairment of physical condition
- Sexual intercourse or sexual contact
- Sexual exploitation of a child (includes sexual assault of a student by school staff).
- Permitting, allowing or encouraging a child to engage in prostitution
- Causing a child to view or listen to sexual activity
- For purposes of sexual arousal or gratification, causing a child to expose genitals or pubic area or exposing genitals or pubic area to a child
- Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.
- Manufacturing methamphetamine under any of the following circumstances: (1) with a child physically present during the manufacture, (2) in a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home, or (3) under any other circumstances where a reasonable person should have known that the manufacturer would be seen, smelled or heard by a child.
- Human Sex Trafficking refers to recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain an individual for various sex acts.
- Emotional damage means harm to a child's psychological or intellectual functioning. Emotional damage may be evidenced by anxiety, depression, withdrawal, outward aggressive behavior, or a substantial and observable change in behavior, emotional response or cognition.
- Neglect means failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

Reporting Procedures:

Any school employee who has a reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect will occur, shall contact, by telephone or in person, the Human Services Department of the county in which the child resides and inform the agency of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur.

- Rock County Department of Human Services - Children, Youth and Families Services  
608-757-5401
- Dane County Department of Human Services - Child Protective Services 608-261-5437

- Green County Human Services Department - Children, Youth & Families Services 608-328-9393

If a report to that department is not possible or the threat to the child is imminent and requires immediate response, the employee will call one of the following:

- Rock County Sheriff Department non-emergency dispatch 608-757-2244
- Evansville Police Department non-emergency dispatch 608-882-2292
- Emergency 911

Employees may wish to consult with student services staff (school counselor, school social worker, school nurse or school psychologist) or building principal for assistance in the reporting process. The student services staff member or building principal shall support the school employee in their action and shall not attempt to delay, modify, or prevent any employee from making a report.

When making a child abuse or neglect report, the reporter should be prepared to provide as much of the following information as possible:

- The employee's name, phone number, relationship to the child, and school phone number.
- The name, home address, and age of the child suspected of or threatened with being abused or neglected.
- The name, home address(es) and workplace(s) of the child's parent(s) or guardian.
- The names and ages of the child's siblings, if relevant to the report.
- A description of why they believe the child has been abused or neglected or has been threatened with abuse or neglect, statements allegedly made by the child to others, and any relevant circumstances or conditions in the home or elsewhere of which the reporter is aware.

If the child abuse/neglect report involves a child who is a participant in the state's address confidentiality program (the Safe at Home program), the reporter should keep in mind the confidentiality requirements for that program and inform social/human services or law enforcement officials that the child is a Safe at Home participant and that they are prohibited from releasing any actual address information related to the child. Social/human services can ask law enforcement officials to request a release of participant information directly from the Safe at Home program.

If any doubt exists as to whether or not to refer, such doubt should be resolved in favor of referral. The law provides that a mandated reporter may be fined or imprisoned for failing to make a report as required by law.

In all cases, the building principal shall be informed that a child abuse or neglect report has been made.

#### Employee Training:

In accordance with Wisconsin Statute 118.07(5), the Evansville Community School District holds the expectation that all new employees will complete the Department of Public Instruction training for Mandatory Reporting of Child Abuse and Neglect within their first six months of employment, and at least annually.

### Confidentiality Obligations:

It is the obligation of the district and reporter, including any district staff aware of alleged reports of child abuse and neglect, to maintain the confidentiality of student records and information regarding alleged incidents, including the identity of the person reporting and information provided in the report.

School personnel shall keep in mind state and federal laws and school district procedures regarding the confidentiality of student records when sharing information from a student's school records with child protective services or law enforcement personnel. The information should only be disclosed if authorized by law. For example, state and federal laws authorize the disclosure of student record information in connection with an emergency if knowledge of the information in connection is necessary to protect the health or safety of a student or other individuals. When a student record is disclosed under this particular confidentiality exception, school personnel must record the following information: (1) the threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and (2) the parties to whom the district disclosed the information.

To provide for compliance with state law requirements, school personnel shall keep child abuse and neglect reports and any information obtained from child protective services or law enforcement personnel regarding a child abuse or neglect report in a confidential file that is separate from the student's regular school records file(s). Such information can only be disclosed to the persons and for the purposes specified by law.

### Child Abuse and Neglect Investigations:

It is not the responsibility of school personnel to investigate child abuse and neglect reports or to prove that abuse or neglect has occurred. The investigation of child abuse or neglect reports is the legal responsibility of trained county child protective services and law enforcement personnel. Accordingly, school personnel shall not further investigate a child abuse or neglect situation following the making of a report, except in cases where an administrator has a responsibility to conduct an independent internal investigation into alleged misconduct, as further described below within these rules. For example, school personnel shall not contact for investigative purposes a caregiver, or other person in the community, who is suspected of or who potentially may be responsible for the suspected abuse or neglect.

County agency personnel charged with responsibility for investigating child abuse or neglect reports may generally contact, observe or interview a child at any location, including school, to determine if the child is in need of protection or services. School personnel may not require parent notification before allowing such interviews to take place at school when the department or agency is exercising its investigative authority under state law. County child protective services or law enforcement personnel may request the cooperation of a school teacher, counselor or other person whose presence would aid in the interview process. They may also, in the exercise of professional judgment and in accordance with department standards, exclude school personnel from the interview.

A social worker with county child protective services has the same power as a law enforcement officer to take a child into custody if the child comes voluntarily or if the social worker believes on reasonable grounds that the child is suffering from illness or injury or is in immediate danger from their surroundings, and removal from those surroundings is necessary. If child protective services or law enforcement personnel make the decision to remove a student from school on this

basis, the building principal or their designee will determine who is responsible for communicating with parents.

Legal Ref:     Sections     939.22(4)h – Wisconsin Statutes  
                                  940.225  
                                  948.02  
                                  948.025  
                                  948.085  
                                  948.05  
                                  944.30  
                                  948.055  
                                  948.10  
                                  961.41(1) (e)  
                                  940.302  
                                  48.02 (5j)

Local Ref:     Policy #454 – Reporting Child Abuse and Neglect