

The Educator's Role in the Protection and Well-Being of Children



2012 Edition

This booklet is provided through WS/FCS Student Services/Social Work Staff. The information is designed to provide the educator with current policies and procedures relating to child abuse, neglect and dependency laws. It is essential that school personnel respond to their unique opportunity and responsibility to intervene in situations where there is reason to suspect a child may be abused, neglected or dependent. For more information, please contact your assigned school social worker, or for the online version of this booklet, please visit the School Social Work Department homepage located on the WS/FCS website and click on the link *The Educator's Role in the Protection and Well-Being of Children*.

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The Educator's Role in the Protection and Well-being of Children

WHAT IS YOUR ROLE AS AN EDUCATOR IN RECOGNIZING AND REPORTING CHILD ABUSE, NEGLECT AND DEPENDENCY? (See Policy 5140, Appendix B)

North Carolina's reporting law applies to every person and every institution in the state. School personnel are **required** by North Carolina Law to report SUSPECTED incidents of abuse, neglect and dependency (G S 7B-101). Anyone who reports is immune from any civil or criminal liability provided that the person is acting in good faith. In NC, there is not a statutory civil or criminal penalty for failure to report. However, civil liability is possible under existing negligence case law if the child is harmed as a result of a negligent failure to comply with mandatory reporting laws. Criminal liability is possible because a common law rule makes it a misdemeanor to fail to comply with a statute that mandates certain action, such as the abuse, neglect and dependency reporting law. Misdemeanor convictions can result in imprisonment for up to two years or a fine. **If you suspect** the situation might be abuse or neglect, contact the Forsyth County Department of Social Services. Information can be given as a new report or as additional information on a case already active within the DSS system.

Educators are a primary source for reports of school age children to Child Protective Services (CPS) in Forsyth County. Child abuse and neglect is a violation of human rights and an obstacle to educational progress and emotional development. Educators have a special role in combating child abuse and neglect through the opportunity to observe children over a period of time. The knowledge and training educators possess allow for skilled observation of a child's behavior and physical condition. Since abused and neglected children can be found in any classroom, educators are in a unique position to identify and report children who need help and protection.

WHAT IS CHILD PROTECTIVE SERVICES (CPS)?

Child Protective Services (CPS) is a program administered through Forsyth County and governed by the state of North Carolina, with the overall objective of identifying and protecting children who have been/are being, abused, neglected or dependent. The law requires that CPS staff assess reports of suspected child abuse, neglect or dependency in a timely, efficient and family focused manner. CPS seeks to assure the safety of children. The goal is to have services delivered to the family within the context of the family unit itself. If abuse or neglect continues, or if the child(ren) are believed to be at imminent risk, it may be necessary to remove the child(ren) from the home in order to provide adequate protection from future abuse/neglect.

WHAT CONSTITUTES CHILD ABUSE, NEGLECT AND DEPENDENCY? (NORTH CAROLINA GENERAL STATUTES Chapter 7B Juvenile Code)

Definitions of abuse are:

- Inflicting or allowing someone else to inflict physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health or loss or impairment of any bodily function
- Creating or allowing to be created a substantial risk of serious physical injury
- Using/allowing to be used grossly inappropriate devices or procedures to modify behavior
- Domestic violence witnessed by a child
- Committing or allowing to be committed any sexual offense against a child as defined in the criminal code. This includes but is not limited to rape, crime against nature, incest, preparation or distribution of obscene material of the juvenile, sexual exploitation, promoting the prostitution of the juvenile, and/or taking indecent liberties with the juvenile regardless of the age of the parties
- Creating or allowing to be created serious emotional damage to the juvenile as evidenced by severe anxiety, depression, withdrawal or aggressive behavior
- Encouraging, directing, or approving of delinquent acts involving moral turpitude committed by the juvenile

Definitions of neglect are:

- Failure of the juvenile's parent/guardian to provide proper care, supervision, or discipline
- Abandonment by the parent/guardian
- Failure to provide necessary medical care or necessary remedial care
- Living in an environment injurious to the juvenile's welfare
- Creating a substantial risk to the physical or mental health or development of a child

Definitions of dependency are:

- Needing assistance or placement because the child has no parent, guardian, or custodian responsible for care or supervision
- Needing assistance or placement because a parent, guardian or custodian is unable to provide care or supervision and lacks an appropriate alternative childcare arrangement. The parent or guardian's inability may be due to
 - The parent's physical or mental illness, substance abuse, developmental disability, incarceration or natural disaster and may be temporary or permanent
 - The child's extraordinary needs such as severe illness or disability

NOTE: Examples of reports typically NOT accepted for assessment, if reported with NO OTHER concerns:

- Lice
- Poor Hygiene
- Parents/Guardians repeatedly missing school appointments regarding academic progress
- Parent refusal to give child medication for ADHD/ADD.
- Parental substance abuse
- Truancy
- Child under the age of 8 years or 80lbs not being in a child restraint seat. (Contact police, as this is a law enforcement matter).

****It is also important to note that a child should never be held at school after regular school hours simply because a CPS Social Worker has not yet arrived to interview the child or based on the fact that the child has disclosed possible abuse/neglect. IF CONCERNS ARE SUCH THAT YOU ARE FEARFUL FOR THE CHILD TO LEAVE THE SCHOOL AND RETURN HOME, CONTACT 911.**

WHAT SHOULD EDUCATORS REPORT?

The reporting law specifies reporting when you have "**reasonable cause to suspect that a child has suffered abuse, neglect or dependency.**" You do not need to know the details of the possible abuse or be certain whether or not an indicator means abuse has taken place.

Indicators of Potential Physical Abuse:

- Doubtful or inconsistent explanations of bruises, welts, lacerations, abrasions or injuries
- Bruises of different ages (various colors)
- Injuries reflecting shape of article used (electric cord, belt, buckle)
- Injuries that regularly appear after absence or vacation
- Doubtful explanation of burns, especially to soles, palms, back or buttocks
- Burns with a pattern from an electric burner, iron or cigarette
- Immersion burns with a distinct boundary line
- Frightened of parents or afraid to go home

Note: It is not illegal in the state of NC to spank your child. It is when such discipline exceeds what is considered "reasonable" that this becomes a CPS, and often a legal, issue. Some examples of "beyond reasonable" include, but are not limited to: the leaving of marks or bruises, the area of the body struck, or the type of instrument used to administer the spanking.

Indicators of Potential Emotional Abuse:

- Lags in physical development
- Bizarre behavior
- Fearfulness of adults or authority figures
- Revelations of highly inappropriate discipline, i.e., being enclosed in a dark closet, forced to drink or eat inedible items
- Domestic violence witnessed by a child

Indicators of Potential Sexual Abuse:

- Venereal disease in a child of any age
- Evidence of physical trauma or bleeding to the oral, genital or anal areas
- Sexual knowledge/behavior or use of language not appropriate to age level
- Sudden regression to bedwetting or soiling after being successfully toilet trained

Indicators of Potential Physical Neglect:

- Lack of basic needs (housing, clothing, food)
- Lack of essential health care and high incidence of illness
- Extreme poor hygiene on a regular basis (in conjunction with other factors)

- Inappropriate clothing in inclement weather on a consistent basis
- Abandonment

Indicators of Potential Dependency:

- Child's parent, guardian or custodian is unable to provide care or supervision as the result of physical or mental illness, substance abuse, developmental disability, incarceration or natural disaster (may be temporary or permanent)
- The child has no parent or guardian in the home responsible for care or supervision

HOW DO I RESPOND TO A DISCLOSURE OF ABUSE, NEGLECT OR DEPENDENCY?

A child may tell you directly and specifically what is going on, or may hint at a situation. Be willing to listen while being cautious in deciding how much to discuss with the child. You need enough information to make a report but not all the details necessary to substantiate. **Often a child is willing to reveal the details of an incident only once.** It is important that the CPS worker be able to hear this directly from the child.

A school system employee's role is not to investigate or verify the situation, but rather to make the report and set in motion the process of getting help for the child. Your support to the child is important. Please note the following recommendations:

- **Avoid having the child repeat the explanation to other school personnel or to you more than one time**
- Do not ask leading questions
- After reporting, it is important to maintain a supportive presence for the child
- Trust your feelings regarding your suspicion of abuse and neglect and remember that an educator who reports in good faith is protected from liability

Remember that reporting is a **request for an intervention** into a suspected case of abuse, neglect or dependency and, based on NC Statutory definition requirements, may not lead to an intervention.

HOW DO I REPORT ABUSE, NEGLECT OR DEPENDENCY?

Making a report:

- Reports should be telephoned to CPS as early in the day as possible. Allow at least 15 minutes reporting time. Call CPS at 703-ABUSE (703-2287). The CPS fax # is 336-703-3799.
- If no one can take your report at the time you call, leave a message for your call to be returned. Repeat your call if you have not heard from the CPS intake worker by the end of the school day. **IF YOUR CONCERNS CANNOT WAIT OR IF YOU FEEL THE CHILD IS AT IMMINENT RISK OF HARM..CONTACT 911!**
- After speaking by phone with the Department of Social Services/CPS Intake Office, place the Child Abuse/Neglect Reporting form in the school social worker's mailbox located at each school. The WS/FCS Social Workers' office maintains these forms for documentation purposes. (See Appendix A)
- Notify your principal of the situation.

- If the case is accepted for an intervention, it is the responsibility of the CPS worker to notify the family. Educators have no responsibility for contacting the family in matters regarding suspected abuse, neglect or dependency.

Your responsibility to report suspected abuse, neglect or dependency is legal and cannot be waived by administrative veto. Counselors, school social workers, nurses and psychologists may be of assistance in this process. While there is not a time line in the law for referral to CPS, reporting as soon as possible after disclosure assures better protection for the child.

Each incident of possible abuse should constitute a separate report. Even if you have made a CPS report on a child previously, you need to make a report again if there is a new incident, injury, or concern(s).

At the point of intake, CPS will determine if a report meets the legal definitions of child abuse, neglect or dependency and thus warrants intervention. If the CPS worker determines that your report does not warrant intervention at this time, your reporting at a later time with additional information may enable the CPS intake worker to accept the report.

If you disagree with the decision not to intervene, you have the right to appeal. To begin an appeal, contact the Children's Services Program Managers at (336) 703-3673 or 703-3678 and request a review of the decision.

If this is your first time making a CPS report, it may be helpful to see the form used by the DSS Intake Social Worker. This form is located in Appendix B of this booklet and can be accessed electronically at <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1402.pdf>

HOW DOES CPS RESPOND?

An intake worker receives the report of abuse, neglect or dependency by telephone. It is the responsibility of the intake worker to thoroughly question the reporter and, in consultation with a supervisor, determine if the report is appropriate for a CPS intervention. In some cases, CPS and/or Law Enforcement will interview the child at school as is permitted by law. The child may request that a third party be present at the interview. **A school staff person may or may not be included in the interview, depending on the nature of the report and the child's degree of comfort. CPS workers have legal authority to interview children one-on-one if they feel the situation is warranted.**

Response Time:

Accepted reports will be responded to as soon as possible and within the designated response time. This may vary from an immediate response where there is imminent risk of harm to the child up to a response time of seventy-two hours.

CPS Intervention:

CPS is mandated to assess valid reports that meet state-mandated guidelines of child abuse, neglect or dependency with the goal of determining the current and ongoing risk of

further abuse, neglect or dependency to the child, and preventing the reoccurrence of such incidents.

DSS responds to valid CPS reports through its **Multiple Response Child Welfare System (MRS)**. While DSS' authority and decision-making responsibilities are the same, there are two distinct types of interventions determined by the specific allegations of a report:

Generally, an investigative assessment response is appropriate for reports that meet the legislative criteria of abuse and or "serious neglect". An investigative assessment is a traditional intervention that can be a forensic process that involves coordination with law enforcement to pursue potential criminal charges against the alleged perpetrator. NC State Standards indicate that all investigative assessments should be completed within 30 days of the date of the report. If at the end of the 30 days, the investigative assessment is not complete, CPS staff must document in the case record the reasons why the investigative assessment is continuing. At the conclusion of the investigative assessment, CPS decides whether or not to substantiate the allegations.

Generally, a family assessment response is appropriate for reports that meet the statutory definitions of neglect. A family assessment is a family-centered approach based on family support principles. NC State Standards indicate that all family assessments should be completed within 45 days of the date of the report. If at the end of the 45 days, the family assessment is not complete, CPS staff must document in the case record the reasons why the assessment is continuing. At the conclusion of the family assessment, CPS determines the findings of the case to be "Services Needed," "Services Recommended," "Services Provided, Protective Services No Longer Needed" or "Services Not Recommended."

Taking a Child into Custody:

With a court order, a CPS worker may take an abused, neglected or dependent child into custody while the child is at school. CPS workers can take a child into emergency custody without a court order for 12 hours or until 8:00 am the next business day. Law enforcement officers may also take a child into custody without a court order.

Feedback to the Reporter:

According to G.S. 7B-302:

"Within five (5) working days after the assessment is completed, CPS shall inform the reporter, through written notice, the findings of the assessment and what action DSS is taking to protect the child, including whether a petition was filed."

A reporter who is dissatisfied with the decision not to file a petition can contact a Children's Services Program Manager. The reporter must request this review within 5 working days of the receipt of the letter. If the issue is unresolved the reporter may request that the Children's Services Program Manager schedule a conference with the District Attorney. The District Attorney must review the CPS decision and confer with the reporter, CPS and other relevant persons. Following this review, the District Attorney

may (1) affirm the CPS decision, (2) direct law enforcement to investigate or (3) direct CPS to file a petition to take the child into custody.

WHEN THE PERPETRATOR IS A SCHOOL EMPLOYEE (AR 4116.5)

If you suspect that a school employee has sexually harassed and/or abused a student, immediately bring this to the attention of the principal, supervisor or director of Human Resources. The school attorney will be notified and an investigation will take place. Should the principal be the alleged perpetrator of sexual harassment and/or abuse of a student, this must immediately be brought to the attention of the assistant superintendent, the superintendent, the director of Human Resources, or the school attorney.

An employee who fails to inform the appropriate individuals as stated above may be subject to dismissal.

FREQUENTLY ASKED QUESTIONS ABOUT REPORTING

Do I need to let parents know I have made a CPS report? No. Educators have no responsibility for contacting the family.

What should I do if I am not sure whether the injury was accidental? You need only to have "reasonable cause to suspect" an injury is non-accidental to make a CPS referral. An accident may have been caused by lack of supervision and would be reportable as neglect. Call and/or consult your school counselor, school social worker or CPS if you are questioning your judgment. It is better to err on the side of reporting than to be too cautious and not making an effort to intervene.

Will making a report help the child or place the child at greater risk of harm?

Early intervention in an abusive situation is important in decreasing the harm to the child and in interrupting a family pattern that may escalate in severity or frequency. If a child is being mistreated by his family, there are usually multiple factors contributing to this situation. Addressing family needs can make a difference to all family members. An intervention by Child Protective Services is both child-focused and family-oriented.

If I disagree with CPS' decision not to intervene, how do I request a review?

If you disagree with the decision not to intervene, you have the right to appeal. To begin discussion about an appeal, contact a Children's Services Program Manager at (336) 703-3673 or 703-3678 and ask for a review.

If I disagree with the decision not to substantiate abuse, neglect or dependency, how do I request a review? A reporter that is dissatisfied with the decision not to file a petition can contact a Children's Services Program Manager or the DSS Division Director to discuss a request for a review by the District Attorney. A request for review by the District Attorney must take place within five (5) working days of the receipt of the letter. The phone number for the District Attorney's Office is 761-2373.

Is truancy a reportable CPS issue? No. Truancy itself is not a CPS issue. There must be specific evidence of abuse, neglect or dependency in order for CPS to initiate an intervention; however, truancy may be an indicator of other issues of neglect present in the home. Any genuine concern about a child's welfare is worth reporting.

Is domestic violence between parents a reportable issue? Yes, domestic violence affects children and is reportable.

Is parental substance abuse a reportable issue? No. Parental substance abuse itself is not a reportable CPS issue. However, children whose parents are abusing substances often exhibit specific signs of abuse, neglect or dependency that are reportable. *It is important to note *HOW* the parental substance abuse is impacting the child's safety and wellbeing before such a report is accepted for assessment.

WS/FCS Child Abuse/Neglect and Dependency Reporting Worksheet

School personnel have a legal responsibility to report suspected abuse, neglect and dependency to the Forsyth County Department of Social Services (DSS). The purpose of this worksheet is to help the reporter prepare information needed when calling Child Protective Services (CPS).

1. Upon receiving the information telephone CPS reports to DSS as early in the day as possible. 703-2287 (703-ABUSE). If unable to immediately reach an intake worker, leave a message on CPS voice mail.

2. Upon completion of the phone report to CPS, give this Worksheet to your school social worker, fax to the School Social Work Office (748-4108) or send via school mail to the School Social Work Office at City Market for documentation purposes only. Providing this form to a WS/FCS social worker does not generate a CPS report; your direct contact with CPS is necessary to initiate interventions.

Child's Name _____	DOB _____	Age _____	Sex _____	Race _____
Address _____				
School _____	Grade _____	Student # _____	SS # _____	
Child lives with: Mother _____ Father _____ Legal Guardian _____ Other (Who?) _____				

Mother _____	Father _____
Address _____	Address _____
Phone (H) _____ (W) _____	Phone (H) _____ (W) _____
Place of Employment _____	Place of Employment _____
English speaking Yes/No _____	English speaking Yes/No _____
Phone (H) _____ (W) _____	Place of Employment _____
Sibling _____ Age _____ Sch. _____	Sibling _____ Age _____ Sch. _____
Sibling _____ Age _____ Sch. _____	Sibling _____ Age _____ Sch. _____

Indicate the nature of your concern in clear physical and behavioral terms, give circumstances leading to the suspicion of abuse / neglect / dependency AND other pertinent detailed information.

To your knowledge what has been done to assist this family? _____

What are the strengths of this family? _____

Note safety concerns for an investigator going into the home (weapons, dogs). _____

If this child is afraid to go home, state the reason. _____

History of Domestic Violence? _____

History of Substance Abuse? _____

Phone report made: Date ____/____/____ Time _____	DSS Worker: _____
Or, Message left Date ____/____/____ Time _____	
Has this family been reported previously? Yes _____ No _____	Unknown _____
Your name and position: _____	Phone _____
Who else has knowledge of the situation? _____	Phone _____
	Phone _____

Reporters Worksheet –

Signs of Potential Abuse, Neglect, or Dependency

The reporting law specifies reporting when you have "**reasonable cause to suspect that a child has suffered abuse, neglect or dependency.**" You do not need to know the details of the possible abuse or be certain whether or not an indicator means abuse has taken place. The severity of an indicator or statements by the child as to the nature of the injury may indicate possible abuse.

Indicators of Potential Physical Abuse:

- Doubtful explanation of bruises and welts on any part of the body
- Bruises of different ages (various colors)
- Injuries reflecting shape of article used (electric cord, belt, buckle)
- An established pattern of injuries occurring after absences from school/weekends/holidays
- Doubtful explanation of burns, especially to soles, palms, back or buttocks
- Burns with a pattern from an electric burner, iron or cigarette
- Injuries inconsistent with information offered by the child
- Doubtful explanation of lacerations, abrasions or fractures
- Immersion burns with a distinct boundary line
- Frightened of parents or afraid to go home
- Domestic violence

Indicators of Potential Emotional Abuse:

- Lags in physical development
- Bizarre behavior
- Fearfulness of adults or authority figures
- Revelations of highly inappropriate discipline, i.e., being enclosed in a dark closet, forced to drink or eat inedible items
- Domestic violence

Indicators of Potential Sexual Abuse:

- Venereal disease in a child of any age
- Evidence of physical trauma or bleeding to the oral, genital or anal areas
- Difficulty in walking or sitting
- Refusing to change into gym clothes
- Running away from home and not giving any specific complaint
- Sexual knowledge/behavior or use of language not appropriate to age level

Indicators of Potential Physical Neglect:

- Lack of basic needs (housing, clothing, food)
- Lack of essential health care and high incidence of illness
- Extreme poor hygiene on a regular basis
- Inappropriate clothing in inclement weather on a consistent basis
- Abandonment

Indicators of Potential Dependency:

- Child's parent, guardian or custodian is unable to provide for care or supervision and lacks appropriate care arrangement as the result of physical or mental illness, substance abuse, developmental disability, arrest or natural disaster and may be temporary or permanent.
- The child has no parent or guardian in the home responsible for care or supervision.