

CHILD ABUSE

DATES (Adopted/Revised)	GUIDE WORDS
Adopted May, 1974 Revised July, 1983 Revised July, 1985 Revised August, 2007	Abandoned Abuse Health and Welfare Neglect

The policy of School District No. 25 shall be to abide by the guidelines concerning Child Abuse as outlined in the Child Protective Act, Chapter 16, Idaho Code.

The purpose of the Child Protective Act is to protect children whose physical or mental health, safety, and/or welfare are adversely affected by abuse, abandonment, or neglect and may be further threatened by those who are responsible for their care and protection by providing for the mandatory reporting of suspected cases by any person who has reasonable cause to believe that such cases exist.

Section 16-1602 Idaho Code defines "abuse" to mean, "any case in which a child has been the victim of: (1) conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is a variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or (2) 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."

Section 16-1602 Idaho Code defines, "neglected" to mean a child, (1) "who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; (2) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or (3) who has been placed for care or adoption in violation of the law."

Reporting of ABUSE, ABANDONMENT OR NEGLECT is mandatory under Idaho Code:

"16-1605. (a) 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

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or circumstances to the proper law enforcement agency or the department. The department shall be informed by law enforcement of any report made directly to it.

16-1605(4). Failure to report as required in this section shall be a misdemeanor.

IMMUNITY is given reporting person as defined in Idaho Code 16-1606:

"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 16-1605, 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. Any privilege between husband and wife, or between any professional person except the lawyer-client privilege, including but not limited to physicians, ministers, counselors, hospitals, clinics, day care centers and schools and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse, abandonment or neglect of the child or cause thereof."

In addition to the criminal sanctions reference above for the failure to report an event of child abuse, abandonment or neglect, it is a violation of the Code of Ethics for Professional Educators, subjecting a certificated professional employee to a possible revocation of his/her teaching certificate, to fail to report an event of child abuse, abandonment or neglect:

- Principle IX.** A professional educator breaches the Code of Ethics for Idaho Professional Educators Unethical conduct includes, but is not limited to:
- b. Failure to comply with Section 16-1605, Idaho Code (reporting of child abuse, abandonment or neglect);

The District is responsible for training all staff with regard to all elements of this policy and its procedures. School staff shall be reminded of their legal responsibility to report suspected child abuse as delineated by statute.