

ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

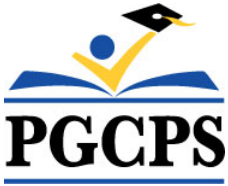
Procedure No.

January 18, 2021

Date

- I. **PURPOSE:** To notify all employees of Prince George’s County Public Schools (PGCPS) that it is **mandatory** that they make a direct report when they have reason to suspect:
- A. A child has been physically or mentally abused;
 - B. A child has been sexually abused, whether physical injuries sustained or not; or
 - C. A child has been neglected as defined below.
- II. **POLICY:** The Board of Education is committed to providing a quality education to all students in a safe and secure environment. Consistent with the laws of the State of Maryland, and the Board of Education’s commitment to safeguard the students of Prince George’s County Public Schools, the Board of Education through the adoption of Board Policy 0127, requires that the appropriate administrative procedure be developed to require the mandatory reporting of suspected child abuse, neglect and child sexual abuse by all employees, volunteers, and independent contractors.
- III. **INFORMATION:**
- A. **Reporting Requirement:**
 - 1. Maryland State Law mandates the direct reporting of suspected child physical and mental abuse, child sexual abuse or child neglect by teachers, counselors, psychologists, social workers, law enforcement officers and any other professional employee of a school.
 - 2. If an employee, contractor or volunteer has reason to believe that a child (or a person who has permanent or temporary care or anyone who is responsible for the supervision of a child under the age of 18 years, he/she shall report directly and personally such observation or suspicion to the appropriate agency or designated person, following the procedures outlined below.
 - B. **Immunity for Reporting:**

Maryland law provides immunity from civil liability or criminal penalty for any individual who reports suspected abuse or neglect in good faith, or who participates in any investigation or judicial proceeding resulting from the report. Formal investigation procedures - distinct from any



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

January 18, 2021

Date

personnel or labor relations procedures - are the responsibility of Child Protective Services (CPS) or Adult Protective Services (APS) and law enforcement agencies to which the report is made.

IV. **DEFINITIONS:** The following definitions are applicable to the content of these procedures.

A. **Abuse:**

1. Physical or mental injury of a child by any parent, or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or
2. Any sexual abuse of a child, whether or not physical injuries are sustained.

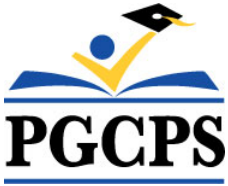
B. **Child:** Any person under the age of 18 years.

C. **Neglected Child:**

1. A child who has suffered or is suffering significant physical or mental harm or injury as a result of conditions created by the absence of the parent(s), guardian(s), or custodian(s), or
2. A child who is left unattended or who by the failure of the parent(s), guardian(s), or custodian(s) to give proper care and attention to the child and his/her problems under circumstances that indicate that the child's health or welfare is harmed or threatened thereby or that there is mental injury to the child or a substantial risk of mental injury.
3. A child may not be considered to be neglected solely because he/she is receiving non-medical remedial care and treatment recognized by state law in lieu of medical treatment.

D. **Sexual Abuse:** Any act that involves sexual molestation, exploitation or sex trafficking of a child. Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, where the person is under the age of 18.

E. **Vulnerable Adult:** A student age 18 – 21 years old who is believed by the individual reporting abuse or neglect to lack the physical or mental capacity to



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

January 18, 2021

Date

care for his/her daily needs and is suspected to have been subject to abuse, exploitation or neglect by the student's temporary or permanent caretaker.

V. PROCEDURES

A. **Signs Required In Schools**

Schools shall post a sign in or near the front office in English, Spanish and French with the phone number of Child Protective Services: (301) 909-2450.

B. **Reporting Suspected Child Abuse and Neglect**

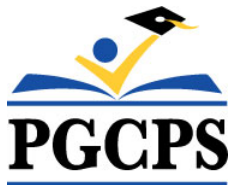
1. Oral Reports

- a. Any employee of the Board of Education who suspects that a child or vulnerable adult has been abused or neglected by the parent, adoptive parent, or other person with permanent or temporary custody shall call the Department of Social Services Central Intake as soon as possible to provide an oral report to the Division of Protective Services.

CPS maintains a 24 hour telephone service and can be reached at: (301) 909-2450.

- b. Prior to making the oral report to Child Protective Services, the employee may:
 - (1) Inform his/her immediate supervisor or building principal of the intent to so report and supply the supervisor or principal with all relevant information upon which the suspicion is based.
 - (2) Examine and/or question the child only as necessary to verify injury and the possibility that such injury resulted from cruel, inhumane, malicious or neglectful act(s) by the child's permanent or temporary caretaker. The child or vulnerable adult suspected of having been abused or neglected should be supported and examined with the same concern and in the same manner as any child evidencing pain, injury, discomfort, or physical or emotional need.

No attempts should be made to investigate the suspicion. The legal right to make a determination of abuse or neglect is vested in the agency authorities to whom the report is made.



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

January 18, 2021

Date

2. Written Reports

a. Within 48 hours of making the oral report to Child Protective Services, the employee must also complete a written report of Form PS-60, Report of Suspected Child Abuse, Child Neglect (see attachment).

b. One copy of the Form PS-60 must be sent to:

(1) Prince George's County Department of Social Services
805 Brightseat Road
Landover, Maryland 20785
FAX: 301-909-2460

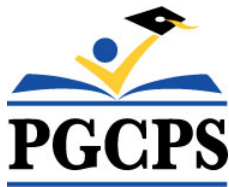
Note: If the employee is unable to access a fax machine in a school system building within 48 hours of making the oral report, the employee should request the name and email address of the individual with CPS who takes the telephone oral report and email the PS60 to that person.

(2) State's Attorney for Prince George's County Maryland
14735 Main Street
Suite 349M Courthouse
Upper Marlboro, Maryland 20772
FAX: 301-952-5061
EMAIL: specialvictimsfvu@co.pg.md.us

(3) Director of Safety and Security Services
507 Largo Road
Upper Marlboro, MD 20772
PH: 301-499-7000
FAX: 301-499-7013
EMAIL: CPS.Security@pgcps.org

c. If the suspected abuser is a system employee, contractor or volunteer, the employee must also forward a copy to:

Employee and Labor Relations Office
Sasscer Administration Building
14201 School Lane, Room 210
Upper Marlboro, Maryland 20772
PH: 301-952-6315



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

January 18, 2021

Date

FAX: 301-952-6187

Email: elro.investigation@pgcps.org

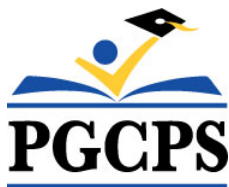
- d. If the allegations are of a serious criminal nature then the school official should also contact law enforcement, the Department of Safety and Security Services and the Chief Executive Officer.
- e. If law enforcement and/or Child Protective Services are investigating the allegation, school personnel should not examine and/or question the child, accuser, and/or witnesses beyond any initial inquiry needed to verify the injury, as described in section IV.B.

VI. CPS INVESTIGATION PROCEDURES:

- A. In the investigation of either child abuse or child neglect cases, if a child is questioned by the Child Protective Services worker and/or police during the school day on school premises, whether the child is the alleged victim or a non-victim witness, the school principal, or the principal's designee, should be present throughout that questioning.
- B. The school principal, or designee, shall advise the Chief Executive Officer (CEO) or the CEO's designee whenever investigative questioning of students is permitted on the school premises, including the nature of the investigation and other relevant details. The copy of Form PS-60 sent to the Director of Safety and Security Services will suffice as notification to the CEO's designee.

School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect or abuse.

- C. In the course of the investigation, if Child Protective Services personnel feel it necessary to remove the child from the school, **they are legally authorized to do so** and will complete and leave with the principal or designee the Limited Custody Form as a part of that procedure.
- D. If a child is taken into custody by CPS, the CPS investigator will notify the parent or legal guardian of the student's removal. However, if the parent or legal guardian contacts the school prior to receiving notice from the CPS investigator, the principal may provide the parent or legal guardian with a copy of the Limited Custody form provided by CPS.



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

January 18, 2021

Date

- E. In circumstances where the police are in a building for any reason and a child requests to talk to the officer, that request may be granted without informing the parent/guardian.

VII. **STUDENT RECORDS:**

Whether the school is the reporting source or not, the school is required to share information from the school health records or logs, the education record, and information of prior child abuse and neglect history upon request by the Child Protective Services investigator.

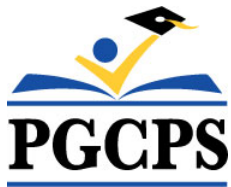
VIII. **CONFIDENTIALITY:**

- A. All records and reports concerning suspected abuse or neglect of any student are confidential, and provision will be made by PGCPS to protect the identity of the reporter or any other person in accordance with the protections provided under Maryland law.
- B. The Employee and Labor Relations Office shall maintain a confidential database of all alleged and confirmed cases of child abuse by employees – disaggregated by name, school and school year – with the final disposition of all appeals and criminal proceedings duly noted.

IX. **LIMITED MAINTENANCE OF REPORTS:**

All child abuse and child neglect reports will be maintained by the Department of Safety and Security Services in a confidential Abuse and Neglect database for all cases. Information contained in the reports may be disclosed only under the following conditions.

- A. Under a court order;
- B. To personnel of local or state Department of Social Services, law enforcement personnel, and members of multidisciplinary case consultation teams who are investigating a report of known or suspected child abuse or neglect, or who are providing services to a child or family that is the subject of the report;
- C. To local or state officials responsible for the administration of the child protective services as necessary to carry out their official functions; or
- D. To a person who is the alleged child abuser or the person suspected of child neglect if that person is responsible for the child's welfare; provided, however, that all references to the person who reported the suspected abuse or neglect or



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

5145

Procedure No.

January 18, 2021

Date

any other person whose life or safety may be endangered by disclosing the information shall be removed before disclosure to the suspected abuser or person who is suspected of child neglect.

X. **MONITORING AND COMPLIANCE:**

A. Training

1. All employees, volunteers, contractors, and vendors are required to complete the SafeSchools training module – Prince George’s County Child Abuse: Mandatory Reporting annually
2. Principals are required to review this procedure with staff mid-year.

B. Consequences for Failing To Report

An employee, contractor or volunteer who knowingly fails to report suspected abuse or neglect, or interferes with reporting suspected abuse or neglect, may be subject to the following:

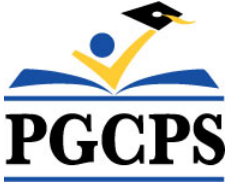
1. Disciplinary action, up to termination;
2. A request to the State Superintendent of Schools to suspend or revoke the employee’s professional certificate, as appropriate;
3. Removal or disqualification from being selected for future contracts and school volunteering; and
4. Referral to law enforcement authorities for civil or criminal liability, as appropriate.

XI. **LEGAL AUTHORITY:**

Family Education Rights and Privacy Act, 20 U.S.C. §1232g(b)(1) (I); 34 C.F.R. §§99.31(a)(10) and 99.36;
Maryland Code, Family Law Article section 5-561 *et seq.*; Family Law Article 5-701; 5-704; 5-706*et seq.*; Human Services Article section 1-202.
Code of Maryland Regulations (COMAR) 07.02.07 *et seq.*; COMAR 13A.08.02.24; COMAR 13A. 12.05.02.

XII. **RELATED POLICY AND PROCEDURES:**

Board Policy 0127, Reporting Suspected Child Abuse and Neglect;



ADMINISTRATIVE PROCEDURE

REPORTING SUSPECTED
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5145

Procedure No.

January 18, 2021

Date

Administrative Procedure 5144 – Cooperation With Law Enforcement Officers and Government Officials Contacting Students

- XIII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** The Division of Student Services will review and update these procedures as needed.
- XIV. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 5145, dated August 27, 2018.
- XV. **EFFECTIVE DATE:** January 18, 2021

Attachment: Form PS-60, Report of Suspected Child Abuse, Child Neglect