

EAN GUIDELINES FOR REPORTING CHILD ABUSE OR NEGLECT and RESPONDING TO CHILD ABUSE ALLEGATIONS

If you suspect a pupil is being abused by a parent or another person, the code of Virginia provides criminal penalty for failure to file a report promptly. Here are the key provisions of Virginia code section § 63.1-248.3: *Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.* (Bold type below added for emphasis.)

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services' toll-free child abuse and neglect hotline:



...

5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;

...

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, **such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee,**

who shall make such report forthwith. (*Note: In lieu of notifying the principal, you may call Child Protection Unit, Norfolk Division of Social Services at 664-6022 — a 24 hour line.*)

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B. Any person required to file a report pursuant to this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.

What about an instance where you are accused of child abuse?

Be aware that there are three instances when a teacher has the unquestionable right to have a representative present:

- When a teacher is the subject of an investigation by a police officer **or by an investigator from the Child Protective Services unit of the Department of Social Services.** This right applies even if school system officials are also present.
- When meeting to discuss a performance "Plan of Action" and only after at least three days have passed from the time the Plan of Action is received. *See section 10.7 of the Memorandum of Understanding in the EAN Calendar/Handbook.*
- During Step 2 and any subsequent steps in a formal grievance.

Use caution when asked to speak with Child Protective Services.

When you are the subject of an investigation, a meeting with Child Protective Services (CPS) can be a very intimidating and a potentially career-damaging experience. It is something you should not do on your own. A wrong word, an off comment, an overly defensive attitude can propel an isolated and innocent circumstance into a major problem.

Most education employees will probably never need to meet with a CPS agent during their entire career in education. However, if for some reason you are asked to meet with a CPS agent, call the EAN immediately.

As a group, education employees are one of the most intelligent and knowledgeable employees in the work force. Yet, when dealing with CPS, educators need and should request, assistance. A trained, knowledgeable representative is called for in this situation. Going it alone can be very costly.

You have the right to be represented during a CPS interview if a complaint has been lodged against you. Use that right! Do not believe that because you are innocent of any wrong-doing you have no reason to seek representation. If you are told that CPS is in the building and desires to interview you, remember you have the right to **decline the interview until your representative is available.**

If a school administrator calls you into a meeting and there are persons present you do not know, ***ask who employs them.*** If the answer is not Norfolk Public Schools, you may decline to participate any further.

In addition, your records and notes are your private property and need not be shared unless your counsel approves.

Finally, do not give your social security number to a CPS investigator. It will be used to put you in the department database. Once done, it is very difficult to get your name and number removed.