



TALKING TO A CHILD ABOUT SUSPECTED ABUSE



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FOREWORD

This Idaho Professional Standards Commission booklet offers practical information for school employees who suspect child abuse and for school employees facing false accusation of abuse. This booklet is a general guide for employees and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided. We encourage employees to follow their school district policies for reporting child abuse incidents.

Thank you to the Arizona Education Association for graciously sharing materials useful in preparing this booklet.

Professional Standards Commission
Executive (Ethics) Committee

REPORTING CHILD ABUSE

Who must report suspected child abuse

- All school personnel, upon learning of suspected child abuse, “shall report or cause to be reported within twenty-four (24) hours” the suspected child abuse to the police or the Department of Health and Welfare (DHW). This obligation arises when an individual has “reason to believe” that a minor is a victim of child abuse, nonaccidental injury, neglect, or sexual abuse. I.C. § 16-1605. All school personnel are obligated to report suspected abuse, including teachers, support staff, and administrators.
- District policy may require you to report suspected child abuse to a specific district official, such as an administrator, school nurse, or child abuse reporting coordinator. *Reporting to school officials does not satisfy the legal duty to report child abuse unless those officials make the required report to the police or DHW.*
- You must make sure school officials report the incident to the police or the DHW within twenty-four (24) hours.
- If the school official did not report the incident, then you must do so.
- Failure to report child abuse is a misdemeanor. Failing to report also may lead to action against a certificate for teachers or other certificated employees, disciplinary action, or a civil lawsuit.

When to report suspected child abuse

Report suspected child abuse immediately. Do not wait. Waiting until the next day or over the weekend is not acceptable, especially if the child remains at risk for repeated serious physical or sexual abuse. By law, you must report within twenty-four (24) hours.

If you report suspected child abuse to a school official, you should check with that official before the end of the school day to see whether the incident has been reported to DHW or the police. If the official did not report the incident, then you must do so.

How to report suspected child abuse

Do not jump to conclusions. Do not ask any questions. Simply state what you have observed, just the facts as you know them. Try to report the child’s exact statements to you, if possible. You are responsible for reporting suspected child abuse. You are not a trained investigator and are not responsible for determining whether abuse occurred or who committed the abuse.

You should report relevant and available information such as the child’s name, address and age; the parent’s or custodian’s name and address; the nature and the extent of the abuse, injury, or neglect; and any other background information that might be helpful in determining the cause.

A person is immune from civil or criminal liability (cannot be sued or prosecuted) for making a good faith report of child abuse and testifying about alleged child abuse in court. I.C. § 16-1606.

COMMON INDICATORS OF CHILD ABUSE

There is no typical child abuser. Child abusers are found within all economic levels, professions and ethnic groups. Most abused children are victimized by family members or close friends of the family.

You may discover hidden child abuse by observing students’ behavior, writings and art work. Listen carefully to your students, especially if they give hints of possible abuse.

Be careful not to jump to conclusions. Some children are easily swayed, and others misinterpret innocent gestures as sexual overtures. False accusations can devastate family members or school employees. Remember, the following list includes “indicators” that abuse is a possibility, not proof that abuse has occurred.

Physically and sexually abused children are more likely to:

- Be socially isolated, unpopular with classmates and have few friends.
- Have poor relationships with parents, either due to abuse at home or because pedophiles target lonely, vulnerable children with “no one to tell.”

- Have unexplained injuries, fractures, bruises, bite marks and welts.
- Have a pattern of “accidents,” especially during school breaks or absences.
- Have bruises or injuries on two sides of their face or body, in a manner inconsistent with a fall or other common childhood accident.
- State that serious injuries do not hurt.
- Refuse to discuss injuries or give absurd explanations for them.
- Have family members involved in repeated domestic violence disputes.
- Repeatedly run away or be hesitant to go home.
- Have unattended medical needs, inadequate supervision or inadequate clothing, shelter or food.
- Engage in self-destructive behavior.
- Attempt suicide.
- Have unusual fears for the child’s age.
- Exhibit severe emotional problems or dramatic behavioral changes.
- Have pain in the genital area.
- Have pain using the bathroom.
- Have occasional difficulty walking or sitting.
- Draw bodies with missing or mutilated body parts.
- Mimic sexual activity at an early age or in an unusual or repeated manner (more than young children occasionally “playing doctor”).

praise without touching students. Avoid lingering touches, such as shoulder massages. Avoid this or any touching except on the shoulders, back, and arms. Even this may be risky. Do not ask students to touch you or give you a back rub.

3. Avoid using physical force to enforce discipline. Use verbal commands and other disciplinary methods. Do not grab students to move them in a particular direction or touch them to get their attention. On rare occasions, a school employee must use physical force in self-defense or briefly restrain a student to prevent injury to the student or others. Use the minimum force necessary to prevent harm and immediately call for help. Ask your district for special training if you work with students who require frequent touching or restraints.
4. Avoid sending personal emails or written communications to students giving gifts to students or socializing with students in situations which could get misconstrued as personal or romantic. Do not invite students to your home or the movies unless it is a group activity with other adults present. If you reward students with a special out-of-school activity, obtain written permission from the parents and an administrator. Be cautious when having students baby-sit for you and do not visit them while they baby-sit.
5. Avoid off-the-cuff comments with suggestive overtones. Teasing or comments on a student’s physical appearance may be unwelcome. Students may report your remarks in ways that distort your meaning.
6. Avoid discussions of sexually explicit topics, such as tasteless jokes or suggestive song lyrics. Discourage such conversations in your presence.
7. Do not use the school computer for romantic or sexy emails. Even if you are just teasing or sending jokes, others may interpret your words as inappropriate sexual comments and innuendos. Do not use the school computer to visit pornographic or adult Internet sites. Most computer searches and emails can be traced, even if they have been deleted.
8. If a student wants to confide in you regarding a personal topic of a sexual nature, refer the student to a school counselor immediately.
9. Avoid transporting students in your personal vehicle.
10. Avoid any romantic contact with any students, even if the students are over 18 years old.

COMMON SENSE SUGGESTIONS

To promote the safety and well being of students, the following guidelines are provided:

1. If you must be alone with a student, leave the door open and inform another adult. Avoid repeated one-to-one contact with an individual student. For example, instead of assigning one child to help clean up after class, ask two students to help.
2. Avoid physical contact with students, which could be misunderstood as sexual in nature. Whenever possible keep your own “personal space.” If younger students hug, tell them that it is polite to ask permission first. Whenever possible, ask permission before touching a student. Develop a repertoire for reinforcing student behavior and giving

CODE OF ETHICS – PRINCIPLE IX

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official.

LEGAL DEFINITIONS OF ABUSE

What must be reported

I.C. § 1602(1) “Abused” means any case in which a child has been the victim of:

- (a) 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 at 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
- (b) 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.

I.C. § 16-1602(2) “Abandoned” means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

I.C. § 16-1602(21) “Homeless,” as used in this chapter, shall mean that the child is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety or well-being of the child.

I.C. § 16-1602(24) “Mental injury” means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

I.C. § 16-1602(25) “Neglected” means a child:

- (a) 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; provided, however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but further provided this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or
- (b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or
- (c) Who has been placed for care or adoption in violation of law.



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