



Administrative Guidelines

Department: Academics (OAAP)

Policy: JGEB

Topic: Child Abuse and Neglect Reporting

Revised: April 2019

PROCEDURE

Child Abuse and Neglect Mandatory Reporting Protocol

The district adheres to the reporting child abuse requirements found in O.C.G.A §§ 19-7-5 and 20-2-751.7 (“mandatory reporting”), as well as the Professional Standards Commission’s state mandated reporter process for students, volunteers, and employees to follow when reporting instances of abuse, including alleged inappropriate sexual or abusive behavior by another school employee.

Any student who has been the victim at school, home or any location of an act of abuse, sexual abuse, sexual misconduct, neglect or other inappropriate behavior by a teacher, administrator or other school system employee is urged to make a report of the act to any teacher, counselor or administrator at his/her school. Any parent/guardian or friend of a student who becomes aware a student has been the victim of abuse is also urged to make a report directly to DFCS.

What is the purpose of the mandatory reporting law?

The Georgia law mandates reports of suspected child abuse by school employees. O.C.G.A. § 19-7-5(a) states that its purpose is to provide for the protection of children. Mandatory reporting of abuse is intended “to cause the protective services of the state to be brought to bear on the situation”. Finally, it states that the law “shall be liberally construed so as to carry out the[se] purposes”.

What is child abuse?

Child abuse includes, but is not limited to, physical injury; death; neglect; exploitation; sexual abuse and sexual exploitation (including prostitution or sexually explicit conduct); verbal, psychological, or emotional abuse. O.C.G.A. § 19-7-5.

To whom do these requirements apply?

All district employees and volunteers are mandatory reporters under the law.

Anyone “employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children” is a mandatory reporter. O.C.G.A. § 19-7-5(b)(5)

When does the report have to be made?

A report of **suspected abuse**, “shall be made **immediately**, but in no case later than 24 hours from the time there is reasonable cause to believe that suspected child abuse has occurred. When a report is being made by electronic submission or facsimile . . . it shall be done in the manner specified by the Division. Oral reports shall be followed by a later report in writing, if requested, to a child welfare agency providing protective services . . . or, in the absence of such agency, to an appropriate police authority or district attorney.” O.C.G.A. § 19-7-5(e)

What are the penalties for failure to report or an untimely report?

In addition to professional repercussions, such as termination of employment, a person required to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a criminal misdemeanor. O.C.G.A. § 19-7-5(h)

What does the law say about how to make report?

If danger is imminent, call DFCS at 1-855-422-4453 and if no answer, or if no oral report is taken, call 911.

If a person is required to report child abuse, “that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection.” O.C.G.A. § 19-7-5

See below for the district’s method by which the Principal or designee shall report or cause a report to be made.

The Principal/facility head or designee “may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report”; however, under no circumstances shall any person, including the Principal or designee, “*exercise any control, restraint, modification, or make other change to the information provided by the reporter*”. O.C.G.A. § 19-7-5

How does an employee report abuse?

As discussed above, Department of Family and Children Services (DFCS) must be immediately notified, but in no case later than 24 hours, from the time there is reasonable cause to believe a child has been abused. All district employees and volunteers are mandated reporters.

- Contact the principal, the person in charge of the facility, or his/her designee.
- If the designee is not available, the mandated reporter shall make the report on his/her own.

- Complete AG JGEB Supporting Document #1 (Georgia Child Protective Services Mandated Reporter Form) to the best of your ability in order to prepare the information needed for making a report.

The mandated reporter can make a report using one of the following options:

If the designee has completed the DFCS Mandated Reporters Training and has a code, the report should be made online through the Cobb DFCS website

<https://dfcs.georgia.gov/child-abuse-neglect>. **OR**

- Option One: An oral report by telephone to 1-855-422-4453. This is a 24-hour reporting line. Complete AG JGEB Supporting Document #1 prior to placing the call.
- Option Two: A written report, AG JGEB Supporting Document #1, by electronic submission to cpsintake@dhs.ga.gov
 - No other email address should be used to cc: or bc: this email. (Forward, do not cc: or bc:, your school administrators or designees on this email submission.)

In addition, the principal or person in charge of the facility should be informed of the report. Submit a copy of AG JGEB Supporting Document #1 to the principal, person in charge of the facility, or his/her designee.

The district employee should **not** call the student at home and ask about the suspected abuse; nor make any contact with any member of the student's family unless the contact is with another student and is necessary to determine if reasonable cause exists to report that this other student may also be a victim of abuse. Asking for more information than is necessary to make a DFCS referral may have negative repercussions on the student and the ability of law enforcement to handle the matter. Form AG JGEB Supporting Document #1 should be completed to the best of the reporter's ability with accessible information at the time of the report.

How does a volunteer report abuse?

As discussed above, Department of Family and Children Services (DFCS) must be immediately notified, but in no case later than 24 hours, from the time there is reasonable cause to believe a child has been abused. All district/school volunteers are mandated reporters.

- Contact the principal, the person in charge of the facility, or his/her designee (during school day).
- If the designee is not available or possible abuse is discovered outside the normal school day, the mandated reporter shall make the report on his/her own.
- Complete AG JGEB Supporting Document #1 (Georgia Child Protective Services Mandated Reporter Form) to the best of your ability, in order to prepare the information needed for making a report.

The mandated reporter can make a report using one of the following options:

If the designee has completed the DFCS Mandated Reporters Training and has a code, the report should be made online through the Cobb DFCS website

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 - No other email address should be used to cc: or bc: this email. (Forward, do not cc: or bc:, your school administrators or designees on this email submission.)

In addition, the principal or person in charge of the facility should be informed of the report. Submit a copy of AG JGEB Supporting Document #1 to the principal, person in charge of the facility, or his/her designee.

The district/school volunteer should **not** call the student at home and ask about the suspected abuse; nor make any contact with any member of the student's family. Asking for more information than is necessary to make a DFCS referral may have negative repercussions on the student and the ability of law enforcement to handle the matter. Form AG JGEB Supporting Document #1 should be completed to the best of the reporter's ability with accessible information at the time of the report.

How do reporters know who the school or facility designee will be?

Each year, the person in charge of the school or facility is required to appoint a designee or designees (i.e. school administrators, school counselors, school social worker, etc.). The identities of designees should be communicated to all school employees and to the Executive Director of Academic Programs. At least one designee should be on the premises of the facility during the business hours of the facility.

What is the role of the designee?

The person in charge of the facility or the designee will assist reporters, including volunteers and staff, with reports to DFCS as discussed above.

However, **under no circumstances** will the person in charge of the designee, "exercise **any** control, restraint, modification, or make other change to the information provided by the reporter" but he or she "may provide any additional, relevant, and necessary information when making the report." O.C.G.A. § 19-7-5

Therefore, the person in charge of the facility **cannot** advise a staff member that there is not reasonable cause to believe a child has been abused, but can add additional information to the report being made to DFCS to assist DFCS in their understanding of the matter.

What type of confirmation will the mandated reporter receive?

Within 24 hours of a school employee making a report of suspected child abuse, DFCS shall acknowledge, in writing, the receipt of the report to the reporting individual. Within five (5) days of completing the investigation of the suspected child abuse, DFCS shall disclose, in writing, to the school counselor or principal for the school such child was attending at the time of the reported child abuse, advising as to whether the suspected child abuse was confirmed or unconfirmed.

What if an employee is the suspected abuser?

If a student has been allegedly abused by a district employee, the mandated reporter will immediately inform the principal or person in charge of the facility and follow the DFCS Protocol. Additionally, the following department should also be notified within 24 hours:

- MCS Director of Employee Relations, Compliance and Performance (770-422-3500 x 7280)

What if the suspected child abuse involves an emergency or a suicidal ideation?

If danger is imminent, call DFCS at 1-855-422-4453 or Crimes Against Children at 770-499-3911. If no answer, or if no oral report is taken, call 911. The principal, person in charge of the facility, or his/her designee should also be notified immediately.

Contacting Emergency Medical Services (EMS)/911 in Connection with Abuse Reporting
If the student is in need of emergency medical services in the context of an abuse situation:

- Contact the office of the Deputy Superintendent;
- Notify DFCS using the process outlined above; and then
- Notify the parent/guardian the student has been transported to the hospital, explain the **physical** reasons for transporting the student but **DO NOT** indicate that child abuse is the suspected cause of the injury.

Connection with Suicidal Ideations:

- If the student is expressing suicidal ideations in connection with an abuse situation, the school should notify DFCS where abuse is present/suspected/alleged and also follow the district Suicide Protocol (Administrative Guidance JGJA).

When should I contact Crimes Against Children (CAC)?

Contacting CAC (phone number 770-499-3911) in addition to DFCS is appropriate if danger is imminent, when there is suspected non-caretaker child abuse, child on child abuse, or when sexual abuse is alleged.

What if a child is afraid to go home?

If you have made the required report and DFCS, Crimes Against Children (CAC), or other law enforcement agency has not responded and the student is afraid to go home:

- Employ professional judgment considering such factors as whether or not the student has a previous history of abuse or if there are visible signs of abuse. If you do not believe the environment is potentially dangerous at that time, send the student home on the bus. Your School Social Worker, Executive Director of Academic Programs, or Deputy Superintendent can offer advice in this situation.
- If a student expresses concern about a parent/guardian reaction to a bad grade or a discipline incident, DFCS, CAC, and other law enforcement agencies may not respond to this concern. Neither School Social Workers nor other district staff members may transport students, so send the student home on the bus.

- If you keep a child at school and the end result of the inquiry is the student must be sent home, you will have to make arrangements for the student's transportation. You may not share with the parent/guardian the student missed the bus due to the fact he/she was afraid to go home because of possible abuse (O.C.G.A. § 49-5-40).

What about children who are home alone?

If you have concerns regarding a student being home alone, make an immediate referral to your School Social Worker. General guidelines may be found in the **Home Alone Checklist** (AG JGEB Supporting Document #2), but always consult with your School Counselor and/or School Social Worker. If you cannot contact your School Counselor and/or School Social Worker, contact the Executive Director for Academic Programs at 770-422-3500 x 7228.

What if I need additional assistance or have questions?

If an employee or volunteer is unsure whether a report is required, the principal, person in charge of the facility, or his/her designee may assist the staff member or volunteer with consultation. If the employee develops reasonable cause to believe that a report should be made (whether or not DFCS agrees), the process outlined above will be immediately followed.

Should you have any questions or concerns about a DFCS report that has been made, contact the Executive Director of Academic Programs at 770-422-3500 x 7228.

Are child abuse reports confidential?

Yes. All reports of child abuse are confidential except as provided by law. O.C.G.A. § 19-7-5(i) provides for confidentiality, as does O.C.G.A. § 49-5-40(b) Reports of child abuse are not generally subject to public inspection, and "each and every record concerning reports of child abuse is declared to be confidential", and access is prohibited by O.C.G.A. § 49-5-40(b), except as specifically provided by law.

NO information about child abuse reporting is to be placed in the student's file or record. The school is not to make any parent/guardian contact regarding the reporting of possible abuse, regardless of the agency that comes to the school to interview the student.

What if a parent/guardian confronts the school about a suspected report?

School staff cannot confirm any information about reports of child abuse. Records or information regarding the referral shall not be released to the parent/guardian (O.C.G.A. § 49-5-40).

Any employee that believes that DFCS or any other agency has revealed his or her identity should report it to the principal, person in charge of the facility, or his/her designee, who will report it to the Executive Director of Academic Programs. An investigation of such breach of confidentiality may be requested from DFCS, as well as written confirmation of the resolution of the matter from DFCS.

Is the reporter protected?

Yes. Any person or entity participating in the making of a report or causing a report to be made is “immune from any civil or criminal liability . . . provided such participation pursuant to this Code section or any other law is made in good faith.” O.C.G.A. § 19-7-5(f)

How are investigations of child abuse reports by agencies to be conducted?

- *Interviews by outside agencies.* If DFCS, CAC, or other law enforcement agency comes to a school to interview a student regarding possible abuse, they are to be allowed to conduct the interview. No parental contact is to be made by the school, but will be made by the investigating agency if appropriate.
 - The student may be interviewed by law enforcement or other appropriate governmental investigating official.
 - The individual from DFCS, CAC, or other law enforcement agency should complete JCAB-1 (Interviews and Investigations) each time he/she comes to interview the student. You should request a copy of the individual’s badge or agency identification. Where appropriate, you may ask to see the person’s driver’s license and/or may verify the identity of the DFCS investigator or the identity of the law enforcement investigator with the Executive Director of Academic Programs.
 - JCAB-1 (Interviews and Investigations) and the attached copy of the case manager’s badge/agency identification should be kept in a separate confidential file and not the student’s file or record.
 - No investigation of child abuse should be conducted without the knowledge of the principal, the person in charge of the facility, or his/her designee.
 - The investigation should occur in private.
 - The principal, the person in charge of the facility, or his/her designee may be present during the interview if the investigating agency requests that he or she be there for the comfort of the student; however, the principal, the person in charge of the facility, or his/her designee should not be a participant in the discussion. Otherwise, the principal, the person in charge of the facility, or his/her designee may place the student being interviewed in an area that can be visually observed by a school staff member.
- *Custody of the Child.* If DFCS or a law enforcement agency takes a student into custody, no parental contact is to be made by the school. The agency taking the student into custody will be responsible for that notification.
 - The Deputy Superintendent should be notified to supervise the transfer of students. The individual removing the student from campus should complete Form JCAB-1 (Interviews and Investigations). No parental contact is to be made by the school. The agency taking the student into custody will be responsible for that notification.
- *Parent Intervention.* If a parent/guardian communicates to the school they do not want their student interviewed by anyone regarding a report of abuse:
 - If the communication is written, do not place it in the student’s file, but retain it for DFCS.
 - Inform the parent/guardian that they cannot prohibit school staff, DFCS, or law enforcement from interviewing their student at school.
 - If the communication concerns prohibiting the district employee who made the report from talking to their student, the parent/guardian still

cannot dictate which staff members the student can talk to at school. However, the Principal should advise the employee that he/she should not seek the student out unnecessarily but should maintain an “open door” policy and talk with the student if the student comes to him/her.

What about checking students’ bodies and photographs?

In some cases, it may be necessary to examine parts of a student’s body to determine the urgency of risk to the student to guide the response by DFCS. Review the following first:

- **Is the student willing to be checked?**
If not, the school must not force the student. If DFCS or CAC is coming, wait for them. If not, contact the Deputy Superintendent for further guidance.
- **How old is the student?**
Even if the student is willing to be checked, the age of the student should be considered. Extreme care should be used in determining whether the school staff should check any part of a middle school or high school student. In cases where the school staff believes it is necessary but not appropriate to check the student, contact should be made with the Deputy Superintendent.
- **What about checking students’ intimate body parts?**
Intimate body parts include the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female. Intimate body parts should not be checked by school personnel. However, school nurses may check a student’s intimate body parts if they have reason to believe the student may be seriously injured (for example, bleeding). At least one other employee should be present.
- **Who needs to be present if I check a student?**
Two administrators or other designated employees must be present when a student is checked. If possible, these two employees should be the same gender as the student. School social workers or school nurses may be present. If law enforcement or the investigating agency is checking the student, the principal or designee(s) may be present if the investigating agency requests that he or she be there for the comfort of the student; however, the principal or designee should not be a participant.

In some cases, it may be necessary for law enforcement to photograph parts of a student’s body to preserve evidence of the abuse. Review the following first:

- **Who should photograph the student?**
School employees should **not** photograph any part of the student. If DFCS or CAC is coming, wait for them. If not, contact the Deputy Superintendent for further guidance.
- **What if DFCS or CAC asks me to take pictures?**
Do **not** take the pictures. Contact the Deputy Superintendent for further guidance.
- **Who needs to be present when the student is photographed?**

The principal or designee(s) may be present if the investigating agency requests that he or she be there for the comfort of the student; however, the principal or designee should not be a participant.

Will school personnel be trained regarding reporting?

All school personnel who have contact with students shall receive notification of where to find the Child Abuse and Neglect Mandatory Reporting Protocol which will provide guidance on the reporting of student abuse and neglect with annual updates in the form of memoranda, directives or other written information. Schools shall provide school employees, including classified employees, guidance on the identification of the local school designee and local school protocol.