

SPECIAL SERVICES

Health and Welfare

Procedures for Reporting Cases of Suspected Child Abuse or Neglect

This regulation supersedes Regulation 2115.4

I. PURPOSE

To provide a procedure for ensuring compliance with required reporting of child abuse or neglect to Child Protective Services (CPS) of the Department of Family Services of Fairfax County and for cooperating with CPS investigations.

II. REQUIREMENTS

- A. The Code of Virginia requires teachers and other persons employed in the public schools to report suspected child abuse or neglect.
- B. An abused or neglected child means any child less than 18 years of age whose parent(s) or other person(s) responsible for the child's care:
 - 1. Creates or inflicts, or threatens to create or inflict, upon such a child a physical or mental injury by other than accidental means or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions.
 - 2. Neglects or refuses to provide care necessary for the child's health, provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child.
 - 3. Abandons such child.
 - 4. Fails to provide adequate supervision in relation to the child's age and developmental level.
 - 5. Commits or allows to be committed any sexual act upon a child in violation of the law.

III. REPORTING PROCEDURES

- A. All teachers and other employees of Fairfax County Public Schools (FCPS) who have reason to suspect that a child is an abused or neglected child must report the matter to CPS within the first 72 hours of the suspicion of abuse or neglect. The CPS child abuse hot line number is 703-324-7400. If the person suspected of abuse or neglect of a child is an employee of the Department of Family Services, the report shall be made to the director of court services for the Juvenile and Domestic Relations District Court of Fairfax County.
- B. A report may be made in one of two ways.
 - 1. The report may be made by the staff member directly to CPS. The staff member shall then notify the principal of the school in which the child is enrolled that a report has been made.
 - 2. The staff member may notify the principal of the school in which the child is enrolled and make the report jointly with the principal.
- C. The principal shall notify the school social worker and/or a social work administrator (senior social worker, coordinator of social work services, director of social work and support services) of all reports to CPS.

IV. PENALTIES

Any person required to file a report regarding suspected child abuse or neglect who fails to do so may be convicted of a misdemeanor violation of the Virginia criminal code and fined not more than \$500 for the first failure. Subsequent failures incur a fine of not less than \$100 or more than \$1,000.

V. IMMUNITY

Any person who reports child abuse or neglect or who participates in a judicial proceeding resulting from such a report shall be immune from any civil or criminal liability for such actions, unless it is proven the person did so in bad faith or with malicious intent.

VI. COOPERATION WITH CPS INVESTIGATIONS

- A. The Code of Virginia authorizes a CPS worker or a law enforcement officer to talk to any child suspected of being abused or neglected, or to any of his or her siblings, without the consent of and outside the presence of the parent, legal guardian, or school personnel. If children are interviewed on school grounds, the principal or the principal's designee shall ensure that the CPS worker or police officer has furnished proper identification.
- B. A CPS worker or a law enforcement officer may interview FCPS personnel if school staff members are identified as having knowledge that may help ensure the safety of the child.

- C. CPS may have access to student records only as allowed by the Family Educational Rights and Privacy Act. See the Management of Student Scholastic Record manual for specific guidance.
- D. The Code of Virginia authorizes a CPS worker or a law enforcement officer to take a child into custody for up to 72 hours without prior approval of the parent(s) or guardian and without a court order if CPS determines that there is an imminent danger to the child's life or health. Principals or the principal's designee shall be notified of any such request and shall ensure that the CPS worker or law enforcement officer has furnished proper identification. CPS is required to notify the parent(s) or guardian if such action is taken.

VII. RECORDKEEPING REQUIREMENTS

- A. Any records pertaining to reports or investigations of child abuse or neglect shall be kept separate from the student's other educational records.
- B. Records pertaining to reports or investigations of child abuse must be maintained by the principal. At minimum, the records maintained must document that a report to CPS has been made and any action taken by the principal or FCPS in response to notification by CPS that abuse or neglect has occurred.

Legal Reference: United States Code, Title 20, section 1232g; Code of Virginia, sections 63.2-1501, 63.2-1509, 63.2-1512, 63.2-1518

See also the current version of: Management of Student Scholastic Record manual