

Town of Windham

Abuse and Neglect Policy

I. Preamble.

Child abuse and neglect is a serious problem affecting children from all social and economic levels in the community. The residual affect of maltreatment of children has profound implications for the child, his/her family, and the community at large.

The Town of Windham recognizes the right of children to be protected from abuse and neglect and recognizes its responsibility under state law by adopting this policy for all Town employees who are required by law to report abuse and neglect.

II. Purpose.

The purpose of this policy is to define the requirements and procedures outlined in 22 M.R.S.A., Chapter 1071 which Town of Windham employees must follow to report child abuse and/or neglect, as well as to implement the general terms of the Town's Personnel Policies, Article II - Equal Employment Opportunity and Article VIII - Code of Conduct.

III. Scope.

Certain municipal officials and employees are subject to the mandatory reporting requirements for child abuse and neglect under Maine's Child and Family Services and Child Protection Act (22 M.R.S.A., Chapter 1071). Included are: emergency medical service personnel, children's summer camp administrators and counselors, social workers, police and other law enforcement officials, emergency service providers, teachers, guidance counselors, school officials, and school bus drivers, bus attendants, municipal fire inspectors and code enforcement officers. The mandatory reporting requirement also applies to "Any [other] person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, regardless of whether the person receives compensation."

IV. Training

Employees identified above as mandated reporters will receive training, approved by the Department of Health and Human Services, no less than once every four years.

V. Definitions.

"Child abuse or neglect" means a threat to a child's health or welfare by physical or mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements under Maine law by a person responsible for the child.

"Child" means any person who is less than 18 years of age.

"Person responsible for the child" means a person with responsibility for a child's health or welfare, whether in the child's home or another home or a facility which, as part of its function, provides for care of the child. It includes the child's custodian.

"Custodian" means the person who has legal custody and power over the person of a child.

VI. Reporting Requirements and Procedures.

When any Town employee, who falls under the law's mandate, knows or has reasonable cause to suspect that a child has been abused or neglected, he/she will immediately report to the town manager or his/her designee. A verbal report to the town manager shall be followed by a written report on the next working day. Any report shall include the following information, if within the knowledge of the person reporting:

- A. The name and address of the child and the persons responsible for his/her care or custody;
- B. The child's age and sex;
- C. The nature and extent of abuse or neglect, including a description of injuries and any explanation given for them;
- D. A description of the sexual abuse or molestation;
- E. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- F. The source of the report, the person making the report, his/her occupation and where he/she can be contacted;

- G. The actions taken by the reporting source, including a description of any photographs taken by law enforcement personnel as outlined in 22 M.R.S.A., Chapter 1071 § 4011-A (5); and
- H. Any other information that the person making the report believes may be helpful.

Additionally, if a mandated reporter knows or has reason to suspect child abuse or neglect by a person not legally responsible for the child (i.e., someone other than a parent or custodian), that person must also immediately report or cause a report to be made to the appropriate district attorney's office (22 M.R.S.A., Chapter 1071 § 4011-A (2)).

Upon receipt of a verbal report, the Town Manager or his/her designee will immediately report by telephone (1-800-452-1999, which is staffed 24/7) to the Department of Health and Human Services (DHHS). This verbal report will be followed by a written report within 48 hours if requested by the DHHS.

VII. Process.

A copy of the initial report will be maintained in a file in the Town Manager's office. Access to this file will be supervised by the town manager or his/her designee and shall be limited to authorized town personnel and the assigned DHHS child protective worker.

The Town Manager or designee shall notify the initiator of the report when an investigation is being conducted and when the case is closed as an invalid referral.

Upon completion of investigation by the DHHS, invalid reports will be clearly marked and maintained in the file for no more than three years. The name of the assigned DHHS child protective worker will be added to the report of valid cases.

VIII. Confidentiality.

Although under state statute, all records and reports concerning child abuse and neglect are confidential and subject to release only under specific conditions, town employees who are directly involved with the supervision of a child who is the subject of a report, are authorized to give and receive information necessary for the planning and treatment of the child. Because employees who are in daily contact with the child are an important part of the treatment team, they should cooperate with the DHHS' child protective worker in the conduct of any treatment plan.

IX. Immunity.

A person participating in good faith in reporting under this policy is immune from any civil liability that might otherwise result from these actions (22 M.R.S.A., Chapter 1071 § 4014-1). Although there is a presumption of good faith under the Act, good faith does not include making a false report if it is known to be false.

When doubt exists concerning a suitable report of suspected child abuse and neglect, employees are cautioned to err in favor of the child. The judgment of validity of a report is the responsibility of the DHHS. Town employees who deem it necessary to make a direct report to the DHHS will not be penalized for their action.

X. Liability.

Maine State law provides that any person who knowingly violates a provision of Title 22, Chapter 1071, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged (§ 4009).

Failure of an employee to comply with requirements outlined in this policy may result in disciplinary action up to and including termination of employment.

XI. Distribution.

This policy will be distributed to all Town of Windham employees who have direct contact with children, as outlined in § 3, paragraph 1 of this policy, and will be reviewed by them on an annual basis.

APPROVED:



Barry A. Tibbetts
Town Manager

Date:

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