

## Department of Education Reporting Child Abuse Frequently Asked Questions

1. **Who is required to report suspected neglect or abuse?** Everyone should report abuse or neglect. The reporting and investigating of suspected child abuse and neglect are not discretionary matters. They have been required by law ([IC 31-33-5-1](#)) since 1979.

While reporting child abuse is everyone's responsibility, Indiana law requires a more stringent standard of reporting in some professions. These professional reporters are staff members in a medical or other public or private institution, school, facility, or agency. School employees and staff members are in a position to observe signs of abuse and neglect and are obligated by their profession to report alleged child abuse or neglect whether the abuser is an outsider or a school employee. ([IC 31-33-5-2](#))

2. **How should school employees report suspected neglect or abuse?** School professionals are required to make a report to the Department of Child Services (DCS) or to cause a report to be made immediately by their school or corporation designee. If a school professional depends on the designee to make an immediate report and that report is not made in a timely manner, the school professional can be held liable under Indiana law. Indiana law specifically states that notification of the administrator or school corporation designee **does not** relieve the first individual of the responsibility of seeing that the matter is reported. Both parties are responsible for seeing that a report is made to DCS.
3. **How can Department of Child Services (DCS) be reached?** Reports of child abuse and neglect are to be made to the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556.
4. **What if the child's immediate safety is a concern?** Contact your local law enforcement without delay if the child's immediate safety is a concern. Follow up with a report to DCS noting that you have contacted law enforcement.
5. **Do you report abuse or neglect that occurred in the past?** Whether the abuse was in the past or is ongoing, it should be reported. DCS or the local Police Department will determine the need for action.
6. **What is reasonable suspicion or "reason to believe" that neglect or abuse is happening?** "Reason to Believe" has been defined by statute as "evidence that, if presented to individuals of similar background and training, would cause the individuals to believe that a child was abused or neglected." ([IC 31-9-2-101](#)) This standard should be given a liberal interpretation and does not entitle the prospective reporter to weigh the evidence and make a determination of whether or not abuse occurred. When in doubt as to whether you have "reason to believe," make a report.
7. **Can those who report be held liable?** A person, who, in good faith, makes a report of suspected abuse and neglect, is immune from any civil or criminal liability. Furthermore, the law presumes that the person who makes the report is acting in good faith ([IC 31-33-6-3](#)). Immunity does not extend to anyone who has acted maliciously or in bad faith ([IC 31-33-6-2](#)).
8. **Can those who make reports remain anonymous?** Yes and No All reports made to the Department of Child Services are confidential. The written report must include the name and contact information for the person making the report and the identity of those interviewed by the investigator may be contained within the report which summarizes the investigation. These

reports are made available to authorized personnel and the parent/guardian/custodian will be given a copy of the final report when a written request is made.

9. **Should the school attempt to investigate?** The school should make no attempt to investigate suspected child abuse, nor should the school inform parents or staff of suspicions, or that a report has been made. At the point it is determined that DCS should be called, further questioning from school personnel must cease unless instructed otherwise by DCS.

If a child reports that he/she is being sexually, physically, or emotionally abused by school personnel it must be taken seriously and must be reported immediately. Only DCS and law enforcement have the responsibility to determine the truthfulness of the allegation. School personnel should not attempt to determine truthfulness of allegations.

10. **What happens if suspected neglect or abuse is not reported?** Failure to report suspected abuse or neglect is a Class B misdemeanor ([IC 31-33-22-1](#); [IC 35-50-3-3](#)). Indiana law ([IC 31-33-5-3](#)) states that nothing relieves an individual from his/her own responsibility to report, unless a report has already been made to the best of the individual's belief.

School corporations and their employees individually also risk a civil action for damages by the victim of abuse or neglect if they fail to report suspected child abuse or neglect. Do not expose your school corporation or yourself to potential criminal or civil liability by not reporting. Make the report and let DCS decide whether the suspicion/allegation has merit.

11. **What can be done to encourage school employees to report suspected neglect or abuse?**

Know the facts

- Socioeconomic status is of no relevance in identifying sexual abuse. Sexual abuse appears to occur at all levels of income and education. The vast majority of parents hold jobs, function well in the community, and are respected by their peers.
- Educators are trained observers of children's behaviors. They are sensitive to the range of behaviors expected from children of a given age group, and they are quick to notice behaviors that fall outside this range. Educators are likely to notice when something is wrong and need to consider the possibility of abuse or neglect.
- It is estimated that over 4.5 million students are subject to sexual misconduct by an adult educator at some time between kindergarten and 12<sup>th</sup> grade. (U.S. Department of Education, Readiness and Emergency Management for Schools REMS, 2008)
- 9.6 percent of students – nearly 1 in 10—are subjected to sexual misconduct by teachers, coaches, principals, bus drivers and other personnel during their K-12 career. (US Dept of Education, Office of the Under Secretary; Educator Sexual Misconduct, 2004)
- Recognize early signs of predatory behavior known as “grooming”. Many times offenders are seen breaking the rules and/or pressing boundaries. Some of these behaviors include; moving from a professional to an overtly personal relationship with a student, time alone or in private spaces, flirtatious behavior, off-color remarks in class, providing cigarettes, alcohol or drugs to students. These seemingly minor offenses should be reported.