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CHILD ABUSE REPORTING

I. INTRODUCTION

It is the City's desire to provide as safe an environment as possible for children who participate in City programs, and to give notice to employees of the reporting requirements of State laws covering child abuse. The purpose of this regulation is to establish a process employees can use when they have reason to believe that a child has been abused, abandoned or neglected or they observe a child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect.

II. DEFINITIONS

The following terms are defined in Idaho Statute.

A. "Abused" means any case in which a child has been the victim of:

1. 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
2. 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.

B. "Abandoned" means the failure of the parent to maintain a normal parental relationship with a 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.

C. "Neglected" means a child:

1. Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his or her well-being because of the conduct or omission of his or her parents, guardian or other custodian of their neglect or refusal to provide them; 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 to be neglected or lack parental care necessary for his or her health and well-being; or
2. 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
3. Who has been placed for care or adoption in violation of law; or
4. Who is without proper education.

III. REPORTING PROCEDURES

The following outlines what actions employees should take under the described circumstances.

A. Employee Suspected of Child Abuse

When an employee has reason to believe that another employee is abusing a child, the following steps should be followed:

1. The employee who becomes aware of another employee's suspected abuse shall immediately notify his/her supervisor of the suspicion. The supervisor shall require the employee to **immediately contact Child Services [CPS] or in the case of an emergency, the Boise Police to report the issue in accordance with the Child Abuse / Sexual Abuse Report Form [see Exhibit 4.05c]**. Neither the supervisor nor the employee shall engage in any form of investigation.
2. The supervisor shall notify his/her department director who will advise Human Resources and the Mayor that a report has been filed, consistent with State law.

In order to protect the privacy of all persons involved, all phases of the reporting procedure shall remain strictly confidential. The person who reports the actions of the suspected employee will remain anonymous, provided their report was made in good faith; however, persons with a legitimate need to know will be notified. Confidentiality of principals and witnesses cannot be guaranteed if criminal investigation is pursued or if administrative action is taken.

Any and all media contact will be exclusively coordinated through the Mayor's Office.

Following the completion of the reporting and investigative process, an in-house debriefing session will be conducted to review each phase, to determine need for additional training, and to review the reporting procedure for possible revisions.

B. Child is Suspected of Being a Victim of Child Abuse

If a child is suspected of being a victim of child abuse, these steps will be followed:

1. The employee will **immediately notify his/her supervisor of the suspected abuse and report the suspicions to Child Protective Services [CPS] or in case of an emergency Boise Police in accordance with the Child Abuse / Sexual Abuse Report Form [see Exhibit 4.50c].**
2. The supervisor shall notify his/her Department Director who will advise Human Resources and the Mayor that a report has been filed, consistent with State law.
2. The proper authorities will conduct the investigation. Neither the supervisor nor the employee shall attempt any form of investigation.
3. In order to protect the privacy of all persons involved, all phases of the reporting procedure shall remain strictly confidential. The person(s) making the report will remain anonymous, provided their report was made in good faith; however, persons with a legitimate need to know will be notified. Confidentiality of principals and witnesses cannot be guaranteed if criminal investigation or prosecution is pursued.
4. Any and all media contact will be exclusively coordinated through the Mayor's Office.

IV. IMMUNITY

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required by law shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected.

Any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of two thousand five hundred dollars (\$2,500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.