

SUBJECT: CHILD ABUSE REPORTING

PUPRPOSE: To ensure all Alma d'arte staff fully understand their legal responsibility to report suspected child abuse.

POSITION: 32A-4-3 NMSA requires that all school employees, volunteers, contractors, or contracted employees who know or suspect that a child is an abused or a neglected child shall immediately report the matter to the Children, Youth and Families Department (CYFD), a local law enforcement agency, or a tribal law enforcement or social services agency for an Indian child residing in Indian Country. So long as such report is made in good faith, the reporting individual shall be immune from civil liability or criminal sanctions for his/her action. The failure of any school employee, volunteer, contractor, or contract employee to report knowledge or suspicion of child abuse or neglect will be cause for criminal prosecution and is cause for discipline of an employee, up to and including termination or discharge.

REQUIREMENTS:

- (A) All school employees shall be required to complete training in the detection and reporting of child abuse and neglect and substance abuse. This requirement shall be completed within the employee's first year of employment by the school.
- (B) Every school employee, volunteer, contractor, or contract employee, who knows or has reasonable suspicion that a child is an abused or neglected child shall report the matter immediately to:
 - 1. a local law enforcement agency or the Children's Youth and Family Department (CYFD) in the county where the child resides; or
 - 2. a tribal law enforcement or social services agency for any Indian child residing in Indian country.
- (C) The report shall contain the following information:
 - 1. The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
 - 2. The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.
 - 3. Any other information that such person believes might be pertinent in establishing the cause of the injury or physical neglect.

(D) Reporting Emergency or Life-Threatening Situations

1. The employee must call 911, local law enforcement, or tribal law enforcement if there is an emergency or life-threatening situation. In addition, employee should call CYFD Statewide Central Intake (SCI) at 1-855-333-SAFE (7233) or #7233 from a cell phone or social service agency if applicable.
2. A serious or life-threatening situation includes the following:
 - Child has serious injuries due to abuse/neglect;
 - Child needs immediate medical treatment;
 - Sexual abuse;
 - The parent, guardian, or custodian is currently under the influence of drugs/alcohol and has children in their care.
3. The employee, volunteer, contractor, or contracted employee will, document the incident on the Child Abuse Report Form and submit this form to the CAO/Principal. The information on this form will be kept confidential and will be used by the school to document, report, and aggregate data on the school's child abuse reporting.

(E) Reporting Non-Emergency Situations

1. The Children's Youth and Family Department allows for reporting of non-emergency situations using a Statewide Central Intake (SCI) form available at SCI.Reports@state.nm.us.
2. A copy of the electronic form should be filed in the CAO/Principal's office when submitted to CYFD's Central Intake.

(F) A CAO/Principal and/or their designee may permit a member of a law enforcement agency or an employee of the Human Services Department to interview the child with respect to a report without the permission of the child's parent, guardian or custodian.

FAILURE TO REPORT:

A person who fails to report abuse as provided in 32A-4-3 NMSA 1978 is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

Legal Reference: 22-10A-32; 22-5-4.2; 32A-4-2; 32A-4-3; 31-19-1 NMSA 1978

END