

Retain this information while employed or volunteering for

PICKERINGTON LOCAL SCHOOL DISTRICT



CHILD ABUSE REPORTING REQUIREMENTS

Questions? Contact the
Human Resources Department
(614) 920-6107



I. CHILD ABUSE REPORTING REQUIREMENTS (O.R.C. 2151.421)

A. Ohio law imposes the affirmative duty on a wide variety of professionals, including among others, every school teacher, school employee and school authority, who is acting in an official or professional capacity, to report known or suspected child abuse. R.C. 2151.421(A)(1)

B. What children are protected?

Applies to child under 18 years of age, or a physically or mentally handicapped child under 21 years of age. R.C. 2151.421(A)(1)

C. When does the duty to report arise?

1. When the school employee is “acting in his official or professional capacity.” R.C. 2151.421(A)(1)
2. When the school employee “knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect” that the child has “suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child.” R.C. 2152.421(A)(1)

D. Must the school employee personally make the report?

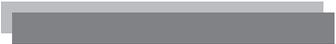
Under the former statute the school employee was required to “report or cause reports to be made . . . ” R.C. 2151.421(A)(1) In 1996, amendments were made which removed the option of causing reports to be made. The duty to report is personal.

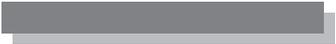
E. When must the report be made?

The school employee shall not “fail immediately to report . . . ” R.C. 2151.421(A)(1)

F. To whom are reports to be made?

The knowledge or suspicion of child abuse must be reported to children services agency, or to a municipal or county peace officer in the county in





which the child resides or in which the abuse or neglect is occurring or has occurred. R.C. 2151.421(A)(1)

G. How is the report to be made?

Any report shall be made “forthwith” by telephone or in person, and shall be followed by a written report, if requested by the receiving agency or officer. R.C. 2151.421(C)

H. What must the report contain?

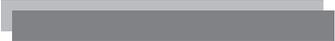
The written report shall contain:

1. The names and addresses of the child and his/her parents or the person or persons having custody of the child, if known.
2. The child’s age and nature and extent of the child’s injuries, abuse or neglect, including any evidence of previous injuries, abuse or neglect.
3. Any other information that might be helpful in establishing the cause of the injury, abuse or neglect. R.C. 2151.421(C)

- I. Any person who is required to report known or suspected child abuse may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, have x-rays taken. R.C. 2151.421(C)

J. Feedback regarding report

A person who is required to make a report may make a reasonable number of requests of the public children services agency to be provided the following information:

1. Whether the agency has initiated an investigation of the report;
 2. Whether the agency is continuing to investigate the report;
 3. Whether the agency is otherwise involved with the child who is the subject of the report;
 4. The general status of the health and safety of the child who is the subject of the report;
 5. Whether the report has resulted in the filing of a complaint in juvenile
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court or of criminal charges in another court. R.C. 2151.421K(1)

K. In order to request said information from children services, the person must first provide their name, address and phone number at the time the report is made. R.C. 2151.421K(2)

L. **The report is confidential**

Although the children services agency must inform the alleged child abuser that a report has been filed, the agency shall not provide the alleged child abuser any information that identifies the person who made the report, statements of witnesses, or police or other investigate reports. R.C. 2151.421H(5)

M. **Unauthorized disclosure of contents of report prohibited**

No person shall permit or encourage the unauthorized dissemination of the contents of a report of child abuse/neglect. R.C. 2151.421H(2)

N. **Statute imposes a duty to report, not to investigate**

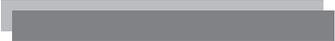
You are only required to report known or suspected child abuse/neglect. You do not have to provide proof or evidence to support your claim. You must only exercise good faith in reporting. Beyond that, it is the responsibility of the children services agency to investigate.

O. **Good Faith Immunity**

Anyone participating in good faith in the making of reports under this section or anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. R.C. 2151.421(G)

P. **Penalties for Violation of R.C. 2151.421**

Anyone who violates the duty imposed by R.C. 2151.421 to report known or suspected child abuse is guilty of a 4th degree misdemeanor. R.C. 2151.99 A 4th degree misdemeanor is punishable by imprisonment



for not more than 30 days and a fine of not more than \$250.
R.C. 2929.21

In addition, unauthorized dissemination of the contents of the report is also a 4th degree misdemeanor.

Violation of the aforesaid provisions of the statute may also give rise to civil liability.

Q. Penalties for making a false report

A separate criminal statute, R.C. 2921.14, makes it a 1st degree misdemeanor for anyone to knowingly make or cause another to make a false report alleging child abuse/neglect. A 1st degree misdemeanor is punishable by imprisonment for not more than 6 months and a fine of not more than \$1,000. R.C. 2929.21

R. Other penalties for failure to report

R.C. 2921.44 deals with the crime of dereliction of duty. Said statute provides in part that no public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office.

The term "public servant" has been broadly defined and probably does include a teacher, school employee, or school administrator.

Dereliction of duty is a 2nd degree misdemeanor which is punishable by imprisonment of not more than 90 days and a fine of not more than \$750.
R.C. 2929.21

S. Relevant case law

The Ohio Supreme Court recently made it clear that a failure to report child abuse may subject defendants to civil liability.

In Campbell V. Burton, 92 Ohio St. 3d 336 (2001) a Fairborn school district employee failed to report alleged out-of-school sexual abuse of an



8th grade female student. The student disclosed the alleged abuse to a district employee while in school.

The parents of the child sued the Fairborn district, the superintendent and the employee. The defendants argued that they were immune from liability under sovereign immunity statute.

Held: Failure to report child abuse is not protected by sovereign immunity statute.

T. **Reporting procedures at Pickerington Local Schools**

Upon having knowledge or suspicion of child abuse or child neglect or the threat thereof, all Pickerington employees should do the following:

1. Gather identifying information from building secretary regarding child:
 - » name
 - » date of birth
 - » parents' names
 - » address
 - » phone number
 - » names of other siblings

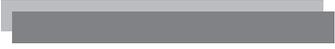
2. Immediately contact the proper Children Services Agency (county in which child resides or in which the abuse or neglect is occurring or has occurred) by telephone and report the known or suspected abuse.

Fairfield County CSA (740) 653-4060

Franklin County CSA (614) 229-7000

Licking County CSA (740) 670-8725

Ask operator for Intake Department

3. Make the telephone call immediately. Do not wait until the end of the school day. If necessary, ask assistance from your principal or
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supervisor to enable you to make the call; i.e., to have your class covered.

Often times it is difficult to get through to children services by telephone because the lines are busy. If this occurs, ask someone in the office to keep trying to make the connection and to summon you to the phone when the connection has been made.

4. Explain to children services the situation of which you have knowledge or suspicion regarding child abuse or neglect.
5. After you have made the report to children services, advise building principal of the situation, if you have not already done so.
6. Regardless of the circumstances, make certain that you report the child abuse or neglect yourself. Remember, the law requires personal/direct reporting.



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TRAINING REGARDING CHILD ABUSE REPORTING

Name (please print) _____

- Volunteer
- Teacher/Certificated
- Support Staff/Classified
- Coach

I hereby acknowledge that I:

attended a training session on _____
(date)

-- **OR** --

have received, read and understand the "Child Abuse Reporting Requirements" brochure regarding the legal requirements under Ohio law for the reporting of known or suspected child abuse or neglect.

Signature

Date

This document will be placed in your personnel file.



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