

1 Joint School District No. 2, Meridian  
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.  
3 STAFF PERSONNEL

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5 Series 400

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7 Policy Title Child Abuse/Neglect Code No. 403.72

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9 Reporting Requirements

10 According to Idaho Code 16-1619 **any person, including school personnel**, having  
11 reason to believe that a child under the age of eighteen (18) years has been abused,  
12 abandoned or neglected or who observes the child being subjected to conditions or  
13 circumstances which would reasonably result in abuse, abandonment or neglect shall  
14 report or cause to be reported within twenty-four (24) hours such conditions or  
15 circumstances to the proper law enforcement agency or to the Department of Health and  
16 Welfare.

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18 Definitions

19 Idaho Code 16-1602 defines "abused," "abandoned" and "neglected" as follows:  
20 "**Abused**" means any case in which a child has been the victim of: conduct or omission  
21 resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural  
22 hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is  
23 not justifiably explained, or where the history given concerning such condition or death is  
24 at variance with the degree or type of such condition or death, or the circumstances  
25 indicate that such condition or death may not be the product of an accidental  
26 occurrence; or sexual conduct, including rape, molestation, incest, prostitution, obscene  
27 or pornographic photographing, filming or depiction for commercial purposes, or other  
28 similar forms of sexual exploitation harming or threatening the child's health or welfare or  
29 mental injury to the child.

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31 "**Abandoned**" means the failure of the parent to maintain a normal parental relationship  
32 with his child, including but not limited to reasonable support or regular personal contact.

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34 "**Neglected**" means a child: who is without proper parental care and control, or  
35 subsistence, education, medical or other care or control necessary for his/her well-being  
36 because of the conduct or omission of his/her parents, guardian or other custodian or  
37 their neglect or refusal to provide them.

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39 Investigation

40 According to the Attorney General Opinion 93-2, the Idaho Department of Health and  
41 Welfare Child Protection Services employees have the authority and specialized training  
42 to investigate reports of suspected child abuse, abandonment and neglect. During a  
43 child abuse investigation members of the Department of Health and Welfare are acting  
44 in a law enforcement capacity. The authority of the Idaho Department of Health and  
45 Welfare to investigate reports of child abuse, abandonment and neglect includes the  
46 ability to determine who may be present and/or participate in the interview process.  
47 Interviews of suspected victims of child abuse, abandonment and neglect without  
48 parental consent or notification do not violate the parent's rights to privacy. It is the  
49 responsibility of the Department of Health and Welfare to notify parents of an  
50 investigation and/or interview.

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52 Immunity

53 Any person who has reason to believe that a child has been abused, abandoned or  
54 neglected and, acting upon that belief, makes a report of abuse, abandonment or  
55 neglect as required in section 16-1619, Idaho Code, shall have immunity from any  
56 liability, civil or criminal, that might otherwise be incurred or imposed. Any such  
57 participant shall have the same immunity with respect to participation in any such judicial  
58 proceeding resulting from such report. Any person who reports in bad faith or with  
59 malice shall not be protected by this section. (Idaho Code 16-1620)

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61 Failure to Report

62 An employee may be subject to disciplinary action up to and including termination for  
63 failure to report or preventing a district employee from reporting a suspected case of  
64 abuse, abandonment or neglect to the Department of Health and Welfare or local law  
65 enforcement.

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99 Date of Revision:  
100 6/13/06

Legal Reference: Code of Idaho  
I.C. §16-1602, I.C. §16-1619,  
I.C. §16-1620  
93-2 Attorney General Opinion

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