

Student Welfare: Child Abuse

Reporting

Any school employee who knows or reasonably believes that a child has been neglected, or physically or sexually abused shall immediately notify the nearest peace officer, law enforcement agency, or office of the State Division of Family Services.

Utah Code Ann. § 62A-4a-403

Utah Admin. R 277-401-3

Definition of Child Abuse

For purposes of this policy, child abuse shall mean any physical injury to a child which is inflicted intentionally, knowingly, recklessly, or with criminal negligence by any person or by a person having care or custody of a child that causes or permits another to inflict physical injury.

Physical injury includes a bruise or other contusion of the skin, a minor laceration or abrasion, failure to thrive or malnutrition or any other condition which imperils the child's health or welfare even if not a serious physical injury.

Child abuse also includes any injury or set of injuries which seriously impairs a child's health; involves physical torture; causes serious emotional harm to the child; or involves a substantial risk of death to the child; including fracture of any bone; intracranial bleeding, swelling or contusion of the brain, whether caused by blows, shaking or causing the child's head to impact with an object or surface; any burn, including those caused by hot water or by placing a hot object upon the skin or body of a child; any injury caused by a weapon; any conduct toward a child which results in serious emotional harm, severe developmental delay or retardation or severe impairment of the child's ability to function; any injury which creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb or organ; any conduct which may cause a child to cease breathing, even if resuscitation is successful following the conduct; or any conduct which results in starvation or deprivation or malnutrition that jeopardizes the child's life.

Child abuse also includes any act of domestic violence committed in the presence of the child.

Utah Code Ann. §76-5-109

Responsibility of Employee

It is not the responsibility of school employees to prove that the child has been abused or neglected, or determine whether the child is in need of protection. Investigation by school employees prior to submitting a report should not go beyond that necessary to support a reasonable belief that a reportable problem exists.

Utah Admin. R 277-401-3(B)

Cooperation

School officials shall cooperate with social service and law enforcement agency employees authorized to investigate charges of child abuse and neglect. When asked to assist as members of

interdisciplinary child protection teams, they shall do so in providing protective, diagnostic or assessment treatment and coordination services.

Utah Admin. R 277-401-3

Anonymity

The identity of a school employee making a report of child abuse or neglect shall not be released to any person or entity except those responding in an official capacity to investigate the report made.

Utah Admin. R 277-401-3(E)

Utah Code Ann. §§ 62A-4a-412

Civil and Criminal Immunity

Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions, as provided by law.

Utah Admin. R277-401-3(D)

Duty to Report to Law Enforcement

A school's policy may direct a school employee to notify the building principal of the neglect or abuse. Such a report to a principal, supervisor, school nurse or psychologist does not satisfy the employee's personal duty to report to law enforcement or DFS.

Utah Admin. R277-401-3(F)