

TEACHER CANDIDATES AND THE CHILD ABUSE LAWS

Montana Statutes require all professionals and school employees to report suspected child abuse or neglect directly to social services. As you review the following summary of the Montana Code, be aware that a teacher candidate is not considered a full professional or an employee of the school district. As a teacher candidate, you should report suspected child abuse immediately to your cooperating teacher and your field supervisor. You do not need to have “hard” evidence because you are reporting suspicions; state them as suspicions, not as facts.

Montana Statutes state (summarized):

“When professionals and officials know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected, they shall report the matter promptly to the department of family services or its local affiliate, which then shall notify the county attorney of the county where the child resides.” Note that a teacher must report directly to social services. Under Montana law, if any school staff member has reasonable cause to suspect that a child is being abused or neglected, it remains that individual’s obligation to see that the situation is reported. Reporting your concerns to the principal does not satisfy the reporting requirement.

Definitions:

“Child” or “youth” means any person less than 18 years of age.

An “abused or neglected child” means a child whose normal physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of his parent or other person responsible for his welfare.

Professionals and officials required to report are...schoolteachers, other school officials, and employees who work during regular school hours.

Immunity from liability:

Anyone reporting any incident of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

Penalty for Failure to Report:

Any person, official, or institution required by law to report known or suspected child abuse or neglect who fails to do so or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention. They are also guilty of a misdemeanor.

How to Report:

Report, by phone, any suspected child abuse case promptly to the local Family Services Office.

Include:

1. The names and addresses of the child and his or her parents or other persons responsible for his or her care;
2. To the extent known, the child’s age, the nature and extent of the child’s

- injuries, including any evidence of previous injuries;
3. Any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible therefore; and
 4. The facts which led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter.

For additional information on child abuse and neglect, obtain a copy of the booklet, Montana School Guidelines for the Identification and Reporting of Child Abuse and Neglect.

This very informative booklet includes:

- A listing of physical and behavioral indicators of abuse
- Phone numbers for all the social service offices in Montana
- Descriptions of the follow-up procedures used by the social services and law enforcement groups
- A listing of myths and facts about sexual abuse
- Other demographic data concerning child abuse and child neglect

The booklet can be found at the following hyperlink:

<http://www.dphhs.mt.gov/aboutus/divisions/childfamilyservices/publications/mtschoolguidelines.pdf>