

REPORTING CHILD ABUSE

Because of their daily contact with school-age children, educators and other school employees are in a unique position to identify abused and/or neglected children. South Dakota law defines “abused and neglected child” as a child:

- Whose parent, guardian or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
- Who lacks proper parental care through the actions or omissions of the parent, guardian or custodian;
- Whose environment is injurious to his/her welfare;
- Whose parent, guardian or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care or any other care necessary for his/her health, guidance, or well-being;
- Who is homeless, without proper care, or not domiciled with his/her parent, guardian or custodian through no fault of his/her parent, guardian or custodian;
- Who is threatened with substantial harm;
- Who has sustained emotional harm or mental injury as indicated by an injury to his/her intellectual or psychological capacity evidenced by an observable and substantial impairment in his/her ability to function within his/her normal range of performance and behavior, with due regard to his/her culture;
- Who is subject to sexual abuse, sexual molestation, sexual exploitation, or human trafficking by his/her parent, guardian, custodian or any other person responsible for his/her care;
- Who was subject to prenatal exposure to abusive use of alcohol, marijuana or any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapters 22-42, 34- 20B, and 34-20G;
- Whose parent, guardian or custodian knowingly exposes the child to an environment that is being used for the manufacture, use or distribution of methamphetamine or any other unlawfully manufactured controlled drug or substance.

Reporting Procedure. School employees who have reasonable cause to believe that a child has been abused and neglected child will report the suspected abuse or neglect according to the following procedure.

1. Any school employee who has reasonable cause to believe that a child has been abused or neglected shall report the suspicion to the building principal or designee, or superintendent immediately. Any doubt or question in reporting such cases shall be resolved in the favor of reporting the suspected abuse or neglect.
2. The building principal or designee, or superintendent shall consider the report from the school employee and may further consult with the employee or other administrators. If there is a reasonable cause to suspect that the child has been abused or neglected as defined by state law, the building principal or designee, or superintendent shall immediately report such to the State’s Attorney of the county in which the child resides or is present, to the Department of Social Services, or to law enforcement officers.

3. The school official facilitating the report of suspected abuse or neglect shall request a response report.

Contents of the Report. The report to authorities shall contain the following information to the extent it is available: (1) name and position of reporting person; (2) name, address, and the date and place of birth of the abused or neglected person; (3) the name and address of the person or persons having custody of the abused or neglected person; (4) the name and address of the person or persons suspected of being responsible for the abuse or neglect; (4) the nature and extent of the abuse or neglect, or the conditions and circumstances which would reasonably result in such abuse or neglect; and (5) any other information that may be useful in establishing the identity of the persons involved and cause of the abuse or neglect.

Legal Immunity. South Dakota statutes give legal immunity from any civil or criminal liability to any person who makes a good faith report of child abuse or neglect or participates in a judicial proceeding resulting from such a report.

Adopted: February 13, 2012
Revised January 9, 2023