

**ROCKY MOUNTAIN DEVELOPMENT COUNCIL, INC. (Rocky)**  
**HEAD START**  
**CHILD ABUSE AND NEGLECT REPORTING POLICY AND PROCEDURE**

Rocky Mountain Development Council, Inc. Head Start follows the Montana School Guidelines for the Identification and Reporting of Child Abuse and Neglect. The School Guidelines are based on the Montana Code Annotated (MCA) 41-3-201 through 41-3-208, which contains Montana State Law for reporting of Child Abuse and Neglect. This section of MCA can be found at the following website: <http://dphhs.mt.gov/Portals/85/cfsd/documents/SchoolGuidelinesChildAbuseandNeglect.pdf>

The prevention, identification, treatment and reporting of child abuse and neglect are an integral part of the Head Start program.

**41-3-201**

When professionals and officials listed in 41-3-201 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 Public Health and Human Services, Child and Family Services Division's **MONTANA'S STATEWIDE TOLL-FREE CHILD ABUSE HOTLINE at 1-866-820-5437.**

Professionals and officials required to report include, but are not limited to:

School teachers, other school officials, and employees who work during regular school hours.

A social worker, operator or employee of any registered or licensed day care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 of a child and adult food care program or an operator or employee of a child care facility.

The reports referred to under this section must contain:

- (a) the names and addresses of the child and the child's parents or other persons responsible for the child's care;
- (b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;
- (c) 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 person or persons responsible for the injury or neglect; and
- (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter.

**41-3-202. Action on reporting.**

(1) Upon receipt of a report that a child is or has been abused or neglected, the department shall promptly assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated. If the department determines that an investigation is required, a social worker, the county attorney, or a peace officer shall promptly conduct a thorough investigation into the circumstances surrounding the allegations of abuse or neglect of the child. The investigation may include an investigation at the home of the child involved, the child's school or day-care facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion of the investigator are relevant to the investigation. In conducting an investigation under this section, a social worker may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-446.

### **41-3-203 Immunity from liability**

Anyone investigating or reporting any incident of child abuse or neglect, under 41-3-201 or 41-3-202 participating in resulting judicial proceedings, or furnishing hospital or medical records as required by 41-3-202, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed, unless that person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.

### **41-3-207 Penalty for Failure to Report**

- (1) 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 approximately caused by such failure or prevention.
- (2) Any person or official required by law to report known or suspected child abuse or neglect who purposely or knowingly fails to report known child abuse or neglect or purposely or knowingly prevents another person from doing so is guilty of a misdemeanor.
- (3) Any person or official required by 41-3-201 (mandated reporters) to report known or suspected sexual abuse or sexual exploitation who purposely or knowingly fails to report known sexual abuse or exploitation of a child or purposely or knowingly prevents another person from making a report is guilty of a felony and shall be imprisoned for not to exceed five years or 10,000 dollars or both.

### **Rocky Head Start Procedures for Reporting Child Abuse and Neglect**

Head Start will establish and maintain a cooperative relationship with the local Department of Public Health and Human Services, Child and Family Services that provide Child Protective Services.

Head Start will know community resources that are available for families with child abuse and neglect problems.

**Under Montana law, if any school staff member has reasonable cause to suspect that a child is being abused or neglected, it remains the individual's obligation to see that the situation is reported to the local Child and Family Services Division Office, Law Enforcement or the County Attorney. Head Start staff will make the call to 1-866-820-5437 as soon as neglect or abuse is suspected. No more than 24 hours shall pass without notification and documentation being presented to Program Management. Head Start staff will discuss the report with the Family if it appears desirable or necessary to do so (Federal Register 1977, pg. 971). Confidentiality of all suspected and reported cases of child abuse and neglect will be maintained.**

Head Start will foster an attitude with staff, parents and volunteers of helping, rather than punishing, families with high risk factors that may lead to child abuse and neglect.

Head Start has developed an Abuse Prevention Policy that must be signed by all employees, consultants, and regular volunteers.