

Mandatory Reporting of Child Abuse. Recognize. Record. Report. March 2018

By Benjamin Scungio



Rhode Island law requires the mandatory reporting of known or suspected child abuse or neglect. Any person who has reasonable cause to know or suspect that a child has been abused or neglected by a parent or caregiver, or sexually abused by another child, must report it within twenty-four hours. In a school setting, mandatory reporters include

teachers, aids, principals, custodians, bus drivers, secretaries, etc. School personnel are legally obliged to recognize, record and report. Reasonable cause for reporting may result from personal observation, admission or other communication including second-hand and hearsay communication.

In 2016 following an investigation into abuse allegations at St. George's boarding school, the Rhode Island General Assembly closed a loophole in the law by expressly requiring schools to report not only allegations of abuse and neglect by parents and caregivers but also suspicions of sexual abuse by school staff. However, teachers and principals reported confusion about who should make these reports and how.

In response, the General Assembly passed further legislation in July 2018 that clarifies who is responsible for reporting sexual abuse in schools. Under the new law, if a school employee suspects sexual abuse by school staff, he or she is required to report it to a designated school leader. That school leader must then notify DCYF and the Superintendent. The legislation also requires RIDE and DCYF to adopt rules and to develop guidance in this area.

It is important to note that the 2018 law does not change a school employee's duty to report suspected abuse by a parent, caregiver, or other child – in those cases the person who suspects abuse still has a duty to report directly to DCYF within 24 hours and school protocols cannot relieve a teacher of his or her individual reporting responsibility or pass that responsibility onto an administrator. *

What Constitutes Child Abuse or Neglect

Child abuse and neglect include many things ranging from physical or mental injury or sexual abuse, to failure to supply adequate food-clothes-shelter, to failure to provide a minimum degree of care or supervision, abandonment or desertion.

School professionals may note a wide range of indicators in students that include:

- Habitually away from school and constantly late
- Unusually or chronically compliant or shy, withdrawn, passive or uncommunicative
- Unexplained injury such as missing hair, burn, limp or bruises
- Inadequately dressed for the weather
- Clothing that is soiled, tattered or too small
- Fear of other children and adults

Similarly, school professionals may note indicators for parents that include:

- Showing little concern for their child's problems
- Suggesting that cause of an injury is attributable to a third party
- Responding inappropriately to the seriousness of a problem
- Taking children to different doctors (to avoid suspicion)
- Having unrealistic expectations for the child
- Not responding to school communications

Reporting Process & Outcomes

Under the law, any person making a good-faith report shall have immunity from civil or criminal liability. However, knowingly failing to report or prevent a person from making a report is subject to a fine or imprisonment or both. Each school district should encourage the use of a single procedure based on the district's policy for reporting child abuse. The statewide reporting phone number is 1-800-R.I.CHILD.

When a report is received by DCYF (Department of Children, Youth & Families), it will be investigated and the school will not be involved ... although individuals might be questioned for details. There might be an intervention by social services, ultimately, to protect the child and preserve the family.

Schools – both public and private – are encouraged to pay careful attention to the law and communicate with all parties the need to recognize, record and report instances of known or suspected child abuse or neglect.

*This article was updated in August 2018.



This is the first in our three-part series on “Rules for Schools.” Our attorneys frequently provide coaching and training to school districts, businesses and other workplaces on topics that address sexual harassment prevention, reporting of child abuse, search and seizure limits (in a school setting), and other employment and discrimination issues..

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