

The Department of Social Services

Introduction

Given the continued increase of media coverage concerning the issue of child abuse, our teachers and administrators should be aware of their responsibility to report suspected incidents of abuse. In an effort to assist our member schools in this area, the AACS has been able to provide seminars on issues relating to child abuse at various conferences and conventions, and has been able to answer numerous calls from teachers and administrators who have been faced with allegations of abuse in their own schools.

As a quick review, most if not all states will require you, as a teacher or administrator, to report a situation where you have "reasonable cause" to suspect that abuse is occurring. What constitutes "reasonable cause" can vary from case to case. Nevertheless, the AACS has recommended that our teachers and administrators document any situation that raises a question about possible abuse, regardless of whether a report of abuse is ultimately filed with the state or local social services department.

But what should you do if you have no reason to suspect that a particular child is being abused, yet a social services worker comes to your school asking to interview that child? Do you cooperate? Do you take offense? How do you respond?

Each such instance will be unique, and no administrator, pastor, or lawyer can offer one particular course of action that will be right for every situation. With that in mind, in this Legal Report we will address the main questions that arise when a social services worker asks to interview one of your students, and we will make suggestions on how to respond if this situation ever occurs at your school.

Discussion

The school year is progressing smoothly until, early one Tuesday morning, a case worker from the local social services department shows up at the school. After being shown into your office, the worker indicates that she has received a report of child abuse involving a parent of one of your students. She then states that the law allows her to interview the child without the parent's permission and outside of the parent's presence, and she demands that she be allowed to conduct an interview of this child on school grounds.

What do you do now?

Question # 1: Am I required to allow a social services worker to interview one of my students on school property?

In many states, a social services worker is allowed to interview a suspected victim of abuse without the parent's knowledge or authorization. On the other hand, in most situations, the school or church will be on private property, which means that a social services worker does not have an absolute right to be on the property to interview a child without a court order.

These two competing legal positions often cause a conflict. While the social services worker will attempt to assert her right to interview the child at any place where the parent is not present, your first reaction may be to ask the social services worker to leave your property and not come back.

The problem is, the social services worker can come back. In most states and local jurisdictions, if you refuse to allow a social services worker to conduct an interview at the school, then the worker can visit a local judge or magistrate and obtain a court order requiring you to allow the interview to go forward on school property. If a social services worker is required to go to the trouble of obtaining a court order, then she may be much less cooperative when she returns to the school.

As a result, you will need to consider each situation on a case-by-case basis. If you have reason to believe that the social services worker is being honest with you, that she is truly concerned about the best interests of the child, and that the interview will be conducted in a fair and compassionate manner, then you may choose to allow the interview to go forward. On the other hand, if you believe the social services worker may be on a "fishing expedition," is antagonistic toward you or the school, and will not cooperate with the guidelines that you suggest for the interview (discussed below), then you may want to force her hand. If she is on a "fishing expedition," then she may not be able to get the necessary court order to return to the school.

Accordingly, to answer the first question, if the school is on private property, then you may not be required to allow an interview to go forward unless the social services worker has a court order. Conversely, if a social services worker has received a legitimate allegation of abuse, then you can be assured that the worker will be able to obtain the necessary court order, and the interview will happen one way or the other.

Question # 2: What should I keep in mind if I decide to allow the interview to go forward?

You should maintain a checklist of items to follow if you are going to allow this type of interview to occur on school premises. Here are some items you might want to include on your checklist:

- Talk to the student's teacher privately before the interview. Find out if the teacher had any suspicions of abuse. Remember, in most states, teachers and administrators are mandatory child abuse reporters if they have reasonable cause to suspect that abuse has occurred.
- After you speak with the teacher, speak to the social services worker privately and attempt to learn as much as you can about the allegation of abuse. The social services worker may claim that such information is confidential, and if she does make this claim, do not push the issue. Nevertheless, you may want to ask the social services worker if she has spoken to the parents, or if she has tried to conduct the interview at another place.

- Do not allow the social services worker to go to the classroom. Ask the teacher to bring the student to your office.
- Most importantly, request that you be permitted to sit in on the interview. Emphasize the fact that you know the student, that the student will be more comfortable with you present, and that you may be able to assist during the interview.
- If the social services worker will not allow you, or another witness to be present during the interview, then you may want to reconsider your decision. In other words, if you tell the social services worker that you will not allow the interview to go forward unless a witness is present, then the worker may ultimately concede to your request.
- If you are going to allow the interview to go forward without a witness being present, then speak to the child before the interview and explain what is about to happen. In addition, after the social services worker has completed the interview and has left the premises, speak to the child again and find out what was said during the interview.
- Of course, you may want to call your local attorney before making any decisions. Your attorney may have further advice on what should be done in connection with any interview.

Question # 3: Should I call the parents?

You must address this question regardless of how you respond to the social services worker. In most situations, you will feel an obligation to call the parents as soon as an interview is requested, whether or not the interview takes place. After all, if you were the parent and this was happening to your child, you would want to know.

On the other hand, the rare situation may occur in which you decide not to call the parents. One example might be where the student is new to the school, you do not know the parent who has been accused, the teacher has noticed bruises on the child but had not yet reached a decision that abuse was occurring, and the social services worker asks you not to call the parents. Of course, the only reason you would not call the parents in this situation is because you believe such a call could result in another episode of abuse on the child. If abuse is occurring and social services is abreast of the situation, then you may not want to contact the parents, and trust that social services will deal with the abusive parent in the proper manner.

Please realize, however, that the social services worker may, as a matter of course, ask that you not contact the parents. Unless your state law says differently, you are not bound by this request - except, of course, if the worker has a court order instructing you not to contact the parents. If the social services worker tells you that you

are prohibited from contacting the parents, but has no court order stating this, then check with your local attorney to find out what your state law says concerning this issue.

Conclusion

In the current society in which we live, it is more likely than not that you will receive a visit from a social services worker at some point. Remember, the most important thing in these situations is to have the best interests of the child in mind in connection with every decision that you make. In addition, if you set guidelines on how to respond before this situation arises, then you will be in a better position to handle the matter both Biblically and legally.