Preventing and Reporting Child Abuse and Neglect



Guidance for School Personnel

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INTRODUCTION

During the past few decades considerable attention has been given to the importance of recognizing and reporting child abuse and neglect. This attention has resulted in some positive strides toward prevention and intervention at the local, state and national levels. All 50 states have mandated that professionals (including educators) report suspected cases of child abuse and neglect. Training programs specific to certain professions have been developed and implemented. The media has done much to heighten public awareness, and coalitions and clearinghouses of information have been established. While these and a host of other accomplishments provide evidence that progress has been made, there is still much to do.

The number of children still being maltreated and not receiving help is sobering. Documented cases show that a large percentage of reported abuse cases are closed after an initial investigation, in some cases even when maltreatment has been determined. This, coupled with a common belief that the majority of abuse cases go unreported, demonstrates that many abused children are stranded, not receiving any legal or societal assistance.

Because of the large number of children still being maltreated and because Colorado law mandates reporting, it is essential that educators understand how to recognize and report suspected abuse. In addition, many prevention strategies exist which are ideal for a school setting.

This handbook was written to assist school personnel, including administrators, teachers, counselors, school nurses, and school social workers, in defining abuse and neglect and in developing policy and training programs that best address the abuse issue.

Statutory references cited in this document are excerpted from the Colorado Revised Statutes. For further information, please refer to the full law.

IDENTIFYING CHILD ABUSE AND NEGLECT

Effects you might notice in the school setting:

- learning disorders
- behavior problems such as aggression or withdrawal
- below grade-level performance
- delays in the ability to speak and to understand spoken language
- psychosomatic illnesses
- poor coordination, deficiencies in motor skills
- low self-esteem
- clinging behavior
- severe emotional disturbance

Identification is a key factor in the prevention and intervention of abuse and neglect. Educators have the opportunity and can often identify a particular type of maltreatment by becoming aware of and recognizing certain physical and behavioral indicators.

On the following pages, physical and behavioral indicators of the four types of child abuse are listed. Please note that not any single indicator proves that abuse is taking place, but the repeated presence of an indicator or a combination of indicators should alert educators to the possibility of abuse.

The lists of physical and behavioral indicators on the next four pages are adapted from:

- American Association for Protecting Children, *Guidelines for Schools*, American Humane Association, Denver, Colorado
- U.S. Department of Health and Human Services. *The Educator's Role in Prevention Treatment of Child Abuse and Neglect* U.S. Government Printing Office, Washington, D.C.

IDENTIFYING ABUSE AND NEGLECT

Physical and Behavioral Indicators of Child Abuse and Neglect

PHYSICAL AND BEHAVIORAL INDICATORS OF PHYSICAL ABUSE*		
Physical Indicators	Behavioral Indicators of Child	Behavioral Indicators of Caregivers
 Unexplained bruises and welts: On face, lips, mouth On torso, back, buttocks, thighs In various stages of healing Clustered, forming regular patterns Reflecting shape of article used to inflict (electric cord, belt buckle) On several different surface areas Regularly appear after absence, weekend, or vacation Unexplained burns: Cigar, cigarette burns, especially on soles, palms, back or buttocks Immersion burns (sock-like, glove-like) Doughnut-shaped on buttocks or genitalia Patterned like electric burner, iron, etc. Rope burns on arms, legs, neck or torso Unexplained fractures: To skull, nose, facial structure In various states of healing Multiple or spiral fractures To external genitalia Human bite marks Bald spots 	 Wary of adult contacts, apprehensive when other children cry Aggressiveness or. withdrawal Overly compliant Afraid to go home Reports injury by parents Exhibits anxiety about normal activities, i.e., napping, toileting Complains of soreness and moves awkwardly Destructive to self and others Early to school or stays late as if afraid to go home Accident-prone Wears clothing that covers body when not appropriate Chronic runaway (especially adolescents) Cannot tolerate physical contact or touch Seems frightened of parents Shows little or no distress at being separated from parents Explanation of injuries changes 	 Seems unconcerned about child Sees child as bad, evil, a monster, etc. Alcohol/drug misuse. Attempts to conceal child's injury or to protect identity of person responsible History of abuse as a child Discipline not consistent with child's age, condition or behavior Explanation of child's injury not consistent with type of injury Offers no explanation for child's injury Excessive attention to toilet training History of domestic violence

*Please note that not any single indicator proves that abuse is taking place, but the repeated presence of an indicator or a combination of indicators *should alert* educators to the possibility of abuse.

IDENTIFYING ABUSE AND NEGLECT

Physical and Behavioral Indicators of Child Abuse and Neglect

PHYSICAL AND BEHAVIORAL INDICATORS OF <u>NEGLECT*</u>		
Physical Indicators	Behavioral Indicators of Child	Behavioral Indicators of Caregiver
 Consistent hunger Inappropriate dressclothing dirty or wrong for the weather Poor hygiene Often tired, no energy Consistent lack of supervision, espe- cially in dangerous activities or long periods of time Unattended physical problems or medical needs Abandonment Lice Distended stomach, emaciated 	 Begging, stealing food Constant fatigue, listlessness or falling asleep States there is no caretaker at home Frequent school absence or tardiness Destructive, pugnacious School dropout (adolescents) Early emancipation from family (adolescents) Alcohol/drug misuse Sexual misconduct 	 Alcohol/drug misuse Disorganized, upset home life Isolated from friends, relatives, neighbors; lacks social skills Long-term chronic illnesses History of neglect as a child Lacks motivation, lethargic Fails to provide medical care Keeps child home from school without good cause

PHYSICAL AND BEHAVIORAL INDICATORS OF <u>EMOTIONAL ABUSE</u> *		
Physical Indicators	Behavioral Indicators of Child	Behavioral Indicators of Caregiver
 Speech disorders Lags in physical development Failure to thrive (especially in infants) Asthma, severe allergies, or ulcers Substance Abuse 	 Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, inhibition of play) Compliant, passive Aggressive, demanding Torture or maiming of animals Inappropriately adult Inappropriately infantile Developmental lags (mental, emotional) Delinquent behavior (especially adolescents) 	 Treat children in the family unequally Blames or belittles child Cold and rejecting Withholds love Lacks nurturing skills Ignores children's problems

*Please note that not any single indicator proves that abuse is taking place, but the repeated presence of an indicator or a combination of indicators *should alert* educators to the possibility of abuse.

IDENTIFYING ABUSE AND NEGLECT

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Physical and Behavioral Indicators of Child Abuse and Neglect

PHYSICAL AND BEHAVIORAL INDICATORS OF SEXUAL ABUSE*		
Physical Indicators	Behavioral Indicators of Child	Behavioral Indicators of Caregiver
 Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Sexually-transmitted infections Frequent urinary or yeast infection Frequent unexplained sore throat Red or swollen genital area Pregnancy 	 Inability to concentrate Frequent absences from school, many times justified by parent/caretaker Abrupt change in child's behavior/moodiness Depression – excessive crying Reluctance to undress for physical education/nurse Newly acquired bodily complaints (stomach aches, vaginal pain) Afraid to be alone with adults Severe drop in school performance Seductive, promiscuous behavior toward peers or adults Persistent and inappropriate sexual behavior Repeated attempts to run away from home Sexually explicit proposals/threats, including written notes Repeated or chronic peeping/exposing/obscenities/ Pornographic interests/frottage Oral, vaginal, and anal penetration of dolls, children, animals Forced touching of genitals Simulating intercourse with peers with clothing off Any genital injury or bleeding not explained by accidental cause Threatened by physical contact, closeness Role reversal, overly concerned for siblings 	 Jealous or overly protective of child Isolation/alienation of child and family members within the community Frequent absences from home by one of the caretakers/parents of the child Blurring of generational boundaries Rigid, restrictive home environment Alcohol/drug misuse Parental/child role reversal Seductive behavior toward child Sexualized punishment for misbehavior

*Please note that not any single indicator proves that abuse is taking place, but the repeated presence of an indicator or a combination of indicators should alert educators to the possibility of abuse.

*Often there are no visible indicators.

RESPONDING TO DISCLOSURE

How to Respond to a Child's Disclosure of Abuse

Children disclose abuse in a variety of ways. They may disclose through very direct and specific communication but that is not usually the case. More often the child will disclose through indirect means such as: "Our neighbor wears funny underwear," or "My brother bothers me at night," or by asking that you promise not to tell if a secret is disclosed.

It is important to listen, encourage and assure the child. Ask questions if the child's comments seem to be covering up an underlying problem. Let the child know you cannot promise not to tell if the secret is something that is hurting him/her.

Occasionally a child will disclose during a class session. It is important for the educator to acknowledge the disclosure but not discuss it in front of the other students. After the class session, the educator should talk with the child in a quiet, private place.

Below are some suggestions for responding to disclosure.

<u>DO</u>:

- Remain calm, keep an open mind, and don't make judgments.
- Support the child with active listening.
- Find a quiet, private place to talk to the child.
- Reassure the child that he/she has done the right thing by telling someone.
- Listen to the child without *interruption;* let him/her talk openly about the situation and record concrete information.
- Tell the child that there is help available.
- Reassure the child that you will do your best to protect and support him/her.
- Let the child know you must report the abuse to someone who has helped other children like him/her and their families.
- Report the incident to the proper authorities.
- Let the child know what will happen when the report is made (if you have appropriate information).
- Seek out your own support person(s) to help you work through your feelings about the disclosure (if needed).
- Be aware of personal issues and how they affect your perception.

RESPONDING TO DISCLOSURE

How to Respond to a Child's Disclosure of Abuse

<u>DON'T</u>:

- Promise confidentiality.
- Express panic or shock.
- Convey anger or impatience if the child is not ready to discuss the abuse.
- Make negative comments about the perpetrator.
- Disclose the information indiscriminately. Tell only those adults who need the information to protect and support the child.

School personnel have a legal* and moral obligation to make a report if child abuse or neglect is suspected.

School personnel should NOT investigate the situation. Investigation is the job of child protective services or law enforcement.

The verbal report must **immediately** be made to your local child protection agency as specified by school policies and legal statutes.*

<u>REMEMBER</u>:

- The report should be made immediately upon suspicion of abuse (review indicators lists).
- An **IMMEDIATE** oral report and **PROMPT** written follow-up are mandatory.
- The report is NOT an accusation against a parent or child, but merely a report of a suspicion. The report should be handled in a sensitive, nonjudgmental manner.
- If a person fails to report, the child (or other children) is left potentially at risk for future abuse.
- The person who reports "in good faith" is "immune from liability, both civil and criminal."*

• The person who fails to report is liable.

• If you report suspected abuse to someone in your school and expect them to report to social services, it is important to follow-up to make certain the report was made. You, as the person who "knows or suspects" the abuse, are liable.

*See CHILDREN'S CODE, pages 16, 17, & 22

CHILD ABUSE AND NEGLECT LAW EXCERPTS

TITLE 19 - Article 3 -- 19-3-102 -- THE CHILDREN'S CODE

(1) A child is neglected or dependent if: (a) A parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;

(b) The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian;

(c) The child's environment is injurious to his or her welfare;

(d) A parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his or her health, guidance, or well-being;

(e) The child is homeless, without proper care, or not domiciled with his or her parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian;

(f) The child has run away from home or is otherwise beyond the control of his or her parent, guardian, or legal custodian.

(2) A child is neglected or dependent if: (a) A parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse; and

(b) Such parent, guardian, or legal custodian has been the respondent in another proceeding under this article in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such parent's, guardian's, or legal custodian's abuse or neglect has caused the death of another child; and

(c)The pattern of habitual abuse described in paragraph (a) of this subsection (2) and the type of abuse

described in the allegations specified in paragraph (b) of this subsection (2) pose a current threat to the child.

19-3-302 LEGISLATIVE DECLARATION

The general assembly hereby declares that the complete reporting of child abuse is a matter of public concern and that, in enacting this part 3, it is the intent of the general assembly to protect the best interests of children of this state and to offer protective services in order to prevent any further harm to a child suffering from abuse. It is also the intent of the general assembly that child protection teams publicly discuss public agencies' responses to child abuse and neglect reports so that the public and the general assembly may be better informed concerning the operation and administration of this part 3.

19-1-103 DEFINITIONS

As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect," as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiable explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence;

(II) Any case in which a child is subjected to unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.;

(III) Any case in which a child is a child in need of services because the child's parents, legal guardian, or

custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. The requirements of this subparagraph (iii) shall be subject to the provisions of section 19-3-103.

(IV) Any case in which a child is subjected to emotional abuse. As used in the subparagraph (IV) "emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

(V) Any act or omission described in section 19-3-102 (1) (a), (1) (b), or (1) (c).

(b) In all cases, those investigating reports of child abuse shall take into account accepted childrearing practices of the culture in which the child participates including, but not limited to, accepted work-related practices of agricultural communities. Nothing in this subsection (1) shall refer to acts that could be construed to be a reasonable exercise of parental discipline or to acts reasonably necessary to subdue a child being taken into custody pursuant to section 19-2-502 that are performed by a peace officer, level I, as defined in section 18-1-901 (3) (1), C.R.S., acting in the good faith performance of the officer's duties.

(27) "Confirmed," as used in part 3 of article 3 of this title, means any report made pursuant to article 3 of this title that is found by a county department, law enforcement agency, or entity authorized to investigate institutional abuse to be supported by a preponderance of the evidence.

(67) "Intrafamilial abuse," as used in part 3 of article 3 of this title, means any case of abuse, as defined in subsection (1) of this section, that occurs within a family context by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, as defined in subsection (101) of this section, or by any other person who resides in the child's home; except that

"intrafamilial abuse" shall not include abuse by s person who is regularly in the child's home for the purpose of rendering care for the child is such person is paid for rendering care and is not related to the child.

(86) "Prevention program," as used in article 3.5 of this title, means a program of direct child abuse prevention services to a child, parent, or guardian and includes research or education programs related to the prevention of child abuse. Such a prevention program may be classified as a primary prevention program when it is available to the community on a voluntary basis and as a secondary prevention program when it is directed toward groups of individuals who have been identified as high risk.

(97) "Sexual conduct," as used in section 19-3-304 (2.5), means any of the following:

- (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;
- Penetration of the vagina or rectum by any object;
- (c) Masturbation;
- (d) Sexual sadomasochistic abuse.

(108) "Third-party abuse," as used in part 3 of article 3 of this title, means a case in which a child is subjected to abuse, as defined in subsection (1) of this section, by any person who is not a parent, stepparent, guardian, legal custodian, spousal equivalent, as defined in subsection (101) of this section or any other person not included in the definition of intrafamilial abuse, as defined in subsection (67) of this section.

(111) "Unfounded report," as used in part 3 of article 3 of this title, means any report made pursuant to article 3 of this title that is not supported by a preponderance of evidence.

Model School Reporting Policy

It is essential that every school district have a written district policy for reporting child abuse and neglect. The policy should be based on Colorado law with input from the local department of social services and local law enforcement agencies. All school district employees should be aware of the existence and content of such policy. The policy should be reviewed and updated annually.

Important elements that should be cited in a school district reporting policy regarding child abuse and neglect are:

- 1. A brief rationale for involving school personnel in reporting.
- 2. The name and appropriate section numbers of the state reporting statute. (See Title 19, Article 3)
- 3. Who, specifically, is mandated to report.
- 4. Reportable conditions as defined by state law.
- 5. The person or agency to receive reports.
- 6. The information required of the reporter (include a sample of the district reporting form).
- 7. Expected professional conduct by school employees.
- 8. The exact language of the law to define "abuse" and "neglect." If necessary, explanation, clarification or expansion of the definition.
- 9. The method by which school personnel are to report and the time within which to report. A telephone number of the local social services or law enforcement agency should be listed.
- 10. The statement from the law regarding immunity from civil and criminal liability or termination of employment for those who, in good faith, report or participate in an investigation or judicial proceeding.
- 11. The penalty for failure to report, established by state law.
- 12. Action which will be taken by the school board for failure to report.
- 13. Any provisions of the law regarding the confidentiality of records pertaining to reports of suspected abuse or neglect.

To Social Services/Child Welfare, or Law Enforcement (Sample Reporting Form)

WRITTEN REPORT (Part 1 of 2 parts)

Name of Child:	Birthdate: Sex:	
Address:	Grade:	
Parent(s) or Guardian:		
Parent's Address (if different):	Home Phone:	
Parent's Place of Employment:	Work Phone:	
Family Composition:		

1. Check items that apply:

Dislocation/Sprains	Lack of Supervision	Emotional Neglect
Twisting/Shaking	Abandonment	Education Neglect
Malnutrition	Burns/Scalds	Physical Neglect
Exposure to Elements	Medical Neglect	Sexual Abuse

Description:

2. Briefly describe the reporter's concern for the child:

3. Describe the child's account of how the incident occurred and possible witnesses:

4. Describe any previously known or suspected abuse or neglect to child or siblings:

5. Provide name(s), address(es), and relationship to child of person(s) responsible for suspected abuse or neglect (if known):

6. Call to child welfare/social services or law enforcement:

Date	Time	Person Taking Report

Name of Person Reporting

School

To Social Services/Child Welfare, or Law Enforcement (Sample Reporting Form)

WRITTEN REPORT (Part 2 of 2 parts)

To help us better assist our student in school please complete this and return to_____. We assume responsibility to confine all information relating to this family and the child(ren) needing protection to school personnel who provide direct services to the child.

Action taken upon referral:

Screened out with no investigation:

Reason:

No investigation but case referred to:

Investigation conducted:

Case open for ongoing/services:

Case closed at intake:

Any recommendations for school staff:

Contact Person:

CHILD ABUSE AND NEGLECT LAW EXCERPTS

TITLE 19, Article 3, THE CHILDREN'S CODE 19-3-304 -- Persons Required to Report Child Abuse or Neglect

(1) Except as otherwise provided by section 19-3-307 and sections 25-1-122 (4) (d) and 25-4-1401 (1) (d), C.R.S., any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department or local law enforcement agency.

(2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(a) Physician or surgeon, including a physician in training;

- (b) Child health associate;
- (c) Medical examiner or coroner;
- (d) Dentist;
- e) Osteopath;
- (f) Optometrist;
- (g) Chiropractor;
- (h) Chiropodist or podiatrist;
- (i) Registered nurse or licensed practical nurse;

(j) Hospital personnel engaged in the admission, care, or treatment of patients;

(k) Christian science practitioner;

(I) Public or private school official or employee;

(m) Social worker or worker in a family child care home, foster care home, or child care center as defined in section 26-6-102, C.R.S.;

(n) Mental health professional;

- (o) Dental hygienist;
- (p) Psychologist;
- (q) Physical therapist;
- (r) Veterinarian;

(s) Peace officer as defined in section 18-1-901 (3) (1), C.R.S.;

(t) Pharmacist;

(u) Commercial film and photographic print processor as provided in subsection (2.5) of this section;

v) Firefighter as defined in section 18-3-201 (1), C.R.S.;

(w) Victim's advocate, as defined in section 13-90-107 (1) (k) (II), C.R.S.;

(x) Licensed professional counselors;

(y) Licensed marriage and family therapists;

(z) Unlicensed psychotherapists.

(aa) (I) Clergy member

(II) The provisions of this paragraph (aa) shall not apply to a person who acquires reasonable cause to know or suspect that a child has been subjected to abuse or neglect during a communication about which the person may not be examined as a witness pursuant to section 13-90-107 (1) (c), C.R.S., unless the person also acquires such reasonable cause from a source other than such a communication.

(III) For purposes of this paragraph (aa), unless the context otherwise requires, "clergy member" means a priest, rabbi, duly ordained, commissioned, or licensed minister of a church, member of a religious order, or recognized leader os any religious body.

(2.5) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or

employment, any film, photograph, video tape, negative, or slide depicting a child engaged in an act of sexual conduct shall report such fact to a local law enforcement agency immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative, or slide attached within thirty-six hours of receiving the information concerning the incident.

(3) In addition to those persons specifically required by this section to report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in abuse or neglect, any other person may report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in child abuse or neglect to the local law enforcement agency or the county department.

(3.5) No person, including a person specified in subsection (1) of this section, shall knowingly make a false report of abuse or neglect to a county department or local law enforcement agency.

(4) Any person who willfully violates the provisions of subsection (1) of this section or who violates the provisions of subsection (3.5) of this section:

(a) Commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.;

(b) Shall be liable for damages proximately caused thereby.

After a Report is Made to Social Services/Child Welfare or Law Enforcement

Depending on the evidence, a member of the local department of social services and/or local law enforcement will determine if an investigation is to occur. Appropriate staffs from these agencies will then investigate the case, notify the family that a report has been filed, and check the child's condition.

If necessary, the court will determine whether temporary or permanent separation from the family will occur.

Treatment for the child and/or family may be recommended or mandated.

A mandated reporter (see Children's Code 19-3-304, pp. 16) may obtain information on case status provided that strict confidentiality is maintained. For more information on sharing confidential information, contact the Colorado Department of Law at: <u>www.ago.state.co.us</u> or call (303) 866-4500

Policies and procedures vary from county to county. For more information on reporting and followup procedures, contact your county department of social services.



CHILD ABUSE AND NEGLECT LAW EXCERPTS

TITLE 19, Article 3, THE CHILDREN'S CODE

19-3-308 -- Action upon report of intrafamilial, institutional, or third-party abuse - child protection team

department shall (1)(a) The county respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks. Appropriate responses shall include, but are not limited to, screening reports that do not require further investigation, providing appropriate intervention services, pursuing reports that require further investigation, and conducting immediate investigations. The immediate concern of any assessment or investigation shall be the protection of the child, and, where possible, the preservation of the family unit.

(b) The rules required by paragraph (a) of this subsection (1) shall be adopted on or before January 1, 1994.

(1.5) (a) Upon referral to the county department, the county department shall assess the possibility of abuse or neglect.

(b) If, during the investigation and assessment process, the county department determines that the family's issues may be attributable to the child's mental health status, rather than dependency or neglect issues, and that mental health treatment services pursuant to section 27-10.3-104, C.R.S., may be more appropriate, the county department shall contact the mental health agency, as that term is defined in section 27-10.3-103 (4), C.R.S. Within ten days after the commencement of the investigation, the county department shall meet with a representative from the mental health agency and the family. The county department, in conjunction with the mental health agency, shall jointly determine whether mental health services should be provided pursuant to section 27-10.3-104, C.R.S., or whether the provision of services through the county department is more appropriate.

(4) (a) The county department, except as provided in subsections (5) and (5.3) of this section, shall be the

agency responsible for the coordination of all investigations of all reports of known or suspected incidents of intrafamilial abuse or neglect. The county department shall arrange for such investigations to be conducted by persons trained to conduct either the complete investigation or such parts thereof as may be assigned. The county department shall conduct the investigation in conjunction with the local law enforcement agency, to the extent a joint investigation is possible and deemed appropriate, and any other appropriate agency. The county department may arrange for the initial investigation to be conducted by another agency with personnel having appropriate training and skill. The county department shall provide for persons to be continuously available to respond to such reports. Contiguous counties may cooperate to fulfill the requirements of this subsection (4). The county department or other agency authorized to conduct the investigation pursuant to this subsection (4), for the purpose of such investigation, shall have access to the state central registry of child protection for information under the name of the child or the suspected perpetrator.

(b) Upon the receipt of a report, if the county department reasonably believes that an incident of intrafamilial abuse or neglect has occurred, it shall immediately offer social services to the child who is the subject of the report and his family and may file a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of such child. If, before the investigation is completed, the opinion of the investigators is that assistance of the local law enforcement agency is necessary for the protection of the child or other children under the same care, the local law enforcement agency shall be notified. If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody in accordance with sections 19-3-401 (1) (a) and 19-3-405.

(c) A teacher, employee, volunteer, or staff person of an institution who is alleged to have committed an act of child abuse shall be temporarily suspended from his position at the institution with pay, or reassigned to other duties which would remove the risk of harm to the child victim or other children under such person's custody or control, if there is reasonable cause to believe that the life or health of the victim or other children at the institution is in imminent danger due to continued contact between the alleged perpetrator and a child at the institution. A public employee suspended pursuant to this paragraph (c) shall be accorded and may exercise due process rights, including notice of the proposed suspension and an opportunity to be heard, and any other due process rights provided under the laws of this state governing public employment and under any applicable individual or group contractual agreement. A private employee suspended pursuant to this subsection (4.5) shall be accorded and may exercise due process rights provided for under the laws of this state governing private employment and under any applicable individual or group employee contractual agreement.

(d) Nothing in this subsection (4.5) shall be construed to abrogate or limit any other enforcement action provided by law.

(5) If a local law enforcement agency receives a report of a known or suspected incident of intrafamilial abuse or neglect, it shall forthwith attempt to contact the county department in order to refer the case for investigation. If the local law enforcement agency is unable to contact the county department, it shall forthwith make a complete investigation and may institute appropriate legal proceedings on behalf of the subject child or other children under the same care. As a part of an investigation pursuant to this subsection (5), the local law enforcement agency shall have access to the state central registry of child protection for information under the name of the child or the suspected perpetrator. The local law enforcement agency, upon the receipt of a report and upon completion of any investigation it may undertake, shall forthwith forward a summary of the investigatory data plus all relevant documents to the county department.

(5.3) (a) Local law enforcement agencies shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect by persons ten years of age or older. Upon receipt of a report, if the local law enforcement agency reasonably believes that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care, such agency shall notify the county department of social services for an assessment regarding neglect or dependency. In addition, the local law enforcement agency shall refer to the county department of social services any report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age ten. Upon the completion of an investigation, the local law enforcement agency shall forward a copy of its investigative report to the county department of social services. The county department shall review the law enforcement investigative report and shall determine whether the report contains information that constitutes a case of confirmed child abuse and requires it to be filed with the state central registry in accordance with section 19-3-313 (2) (a), which report, upon such determination, shall be filed with the state central registry within sixty days of the receipt of the report by the county department.

(b) If, before an investigation is completed, the local law enforcement agency determines that social services are necessary for the child and, if applicable, the child's family, or that assistance from the county department of social services is otherwise required, the agency may request said services or assistance from the county department. The county department shall immediately respond to a law enforcement agency's request for services or assistance in a manner deemed appropriate by the county department.

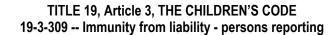
(c) When the investigation involves a suspected perpetrator who was acting in his official capacity as an employee of a school district, the local law enforcement agency shall coordinate such investigation with any concurrent abuse investigation being conducted by the department of education or the school district to the extent such coordination is possible and deemed appropriate.

(5.5) Upon the receipt of a report, if the county department reasonably believes that an incident of abuse or neglect has occurred, it shall immediately notify the local law enforcement agency responsible for investigation of violations of criminal child abuse laws. The local law enforcement agency may conduct an investigation to determine if a violation of any criminal child abuse law has occurred. It is the general assembly's intent that, in each county of the state, law enforcement agencies and the respective county departments of social services shall develop and implement cooperative agreements to coordinate duties of both agencies in connection with the investigation of all child abuse or neglect cases and that the focus of such agreements shall be to ensure the best protection for the child. The said agreements shall provide for special requests by one agency for assistance from the other agency and for joint investigations by both agencies.

(5.7) Upon initial investigation of a report alleging abuse or neglect in which the suspected perpetrator was acting in his official capacity as an employee of a school district, if the county department or the local law enforcement agency reasonably believes that an incident of abuse or neglect has occurred, it shall immediately notify the superintendent of the school district who shall consider such report to be confidential information; except that the superintendent shall notify the department of education of such investigation.



CHILD ABUSE AND NEGLECT LAW EXCERPTS



Any person, other than the perpetrator, complicitor, coconspirator, or accessory, participating in good faith in the making of a report, in the facilitation of the investigation of such a report or in a judicial proceeding held pursuant to this title, taking of photographs or X-rays, or the placing in temporary protective custody of a child pursuant to section 19-3-405 or otherwise performing his duties or acting pursuant to this part 3 shall be immune from any liability, civil or criminal, or

termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious. For the purpose of any proceedings, civil or criminal, the good faith of any such person reporting child abuse, any such person taking photographs or X-rays, and any such person who has legal authority to place a child in protective custody shall be presumed.

Requirements for Notification to CDE of Suspected Abuse by School Employees

The Colorado State Board of Education may deny, annul, suspend or revoke an educator license, authorization of certificate when an educator has engaged in unethical or unlawful behavior, is mentally or professionally incompetent, or has improperly obtained a credential, pursuant to Section 22-60.5, Colorado Revised Statutes.

The <u>Colorado Department of Education Notification Form</u>, must be used by a school district to make a required report concerning a current or former employee's misconduct.

Pursuant to Section 19-3-308(5.7), Colorado Revised Statutes

Upon initial investigation of a report alleging abuse or neglect in which the suspected perpetrator was acting in his official capacity as an employee of a school district, if the county department [of social services] or the local law enforcement agency reasonably believes that an incident of abuse or neglect has occurred, it shall consider such report to be confidential information; except that the superintendent shall notify the department of education of such investigation.

Pursuant to Section 22-32-109.7 (3), Colorado Revised Statutes

If an employee of a school district is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of the evidence, the board of education of such school district shall notify the department of education and provide any information requested by the department concerning the circumstances of the dismissal or resignation. The district shall also notify the employee that information concerning the employee's dismissal or resignation is being forwarded to the department of education unless such notice would conflict with the confidentiality requirement of the "Child Protection Act of 1987," part 3 of article 3 of title 19, C.R.S.

Pursuant to Section 22-32-109.7 (3.5), Colorado Revised Statutes

Whenever a school district learns from a source other than the department of education that a current or past employee of the school district has been convicted of, pled nolo contendere to, or has received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the school district shall notify the department of education.

Pursuant to 1 Colorado Code of Regulations 301-37, 22-60.5R-15.05(1),

Local boards of education and boards of cooperative services or their designees shall immediately notify the department when any dismissal actions or acceptance of resignations are based upon violations resulting in convictions or pleas of nolo contendere or deferred sentences as set forth in Sections 15.00(2)(b)(i), (ii), (iii), and (iv) of these rules.

Pursuant to 1 Colorado Code of Regulations 301-37, 22-60.5-R-15.05(2),

Local boards of education and boards of cooperative services or their designees shall immediately notify the department when an employee, licensed or non-licenses, has been dismissed or has resigned as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence. The local board or board of cooperative services or their designees shall provide any information requested by the department concerning the circumstance of the dismissal or resignation.

Pursuant to 1 Colorado Code of Regulations 301-37, 22-60.5-R-15.05(3),

The local board of education or board of cooperative services or their designees shall notify the department when the county department of social services or the local law enforcement agency reasonably believes that an incident of abuse or neglect has occurred and an employee of the district or board of cooperative services is the suspected perpetrator and was acting in has official capacity as an employee of the district.

Pursuant to 1 Colorado Code of Regulations 301-37, 22-60.5-R-15.05(4),

The local board of education or board of cooperative services or their designees shall notify the department when the board reasonably believes that an employee is guilty of unethical behavior or professional incompetence as set forth in Section 15.01 and 15.02 of these Rules. The local board of cooperative services or their designees shall provide any information requested by the department concerning the employee's behavior or competence.



Confidential

Colorado Department of Education Notification Form

Colorado school districts are required to notify the Colorado Department of Education regarding current or former district employees in the circumstances listed on the previous pages. A district providing such notice to the department must complete this form and send it, along with any attachments, to: Colorado Department of Education, Educator Licensing Unit, 201 East Colfax Avenue, Room 105, Denver, CO 80203 School district name: School district address: Person notifying: Title Name Telephone Number Subject of Notice: Social Security Number Name Date of Birth Address Title and Assigned in District Date of Hire Date and Type of Disciplinary Action Date of Separation Incident(s) precipitating notification (provide detailed information): Did the school district investigate? □ No ☐ Yes* Did a social service agency investigate? No No Yes* Name of Agency Did a law enforcement agency investigate?
No ☐ Yes* Name of Agency Yes* Was a criminal charge filed? No Name of Court Case No. Signature of Person Notifying Date of Notice

*Attach a copy of the investigation report.

BACKGROUND SCREENING FOR SCHOOL EMPLOYEES

Before employing <u>any person</u>, a Colorado school district shall conduct a background inquiry with the Colorado Department of Education and a reference check with previous employers pursuant to Sections 22-32-109.7(1) and (2), Colorado Revised Statutes.

Computer Inquiry

School district hiring officials are encouraged to contact the Colorado Department of Education educator-licensing database via remote terminal to conduct required pre-employment background inquiries. Background and licensure information is available by entering an applicant's social security number in the appropriate blank on the "Licensure Information Screen."

When the message "Background Check: Cleared" appears on the information screen for a particular applicant, it means CDE has no adverse information concerning the applicant that meets the dissemination criteria provided in Section 22-32-109.7, Colorado Revised Statues. If the message "Background Check: Call CDE (303/866-6966)" appears on the information screen, the inquiring district official should contact the licensing unit via telephone prior to proceeding with the hiring of the applicant. If the response to an inquiry is "No records were selected," it means CDE has no information in the database filed under the social security number input for the applicant. In such an instance, the inquiring district may consider an applicant for a position not requiring a Colorado educator license or authorization to have a "cleared" background check status and proceed with the hiring process.

Assistance in accessing educator-licensing database and obtaining operating instructions, technical specifications and the necessary password is available by calling the CDE Help Desk at 303/866-6833.

Telephone Inquiry

In those school districts without terminal access to the educator-licensing database, hiring officials must call the licensing unit at 303/866-6966 to obtain background information on an applicant. (Please note that such an inquiry should be performed for the finalist(s) for a position, not for all those who applied for a position.) When calling for background information, the hiring official must leave a message stating the applicant's name, social security number and date of birth, as well as the hiring official's name, school district and telephone number. A licensing unit staff member will retrieve the message, access the educatory-licensing database and contact the hiring official with information regarding the applicant.

Confidentiality

Please know that all information provided to school districts pursuant to Section 22-32-109.7, C.R.S., is considered confidential and that penalties exist for unauthorized disclosure and inappropriate use of this information.

TITLE 22 32.109.1 Safe Schools

(1) **Mission statement.** Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school advisory councils, or school accountability committee, whichever is applicable, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(a) **Conduct and discipline code.** A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The code shall include, but shall not be limited to:

(IV) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.; (X) On and after August 8, 2001, a specific policy concerning bullying prevention and education. For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at

a designated school bus stop, or at school activities or sanctioned events. The school district's policy shall include a reasonable balance between the pattern and the severity of such bullying behavior.

(6) **Sharing information.** Notwithstanding any provision to the contrary in title 24, C.R.S., each board of education shall establish policies consistent with section 24-72-204 (3),

C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer.

(9) **Immunity.** (a) A school district board of education or any person acting in good faith in accordance with the provisions of subsection (2) of this section in carrying out the powers or duties authorized by said subsection shall be immune from civil or criminal liability for such actions; except that a person acting willfully or wantonly in violation of said subsection shall not be immune from liability pursuant to said subsection.

(b) A teacher or any other person acting in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall be immune from civil liability; except that a person acting willfully and wantonly shall not be immune from liability pursuant to this paragraph (b). The court shall dismiss any civil action resulting from actions taken by a teacher or any other person pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section upon a finding by the court that the person acted in good faith and in compliance with such conduct and discipline code and was therefore immune from civil liability pursuant to paragraph (a) of this subsection (9). The court shall award court costs and reasonable attorney fees to the prevailing party in such a civil action.

(c) If a criminal action is brought against a teacher or any other person for actions taken pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section, it shall be an affirmative defense in such criminal action that the teacher or such other person was acting in good faith and in compliance with the conduct and discipline code and was not acting in a willful or wanton manner in violation of the conduct and discipline code.

(d) An act of a teacher or any other person shall not be considered child abuse pursuant to sections 18-6-401 (1) and 19-3-303 (1), C.R.S., if:

(I) The act was performed in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section; or

(II) The act was an appropriate expression of affection or emotional support, as determined by the board of education.

(e) A teacher or any other person who acts in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall not have his or her contract nonrenewed or be subject to any disciplinary proceedings, including dismissal, as a result of such lawful actions, nor shall the actions of the teacher or other person be reflected in any written evaluation or other personnel record concerning such teacher or other person.

WORKING WITH A CHILD WHO HAS BEEN ABUSED

CLASSROOM STRATEGIES

School staffs are often uncomfortable and uncertain about interacting with an abused child when he/she returns to or enters school. The classroom teacher can play a significant role in the rehabilitation of an abused child by acknowledging, but not dwelling on, the situation and then creating a supportive and safe environment for the child. This can be accomplished by providing the child with the following:

1) SECURITY

The child needs to feel safe. He/she needs to know that you can be trusted. Talk to the child, one on one, share something about yourself, and use eye contact. It is best not to touch an abuse victim because a touch may cause a chain of flashbacks. Be certain to acknowledge the child with a nod, a wink, warmth in your voice, a note on his/her paper - however you feel most comfortable.

2) STRUCTURE

Initially, structure will increase the child's security. The child may need very clear instructions. It may mean you will have to say, "Pick up your pencil and begin with this work." Abused children will borrow from your strength and direction until they can mobilize on their own.

3) IDENTITY

Give the child information about him/her. "You are someone who makes friends easily," or "You are someone who really tries hard on difficult problems." Let the child express feelings, whether they are of grief, fear, loss or relief, without offering advice.

4) CONSISTENCY AND PREDICTABILITY

The child who has been abused has experienced a great deal of upheaval in his/her family life. The child needs to be able to predict your behavior, and to be clear about your expectations. It is important to share information about new situations before they arise. In addition, it is important that the classroom teacher not tolerate inappropriate behavior. If the child exhibits violent or sexually agressive behavior, the teacher should respond immediately as with any inappropriate behavior.

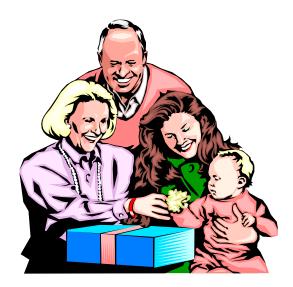
5) SENSE OF BELONGING

Be sure the child's work is displayed; that he/she has belongings in the room and a place to store them. The child should be seated where a feeling of inclusion can be gained. Reinforce the child's association with other children.

WORKING WITH CAREGIVERS OF CHILDREN WHO HAVE BEEN ABUSED

If caregivers of an abused child have adequate support and information, they are in a good position to help the child. Some steps in providing support for parents are listed below:

- 1. **P**rovide accurate information as needed.
- 2. Express faith in the caregivers' ability to cope with the situation.
- 3. **P**oint out the positive steps the family has already taken.



Be a Nurturer:

- Look directly at your child when she talks to you and listen without interruption.
- Express your love and respect with your words and actions.
- Allow your child to make choices within safe, healthy, and respectful limits.

Be an Advocate:

- Work in partnership with your child's teachers and caretakers for your child's safety and success.
- ➢ Find community resources and information for yourself and your child so you can thrive in a complex, ever-changing world.
- ➢ Voice your opinions to your local, state, and federal representatives on issues affecting children and youth.

Be a Teacher:

- Teach by modeling behave as you want your child to behave.
- Spend time with your child doing things you both enjoy.
- Be willing to admit mistakes and discover new solutions for yourself and your child.

Be a Policy-Maker:

- Explain clear, specific, and age-appropriate rules to your child about health, safety, and respect for self and others.
- Ensure safe, consistent consequences for broken rules.
- Know where your children are at all times.

Preventing Child Abuse and Neglect

Strategies for schools and communities which focus on potential victims, perpetrators, and social norms

Prevention education and student assistance:

- Provided in schools and community groups
- Children understand appropriate and inappropriate behaviors
- Adolescents receive information on healthy affection and sexuality
- Provide student access to clinics, support groups, and referrals
- Students learn social skills such as empathy, personal boundaries, coping, conflict management, and developing a support system.

Comprehensive training for school staff, parents, and professionals:

- Recognizing and reporting
- Responding sensitively to disclosure
- Making school a safe place
- Screening staff and volunteers
- Recognizing perpetrator behavior of students or adults
- Establishing and reinforcing personal boundaries
- Fostering empathy and bonding
- How to talk about sexuality and personal safety
- How to foster partnerships between schools, law enforcement, social services, and community organizations
- How to provide personal safety prevention education

Public awareness and empowerment:

- Prevalence of child abuse and neglect
- Resources for primary, secondary, and tertiary prevention and intervention
- Messages to counteract victim blaming and denial
- Information for individuals to influence public policy





RESOURCES

LOCAL

Social Services, Hospital, Law Enforcement, Rape Crisis Center, Health Department/Clinic Your County Department of Social Services: Phone #_____

> Your Local Hospital ER Phone #_____ Your Police Department Phone #_____

STATE

AMEND 2727 Bryant Street, #350 Denver, CO 80211 **303.832.6363** www.amendonline.org Direct services for men and children

Colorado Department of Education Prevention Initiatives 201 E. Colfax Avenue Denver, CO 80203 **303.866.6750** www.cde.state.co.us

Colorado Department of Human Services Child Welfare Services Unit 1575 Sherman Street Denver, CO 80203 **303.866.3278** www.cde.state.co.us

Colorado Coalition Against Domestic Violence P.O. Box 18902 Denver, CO 80218 **303. 831.9632 TDD 303.573.7814** www.ccadv.org

Colorado Coalition Against Sexual Assault 1600 Downing Street, 4th Floor Denver, CO 80218 **303.861.7033** www.ccasa.org

NATIONAL

American Humane Association 63 Inverness Drive East Englewood, CO 80112-5117 **303.792.9900** www.americanhumane.org

Kempe Children's Foundation 1825 Marion Street Denver, CO 80218 303.864.5300 www.kempecenter.com/

Colorado Department of Public Health and Environment Prevention and Intervention Services for Children and Youth 4300 Cherry Creek Drive South Denver, CO 80222-1530 **303.692.2587** www.cdphe.state.co.us/cdphehom.asp

Rape Assistance and Awareness Program 640 Broadway, #112 Denver, CO 80203 **303.329.9922** <u>Hotline 303.322.7273</u> <u>www.raap.org</u>

Prevent Child Abuse America Fulfillment Center One Community Place South Deerfield, MA 01373-0200 800.835.2671 www.pcaamerica.channing-bete.com/