

**PROCEDURES FOR IDENTIFYING CHILD ABUSE AND NEGLECT  
AND  
ACKNOWLEDGEMENT OF RESPONSIBILITY TO REPORT**

Please read the following definition of an abused child, the signs of child abuse and neglect, and the requirements for reporting according to state law. Your signature affirms that you have read and understand the definition and policy.

**DEFINITION OF ABUSED CHILD**

Within South Dakota statute, the term custodian includes a child care provider. South Dakota Codified Law (SDCL) 26-8A-2 In this chapter and chapter 26-7A, the term, abused or neglected child, means a child:

- (1) Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
- (2) Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian;
- (3) Whose environment is injurious to the child's welfare;
- (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being;
- (5) Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian;
- (6) Who is threatened with substantial harm;
- (7) Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture;
- (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care;
- (9) 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 and 34-20B; or
- (10) Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.

## SIGNS OF ABUSE AND NEGLECT

### Indicators of Physical Abuse:

- Unexplained bruises or welts
- Unexplained burns
- Unexplained fractures
- Unexplained lacerations or abrasions
- Child is wary of or suddenly frightened of caregiver or someone in the household.
- Child tells parents of injuries or abuse.
- Child shows behavior extremes – aggressiveness or withdrawal.

### Indicators of Physical Neglect:

- Lack of consistent supervision.
- Unattended physical needs (i.e. diaper changes, bottle feedings, no meals or snacks).

### Indicators of Emotional Abuse:

- Failure to thrive.
- Speech disorders.
- Habit disorders (i.e. sucking, rocking, biting).
- Extreme behaviors

### Indicators of Sexual Abuse:

- Difficulty walking or sitting.
- Pain or itching in genital area.
- Bruises or bleeding in external genitalia
- Child tells parents of sexual contact by caregiver or someone in the household.

SDCL 26-8A-3 mandates all licensed or registered child care providers, who have reasonable cause to *suspect* that a child under the age of eighteen has been abused or neglected, report that *suspicion* to the Department of Social Services Child Protection Services Intake at (877) 244.0864 or Local Law Enforcement at \_\_\_\_\_. Any person who intentionally fails to make the required report is guilty of a Class 1 misdemeanor (a \$2,000 fine and /or 1 year in jail).

Administrative Rule of South Dakota (ARSD) 67:42:10:22 (for licensed programs) and ARSD 67:42:14:14 (for OST programs) outlines staff responsibility for reporting suspected incidents of child abuse or neglect. These rules state that the staff person, in addition to reporting the abuse to State's Attorney, law enforcement or the Department of Social Services should report the incident to the executive director, the proprietor, or a designee. The executive director is then also responsible for reporting the incident and cooperating fully in the investigation.

ARSD 67:42:10:23 (for DCC and GFDC) and ARSD 67:42:14:16 (for OST) outlines center procedures for handling suspected in-house child abuse. These rules require the center to have written procedures for handling suspected in-house child abuse. The procedures include a means to assure the children are safe pending the outcome of the investigation of the staff involved. If a staff member/volunteer is involved, the program is required to have measures in place that prevent that employee from having contact with children during the investigation.

**ACKNOWLEDGEMENT STATEMENT**

I have read the above state law definition of abused child and reviewed the indicators of abuse and neglect. I understand the laws and rules related to the reporting of child abuse and neglect. My signature affirms my responsibility to report to the Department of Social Services or Law Enforcement any time I suspect a child has been abused or neglected.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: A copy of this document is to be given to the employee for their use. Place the original in the employee's file as documentation they signed this statement.**