

Acknowledgement of Responsibility to Report Suspected Child Abuse and Neglect

Please read the following definition of an abused or neglected child, the signs of child abuse and neglect, and the requirements for reporting abuse or neglect as outlined in state law.

Definition of Abused or Neglected Child

1. Within South Dakota Codified Law (SDCL), the term custodian includes a child care provider. SDCL 26-8A-2 defines an abused or neglected child as a child:
2. Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
3. Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian;
4. Whose environment is injurious to the child's welfare;
5. 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;
6. 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;
7. Who is threatened with substantial harm;
8. 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;
9. 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;
10. 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
11. 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.

Reporting Policy

SDCL 26-8A-3 mandates all 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 at [1-877-244-0864](tel:1-877-244-0864) or local law enforcement. Any person who intentionally fails to make the required report to one of these two entities is guilty of a Class 1 misdemeanor (a \$2,000 fine and/or 1 year in jail).

ARSD 67:42:17:47 states that “A child care provider shall immediately report any suspected abuse or neglect of a child to Child Protective Services, law enforcement, or the State’s Attorney’s office and cooperate fully in the investigation of any incident.” In addition, providers may report the incident to the program director or owner. Should there be an investigation, the director/owner and providers are responsible for fully cooperating in the investigation.

Acknowledgement Statement

I have read the legal definition of an abused or neglected child and reviewed the indicators of abuse and neglect. I understand my responsibility to report suspected 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.

Provider Signature

Date