

New Mexico law requires that school employees who know or suspect that a child is an abused or a neglected child shall immediately report the matter to:

1. *the criminal prosecution division of the Office of the District Attorney;*
2. *the county Social Services Division of the Human Services Department (Children, Youth and Families) in the county wherein the child resides; or*
3. *the probation services office of the judicial district in which the child resides.*

So long as such report is made in good faith, the reporting school employee shall be immune from civil liability or criminal sanctions for his/her action. Any school administrator who permits a member of a law enforcement agency or an employee of the Human Services Department to interview the child with respect to that report without the permission of his parent, legal guardian, or custodian is presumed to be acting in good faith and shall be immune from civil and criminal liability that might otherwise be incurred, unless the employee acted in bad faith or with malicious purpose.

All employees have a mandatory, nondiscretionary duty to report known or suspected abuse or neglect of a child.

The duty of the school employees to report suspect child abuse or neglect is set forth in state statute. Except as otherwise provided by District policy or procedure, it is not the duty of the school employee making the report to conduct an investigation to determine whether the child identified has, in fact, been abused or neglected.

The failure of any school employee to report knowledge or suspicion of child abuse or neglect may be cause for criminal prosecution and cause for discipline of the employee. As a condition of employment, each employee shall be required to complete and sign a statement in the form substantially as set out below:

I have read the above Policy #231, Reporting Child Abuse and Neglect, and have been given the opportunity to discuss and ask questions. I fully understand that compliance with the terms of the policy is mandatory.	
_____ Print Name	_____ Work Location
_____ Signature	_____ Date

Reference: 32A-4-3 NMSA 1978.