

Legal Questions and Answers

Civil Lawsuits, Criminal Charges and Children's Division Proceedings



Q. A student's parent made a Children's Division hotline call because I grabbed the student's arm to stop him from running down the hall. Is it okay to talk to the CD investigator when he calls?

A. Do not talk to the investigator without an attorney present. Contact your UniServ Director immediately.

Q. I received a letter from an attorney stating he represents a student who was injured in my class. The letter advises me that the student and his parents are considering a lawsuit. What should I do?

A. You should contact your UniServ Director immediately. Even if a lawsuit has only been threatened, your UD will file a claim with your Educators Employment Liability policy. This will put a defense attorney on notice and he or she can take action immediately in the event that a lawsuit is filed.

Q. One of my students has come to class with a black eye. I know I have to report suspected child abuse, but can her parents sue me if it turns out the student was not abused?

A. No. The law provides for immunity for person who report suspected child abuse.

Q. The police have come to my school and want to question me about something, but I don't know what. Should I go talk to them? I didn't do anything wrong.

A. Attempt to find out if the police want to question you as a suspect or as a witness. As tempting as it is to "clear things up," you should immediately contact your UniServ Director, and advise the police that you will not talk to them without an attorney present. If you cannot reach your UniServ Director, contact a criminal attorney immediately. Even if you are only being questioned as a witness, it is best to contact your UD before giving the police a statement.

Q. There has been an allegation that one student abused another student in my classroom while I was present. Now CD and the police want to talk to me. Nothing was reported to me and I wasn't aware that anything occurred. Should I talk to them?

A. You should first verify whether you are being questioned as a witness or as a perpetrator. It is always best to contact your UniServ Director before you talk to anyone about a criminal matter. Even if you are only being questioned as a witness, your UD may advise you that you should have an attorney present during questioning.

Q. A student made an allegation of abuse against me, but CD found that the allegation was unsubstantiated. Can I have the complaint expunged from my record?

A. In most cases, the law provides for an unsubstantiated charge to be automatically expunged from your record two years after the finding was entered. However, if the report to Children's Division was made by a mandatory reporter, then the unsubstantiated charge is expunged five years after the finding was entered. Additionally, if the finding occurred before August 1, 1999, a court proceeding will be necessary to have your record expunged. You should contact your UniServ Director if this is the case. The ULSP program provides an attorney to assist you with an expungement.