



Keeping Your Students Safe From Child Abductions

Insights

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A loud, beeping Amber Alert and accompanying visual banner filled the homes and screens of area television viewers on the evening of January 14, 2013, announcing the abduction of a five-year-old student from a Philadelphia elementary public school at 8:50 a.m. that morning.

Grim Case Studies

According to media reports, the child was dropped off at school by her mother. A short time later, a woman wearing what was described as Muslim garb, with her face covered, entered the school office, scribbled her name on a sign-in sheet but did not show any identification. The woman told school representatives that she was the child's mother and wanted to take her daughter out for breakfast. The woman then was allowed to enter the child's classroom, where she asked for the girl by name.

The substitute teacher in charge of the room released the child to the woman, who then took the child from the school. It was later learned that the woman who picked up the child was not the child's mother. Early the following morning the child was found alone in a neighborhood playground outside of Philadelphia, hiding under the bleachers. The child was brought to the hospital and then released.

A month after the abduction, a female employee of a nearby daycare center which the child regularly attended after school was reportedly charged with a number of criminal offenses relating to this abduction, including kidnapping, conspiracy, aggravated assault, and rape. A Philadelphia Councilman was quoted as saying there should be a uniform process, and called for a City Council hearing to examine the Philadelphia School District's policy for releasing students to parents and other caretakers. The Councilman also stated he believed the School District's policy needed clarification, including how to identify a person requesting to remove a child from a school when the person's face is covered.

The alleged breakdown of child-abduction-prevention protocol in the Philadelphia case is not an isolated instance. For example, in 2010, a California school employee allegedly released a public elementary school student to an unauthorized individual, against school anti-child abduction procedures – without first obtaining the consent of the custodial father who brought the child to school every day – based on a telephone call from outside of the United States. The father brought a

lawsuit on his behalf and on his son's behalf for a number of legal actions. As of the date of the pleadings, the child in this case has not been seen since, and is believed to be living secretly in Mexico.

In a 2009 Georgia case, a public elementary school employee is claimed to have released a student to an unauthorized person stating he was the child's biological father. It was alleged in the legal proceedings that when the person came to pick up the child, the school representative could not find the card listing the individuals authorized to pick up the child, and released the student without contacting the known custodial grandparent or the school administrator for permission, as required by the procedures. Only after the child was released did the school employee find the card, which did not list the individual who kidnapped the child. The father brought legal action against the school and some of its officials and employees.

The Scope Of The Problem

According to the National Center for Missing & Exploited Children (NCMEC), between 1984 and October 2012, NCMEC has assisted law enforcement with more than 193,000 missing-child cases resulting in the recovery of more than 180,700 children.

A NCMEC study analyzing more than 4,200 attempted abductions from February 2005 to March 2010, found that 38% of attempted abductions occurred while a child was walking alone to or from school, riding the school bus or riding a bicycle; 72% involve female victims; and 63% of non-family abductions involve a friend, long-term acquaintance, neighbor, caretaker, babysitter, or person of authority. Schools must be seen as targets for child abductions, including by non-custodial parents as well as by strangers, caregivers and others.

What Are A School's Legal Obligations?

In general, a school is required to protect the safety and well-being of its students. The types of civil lawsuits that can be brought against a school and its employees differ depending on a number of factors, including: 1) whether a school is a public school or an independent school; 2) the laws of the state and locality; 3) the school's rules and regulations; 4) the facts of the case, such as whether or not the abducted child is later found, and, if so, whether he or she is injured; and 5) the actions and duties of the school administrators and employees.

Causes of action can include negligence, premises liability, infliction of emotional distress, violation of state and local laws requiring safe schools, and certain safety procedures. Public schools and their employees, where not pre-empted for official immunity reasons, can also face allegations they violated U.S. Constitutional rights.

Practical Advice

A child's abduction is devastating to the child, his or her family and loved ones, and those at the school where the event occurred, including the school employees who relinquish a child to the wrong person.

Why, then, do these events occur? There are many possible reasons. First, although child abductions are not rare occurrences throughout the United States, most schools see hundreds of children arrive and leave safely every day without an actual or attempted abduction. Therefore, school employees, always busy with their duties and the daily school hubbub, may be lulled into a false sense of security.

Second, child abductors will often take steps to appear to be a valid parent or other authorized individual. Sometimes the school knows the person who is asking to take the child. Sometimes the child knows the person as well and is even happy to see him or her. In some situations confusion can occur due to the similarity of the attire of the person who brought the child to school and the clothing or appearance of the alleged kidnapper, or due to the fact that an abductor's clothing obscures his or her facial features.

What steps can schools take to avoid child abductions? Here are a few suggestions:

Child-abduction Prevention Policies

Schools should ensure they create appropriate child abduction prevention policies, such as: a) taking steps to greatly limit the ability of unauthorized individuals from entering a school, especially after school has started; b) creating authorization cards at the time a child enrolls in school which set forth the only individuals who are allowed to remove a child from school; c) ensuring visitors go to the main administrative office to request to sign out a child from school, and not be allowed to wander around a school or visit a classroom; d) requiring all individuals, whether teachers, administrators or visitors to wear badges indicating their authorization to be on a school's premises; e) maintaining a current and available list of people authorized to remove a child from school with picture identification if possible; f) checking the identification of each visitor as well as signature; and g) requiring consent from the authorized parent or legal guardian if an unauthorized person asks to remove a child from school before releasing a child to that person.

Meaningful And Regular Training

Meaningful and regular child abduction prevention training must be conducted for all school personnel, including substitute teachers, and new and temporary employees. Such training should include role playing where school employees are shown a number of ruses that kidnappers use to take children without authorization. This training would cause school employees to become familiar with possible "hot button" situations which should put them on alert.

Training can also include videos of examples of the ways in which children are kidnapped, as well as information on real-life occurrences of children being abducted from schools. These sessions should also include when to contact police authorities, and the use of the Amber Alert system that broadcasts child abductions.

Consistent orientation training should include all teachers, assistants, and other personnel, including substitute teachers and substitute or temporary staff, who must be required to be

educated in the procedures regarding the removal of children from a school before they are allowed to work.

Conduct Regular Drills

Consider regular drills for your employees, similar to those conducted at hospitals, so that all school staff, including teachers, administrators, and the support staff are provided real-life training for what to do when: 1) visitors come to a school requesting to take a child; 2) the warning signs that would alert school personnel to a suspected abduction; and 3) what actions to take when an abduction has occurred. These drills can be combined with other forms of drills, such as an intruder on campus drill.

Family-law Issues

Since there are often a number of people responsible for a child, such as the guardians, parents, step-parents, grandparents, significant others, police, or child welfare workers, schools should have specific protocol addressing the identity and relationship of individuals who have a right to see or remove the child.

Identification Issues

Schools should address, with the input of legal counsel, the challenges of identifying the authorized individual when the person is wearing clothing for religious reasons obscuring his or her identity. Establish procedures which balance a respect for religious practices and the need to keep children safe.

Training For Students

Anti-abduction training should be provided to school student, which would include, for example, teaching them to speak up when someone is taking them whom they do not believe they should accompany. Again, this training can be combined with other important training at the beginning of the year, such as training on adult/student boundaries, hazing, bullying, and harassment.

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