

CFS Child & Family Services Operations Manual	Program Information	Procedure	x	Policy	
	Document Title: <u>Suspected Child Abuse/Neglect Policy</u>				
	Content Area:				
	Policy Council Approval Date: <u>1/16/24</u>		Board Approval Date: <u>1/24/24</u>		Issue Date: <u>8/25/10</u>
	Other Rec/App. Required:			Reviewed on: <u>1/2/24</u>	
	Regulatory References: <u>Title 22 MRSA Chpt 1071 Child and Family Services & Protection Act; Rules for the Licensing of Children's Day Care Facilities</u>				
	Key Word1: <u>Abuse</u>		Key Word2: <u>Neglect</u>		
Related Documents: <u>Workplace Violence Prevention, Community Complaint, Employee Grievance, Staff Orientation Framework, Referral to Child Protective Services Form, Information Memorandum ACF-IM-HS-22-07, Staff Incident Reporting Form</u>					

POLICY: All KVCAP Child & Family Services (herein after C&FS) staff, school, or agency personnel in partnership with KVCAP, are required by law to report to the Department of Health and Human Services (herein after DHHS) all suspicions or knowledge of child abuse and/or neglect.

This policy is promulgated in accordance with the C&FS and Child Protection Act and satisfies the requirements of 22 M.R.S.A. §4010-A. This policy, along with a written grievance procedure, shall be available to staff, clients and the public.

A. Prevention

C&FS recognizes the responsibility to manage programs and supervise children in a manner that will prevent abuse or neglect. In order to fulfill this responsibility, all programs that C&FS operates, shares staffing, and/or contracts with providers for services to children will take all steps necessary to minimize risks, which will include but not be limited to:

1. Ensure that child care licensing rules and Head Start performance standards are met through review and supervisory monitoring;
2. Provide due-diligence when hiring and supervising staff and volunteers including completion of initial and ongoing background checks on all employees and regular volunteers as indicated;
3. Immediate removal of adults from KVCAP/school settings with children if they demonstrate abusive/neglectful behavior;
4. Provide training and/or information regarding signs of potential abuse/neglect of children;
5. Establish written policies and procedures that ensure the health/safety of children in care.
6. Engage in relationship based practices with families that increase protective factors against child abuse and neglect.

C&FS will provide training to new staff regarding identifying and reporting child abuse/neglect during their orientation, as outlined in the Staff Orientation Framework. In addition, staff will participate in annual training to support competency in child abuse and neglect prevention, mandated reporting and/or partnering with parents who may be suspected of abuse and neglect.

B. Reporting of Suspected Abuse or Neglect

It is each person's responsibility to ensure that a report is made to DHHS whenever there is suspicion or knowledge of child abuse and/or neglect. When articulated in a written agreement, service providers, program partners and contractors shall follow the procedures for reporting suspected child abuse/neglect established for C&FS staff. No person other than DHHS staff and/or police shall assess circumstances related to knowledge/suspicion of abuse or neglect, with the exception of situations in which allegations are made against program personnel. See Section E below. Staff will not be discharged or disciplined solely because they have made a Child Abuse and Neglect report.

Procedures to be followed when there is a suspicion of Child Abuse/Neglect:

1. Any person with knowledge of or suspicion of child abuse/neglect shall complete a *KVCAP Referral to Child Protective Services Form* immediately. The person with the most direct information related to the suspicion shall complete this form with help as needed from his/her Supervisor or family services staff.

2. Staff will notify parents of report unless:
 - a. DHHS Intake Worker advises against such communication and/or:
 - b. It is believed that the child could be at an elevated risk of abuse or neglect based on this disclosure. In some situations it is most appropriate to promote the parent to self-report to DHHS with staff assistance. Supervisors and the family services staff are available to support approaches to parent notification.
3. The person making the report must call the **DHHS Child Abuse/Neglect Hotline (1-800-452-1999)** as soon as possible, but no later than 24 hours after the suspicion or knowledge of abuse and/or neglect is discovered. Where it is suspected or known that the abuse and/or neglect consists of “serious harm” (see definition section), such suspicion or knowledge **must** be reported the same day it is discovered.
4. If DHHS requests a written report, one must be filed within 48 hours of the reporting call.
5. If staff has reason to suspect that a child is in imminent danger of physical harm or has been physically abused or assaulted, the reporting staff member must also call the police (911) and document such call on the “Referral to Child Protective Services” form.
6. If safety at a child care setting or other KVCAP property is a concern, a staff member, in consultation with his/her Supervisor, shall complete a Safety Plan immediately and route it to appropriate parties (*See KVCAP Workplace Violence Prevention Policy*).
7. Any questions unique to a situation that remain after following these procedures should be directed to the family services content lead.
8. Teams will access their Supervisor, family services staff, and/or partners to participate in Family Child Reviews as needed.
9. All documentation gathered as part of this process shall be:
 - a. Saved in the child’s electronic file.
 - b. Shared with the public school principal and/or guidance counselors as applicable.
 - c. Routed to the appropriate Program Director.
10. In the event that suspicion of abuse/neglect emerges in service locations and the family is not enrolled in the program, a report should be made in accordance with B. 1. Above and the *Referral to Child Protective Services form* should be routed to the appropriate Program Director and shared with the appropriate partner as applicable.
11. Staff will only take pictures if asked by DHHS or law enforcement. Pictures will be taken with an agency device and will be deleted after being sent to DHHS or law enforcement and will not be uploaded to the child’s ChildPlus file.

C. Cooperation with DHHS Investigations

DHHS may interview a child without prior parent notification in some situations. In the event of DHHS child interviews during periods of C&FS care, the following procedures will be followed:

1. C&FS staff will inquire with DHHS personnel about whether parents have or will be notified about the interview and request guidance as to whether communication limits should be in effect to protect the child’s safety.
2. C&FS staff will inquire with DHHS personnel to determine if there is any relevant information needed to provide emotional support prior to and following the interview.
3. C&FS staff will provide a comfortable and private space for DHHS interviews to the degree possible.
4. C&FS staff will **not** require that staff members be present during the interview.

D. Connections during an Open DHHS Case

With parent consent, KVCAP staff may share relevant information and participate in joint meetings with DHHS personnel. In the event that concerns arise that are consistent with those already identified by DHHS, KVCAP staff will report the nature of these concerns to the assigned DHHS Caseworker, with or without parent consent. In the event of new concerns or a significant change in intensity of ongoing concern, KVCAP staff will make a report to Child Protection Central Intake as outlined in Section B.

E. If Allegations Are Made Against Program Personnel

Every mandated reporter and each individual with whom C&FS has a written agreement including this provision must immediately respond to information regarding potential abuse or neglect of a child by any program employees, volunteer, or consultants. KVCAP shall not be responsible for providing proof of the alleged behaviors, but will report to DHHS all suspicions or knowledge of child abuse/neglect. KVCAP will notify Head Start as soon as practicable, and no later than seven calendar days following a significant DHHS reportable incident. KVCAP will also make a report to the police if criminal behavior is alleged. If a charge is substantiated, the KVCAP Board of Directors President and C&FS Policy Council Chairperson will be informed.

Procedures to be followed when Abuse/Neglect is alleged against a C&FS employee or volunteer:

1. All suspicions of abuse/neglect immediately be reported to the Program Director and documentation will be compiled via a Staff Incident Reporting Form, including information obtained through staff inquiry and any follow-up plans that were implemented. The Program Director will immediately forward the information to the C&FS Chief Operating Officer who will inform Human Resources and the KVCAP Chief Executive Officer, and assure reporting to DHHS Licensing Unit/Institutional Abuse Unit and our Head Start Program Specialist, if determined reportable.
2. The Program Director will ensure the suspected staff member's supervisor takes all necessary steps to protect the children in care. This may include making sure that the staff member is not alone with a child or removing the staff member from activities with the children during the review of the situation. In consultation with Human Resources, staff may be suspended with or without pay or reassigned to other work.
3. The reason for all actions shall be shared with the staff member, without disclosing specific details of the allegation.
4. The C&FS COO and KVCAP CEO shall also determine if/when parents enrolled in a program shall be notified of the allegation.
5. If an investigation is conducted by DHHS or the Department of Education and it is determined that the abuse/neglect has occurred, the Program Director will inform the C&FS COO and consult with Human Resources to determine the appropriate course of action.
6. All documentation, including the Staff Incident Reporting Form will be sent to the B&I Program Director to be maintained in ChildPlus, and shall also become part of the employee's personnel file if an allegation is substantiated.

Procedures to be followed when Abuse/Neglect is alleged against someone who is not a KVCAP employee, but who works in a Child & Family Services setting:

1. The employer shall implement its internal procedures if those procedures meet the requirements imposed by applicable laws.
2. The allegation and steps taken shall be shared with Program Director as indicated above in internal procedures.
3. When allegations are made concerning a non-KVCAP employee or volunteer working for a program in which KVCAP holds the license, the allegation must be reported to the Child Care Licensing/Institutional Abuse Unit and documented.

F. Grievance Procedures

Grievances: See Community Complaint Procedure and Grievance Policy and Process for Parents and Guardians in C&FS Operation Manual; and "Grievances and Appeals", Section XIII, KVCAP Employee Handbook.

Definitions:

All terms herein shall be construed in accord with the definitions contained in 22 M.R.S.A. §4002. Some of the more frequently used terms are defined below:

“Abuse or neglect” is: *A threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protections from these or failure to ensure compliance with school attendance by a person responsible for the child.*” (22 MRSA §4002(1)). Please note that school attendance is required for children between ages 7 and 17 unless enrolled in an approved alternative educational setting.

“Abandonment” is: *Any conduct on the part of the parent showing an intent to forego parental duties or relinquish parental claims. Intent can be evidenced by, among other things, a 6-month failure to communicate meaningfully with the child; a 6-month failure to maintain regular visitation with the child; or a failure to participate in any plan to reunite the parent with the child.* (22 M.R.S.A. §4002(1-A))

“Jeopardy to Health or Welfare” is: *Serious abuse or neglect, as evidenced by: serious harm or threat of serious harm; deprivation of adequate food, clothing, shelter, supervision or care, including health care when that deprivation causes a threat of serious harm; or abandonment of the child or absence of any person responsible for the child, which creates a threat of serious harm.*

“Serious Harm” is: *Serious injury (serious physical injury or impairment); serious mental or emotional injury or impairment which now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder, including severe anxiety, depression or withdrawal, untoward aggressive behavior, seriously delayed development or similar serious dysfunctional behavior; or sexual abuse or exploitation.*

In addition,

“Program Personnel” is: *Any individual, whether KVCAP employee, volunteer, contracted individual, or collaborative partner, who is responsible for providing services to children and/or families in a program operating under child care licensing rules and regulations.*

State of Maine Statute – Reporting of Abuse or Neglect:

<https://www.mainelegislature.org/legis/statutes/22/title22sec4011-A.html>