



Doña Ana County Head Start

CHILD ABUSE & NEGLECT POLICY & CPS REPORTING PROCEDURES

POLICY

The purpose of the **Child Abuse & Neglect Policy and Child Protective Services Reporting Procedures** is to ensure that all Doña Ana County Head Start parents, families and staff fully understand their legal responsibility to report suspected child abuse.

One of Doña Ana County Head Start's most important commitments is to keep children safe. We feel parents need to be as informed as possible about the law(s) that are designed to protect their children. Doña Ana County Head Start staff will comply with New Mexico State Statute, **Section 32-1-15 NMSA 1978**, requiring the mandated reporting of suspected child abuse and/or neglect as follows:

Section 32-1-15 NMSA 1978:

"A. Any licensed physician, resident or intern examining, attending, or treating a child, any law enforcement officer, registered nurse, school teacher, or social worker acting in his official capacity or ***any other person knowing or having reasonable suspicion*** that a child is an abused or a neglected child shall report the matter immediately to: (1) a local law enforcement agency; or (2) the county social services office of the human services department in the county where the child resides.

G. Any person who violates the provision of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of **Section 31-19-1 NMSA 1978.**"

Doña Ana County Head Start staff will preserve the confidentiality of all records pertaining to child abuse in accordance with DACHS Confidentiality Policy.

PROCEDURE

Any Doña Ana County Head Start staff member that was disclosed to or witnessed the identified or suspected abuse or who knows or has a reasonable suspicion that a child is an abused or neglected child, is the individual who must report the matter immediately, by phone to:

- 1) **Children, Youth and Families Department (CYFD) at 1-855-333-7233 or #SAFE (#7233) from a cell phone;**

OR

- 2) **Law Enforcement Agency at 911 if the child is in IMMEDIATE DANGER;**

AND



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3) **CYFD, Child Care Licensing Regional Office at 575-373-6609;**

4) **DACHS Director, Mental Health Specialist or Officer- In-Charge.**

DACHS staff will complete a Suspected Child Abuse & Neglect Reporting Form. The report shall contain the following information:

- 1) The minor child's first and last name(s), date of birth, gender, *physical home address*, first and last names of parent(s), person(s) having custody of child or person(s) whom the minor resides with (if known), and telephone numbers;
- 2) Names and ages of siblings or other *minor children* in the family and/or home, and the school or child care center attending;
- 3) DACHS center, date and time, the nature and extent of injury and circumstances leading to the suspicion that the child is a victim of maltreatment, discovery, or disclosure;
- 4) DACHS staff member will complete Page 2 of reporting form upon suspected discovery during Daily Sensory Health Check or disclosure by child and/or parent/custodian when obvious, *unexplained* physical marks, bruises, bites, etc., are visible. Staff will indicate location of injury and describe shape, size, color, texture, etc.;
- 5) Any other information available which would aid in establishing the cause of the injuries and/or neglect to include information regarding previous injury or condition of neglect to this child or other children in this family, previous reports and action taken, if known;
- 6) DACHS staff member will document date of report, time of oral report, and name of person to whom oral report was made;
- 7) DACHS staff member will print and sign reporting form and document who was notified (DACHS Director, Mental Health Specialist and/or Officer-In-Charge), method of contact (voice message/e-mail), time and date reporting form was sent to Mental Health Specialist.

A staff member, volunteer, or student intern who needs assistance in reporting suspicion of child abuse or neglect and/or accessing POG's or ChildPlus to complete the reporting and documentation process will request the assistance of the Head Start Center Teacher or another staff member as needed (supervisor, specialist, teacher's assistant, etc.).

DACHS staff will document event in **CHILDPLUS**. Event will be documented in **FAMILY SERVICE EVENTS**: and will include the following information:

- 1) Add event using date of report in the *Initial Date* box
- 2) *Event Type*; choose **Referral to CPS** from dropdown box
- 3) No **Description**



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- 4) *Service Area*; **Education**
- 5) *Issue*; **Child Abuse**
- 6) *Source of Info*; **Staff Member**
- 7) *Agency Worker*; **choose your name from dropdown box**
- 8) *Closure Expected*; **use same date as reporting date**
- 9) *Progress*: **Completed**

PROCEDURE Continued

- 10) *Date Closed*; **use same date as reporting date**
- 11) *Outcome Rating*; **Met Fully**
- 12) *Event Notes*; **click on clock and type the number 333 followed by the space bar**, which will fill in the shorthand note for the event
- 13) **Save your work!**

DEFINITIONS www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Citation: Ann. Stat. § 32A-4-2

Abused child' means a child:

- Who has suffered or is at risk of suffering serious harm because of the action or inaction of their parent, guardian, or custodian;
- Who has suffered physical abuse inflicted or caused by the parent, guardian, or custodian
- Whose parent, guardian, or custodian has knowingly, intentionally, or negligently placed the child in a situation that may endanger the child's life or health;
- Whose parent, guardian, or custodian has knowingly or intentionally tortured, cruelly confined, or cruelly punished the child.

Physical Abuse

'Physical abuse' includes, but is not limited to, any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and:

- There is no justifiable explanation for the condition or death.
- The explanation given for the condition or death is at variance with the degree or nature of the condition or the nature of the death.
- Circumstances indicate that the condition or death may not be the product of an accidental occurrence.

Neglect

Neglected child' means a child:

- Who has been abandoned by the parent, guardian, or custodian;



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- Who is without proper parental care and control or subsistence, education, medical, or other care or control necessary for the child's well-being because of the faults or habits of the parent, guardian, or custodian or that person's failure or refusal to provide them;
- Who has been physically or sexually abused when the child's parent, guardian, or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm;
- Whose parent, guardian, or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental disorder or incapacity;
- Who has been placed for care or adoption in violation of the law.

Sexual Abuse/Exploitation

The term 'abused child' includes a child who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, or custodian.

'**Sexual abuse**' includes, but is not limited to, criminal sexual contact, incest, or criminal sexual penetration, as those acts are defined by State law.

'**Sexual exploitation**' includes, but is not limited to:

- Allowing, permitting, or encouraging a child to engage in prostitution;
- Allowing, permitting, encouraging, or engaging a child in obscene or pornographic photographing;
- Filming or depicting a child for obscene or pornographic commercial purposes.

Emotional Abuse

The term 'abused child' includes a child who has suffered emotional or psychological abuse inflicted or caused by the child's parent, guardian, or custodian.

Abandonment

'Abandonment' includes instances when the parent, without justifiable cause:

- Left the child without provision for the child's identification for a period of 14 days
- Left the child with others, including the other parent or an agency, without provision for support and without communication, for a period of 3 months if the child was younger than age 6 at the commencement of the 3-month period, or 6 months if the child was older than age 6 at the commencement of the 6-month period.

REPORTING CLARIFICATIONS

- 1) DACHS staff **WILL NOT** alert or inform family or parents of **CYFD** report or that child has been interviewed.



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- 2) DACHS staff **WILL NOT PHOTOGRAPH** injuries on child. Injuries will be described and documented on reporting form.
- 3) Law Enforcement and Children, Youth and Families Department investigators are legally permitted to interview the child, in private, at the center and review the child's center file.
- 4) DACHS staff will obtain a copy of the ***INVESTIGATORS*** picture Identification card/badge and **contact numbers**.

Remember; your job is to REPORT Suspected

Child Abuse/Neglect, not to INVESTIGATE.