

 Policy #: Social Services 7.2	Effective Date: 09/2009	Page #:
Ref #: PS: 1301.31 & 1304.22 TNL: 1240-4-3.10 (18)	Policy Council Approval Date: 09/2009 09/2010	Revision Date: 05/2008 09/2010 08/2011

POLICY: IDENTIFYING & REPORTING CHILD ABUSE AND/OR NEGLECT

PERFORMANCE OBJECTIVE: It is Douglas Cherokee Head Start/Early Head Start’s mission to promote, protect and provide for the physical, mental, and emotional health and safety of all its children and to cooperate with individuals, organizations, and agencies who share the responsibility with us. We will assume our duty to identify abused and neglected children, to act as a support to the local child protective service program, and otherwise encourage prevention in the all important parent-child system in which our Head Start/Early Head Start children develop.

All agency staff are mandated reporters under the Tennessee Code on Child Abuse and Neglect. It is both a State and a Federal requirement that all suspected cases of child abuse and/or neglect be reported. Staff must be mindful of this requirement at all times. Failure to report is a Class A misdemeanor. The fine for failure to report is not to exceed \$2500.00.

Douglas Cherokee Economic Authority Head Start/Early Head Start agency must report child abuse and neglect in accordance with the provisions of State or Local laws.

1. The Tennessee Code on Child Abuse states “any person having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect, report such harm immediately by telephone or otherwise, to the judge having juvenile jurisdiction or to the county office of the Department of Children’s Services, or to the Sheriff or the chief law enforcement official of the municipality where the child resides. The report shall include to the extent known by the reporter the name, address of the child, and the facts requiring the report. The report may include other pertinent information.”
2. Douglas Cherokee Economic Authority Head Start/Early Head Start will “preserve the confidentiality of all records pertaining to child abuse or neglect problems.”
3. Douglas Cherokee Economic Authority Head Start/Early Head Start will not “undertake on their own to treat cases of child abuse or neglect.” However, the Head

Start/Early Head Start Program will cooperate fully with the Department of Children's Services and other child protection agencies. HS/EHS will make every attempt to retain allegedly abused or neglected children in their program, recognizing that the "child's participation in the HS/EHS may be essential in assisting families with abuse or neglect problems."

4. With the approval of the Policy Council, HS/EHS will make a "special effort to include otherwise eligible children suffering from abuse or neglect as referred by the child protection agencies." HS/EHS can serve an important preventive role in child abuse and neglect but must not be used as a primary instrument for the treatment of abuse or neglect

PROCEDURE:

1. Component Staff Responsibilities

The Director of HS/EHS has designated the Social Services Coordinator as the programs person who will have responsibilities for:

- A. Establishing and maintaining cooperative relationships with the Department of Children's Services and other child protection agencies in the community which would include regular formal and informal communication with staff at all levels of the agencies.
- B. Informing and providing training for parents and staff of state and local law requirements in cases of child abuse and neglect.
- C. Maintaining updated knowledge of community, medical and social services which are available for families with an abuse or neglect problem.
- D. Maintaining all reports of abuse in a central office file and keeping information confidential.
- E. Keeping the Head Start /Early Head Start Program Director informed of any and all reports.

2. Training

Douglas Cherokee Economic Authority Head Start/Early Head Start will provide orientation and yearly training for staff on the identification and reporting of child abuse and neglect.

3. Center Staff Responsibilities:

If **any staff person** has knowledge of/or reasonable suspicion that a child has been mistreated, based either on observation of a wound/injury or disclosure by the child, **they must report immediately or as soon as practically possible to the Department of Children's Services. The number to call is 1-877-542-2873 or call Sheriff or local Law Enforcement.**

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position,

drawing when appropriate on his/her training and experience, to suspect child abuse or neglect.

Child Abuse and Neglect Reporting

Child abuse and neglect occurs when a child is mistreated, resulting in injury or risk of harm. Abuse can be physical, verbal, emotional or sexual. If you reasonably suspect that one or more of the following has occurred to a child, you must report it immediately:

Physical Abuse is non-accidental physical trauma or injury inflicted by a parent or caretaker on a child. It also includes a parent's or a caretaker's failure to protect a child from another person who perpetrated physical abuse on a child. In its most severe form, physical abuse is likely to cause great bodily harm or death.

Physical Neglect is the failure to provide for a child's physical survival needs to the extent that there is harm or risk of harm to the child's health or safety. This may include, but is not limited to abandonment, lack of supervision, life endangering physical hygiene, lack of adequate nutrition that places the child below the normal growth curve, lack of shelter, lack of medical or dental that results in health threatening conditions, and the inability to meet basic clothing needs of a child. In its most severe form, physical neglect may result in great bodily harm or death.

Sexual Abuse includes penetration or external touching of a child's intimate parts, oral sex with a child, indecent exposure or any other sexual act performed in a child's presence for sexual gratification, sexual use of a child for prostitution, and the manufacturing of child pornography. Child sexual abuse is also the willful failure of the parent or the child's caretaker to make a reasonable effort to stop child sexual abuse by another person.

Emotional Abuse includes verbal assaults, ignoring and indifference or constant family conflict. If a child is degraded enough, the child will begin to live up to the image communicated by the abusing parent or caretaker.

The report of the suspected child abuse or neglect should contain the following information:

- (1) Name and address of the child and parents or persons responsible for the child's care.
- (2) Child's age and birth date
- (3) Nature and extent of the suspected abuse or neglect.
- (4) Explanation given for the suspected abuse or neglect.
- (5) Any other information that might be helpful in establishing cause of the abuse and identity of the abuser.

Specific Procedural Steps:

1. Observe children when they arrive. When a child has a physical injury, ask the child how the injury occurred. If the child's explanation appears incompatible with the type, locations, and shape of the injury, **do not press the child for additional information**. Do not undress the child to look for additional injuries. Pay attention only to those injuries you can see or what the child voluntarily shows you. For infants and young toddlers (in Early Head Start) who can not respond verbally to your questions, it is acceptable to remove their clothing to look for additional injuries.
2. Respond to the child's disclosure or complaint about injuries, aches, pain, etc. by acknowledging and supporting the child for telling. Tell the child you want to help but don't make promises you can't keep.
3. Call the Department of Children's Services and report immediately, or as soon as practically possible to facilitate efforts to protect the child. Preferably, this should be done early in the day or as soon as the child discloses in order for protective services to make a visit and interview the child at the center.
4. When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team.
5. When the telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received. **After the telephone report is made to DCS, the reporter will report to the Social Service Coordinator by phone and then in writing** by filling out and mailing/faxing to the Social Service Coordinator the suspected report form with the same information provided to Department of Children's Services or Law Enforcement. The Social Service Coordinator will keep the HS/EHS Director informed of reported cases.
6. Staff should cooperate fully with the investigators. The Department of Children's Services will investigate, if warranted, in cooperation with local law enforcement authorities and the district attorney to determine the validity of the report and a decision regarding further action. The investigating agency may interview a suspected victim during school hours, on school premises.
7. Staff must not be found guilty of any type of child abuse/neglect. Disciplinary approaches administered during the day must not include verbal abuse (yelling, name calling, etc.) physical abuse (spanking, pinching, jerking, etc.) or neglect (withholding food as punishment, not attending to needs of children). Staff found

guilty of child abuse or neglect places himself/herself in a position of immediate dismissal.

Child Incident Reporting

A “Child Incident” is considered child abuse or neglect that occurs on Head Start Premises.

A “Child Incident” is an event where a staff member/classroom volunteer/parent/legal guardian has witnessed suspected abuse or neglect by another staff member/classroom volunteer/parent/legal guardian.

A “Child Incident” occurs when one or more of the following occurs on Head Start premises:

Physical Abuse is non-accidental physical trauma or injury inflicted by a parent or caretaker on a child. It also includes a parent's or a caretaker's failure to protect a child from another person who perpetrated physical abuse on a child. In its most severe form, physical abuse is likely to cause great bodily harm or death.

Physical Neglect is the failure to provide for a child's physical survival needs to the extent that there is harm or risk of harm to the child's health or safety. This may include, but is not limited to abandonment, lack of supervision, life endangering physical hygiene, lack of adequate nutrition that places the child below the normal growth curve, lack of shelter, lack of medical or dental that results in health threatening conditions, and the inability to meet basic clothing needs of a child. In its most severe form, physical neglect may result in great bodily harm or death.

Sexual Abuse includes penetration or external touching of a child's intimate parts, oral sex with a child, indecent exposure or any other sexual act performed in a child's presence for sexual gratification, sexual use of a child for prostitution, and the manufacturing of child pornography. Child sexual abuse is also the willful failure of the parent or the child's caretaker to make a reasonable effort to stop child sexual abuse by another person.

Emotional Abuse includes verbal assaults, ignoring and indifference or constant family conflict. If a child is degraded enough, the child will begin to live up to the image communicated by the abusing parent or caretaker.

In accordance with TCA 37-1-605 (d) (1) and Child Care Licensing Regulation 1240-4-3-.05(8), staff shall complete the following steps upon the occurrence of a “Child Incident”

- 1. Verbal notification to the parent or legal guardian of the child will be provided by Central Office. Such notice will be provided in coordination with the Department of Children's Services within 24 hours from the time the report was made. This notice will not be sent to any parent or legal guardian if there is reasonable cause to believe that such parent or legal guardian may be the perpetrator or in any way responsible for the abuse or neglect.**
- 2. The staff member whom witnesses the abuse or neglect will document the incident immediately noting the Date & Time of Occurrence, Description of Circumstances, and Action taken by the agency. This documentation shall be written on the Notification of Event Reporting Form in the appropriate sections. The "Notification of Event Reporting Form" must be completed and turned in to the HS/EHS Director along with the "Suspected Child Abuse Reporting Form".**
- 3. The report will be sent immediately to the HS/EHS Director. Staff must call the HS/EHS Director to provide verbal notification of the report. A copy of the Notification of Event Reporting Form must be placed in the child's record no later than one(1) business day immediately following the occurrence.**

Specific Procedural Steps:

1. Ensure that classroom is covered by staff in order to immediately remove staff member/classroom volunteer/parent in violation of policy out of the classroom.
2. Administer appropriate support measures to child and reassure them that they will be protected and that this was not their fault.
3. Keep staff member/classroom volunteer/parent away from children and call DCS with report. Ensure that all forms are filled out correctly and that they document the name of the reporting official contacted.
4. Once a report has been made to DCS, report the call to the Director at Central Office. If Director is not available, report the call to the Social Services Coordinator. In the event that neither person is readily available, the Office Manager will contact one of them by phone in order to respond to this matter. The HS/EHS Director will report to the Deputy/Executive Director as needed.
5. Central Office will then alert State Licensing Officials and instruct the staff member/classroom volunteer/parent as to their ability to remain on the premises or be removed. The staff member/classroom volunteer will wait for instruction from Central Office regarding their return to work.
6. Central Office will coordinate any and all communication with the family of the child and/or the families of the children in the center as directed by State

Licensing Officials, the Office of Head Start Performance Standards and Douglas Cherokee Economic Authority. It is **extremely important** that confidentiality be upheld at every level during this process to protect the child and the staff member involved. Any and all communication or correspondence with any media source will be handled solely by Central Office.

7. The Social Services Coordinator, Education Coordinator and Director will team together to implement classroom coverage procedures and will involve any management staff that directly supervise the staff member/classroom volunteer involved. This team will also handle responsibilities for reporting these incidents to Regional Office.

Child Abuse & Neglect Reporting: Rights, Responsibilities, and Consequences:

Failure of HS/EHS staff to comply with the previously stated policies will result in immediate suspension and recommendation of termination being made to the Personnel Committee of Policy Council. It will be the responsibility of each HS/EHS employee to report any violation of the above policies. Failure to do so will result in disciplinary action.

As a member of a HS/EHS Program it is not your responsibility to find out whether or not actual abuse or neglect has occurred, but it is your responsibility to report to the child protective service agency any situation that you believe may be causing harm to a child or may have the potential to harm the child.

It is the child protective agency's responsibility to determine whether or not abuse or neglect is actually occurring and to determine what actions need to be taken to protect the child from further harm. It is important to remember that the child protective agency is not interested in punishing the parent who abuses or neglects their child by taking the child away from its parents. Their goal is to offer services to the family to help them rectify the situation in the home that may be causing harm or that has the potential to harm the child. Most parents care and are concerned about their children and do not desire to deliberately harm them. When given the opportunity to receive help in better caring for their child, most parents, after an initial hostile or angry reaction, are more than willing to take the necessary steps to resolve the situation. However, in some instances where the family cannot or chooses not to take the necessary steps to protect the child it may be necessary to remove the child from the home.

It is not your responsibility to make those decisions but it is your responsibility to see that the child is protected even if it only requires that you make the telephone call to the proper agency.

Failure to report can result in the loss of one's rights to practice in the profession of childcare and/or legal liability. As long as the report is done in good faith and is not an act of harassment, any reporter is protected from civil liability or from being sued.