



TABLE OF CONTENTS

TABLE OF CONTENTS..... 1
INTRODUCTION..... 1
INDIVIDUAL VS. ORGANIZATIONAL RESPONSIBILITY ..... 1
MANDATORY VS. PERMISSIVE REPORTING—WHEN IN DOUBT..... 1
REPORTABLE ABUSE—DEFINITION:..... 2
REPORTING PROCEDURE..... 3
MANDATORY REPORTER TRAINING..... 4
RELATIONSHIP WITH CRITICAL INCIDENT ASSESSMENT ..... 4
RELATIONSHIP WITH SITUATIONAL NOTIFICATION..... 4

INTRODUCTION

All direct service staff of Family Resources are mandated by law in both Iowa and Illinois to be mandatory reporters of child abuse. It is Family Resources policy that all of its staff, whether in the legally mandated category or not, should consider themselves to be mandatory reporters. (See Client Confidentiality, Mandatory Reporter). The guidelines which follow provide further explanation of that responsibility and outlines the procedure to be followed when staff believes they have become aware of a potentially reportable situation.

INDIVIDUAL VS. ORGANIZATIONAL RESPONSIBILITY

It is important to remember that the reporting of suspected child abuse is an individual, not an organizational responsibility. Nothing in this policy should be considered to require organizational approval before any employee makes a report. In fact, it is the strong Family Resources policy that any employee who becomes aware of a reportable abuse has the legal and ethical obligation to make that report immediately. It is a violation of Family Resources policy for any supervisory employee to interfere with the making of a report, direct that it not be made, or to retaliate in any way against an employee for making the report. The purposes of this procedure are to assure that necessary reports are made, that the reporting employee is provided information with regard to when and how to make a report, that the reporting employee is supported in making a report, and that Family Resources takes the appropriate organizational action with regard to any incident that results in the making of a report.

MANDATORY VS. PERMISSIVE REPORTING—WHEN IN DOUBT...

As will be explained in greater detail in this procedure, some incidents clearly fall within the defined parameters of a reportable abuse thus invoking the mandatory duty provided by law and our

policy. In the course of our work, however, we will also become aware of happenings which seem to fall into a shadowland on the periphery. Maybe they constitute mandated reports, maybe not. In that circumstance it is very important to be aware of the concept of “permissive reporting”. That concept simply means that if a reporter makes a report in good faith, they are legally protected. This doctrine serves the public end of encouraging reports and accomplishes this purpose by allowing us to resolve doubt in favor of reporting. The following organizational guidelines will assist us in serving this goal:

- ✓ Suspicion of reportable abuse is never to be resolved against reporting without consultation. Put another way: A decision to report is individual. The organization cannot interfere. A decision that a matter is not reportable is not individual. It must be made in consultation with management.
- ✓ It is dangerous to make assumptions about previous reporting! Situations constantly arise where we deal with reportable abuse that we know has already been reported and acted upon by authorities. It is in fact in the nature of our business. While in that circumstance is not necessary to make a second report, inaction must be based on certain knowledge of the previous report and investigation. The receiving agency (DHS in Iowa, DCFS in Illinois) will know whether the matter needs to be investigated.
- ✓ Do not be deterred if a previous report has not been “accepted”. The final determination as to whether a matter constitutes a case for investigation resides with the receiving agency. Our responsibility is to bring the matter to their attention so they may make that decision.

## REPORTABLE ABUSE—DEFINITION:

The beginning point of making a mandatory report of abuse is an understanding of what set of facts constitute a reportable event. Iowa law provides the following comprehensive definition:

“Child abuse” means harm or threatened harm occurring through:

1. Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
2. Any mental injury to a child’s intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child’s ability to function within the child’s normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional.
3. The commission of any sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child.
4. The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, or other care necessary for the child’s health and welfare when financially able to do so or when offered financial or other reasonable means to do so.

A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment or a child for that reason alone is not considered to be abusing the child. However, this does not preclude a court

from ordering that medical service be provided to the child where the child's health requires it.

5. The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in acts prohibited pursuant to section 725.1 (Prostitution: a person who sells or offers for sale the person's services as a partner in a sex act, or who purchases or offers to purchase such services). Such acts or omissions with or to a person under the age eighteen years.

6. The presence of illegal drugs in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the child's care.

7. The manufacture of a dangerous substance in the presence of a child by the person responsible for the child's care, or that person's possession, in the presence of the child, by a product with the intent to use the product as a precursor or an intermediary to a dangerous substance.

8. The commission of bestiality in the presence of a minor . . . by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.

9. Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A for a violation of section 726.6, Code of Iowa.

10. Allowing a child access to obscene material, or exhibiting or delivering obscene material to a child.

## REPORTING PROCEDURE

When an event fitting this description comes to staff attention, the following procedure is to be followed:

- ✓ The staff member will immediately make a verbal report to the appropriate abuse reporting agency in either Iowa or Illinois. By law this report must occur within 24 hours of becoming aware of the abusive incident. Our policy mandates quicker action. The phone numbers to call for making a verbal report are: **IOWA—1-800-362-2178; ILLINOIS—1-800-252-2873**. If the staff member making the report has reason to believe there is an immediate need for protection for the child, a verbal report to local law enforcement authorities should also be made.
- ✓ When the report is made the reporting staff member will notify their supervisor, or the next most available supervisory staff member of the report, if they are not already aware. **Important Note: Under law, Family Resources may not and does not require prior agency approval to the making of a mandatory report, does not and will not impose any administrative restrictions or requirements prior to the making of a mandatory report, and may not and will not retaliate in any way against any employee making a good faith report.**
- ✓ After making the oral report, the staff member must prepare and submit a written report to the receiving agency (as required by law). This report is required by law to be submitted within 48 hours after the verbal report. We require faster action.
- ✓ Concurrently with, or immediately after, the making of the official report, the staff member must prepare a Family Resources "Incident Report". (A copy of the written abuse report may be appended

to the incident report in lieu of the “incident description” required in the incident report. (See Family Resources Incident Reporting Procedure.)

- ✓ **Note: This procedure is to be provided to all employees immediately upon employment, with training to be scheduled as set forth in the following section thereafter.**

## **MANDATORY REPORTER TRAINING**

Family Resources has been certified to provide training in the identification and reporting of child abuse. All Family Resources employees are required to attend such training upon employment and to be retrained every five years. The law requires this training to be completed and documented within the first six months of employment. Our goal is to accomplish this within sixty days.

## **RELATIONSHIP WITH CRITICAL INCIDENT ASSESSMENT**

Family Resources’ critical incident reporting and assessment procedure provides for thorough internal review and investigation of any potential incident of injury as the result of any action or inaction by a Family Resources employee. (See Incident Reporting and Assessment Procedure). Since Family Resources employees very often stand in a caretaker relationship with clients who are children, such an incident assessment may reveal facts constituting a reportable abuse. It must be stressed that if at any point in the review any employee comes to the belief that the incident meets the criteria for a mandatory report, the report must be immediately made in accordance with this procedure. This is true whether the assessment is complete or not. If the matter is then accepted for investigation, full cooperation and the benefit of the results of our internal assessment will be accorded to the abuse investigator.

## **RELATIONSHIP WITH SITUATIONAL NOTIFICATION**

There are many situations that do not constitute reportable abuse, but may involve injury to a child in our care, wherein we have an obligation to provide notification to the Department of Human Services. That is because the department, in addition to being the abuse investigating authority is also our contract manager and our primary referral source. These situations involve accidental, as opposed to non accidental injuries. The two obligations are to be viewed entirely separately. Thus:

- ✓ A report to a referral source or to a contract manager of a situation that should be the subject of an abuse report, does not excuse the obligation to make a proper abuse report.
- ✓ A report to a referral source or to a contract manager of a situation that does not meet the definition of a child abuse does not require the making of a mandatory report (though as indicated previously herein, doubt is to be resolved in favor of making the report).
- ✓ The fact that a Family Resources employee is a suspected actor in the abuse incident does not change the obligation to make a report.