Department of Mental Health

TRANSMITTAL LETTER

SUBJECT **Reporting Abuse or Neglect of Children**		
POLICY NUMBER **DMH Policy 630.2**	DATE MAY 3 0 2012	TL#167

Purpose. The purpose of this policy is to identify individuals who are required by law to report known or suspected incidents of abuse or neglect of children (mandatory reporters); require training on mandated reporting; and prescribe procedures on how to report abuse or neglect of children in the District of Columbia.

Applicability. Applies to the Department of Mental Health (DMH) and all certified Mental Health Rehabilitation Services (MHRS) Providers.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate MHA offices.

Implementation Plans. A plan of action to implement or adhere to this policy must be developed by designated responsible staff. If materials and/or training are required to implement this policy, these requirements must be part of the action plan. Specific staff should be designated to carry out the implementation and program managers are responsible for following through to ensure compliance. Action plans and completion dates should be sent to the appropriate authority. Contracting Officer Technical Representatives (COTRs) must also ensure that contractors are informed of this policy if it is applicable or pertinent to their scope of work. ***Implementation of all DMH policies shall begin as soon as possible. Full implementation of this policy shall be completed within sixty (60) days after the date of this policy.***

Policy Dissemination and Filing Instructions. Managers/supervisors of DMH and DMH contractors must ensure that staff are informed of this policy. Each staff person who maintains policy manuals must ensure that this policy is filed in the **DMH** Policy and Procedures Manual, and contractors must ensure that this policy is maintained in accordance with their internal procedures.

ACTION

REMOVE AND DESTROY	INSERT
CMHS Policy 50000.630.2A, Guidelines for the Evaluation and Reporting of Physical Abuse, Sexual Abuse, and Neglect of Children, dated October 23, 2000	**DMH Policy 630.2, Reporting Abuse or Neglect of Children**

Stephen T. Baron
Director, DMH

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF MENTAL HEALTH	Policy No. 630.2	Date MAY 3 0 2012	Page 1
	Supersedes **CMHS Policy 50000.630.2A, Guidelines for the Evaluation and Reporting of Physical Abuse, Sexual Abuse, and Neglect of Children, dated October 23, 2000**		

Subject: Reporting Abuse or Neglect of Children

1. **Purpose**. The purpose of this policy is to identify individuals who are required by law to report known or suspected incidents of abuse or neglect of children (mandatory reporters); require training on mandated reporting; and prescribe procedures on how to report abuse or neglect of children in the District of Columbia.

2. **Applicability**. Applies to the Department of Mental Health (DMH) and all certified Mental Health Rehabilitation Services (MHRS) Providers.

3. **Authority**. D.C. Official Code §§ 4-1321.02 *et seq.*, Prevention of Child Abuse and Neglect Act of 1977.

4. **Background**. District of Columbia mandatory reporters are part of the citywide safety net that provides life-saving interventions for vulnerable children and youth in our community. If the mandated reporter knows of or has reasonable cause to suspect that a child is in danger of being abused or neglected, he/she must report the suspected abuse or neglect to the District of Columbia, Child and Family Services Agency (CFSA) or the Metropolitan Police Department (MPD).

5. **Definitions**.

5a. Child. An individual who is under 18 years of age.

5b. Child abuse. Infliction of physical or mental injury upon a child, sexual abuse or exploitation of a child, or negligent treatment or maltreatment of a child.

5c. Child sexual abuse. Engaging in, or attempting to engage in, a sexual act or sexual contact with a child; causing or attempting to cause a child to engage in sexually explicit conduct; or exposing a child to sexually explicit conduct.

5d. Neglected child. A child:

(1) who has been abandoned or abused by his/her parent, guardian, or other custodian or whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child;

(2) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his/her physical, mental or emotional health, and the deprivation is not due to the lack of financial means of his/her parent, guardian or custodian;

(3) whose parent, guardian, or custodian is unable to discharge his/her responsibilities to and for the child because of incarceration, hospitalization or other physical/mental incapacity;

(4) whose parent guardian or custodian refuses or is unable to assume responsibility for the child's care, control or subsistence and the person or institution providing for the child states an intention to discontinue such care;

(5) who is in imminent danger of being abused and another child living in the same household or under the care of the same parent, guardian, or custodian has been abused;

(6) who has received negligent treatment or maltreatment from his or her parent, guardian, or custodian;

(7) who has resided in a hospital located in D.C. for at least 10 calendar days following the birth of the child, despite a medical determination that the child is ready for discharge, and the parent, guardian, or custodian has not taken any action or effort to maintain a parental, guardianship, or custodial relationship or contact with the child;

(8) who is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth;

(9) who has a controlled substance in his or her body as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian; or

(10) who is regularly exposed to illegal drug-related activity in the home.

5e. Mandatory reporter – A person required by District law to report any case of known or suspected child abuse or neglect to CFSA or MPD (see Section 6a below for list of mandatory reporters).

5f. Child and Family Services Agency (CFSA) – The District agency that investigates reports of child abuse and neglect and provides foster care, adoption, and supportive community-based services to residents of the District of Columbia. CFSA's mission is to improve the safety, permanence, and well-being of abused and neglected children and to strengthen troubled families in the District of Columbia.

6. **Policy**.

6a. Pursuant to D.C. Code §4-1321.02, the following personnel in their professional or official capacity are mandated reporters and must report any known or suspected case of child abuse (sexual and physical) or neglect: CFSA employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, human trafficking counselor, domestic violence counselor and mental health professional. In addition to those persons who are required to report, any other person may make a report if they know of or suspect child abuse or neglect.

6b. D.C. mandated reporters are obligated by law to report known or suspected child abuse or neglect to:

(1) CFSA, via the CFSA 24-hour Child Abuse and Neglect Hotline at 202-671-SAFE (7233), or
(2) District of Columbia MPD.

6c. Pursuant to 4-1321.02(a-1) mandated reporters must also report to CFSA when they are aware that a child who is age 5 – 13 years old, has 10 or more days of unexcused absences within a school year.

6d. Failure to make a report when required may result in civil or criminal prosecution and penalties. In addition, a mandated reporter may be subject to disciplinary action from their licensure board.

6e. All DMH staff shall receive training on mandatory reporting at new employee orientation and during the DMH annual mandatory compliance training. It is recommended that mandatory reporters (see Section 6a above) complete the CFSA On-line Mandated Reporter Training, Keeping DC Children and Youth Safe, to ensure they understand their legal and mandatory duty to report cases of child abuse and neglect (see Section 8 below for more information on the CFSA training).

7. Responsibilities and Procedures.

7a. DMH shall provide an overview of the legal obligations of mandatory reporters to new staff during employee orientation, and to all staff as part of the mandatory annual compliance training.

7b. DMH Mandated Reporters shall:

(1) Immediately inform your supervisor if you know of or have reason to suspect that a child/youth known to you has been or is in immediate danger of being mentally, physically, or sexually abused or neglected, and ensure that a child abuse report is made to the CFSA Hotline. Telling your supervisor or anyone else does not fulfill your legal obligation. You are required by law to ensure that the child maltreatment report is made.

(a) Refer consumer for immediate medical attention, as indicated.

(b) Confirm that supervisor called CFSA Child Abuse & Neglect Hotline or suggest that you and your supervisor make the Hotline call together. You must ensure that the child maltreatment report is made.

(c) Verbally report and complete and submit a MUI Incident Report to the DMH Office of Accountability (OA) for each child or youth involved in the alleged abuse or neglect in accordance with DMH Policy 480.1C, Reporting Major (MUIs) and Unusual Incidents (UIs). Include who made the report, the date reported, and whether they reported to CFSA or MPD in the MUI Incident Report.

(2) Verbally report to CFSA when you are aware that a child who is age 5 – 13 years old, has 10 or more days of unexcused absences within a school year. Also see Section 6c above).

Note: In situations where a group of mandatory reporters are meeting (e.g., team meetings, group audits, PRTF review meetings) and more than one mandatory reporter suspects child abuse or neglect, only one person has to report; however, all of the mandatory reports who share this belief must ensure that a report was made.

7c. Responsible DMH Supervisor, Program Manager, or designee shall:

(1) Immediately call the CFSA 24-hour reporting line at (202) 671-SAFE (7233) or MPD to report known or suspected child abuse or neglect.

(2) Document the following in the child/youth consumer's clinical record:
- (a) findings supporting the allegation of abuse or neglect,
- (b) date and time of the report,
- (c) who made and received the report, and
- (e) therapeutic interventions immediately following awareness of the incident.

All future clinical notes referencing the incident of abuse or neglect shall include the date the report was made, and whether the report was made to CFSA or MPD.

(3) Immediately notify next supervisory level and the DMH Division of Human Resources when allegations of abuse occur on the premises and/or when allegations of abuse involve DMH staff.

(4) Submit a written report of the case if requested by CFSA and/or the MPD, and place a copy in the correspondence section of the consumer's clinical record for whom the suspicion of child abuse or neglect was raised.

7d. MHRS Providers shall:

(1) Develop internal notification/reporting procedures for reporting suspected abuse or neglect to CFSA or MPD; to include verbally reporting, and completing and submitting a MUI Incident Report to the DMH Office of Accountability for each child or youth involved in the alleged abuse or neglect in accordance with DMH Policy 480.1C, Reporting Major (MUIs) and Unusual Incidents (UIs).

(2) Ensure that staff who are mandated to report child abuse and neglect receive training on mandatory reporting requirements.

(3) Maintain documentation of completion of such training.

7e. DMH Office of Accountability shall monitor MHRS provider compliance while conducting routine oversight activities, and monitor DMH staff attendance at the mandatory annual compliance training through the DMH Training Institute.

8. **CFSA Mandated Reporter Training "Keeping DC Children and Youth Safe"** - CFSA provides free on-line training for D.C. professionals mandated to report child abuse and neglect. The training includes legal obligations as a mandated reporter, defines types of child abuse and neglect, signs of child abuse and neglect, and an explanation of how to make a report and the process that occurs after a report is made (see http://dc.mandatedreporter.org/). To complete and document the training, complete the following steps:

Go to http://dc.mandatedreporter.org/ and click on the "Register for the Training" link to start the training;
Print the certificate after you complete the training;
Keep a copy for your records, and provide a copy to Human Resources to be filed in your official personnel file.

9. **Confidentiality**. The responsibility to report suspected child abuse and neglect supersedes any confidentiality requirements.

10. **Inquiries**. Questions regarding this policy may be directed to the DMH Associate Chief Clinical Officer.

11. **Related References**.
DMH Policy 480.1C, Reporting Major Unusual Incidents (MUIs) and Unusual Incidents (UIs).
DMH Policy 482.1A, Protecting Consumers from Abuse, Neglect, or Exploitation.

Approved by:

Stephen T. Baron
Director, DMH

5/30/12

(Signature) **(Date)**