

# Child Abuse and Neglect Reporting & Investigation

	<b>DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY</b>
<b>SUBJECT:</b>	Child Abuse and Neglect Reporting and Investigation
<b>POLICY NUMBER:</b>	DCFS/JJ 300.060
<b>EFFECTIVE DATE:</b>	11/15/2016
<b>APPROVED BY:</b>	Ross Armstrong Deputy Administrator – Juvenile Justice Services
<b>DATE:</b>	10/12/16
<b>APPROVED BY:</b>	Ke [Signature] on of Child and Family Services
<b>DATE:</b>	10/12/16
<b>SUPERSEDES:</b>	DCFS/JJ 300.06
<b>REFERENCES:</b>	ACA Standards 4-JCF-3D-01, 4-JCF-3D-06-04; NRS 432B; 45 CFR 1340 Child Abuse and Neglect Prevention and Treatment; 28 CFR 81 Child Abuse Reporting Designations and Procedures; DCFS Prohibitions and Penalties; PREA Standards
<b>ATTACHMENTS:</b>	Attachment A: Incident Report

**I. SUMMARY:**

The Division shall ensure all staff are compliant with child abuse and neglect mandatory reporting laws. In addition, the reporting must be done in a timely and effective manner to allow for proper investigation and action by child protection agencies.

**II. DEFINITIONS:**

As used in this document, the following definitions shall apply:

- A. Child Abuse and Neglect: Child abuse and neglect shall be defined by State of Nevada Statutes NRS 432B, NRS 432B.020 “Abuse or neglect of a child” defined.
  - 1. “Abuse or neglect of a child” means, except as otherwise provided in subsection 2:
    - a. Physical or mental injury of a non-accidental nature;
    - b. Sexual abuse or sexual exploitation; or
    - c. Negligent treatment or maltreatment under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm.

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2. A child is not abused or neglected, nor is health or welfare of the child harmed or threatened for the sole reason that:
    - a. Parent delivers the child to a provider of emergency services pursuant to NRS 432B.630 if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or
    - b. Parent or guardian, in good faith, selects and depends upon non-medical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this State in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receives a medical examination and treatment pursuant to NRS 62E.280.
  3. As used in this section, “allow” means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.
- B. Child Welfare Agency: services for the protection of children, including, without limitation, investigations of abuse or neglect and assessments.
- C. Mandatory Reporters: All employees of the Division of Child and Family Services (DCFS) Juvenile Services.
- D. Prison Rape Elimination Act (PREA): A federal law to protect incarcerated juveniles and adults from sexual assault from other incarcerated individuals, staff or visitors entering a facility.
- E. Reasonable Cause to Believe: To have knowledge of facts which would cause a reasonable person knowing the same facts, to reasonably conclude the same thing. The knowledge of the facts does not need to be from direct knowledge

### IV. STAFF TRAINING

- A. Superintendents and the Chief of Youth Parole are responsible for ensuring that all staff are trained on the requirements of Nevada’s Protection of Children from Abuse and Nevada Statutes (NRS 432B) and Juvenile PREA Standards. Refer to State PREA policy DCFS/JJ 300.09.
- B. All new employees are required to read and sign a statement acknowledging receipt and understanding of NRS 432B and the agency’s Prohibitions and Penalties that address child abuse and neglect.
- C. Training will include but not limited to recognizing child abuse and neglect, reporting, and documenting child abuse or neglect.
- D. Staff shall receive refresher training concerning child abuse and neglect reporting and documentation annually.

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## V. YOUTH TRAINING

- A. The Superintendents and Chief of Youth Parole are responsible for ensuring that all youth are aware and understand their rights to be free from any type of abuse, neglect and sexual exploitation.
- B. During the youth's intake at a facility and during the initial parole meeting following parole, all youth must be informed on process of how to report suspected instances of any type of abuse, neglect or sexual exploitation.

## VI. REPORTING AND DOUMENTATION

### A. Reporting in General

- 1. Staff shall report suspected abuse or neglect when they have reasonable cause to believe a child has been abused or neglected.
- 2. The report shall be to a child welfare agency.

### B. Child Welfare Agency Reporting for Suspected Abuse or Neglect By Community Member

- 1. Staff shall report suspected child abuse by a community member (parent, guardian, teacher, etc.) to the child welfare agency where the abuse took place.
  - a. For Clark County, report to 1-702-399-0081
  - b. For Washoe County, report to 1-775-785-8600
  - c. For Rural Nevada or out-of-state, report to 1-800-992-5757
- 2. Prior to making the report, the staff member should obtain as much information in Section VI of this policy as possible.

### C. Child Welfare Agency Reporting for Suspected Abuse or Neglect By DCFS Staff

- 1. Staff shall report suspected child abuse by a DCFS staff member to the child welfare as listed below.
  - a. For allegations at Caliente Youth Center or Summit View Youth Center, Clark County at 1-702-399-0081
  - b. For allegations at Nevada Youth Training Center, Washoe County at 1-775-785-8600
  - c. For allegations against a Youth Parole Staff Member to the child welfare agency as though the report was against a community member in VI (1) above.

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## 2. Law Enforcement Reporting for Suspected Abuse or Neglect

- a. In addition to reporting to a child welfare agency, an employee may report the incident to the law enforcement agency that would have jurisdiction to investigate the alleged abuse or neglect.

## D. Internal Notification and Documentation

1. Facility staff shall notify their Superintendent immediately upon notification of the allegation or neglect.
2. Youth Parole staff shall notify the Chief of Parole immediately upon notification of the allegation of abuse or neglect.
3. The Superintendent or Chief of Parole must notify the Deputy Administrator within 2 hours of their being notified of the allegation.
4. If the staff does not believe that notifying the Superintendent or Chief of Parole is in the best interest of the child, staff may notify the Deputy Administrator or Division Administrator directly.
5. Allegations and subsequent actions must be documented in UNITY including the final determination of any investigation.

## E. Medical Attention and Documentation

1. If in a facility, the nurse or other medical provider will complete a medical assessment and make the appropriate medical referral. If on Parole, the Chief of Parole shall determine if medical attention is necessary and coordinate access to medical services.
2. All medical forms will be completed by medical staff and submitted to the Superintendent, Chief of Parole, Deputy Administrator and Child Welfare agency. Facility medical staff will document their report in UNITY.
3. The Superintendent or Chief of Parole will determine if local law enforcement needs to be contacted if law enforcement has not yet been contacted.
4. Staff must document any incident involving possible abuse or neglect on the incident report form and document in UNITY prior to the end of their shift.
5. The report must be submitted to the Superintendent or Chief of Parole immediately.
6. The Superintendent or Chief of Parole shall notify the youth's parents or legal guardian about the incident of abuse or neglect.

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## VI. CHILD ABUSE NOTIFICATION

- A. Any employee of the DCFS Juvenile Services who has reasonable cause to suspect child abuse or neglect has occurred shall contact Child Protective Services or local law enforcement immediately. The reporting of such incidents shall include:
1. The name, address, age and sex of the child;
  2. The name and address of the child's parents or other person responsible for his/her care;
  3. The nature and extent of the abuse or neglect of the child including the geographic location for jurisdiction purposes;
  4. Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;
  5. The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and
  6. Any other information known to the person making the report that the agency, which provides protective services, considers necessary.
  7. Each allegation of wrongdoing investigated;
  8. The name(s) of all of the alleged victims and perpetrators;
  9. The names and ages, if obtainable, of all of the witnesses and their relationship to the victim(s) and perpetrator(s);
  10. The names of all persons interviewed during the investigation and their relationship to the victim(s) and perpetrator(s);
  11. All documents relevant to the report;
- B. All suspected instances of sexual misconduct or sexual assault must follow the requirements of the Prison Rape Elimination Act (PERA) DCFS/JJ 300.09. Sexual misconduct or sexual assault by a staff member is also child abuse per NRS 432B.020 which includes, "sexual abuse or sexual exploitation".

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## **VIII. MANDATED REPORTER**

- A. Failure to report suspected child abuse and neglect or actual child abuse and neglect will result in disciplinary action up to and including termination from employment and possible criminal charges.
- B. Any action to hide, shield, tamper, conceal destroy evidence of child abuse and neglect will result in disciplinary action up to and including termination from employment and possible criminal charges.
- C. Any action to falsify documents, misrepresent information or failure to fully cooperate with all official investigating agencies will result in disciplinary action up to and including termination from employment and possible criminal charges.

## **IX. FOLLOW UP**

- A. At the conclusion of the investigation, the DCFS Administrator, Juvenile Justice Deputy Administrator and Superintendent will determine the appropriate corrective action pursuant to Nevada Administrative Code and Statutes related to human resource investigations and action.

## **IX. PROCEDURES**

- A. Each facility and the Youth Parole Bureau shall develop a Standard Operating Procedure consistent with this policy.