

Abuse and Neglect Reporting

DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY	
SUBJECT:	Abuse and Neglect Reporting
POLICY NUMBER:	DCFS/JJS 300.06
EFFECTIVE DATE:	10/11/2021
APPROVED BY: DATE:	Kathryn Roose, Deputy Administrator – Division of Child and Family Services 10/6/2021
SUPERSEDES:	Child Abuse and Neglect Reporting and Investigation DCFS/JJ 300.06 effective November 15, 2016
APPROVED BY: DATE:	Ross Armstrong, Administrator – Division of Child and Family Services 10/6/2021
REFERENCES:	NRS 432B.020, 432B.130, 432B.140, 432B.220; Prison Rape Elimination Act (DCFS/JJS 300.09) Incident Reporting Policy (DCFS/JJS 300.07)
ATTACHMENTS:	None

I. SUMMARY

The Division of Child and Family Services (DCFS) shall ensure all staff are compliant with child abuse and neglect mandatory reporting laws for youth in state facilities and on community supervision.

II. PURPOSE

To ensure DCFS staff know and understand child abuse and neglect reporting requirements, and their own reporting responsibilities and timeframes.

III. DEFINITIONS

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

A. Abuse or Neglect of a Child: Child abuse and neglect shall be defined by Nevada Revised Statutes (NRS) 432B.020:

1. Physical or mental injury of a nonaccidental nature,
2. Sexual abuse or sexual exploitation, or
3. Negligent treatment or maltreatment as set forth in NRS 432B.140, of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate the child's health or welfare is harmed or threatened with harm.
4. 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 a child is abused or neglected.

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- B. Child Welfare Agency: The state or county agency responsible for providing child welfare services. Clark County Department of Family Services serves Clark County, Washoe County Human Services Agency serves Washoe County, and the DCFS Rural Region serves the state's 15 rural and frontier counties.
- C. Critical Incident: An event involving abuse, death/suicide, lost/missing person, runaway/elopement, serious injury, threat or hostage situation, public health emergency, health facility emergency, or fire/natural disaster.
- D. Mandatory Reporter: A person who is required by statute to report the abuse or neglect of a child to a child welfare agency or law enforcement when they, in their professional or occupational capacity, know or have reasonable cause to believe a child has been abused or neglected. All employees of DCFS Juvenile Justice Services are mandatory reporters as prescribed in NRS 432B.220.
- E. Persons Responsible for Child's Welfare: The child's parent, guardian, or stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, a public or private home, institution or facility where the child resides or is receiving care outside of the home for all or a portion of the day, or a person directly responsible or serving as a volunteer for or employed by such a home, institution or facility (NRS 432B.130).
- F. Prison Rape Elimination Act (PREA): A federal law supporting the prevention, detection, and response to sexual abuse and sexual harassment within facilities. This law applies to all DCFS state facilities.
- G. Reasonable Cause to Believe: If, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, an act, transaction, event, situation, or condition exists, is occurring, or has occurred.

IV. GENERAL REQUIREMENTS

- A. All DCFS staff are mandatory reporters and shall report actual or suspected instances of child abuse and neglect, sex trafficking, and pregnant females under the age of consent to the child welfare agency within one hour if there is reasonable cause to believe the incident occurred.
 - a. Reportable incidents include incidents that allegedly occurred in the facility, or reports of abuse and/or neglect that occurred prior to the youth's arrival at the facility (e.g., abuse in the home).
- B. In addition to reporting to the child welfare agency, DCFS staff may report the incident to the local law enforcement agency which has jurisdiction to investigate the actual or suspected instances of child abuse and neglect, sex trafficking, and pregnant females under the age of consent.

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- C. Failure to report actual or suspected instances of child abuse and neglect, sex trafficking, and pregnant females under the age of consent shall result in disciplinary action, up to and including termination from employment and possible criminal charges.
- D. An action to hide, shield, tamper, conceal, or destroy evidence of actual or suspected instances of child abuse and neglect, sex trafficking, and pregnant females under the age of consent shall result in disciplinary action, up to and including termination from employment and possible criminal charges.
- E. Any action to falsify documents, misrepresent information, or failure to fully cooperate with all official investigating agencies with regard to actual or suspected child abuse and neglect, sex trafficking, and pregnant females under the age of consent will result in disciplinary action, up to and including termination from employment and possible criminal charges.
- F. All staff shall be trained in how to recognize signs and systems of abuse, neglect, and sex trafficking and how to report.
- G. All facility youth shall be made aware of and understand their rights to be free from any type of abuse (physical and mental), neglect, and sexual abuse and how to report. This may overlap with PREA training. Refer to PREA (DCFS/JJS 300.09).
- H. All newly admitted females shall be given a pregnancy test as part of their intake procedures.

V. POSSIBLE WARNING SIGNS OF ABUSE OR NEGLECT

- A. Possible warning signs of abuse
 - 1. Bruises, welts, or other injuries without plausible explanation
 - 2. Injuries with a pattern that appears to be caused by something such as an object or hand
 - 3. Fearful of returning home
 - 4. Frequent injuries
 - 5. Watchful and alert as if waiting for abuse to occur
 - 6. Exhibits inappropriate sexual behaviors or knowledge for their age
- B. Possible warning signs of neglect
 - 1. Poor hygiene or clothing that is consistently torn, damaged, or inappropriate
 - 2. Left unsupervised or left alone in unsafe conditions
 - 3. Lack of food
 - 4. Appears thin or malnourished

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VI. STAFF TRAINING

- A. Facility staff shall be trained on the requirements of Nevada's Protection of Children from Abuse and Nevada Statutes (NRS 432B) and Juvenile PREA Standards within 90 days of hire and annually thereafter.
- B. Facility and parole shall be trained in how to recognize the signs of abuse and neglect, how to report, and how referrals to a local child welfare agency and to local law enforcement within 90 days of hire, and annually thereafter.
- C. Facility and parole new employees are required to read and sign a statement acknowledging receipt and understanding of NRS 432B and the agency's Prohibitions and Penalties which address child abuse and neglect.
- D. Facility and Parole new employees are required to sign a PREA Acknowledgment within 90 days of hire and annually thereafter.

VII. REPORTING PROCEDURES AND INVESTIGATIONS

- A. Staff members who become aware of any instance of abuse or neglect must immediately notify a supervisor to determine if there is reasonable cause to believe the incident occurred.
- B. Facility and/or supervisory staff shall notify the Superintendent immediately upon notification of an allegation or becoming aware of a reportable incident.
- C. The Superintendent shall ensure that a report is made to law enforcement and the local child welfare agency within one hour of becoming aware of a reportable incident.
- D. Prior to making the report, the reporter shall obtain as much information as possible to include:
 1. Name, age, and gender of youth involved
 2. Date and time of incident
 3. Name, age, and gender of perpetrator involved if occurrence happened within the facility
 4. Nature of the incident
 5. Contact information for parent/guardian
 6. Name and contact of potential witnesses if occurrence happened within the facility
 7. Staff contact information for documents or other evidentiary items which may be requested as part of an investigation
- E. All suspected instances of sexual abuse or sexual harassment must follow the requirements of the Prison Rape Elimination Act (DCFS/JJS 300.09). Note: Sexual abuse or sexual exploitation by a staff member is considered child abuse per NRS 432B.020 and shall be reported to the local child welfare agency and to local law enforcement who shall determine if a crime has been committed or not.

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- F. If law enforcement and/or the local child welfare agency determines an investigation is warranted, facility staff shall fully cooperate with the investigation.
- G. All allegations of abuse/neglect shall be subject to administrative investigation. The facility shall not begin an administrative inquiry or investigation until:
 - a. Local law enforcement stated they will not investigate, or local law enforcement completed their investigation, and
 - b. The local child welfare agency stated they will not investigate, or the local child welfare agency completed their investigation.
- H. The Superintendent shall assign a staff person to conduct this investigation in a manner like use of force or youth rights violations.
- I. Findings of administrative investigations shall be sent to DCFS Human Resources as necessary.

VIII. INTERNAL NOTIFICATION AND DOCUMENTATION

- A. The Superintendent shall immediately contact law enforcement if applicable.
- B. The Superintendent shall immediately notify the or Chief of Parole.
- C. The Superintendent and the Chief of Parole shall each notify their Deputy Administrator within two hours of being notified of an allegation.
- D. If staff do not believe notifying the Superintendent or Chief of Parole is in the best interest of the youth, staff must notify the PREA Coordinator, the Deputy Administrator, or Division Administrator directly.
- E. The Superintendent or Chief of Parole shall notify the youth's parent or legal guardian about the incident of abuse or neglect within two hours of notification.
- F. Allegations and subsequent actions shall be reported using paper incident reports and other paper documents to safeguard the privacy of any alleged victims and perpetrators.
- G. The Shift Supervisor shall initiate an incident report, and all involved staff shall provide a witness statement regarding incidents involving possible abuse or neglect, sex trafficking, or pregnancy involving a female under the age of consent, prior to the end of their shift.
- H. The Superintendent or designee shall complete a Critical Incident Report within four hours of notification of the incident and contact the facility's Human Resources representative. Refer to Incident Reporting Policy (DCFS/JJS 300.07)

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IX. MEDICAL ASSESSMENT

- A. Facility medical staff shall complete a medical assessment immediately upon notification a youth may be the victim of abuse or neglect and make any appropriate medical referrals.
- B. All medical forms shall be completed by facility medical staff and submitted to the Superintendent, the child welfare agency, and local law enforcement, if necessary.
- C. The Superintendent may share medical forms with the Chief of Parole and Deputy Administrator on a case-by-case basis.

X. FOLLOW UP AND REPORTING

- A. At the conclusion of all investigations from the local child welfare agency, local law enforcement, and administrative reviews, the DCFS Administrator and/or the Deputy Administrator may require a Root Cause Analysis be completed. Refer to Incident Reporting Policy (DCFS/JJS 300.07)
- B. Facility Superintendents and the Chief of Parole shall report the following statistics monthly to the Juvenile Justice Programs Office for data collection:
 - 1. Number of reports to local child welfare agency and local law enforcement for suspected abuse or neglect, sex trafficking, and pregnant youth under the age of consent.
 - 2. Number of substantiated or unsubstantiated reports based on the feedback from the local child welfare agency or local law enforcement.
 - 3. Number of positive pregnancy tests.

XI. STANDARD OPERATING PROCEDURES

- A. Each facility and the Youth Parole Bureau shall create Standard Operating Procedures consistent with this policy, to include establishing:
 - 1. Onboard training for new staff
 - 2. Refresher and remedial training for existing staff
 - 3. Youth education and training
 - 4. Protocols for reporting to the appropriate child welfare agency and local law enforcement
 - a. Mechanism for follow up to determine if investigations are substantiated or unsubstantiated
 - 5. Protocols for follow up action if a staff member is part of a substantiated case from either the local child welfare agency or local law enforcement