



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF YOUTH REHABILITATION SERVICES  
POLICY AND PROCEDURES MANUAL

<b>POLICY NUMBER:</b>	<b>DYRS-008</b>
<b>RESPONSIBLE OFFICES:</b>	<b>Agency-wide</b>
<b>EFFECTIVE DATE OF POLICY:</b>	<b>May 11, 2012</b>
<b>SUPERSEDES POLICY:</b>	<b>YSA-II.3-004</b>
<b>SUBJECT:</b>	<b>Reporting of Child Abuse and Neglect</b>

**I. PURPOSE**

The purpose of this policy is to establish guidelines and procedures for fulfilling the legal obligations of all DYRS mandated reporters to report suspected child abuse and neglect.

**II. POLICY**

DYRS staff shall comply with all requirements under District of Columbia and federal law for mandated reporters of child abuse and neglect. Staff shall document the allegations and their subsequent actions in writing.

**III. AUTHORITY**

This policy is governed by all applicable District of Columbia and Federal laws including DYRS Establishment Act, D.C. Official Code §§ 2-1515.01 *et seq.* (2008), the District of Columbia Personnel Manual (DPM), Chapters 16 and 18, and D.C. Code §§ 4-1321.01 – 4-1321.07, §§ 16-2301 and 16-2316 (2008); 42 C.F.R. Part 2.

**IV. SCOPE**

The policies and procedures herein shall apply to all staff in safety sensitive positions.

**V. DEFINITIONS**

- A.** Abused – When used with reference to a child means: (1) infliction of physical or mental injury upon a child; (2) sexual abuse or exploitation of a child; or (3) negligent treatment or maltreatment of a child.
- B.** Neglected child means a child: (1) who has been abandoned or abused by his or her parent, guardian, or custodian, or whose parent, guardian or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child. For the purposes of this definition, the term "reasonable efforts" includes filing a petition for civil protection from intrafamily violence; (2) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental or emotional health, where the deprivation is not due to the lack of financial means of the child's parent, guardian, or custodian; (3) whose parent, guardian or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity; (4) whose parent, guardian or custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution which is 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 the District of Columbia for at least 10 calendar days following the birth of the child, despite a medical determination that the child is ready for discharge from the hospital, and the parent, guardian or custodian of the child has not taken any action or made any 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 who has a significant presence of a controlled substance in his or her system at birth; (9) in whose body there is a controlled substance 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.

- C. **Safety Sensitive Position** – A position with duties and responsibilities that require the employee to provide services that affect the health, safety, or welfare of children or youth, including direct care and custody of children or youth, including but not limited to at least one of the following duties and responsibilities:
1. Recreational activities
  2. Delinquency prevention and control services, including custody, security, supervision, and residential and community support services for committed and detained juvenile offenders
  3. Educational activities
  4. Individual counseling
  5. Group counseling
  6. Assessment, case management, and support services
  7. Psychiatric and psychological assessment services
  8. Medical or clinical service
  9. Therapeutic services, including individual and group therapy and play therapy
  10. Prevention and intervention services
  11. Mentoring services
  12. Youth care services
  13. Healthcare services, including medical, behavioral, mental health, dental, vision, nutrition, or developmental services
  14. Cultural enrichment services
  15. Public safety services, including counseling or education intervention services about safety, crime prevention, fire safety, youth problem solving
  16. Driving a motor vehicle to transport children or youth

Individuals whose duties include any of the above referenced responsibilities of functions are mandatory reporters.

- D. **Sexual Abuse** – for this policy means: (A) engaging in, or attempting to engage in, an unlawful sexual act or sexual contact with a child; (B) causing or attempting to unlawfully cause a child to engage in sexually explicit conduct; or (C) unlawfully exposing a child to sexually explicit conduct.

## **VI. PROCEDURES FOR REPORTING**

### **A. Child Abuse and Neglect**

1. A mandated reporter who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child shall immediately report the information to CFSA.

2. After calling CFSA, the mandated reporter shall immediately telephone the Program Manager of the DYRS Office of Internal Integrity (OII) to inform him/her.
3. The Program Manager of OII or designee shall then contact CFSA to confirm that the report has been made. The Program Manager of OII or designee shall keep a log of reports made to CFSA.

**B. Exposure to Drug-Related Activity**

1. A licensed health professional who has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity shall follow the procedures in subsection A above.

**C. Sexual Abuse and Prostitution**

1. A mandated reporter who knows or has reasonable cause to suspect that a child known to him or her in her or her professional or official capacity has been, or is in immediate danger of being, the victim of sexual abuse or attempted sexual abuse, or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute shall follow the procedures outlined in subsection A above.

**D. Injury by Bullet, Knife or Other Sharp Object**

1. A mandated reporter who knows or has reasonable cause to suspect that a child known to him or her in her or her professional or official capacity has an injury caused by a bullet or an injury caused by a knife or other sharp object which has been caused by other than accidental means, shall follow the procedures outlined in subsection A above.

**VII. CONTENT OF REPORTS**

- A. Each person required to make a report of a known or suspected neglected child shall include the following information in the report:
  1. The name, age, sex and address of the following individuals:
    - (a) The child who is the subject of the report;
    - (b) Each of the child's siblings and other children in the household; and
    - (c) Each of the child's parents or other persons responsible for the child's care;
  2. The nature and extent of the abuse or neglect of the child and any previous abuse or neglect, if known;
  3. All other information which the person making the report believes may be helpful in establishing the cause of the abuse or neglect and the identity of the person responsible for the abuse or neglect; and
  4. The name of the direct care staff member, the person's occupation, how to contact him or her, and a statement of the actions taken by the staff member concerning the child.

**VIII. EXCEPTION FOR DRUG AND ALCOHOL TREATMENT**

- A. If the report might involve any disclosure of the identity of the youth as an alcohol or drug abuse patient, then the mandated reporter and OII must consult with DYRS General Counsel's office following the initial report to discuss the nature of any potential follow-up report and its relationship to the federal Alcohol and Drug Abuse Patient Record Regulations, 42 C.F.R. Part 2.

#### **IX. OII AND CHAIN OF COMMAND REPORTING RESPONSIBILITY**

- A. For any and all reports of suspected child abuse and neglect regarding a child currently in DYRS custody, OII shall notify, by telephone or in writing, the Chief of Detained or Committed Services (whichever one is applicable), and the Director of DYRS or designee, following the report to CFSA.

#### **X. PENALTY FOR FAILURE TO REPORT**

- A. As provided under D.C. Code § 14-1321.07, a person who willfully fails to make a required report of child neglect or abuse may be fined up to \$300 or imprisoned for up to 90 days or both. In addition, failure to comply with this policy may subject staff to discipline in accordance with DYRS and D.C. Government personnel rules and regulations.

#### **XI. TRAINING**

- A. The Training Director shall ensure that all mandated reporters and OII staff receive training in their responsibilities under the mandatory reporting laws, including what to report, to whom to report, and how to report.
- B. The Superintendent of each DYRS secure facility shall ensure that information about telephone numbers and other procedures to follow in order to fulfill mandatory reporting obligations are posted in areas that staff can access.

**Approval of the Agency Director:**

*Neil A. Stanley*

*11 May 2012*

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Director