

POLICY 5.91 REPORTING ABUSE OR NEGLECT OF JR YOUTH

Policy Committee Chair

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Approved



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Authorizing Sources

RCW 26.44
WAC 110-730
DCYF AP 2.01
DCYF AP 7.02
DCYF AP 13.06¹
CFR Title 45 Part 160 – 165
(HIPAA)

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I. PURPOSE AND SCOPE

This document establishes policy governing the reporting of incidents of alleged abuse or neglect of Juvenile Rehabilitation (JR) youth and young adults (referred to as “youth”). In alignment with Washington State law and DCYF Administrative Policy, Juvenile Rehabilitation must protect, as much as possible, the health and safety of youth in JR care, ensure that procedures are in place to prevent abuse, and ensure that abuse is reported, investigated and resolved.

JR staff are mandatory reporters under RCW 74.34, which addresses reporting for vulnerable adults. Because JR staff are less likely to encounter information about abuse and neglect of a vulnerable adult, the scope of this policy is restricted to reporting of the abuse and neglect of children and youth. JR staff should not overlook their legal mandate to report any information received about vulnerable adults, despite the scope of this policy.

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) are responsible for reviewing and complying with JR policies.

¹ 8/3/2022 Technical Edit: Added DCYF Admin policy, which replaced JR policy 1.40.

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II. POLICY

1. Juvenile Rehabilitation employees are mandatory reporters under Washington State Law (RCW 26.44.030 and RCW 74.34.035) and DCYF Admin Policy 2.01.

1.1. Mandatory reporting requirements for vulnerable adults under RCW 74.34.035 are addressed under DCYF AP 2.01.

2. JR staff must report any information received about abuse or neglect of a child to law enforcement or Child Welfare² immediately and without delay, in alignment with RCW 26.44.

2.1. For youth 18 and older, JR staff will call law enforcement directly if CPS screens out the report.

3. Reports must be completed immediately, regardless of employee leave days or end of shift.**4. If a JR employee or intern has cause to believe that a youth has been abandoned, abused, or neglected, regardless of the source of the information or whether the information was received in the course of employment or as a private individual, the employee must:** 4.1.

Call the appropriate reporting unit listed below

4.2. Notify the supervisor or manager

5. Failure to report maybe subject to disciplinary action, criminal action, or both, in alignment with DCYF AP 2.01 and RCW.**6. Contractors, interns and volunteers must report knowledge or allegations to JR staff so that a report can be made immediately and without delay.**

6.1. JR's contracted providers will ensure the health and safety of youth.

7. JR employees are not responsible for reporting any referrals they make for non-work situations to their supervisors, in alignment with DCYF AP 2.01.**INCIDENTS THAT MUST BE REPORTED****8. Incidents or events which must be reported to CPS include but are not limited to the following:**

8.1. Death of a youth under JR care, in accordance with Policy 1.31, *Responding to the Death of a JR Youth*.

8.2. Allegations of child abuse or neglect.

8.3. Suicide attempts by a JR youth, resulting in injury requiring professional medical attention.

² 11/18/19 Technical Edit: Updated to Child Welfare

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- 8.4. Physical restraint or the application of restraint devices resulting in youth injury requiring professional medical attention, in accordance with Policy 5.10, *Using Restraints with Youth*.
 - 8.5. Sexual contact between a JR youth and any other person, in accordance with Policy 5.90, *Applying PREA Juvenile Standards in JR*.
 - 8.6. Physical assaults between a JR youth and any other youth, resulting in injury requiring professional medical attention.
 - 8.7. Unanticipated health problems caused by medications resulting in the need for professional medical attention.
 - 8.8. Medication incorrectly administered, resulting in the need for professional medical attention.
 - 8.9. Any injury to a youth that requires professional medical attention.
 - 8.10. Abandonment of a JR youth when a parent or legal guardian fails to pick up the youth.
 - 8.11. Serious property damage, which, if not immediately corrected, may compromise the continuing health and safety of youth.
- 9. If a referral is made to CPS, a JR incident report must be completed in ACT.**
- 10. Incidents or events listed in this policy also considered serious violations or violations under WAC 110-730 may have additional reporting requirements. Refer to Policy 1.30, *Reporting Serious and Emergent Incidents*.**
- 11. Incidents of sexual harassment will be managed in accordance with Policy 5.90, *Applying PREA Juvenile Standards in JR*.**
- 12. JR staff, contracted providers and volunteers must immediately report the following without delay (~~PREA Standard 115.361 (a)~~):**
- 12.1. Any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a jail, detention facility or JR facility.
 - 12.2. Retaliation against youth or staff who reported such an incident (in accordance with Policy 5.90, *Applying PREA Juvenile Standards in JR*).
 - 12.3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- 13. JR operated and contracted programs must report disclosures by a youth of abuse or neglect which occurred prior to placement in JR custody, unless verified to have been already reported.**

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- 14.1. The local CPS Office during business hours (8:00 a.m. – 4:30 p.m.).
- 14.2. The CPS statewide number after-hours at (866) 363-4276 (END-HARM).³
- 14.3. Local law enforcement as appropriate, in consultation with CPS.

REPORTING PROCESS**15. JR staff and contracted providers must report any allegations to the identified reporting unit (as listed above).**

- 15.1. The JR staff or contracted provider who becomes aware of an incident or receives an original report of alleged or suspected abuse or neglect must report the allegation immediately and without delay.
- 15.2. The CPS referral must be documented on the Report to Protective Services form (DCYF Form 10-241) in ACT before the staff leaves their shift.
 - 15.2.1. Contracted providers will document using a printed copy of the Report to Protective Services form or on a comparable form that collects the same information. The contracted provider will send a copy of the report to JR staff. JR staff will upload the report to ACT via Document Uploader.
- 15.3. Staff will notify CPS Intake when they report the allegation that they will document it on the Report to Protective Services form. CPS may request the documentation at any time.

16. JR staff and contracted providers must notify the Superintendent, Regional Administrator, or designee immediately and without delay when a CPS referral is made.

- 16.1. The Superintendent, Regional Administrator or designee must notify the appropriate Division Director within one hour after receiving information a Report to Protective Services (DCYF Form 10-241) has been made.
- 16.2. Notification includes ensuring the reporting requirements of Policy 1.30, *Reporting Serious and Emergent Incidents* are met.

INVESTIGATIONS**17. JR management will suspend internal investigations for allegations which are reported to CPS or local law enforcement and are being investigated by the external agency.**

³ 8/3/2022 Technical Edit: Corrected phone number

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- 18.1. The Superintendent, Regional Administrator or designee will contact the DLR/CPS investigator and law enforcement officer at the beginning and end of site visits.
- 18.2. The Superintendent, Regional Administrator or designee will ensure the DLR/CPS investigator and law enforcement officer has the opportunity to conduct a private interview with necessary parties.

19. JR staff may have another person present when interviewed by DLR/CPS.**20. The Superintendent, Regional Administrator or designee will receive notification from CPS if a JR employee is the alleged perpetrator of abuse or neglect of a child in alignment with DCYF AP 2.01.**

- 20.1. The Superintendent, Regional Administrator, or designee will notify their Human Resources Consultant prior to beginning the discipline process.

NOTIFYING YOUTH OR YOUNG ADULT OF REPORT**21. The Superintendent, Regional Administrator or designee must notify youth 18 years or older who are alleged victims of abuse or neglect when a CPS or law enforcement referral is made that contains protected health information (PHI) unless this notification would place the youth at risk for serious harm or impede the investigation.**

- 21.1. Release of records to a youth or personal representative containing PHI may also be denied by the Superintendent, Regional Administrator, or designee in accordance with DCYF Admin Policy 13.06 Records Management and Retention.⁴

22. The Superintendent, Regional Administrator or designee will not notify youth under 18 years old who are alleged victims of abuse or neglect when a CPS or law enforcement referral is made if it would be likely to cause harm to the youth or others, or impede the investigation.**CONTRACTED RESIDENTIAL PROGRAMS****23. JR contracted residential facilities licensed by the DLR must also do the following:**

- 23.1. Report all alleged violations of minimum licensing requirements to Child Welfare (CW) Intake.
- 23.2. Notify the Regional Administrator or designee of reports made to CW Intake or law enforcement.

⁴ 8/3/2022 Technical Edit: Removed reference to JR policy 1.40 (replaced by DCYF Admin. policy 13.06).

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III. DEFINITIONS

Abuse or Neglect: means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a youth by any person under circumstances which indicate that the youth's health, welfare, or safety is harmed by a person responsible for or providing care to the child (WAC 110-30-0030).

Health Care Professional: for facilities with access only to community medical facilities this means a nurse, nurse practitioner, physician assistant, or physician. For facilities with on-site medical staff, this refers to a physician or physician assistant.

Negligent Treatment or Maltreatment: means an act or failure to act which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the youth's health, welfare, or safety.

Professional Medical Attention: medical treatment that requires the level of professional training or expertise of a health care professional to address an injury or medical issue, but does not include basic first aid.

Physical Restraint: physical intervention or force utilized by staff members to control a youth's behavior, authorized by JR and outlined in Policy 5.10, Using Restraints with Youth.

Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party per RCW 9A.44.010.

Sexual Harassment: may occur between youth or between staff, contractors, volunteers, interns and youth.

1. For youth and staff, sexual harassment includes repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature.
2. In addition, for staff, sexual harassment also includes repeated verbal comments including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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IV. REFERENCES

Protecting the Abused & Neglected Child – A Guide for Recognizing & Reporting Child Abuse & Neglect⁵

V. RELATED JR POLICIES⁶

Policy 1.30– Reporting Serious and Emergent Incidents Policy 5.10 - Using Restraints with Youth

Policy 1.31 - Responding to the Death of a JR Youth Policy 5.90– Applying PREA Juvenile Standards in JR

VI. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to form
Report to Protective Services ⁷		DCYF Form 10-241

⁵ 8/3/2022 Technical Edit: Updated file name and added hyperlink.

⁶ 8/3/2022 Technical Edit: Removed references to policies 1.40 and 2.40 (replaced by DCYF Admin. policy 13.06) and updated name of JR policy 5.10.

⁷ 8/3/2022 Technical Edit: Updated Form Name.