

ECECD HOME VISITING GUIDANCE CLARIFICATION FOR MANDATED REPORTING GUIDANCE DOCUMENT 3

INTRODUCTION

The purpose of this document is to clarify the role of home visiting programs with respect to reporting incidents of child abuse, neglect, or exploitation. NMSA 1978, § 32A-4-3 of the New Mexico Children’s Code mandates that anyone who has knowledge, or a reasonable suspicion, that a child is abused or neglected must report it immediately. The report may be made to: (1) a law enforcement agency; (2) the New Mexico Children, Youth, and Families Department (CYFD) SCI at 1-855-333-SAFE [7233] or #SAFE from a cell phone; or (3) a tribal law enforcement or social services agency for any child residing on tribal land. Reporting an incident of abuse, neglect or exploitation to a supervisor is not sufficient and can place a child at further risk if reporting is delayed.

CONSULTATION AND TRAINING

Home visiting providers and their staff are not responsible for investigating allegations of abuse, neglect, or exploitation, but shall report their concerns in the statute outlined above. Because this process may be difficult for some individuals, the UNM CDD Consultation Team is available to support home visiting staff.

DATA

Documentation of required abuse and neglect reporting is not required in the Early Childhood Services Center (ECSC) database. All documentation is maintained in the client file.

PERFORMANCE (see NM Home Visiting Program Standard 6.5.c)

Statutory definitions of abuse and neglect are contained in the New Mexico Abuse and Neglect Act (NMSA 1978, § 32A-4-3):

Physical abuse includes:

1. Cases in which a child exhibits evidence of a skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of a bone, subdural hematoma, tissue swelling or death; and
2. There is not a justifiable explanation for the condition or death.

Sexual abuse includes:

1. Criminal sexual contact
2. Incest or criminal sexual penetration
3. Sexual exploitation (actions such as allowing, permitting or encouraging a child to engage in prostitution or obscene or pornographic photographing, or filming a child for obscene or

pornographic commercial purposes)

Neglect includes:

1. The abandonment of a child by a parent, guardian, or custodian.
2. The failure of a parent, guardian or custodian to provide a child with proper parental care and control with subsistence, education, medical or other care or control necessary for the child's well-being.
3. When a child is physically or sexually abused and the child's parent, guardian, or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm.
4. Parent inability to discharge their responsibilities to and for the child because of parent incarceration, hospitalization, or physical or mental disorder or incapacity.

Once a report is made, home visiting staff shall also inform their immediate supervisor of the report to SCI, law enforcement, or a tribal law enforcement or social services agency for any child residing on tribal land. The supervisor will then inform the Home Visiting Manager/Monitor of the matter via a brief email informing the Manager/Monitor that a report has been made. DO NOT include personal identifying information (PII) (i.e. initials, DOB, parent name, or any other information that could identify the child). Staff is required to comply with HIPAA and agency regulations regarding a client's Protected Health Information (PHI) in the email

Within 24 hours of the report, the document developed by each program for documenting a call to SCI, law enforcement, or tribal law enforcement or social services agency for any child residing on tribal land must be completed and faxed to the assigned home visiting Manager/Monitor. The Manager/Monitor will determine if further steps or supports are needed. If further support or follow up is needed, a conference/consultation call will be held with the home visiting Manager/Monitor and any others the Manager/Monitor determines appropriate and necessary.

While CYFD makes every effort to protect a reporter's identity during the SCI reporting process, CYFD cannot guarantee that an alleged perpetrator will not figure out who made the report.

EMERGENCY RESPONSE STRATEGIES

The process for reporting abuse and neglect should not change during a state of emergency, such as the COVID-19 pandemic. If you are having difficulty reaching SCI, law enforcement, or tribal law enforcement or social services agency for any child residing on tribal land reach out to your Monitor/Manager immediately.