



# Hidalgo County Head Start Program

## Policy Council Regular Meeting

**DATE:** April 17, 2019

**SUBJECT:** Revision to Policy on Abuse and Neglect to be Renamed as Child Maltreatment Policy

**RATIONALE/NEED:** Chapter 746 Minimum Standards for Child-Care Centers requires the language terminology of “maltreatment” be substituted for “abuse and neglect” in policies on the prevention, recognition, and reporting of abuse and neglect.

**RECOMMENDATION:** Administration recommends approval.

**COST:**

**RELATED INFORMATION INCLUDES:** Policy Revision

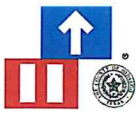
\*\*\*\*\*

**INITATED BY:** David Guel, Administrator for Human Resources 

**REVIEWED BY:** Teresa Flores, Executive Director

**EXECUTIVE DIRECTOR'S APPROVAL:**   
\_\_\_\_\_

# **CURRENT POLICY**



## Hidalgo County Head Start Program Child Abuse and Neglect Policy

### Current Policy

#### Child Abuse and Neglect Policy Review

Hidalgo County Head Start Program (HCHSP) along with the Health Services Advisory Board shall establish an annual review of the policies for reporting child abuse and neglect. The policy shall follow the requirements of Family Code Chapter 261 and shall be consistent with Hidalgo County Head Start Performance Standard 1302.47 (B)(5)(I) regarding investigations by the Texas Department of Protective and Regulatory Services, including regulations governing investigation of abuse by school personnel and volunteers.

#### Persons Required to Conduct Reports

A person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report to the appropriate authority as required by law. **Ref: Family Code 261.101 (a)**

The [Texas Family Code 261.101](#) requires professionals to make a report within 48 hours of first suspecting abuse, neglect or exploitation of children; if a professional has cause to believe that a child has been or may be abused or neglected or is a victim of indecency with a child, as described in Penal Code 21.11. A professional may not delegate to or rely on another person to make the report. **Ref: Family Code 261.101 (b).**

Every HCHSP employee, agent, or contractor who suspects child abuse or neglect must submit a written or oral report to the appropriate authorities listed in the Where To Report section contained in this policy.

#### Information In Report

The report shall contain, if known, the name and address of the child, the name and address of the person responsible for the care, custody, or welfare of the child, if available, and any other pertinent information concerning the alleged or suspected abuse or neglect. **Family Code 261.104**

#### Where To Report

All reports shall be submitted to:

1. Child Protective Services division of the Texas Department of Protective and Regulatory Services: **1-800-252-5400** or [www.dfps.state.tx.us](http://www.dfps.state.tx.us).
2. TDFPS – Child Care Licensing will be notified if the alleged abuse or neglect occurs at a Head Start facility **Ref: Family Code 261.103**
3. If the report is an emergency call 911 or your local law enforcement agency.

#### Immune From Liability

All reports of child abuse or neglect are confidential and you are protected from civil or criminal liability as long as the report is made in “good faith” and “without malice”. **Ref: Family Code 261.106.**

- “**Good faith**” means the person making the report took reasonable steps to learn facts that were readily available and at hand.
- “**Without malice**” means that the person did not intend to injure or violate the right of another person.



# Hidalgo County Head Start Program

## Child Abuse and Neglect Policy

### Current Policy

#### Failure To Report

A person commits a Class B misdemeanor if he or she has cause to believe that a child's physical or mental health welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided by law. **Ref: Family Code 261.109**

An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency a Class C misdemeanor offense. **Ref: Penal Code 39.06**

#### Reporting Requirements

The HCHSP staff will cooperate with law enforcement child abuse investigations without the consent of the child's parents if necessary, including investigations by the Department of Protective and Regulatory Services.

The policies on child abuse reporting shall:

1. Ensure that all HCHSP staff cooperate and **not interfere** with an investigation of a report of child abuse or neglect; and
  - HCHSP staff **cannot deny** a CPS investigator's request to interview a student at a center, and
  - HCHSP staff **cannot require** the presence of a parent or Center Manager or administrator during an interview by a CPS investigator.
2. Ensure that all reports of suspected child abuse or neglect shall remain confidential and any disciplinary action that resulted from noncompliance with the reporting policy; and
  - HCHSP staff **is not required** to first report suspicions of child abuse or neglect to a Center Manager or administrator prior to making a report to one of the appropriate agencies listed above.

#### Training Requirements

The HCHSP will provide training to all Head Start staff a minimum of one (1) hour of annual training in child abuse and neglect prevention techniques and recognition of symptoms of abuse and neglect as well as the responsibility and procedure for reporting suspected child abuse and neglect.

The HCHSP will provide all Head Start staff an Information Brochure regarding Prevention of Child Abuse and Neglect. The contents of the Information Brochure will contain:

1. Methods for increasing staff and parent awareness of issues regarding child and neglect, including warning signs that a child may be a victim of abuse or neglect;
2. Methods for increasing employee and parent awareness of prevention techniques for child abuse and neglect;
3. Strategies for coordination between the operation and appropriate community organizations; and
4. Actions that the parent of a child who is a victim of abuse or neglect should take to obtain assistance and intervention.



**Hidalgo County Head Start Program**  
**Child Abuse and Neglect Policy**  
**Current Policy**

**Annual Review and Distribution**

The program's policies regarding child abuse and neglect shall be distributed to all personnel at the beginning of each school year. The HCHSP Health Advisory Committee and Policy Council shall also review the policies annually.

\_\_\_\_\_  
**Employee Name (Print)**                      **Date**

\_\_\_\_\_  
**Employee Signature**                      **Date**

\_\_\_\_\_  
**Human Resource Signature**              **Date**

\_\_\_\_\_  
**Employee ID #**

**EDITED  
POLICY**



# Hidalgo County Head Start Program Child ~~Abuse and Neglect~~Maltreatment Policy

Edited

## ~~Child Abuse and Neglect~~ Child Maltreatment Policy Review

Hidalgo County Head Start Program (HCHSP) along with the Health Services Advisory Board shall establish an annual review of the policies for ~~reporting child abuse and neglect~~ prevention, recognition, and reporting of child maltreatment. The policy shall follow the requirements of **Family Code Chapter 261** and shall be consistent with **Hidalgo County Head Start Performance Standard - Safety Practices 1302.47 (B)(5)(I) and 746.1303, 746.1309 and 746.1311** regarding investigations by the Texas ~~Department of Protective and Regulatory Services~~ Health and Human Services – Minimum Standards for Child Care Centers, including regulations governing investigation of abuse by school personnel and volunteers. Child maltreatment constitutes all forms of child abuse including physical abuse, emotional ill-treatment, sexual abuse, neglect, negligent treatment and exploitation of children, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

### Persons Required to Conduct Reports

A person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by ~~abuse or neglect~~ child maltreatment by any person shall immediately make a report to the appropriate authority as required by law. **Ref: Family Code 261.101 (a)**

The [Texas Family Code 261.101](#) requires professionals to make a report within 48 hours of first suspecting child maltreatment such as physical abuse, emotional ill-treatment, sexual abuse, abuse, neglect or and exploitation of children that may result in actual or potential harm to the child's health, survival, development or dignity in context of a relationship or responsibility, trust or power; if a professional has cause to believe that a child has been or may be a victim of child maltreatment abused or neglected or is a victim of indecency with a child, as described in **Penal Code 21.11**. A professional may not delegate to or rely on another person to make the report. **Ref: Family Code 261.101 (b)**.

Every HCHSP employee, agent, or contractor who suspects child maltreatment, abuse or neglect must submit a written or oral report to the appropriate authorities listed in the Where To Report section contained in this policy.

### Information In Report

The report shall contain, if known, the name and address of the child, the name and address of the person responsible for the care, custody, or welfare of the child, if available, and any other pertinent information concerning the alleged or suspected abuse or neglect. **Family Code 261.104**

### Where To Report

All reports shall be submitted to:

1. Child Protective Services division of the Texas Department of Protective and Regulatory Services: **1-800-252-5400** or [www.dfps.state.tx.us](http://www.dfps.state.tx.us).
2. TDFPS – Child Care Licensing will be notified if the alleged child maltreatment abuse or neglect occurs at a Head Start facility **Ref: Family Code 261.103**
3. If the report is an emergency call 911 or your local law enforcement agency.

Policy Council Approval: 6/21/2017



## Hidalgo County Head Start Program Child ~~Abuse and Neglect~~Maltreatment Policy

Edited

### Immune From Liability

All reports of ~~child abuse or neglect~~child maltreatment are confidential and you are protected from civil or criminal liability as long as the report is made in “good faith” and “without malice”.

**Ref: Family Code 261.106.**

- “**Good faith**” means the person making the report took reasonable steps to learn facts that were readily available and at hand.
- “**Without malice**” means that the person did not intend to injure or violate the right of another person.

### Failure To Report

A person commits a Class B misdemeanor if he or she has cause to believe that a child’s physical or mental health welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided by law. **Ref: Family Code 261.109**

An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency a Class C misdemeanor offense. **Ref: Penal Code 39.06**

### Reporting Requirements

The HCHSP staff will cooperate with law enforcement child ~~abuse~~maltreatment investigations without the consent of the child’s parents if necessary, including investigations by the Department of Protective and Regulatory Services.

The policies on child abuse reporting shall:

1. Ensure that all HCHSP staff cooperate and **not interfere** with an investigation of a report of child ~~abuse or neglect~~maltreatment; and:
  - HCHSP staff **cannot deny** a CPS investigator’s request to interview a student at a center, and
  - HCHSP staff **cannot require** the presence of a parent or Center Manager or administrator during an interview by a CPS investigator.
2. Ensure that all reports of suspected child ~~abuse or neglect~~maltreatment shall remain confidential and any disciplinary action that resulted from noncompliance with the reporting policy; and
  - HCHSP staff **is not required** to first report suspicions of child ~~abuse or neglect~~maltreatment to a Center Manager or administrator prior to making a report to one of the appropriate agencies listed above.

### Training Requirements

The HCHSP will provide training to all Head Start staff a minimum of one (1) hour of annual training in ~~child abuse and neglect prevention techniques and recognition of symptoms of abuse and neglect as well as the responsibility and procedure for reporting suspected child abuse and neglect~~focused on prevention, recognition, and reporting child maltreatment, including 746.1311 (c).

Policy Council Approval: ~~6/21/2017~~



# Hidalgo County Head Start Program Child ~~Abuse and Neglect~~Maltreatment Policy

**Edited**

~~The HCHSP will provide all Head Start staff an Information Brochure regarding Prevention of Child Abuse and Neglect. The contents of the Information Brochure will contain:~~

- ~~1. Methods for increasing staff and parent awareness of issues regarding child and neglect, including warning signs that a child may be a victim of abuse or neglect~~Factors indicating a child is at risk for abuse and neglect;
- ~~2. Methods for increasing employee and parent awareness of prevention techniques for child abuse and neglect~~Warning signs indicating a child may be a victim of abuse or neglect;
- ~~3. Strategies for coordination between the operation and appropriate community organizations~~Procedures for reporting child abuse or neglect; and
- ~~4. Actions that the parent of a child who is a victim of abuse or neglect should take to obtain assistance and intervention~~Community organizations that have training programs available to employees, children, and parents.

### Annual Review and Distribution

The program's policies regarding child abuse and neglect shall be distributed to all personnel at the beginning of each school year. The HCHSP Health Advisory Committee and Policy Council shall also review the policies annually.

\_\_\_\_\_  
**Employee Name (Print)                      Date**

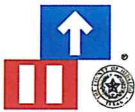
\_\_\_\_\_  
**Employee Signature                      Date**

\_\_\_\_\_  
**Human Resource Signature                      Date**

\_\_\_\_\_  
**Employee ID #**

Policy Council Approval: ~~6/21/2017~~

# **PROPOSED POLICY**



# Hidalgo County Head Start Program Child Maltreatment Policy

## Proposed

### Child Maltreatment Policy Review

Hidalgo County Head Start Program (HCHSP) along with the Health Services Advisory Board shall establish an annual review of the policies for "prevention, recognition, and reporting of child maltreatment. The policy shall follow the requirements of **Family Code Chapter 261** and shall be consistent with **Hidalgo County Head Start Performance Standard - Safety Practices 1302.47 (B)(5)(I) and 746.1303, 746.1309 and 746.1311** regarding investigations by the Texas Health and Human Services – Minimum Standards for Child Care Centers, including regulations governing investigation of abuse by school personnel and volunteers. Child maltreatment constitutes all forms of child abuse including physical abuse, emotional ill-treatment, sexual abuse, neglect, negligent treatment and exploitation of children, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

### Persons Required to Conduct Reports

A person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by child maltreatment by any person shall immediately make a report to the appropriate authority as required by law. **Ref: Family Code 261.101 (a)**

The [Texas Family Code 261.101](#) requires professionals to make a report within 48 hours of first suspecting child maltreatment such as physical abuse, emotional ill-treatment, sexual abuse, abuse, neglect and exploitation of children that may result in actual or potential harm to the child's health, survival, development or dignity in context of a relationship or responsibility, trust or power; if a professional has cause to believe that a child has been or may be a victim of child maltreatment or is a victim of indecency with a child, as described in **Penal Code 21.11**. A professional may not delegate to or rely on another person to make the report. **Ref: Family Code 261.101 (b)**.

Every HCHSP employee, agent, or contractor who suspects child maltreatment, must submit a written or oral report to the appropriate authorities listed in the **Where To Report** section contained in this policy.

### Information In Report

The report shall contain, if known, the name and address of the child, the name and address of the person responsible for the care, custody, or welfare of the child, if available, and any other pertinent information concerning the alleged or suspected abuse or neglect. **Family Code 261.104**

### Where To Report

All reports shall be submitted to:

1. Child Protective Services division of the Texas Department of Protective and Regulatory Services: **1-800-252-5400** or [www.dfps.state.tx.us](http://www.dfps.state.tx.us).
2. TDFPS – Child Care Licensing will be notified if the alleged child maltreatment occurs at a Head Start facility **Ref: Family Code 261.103**
3. If the report is an emergency call 911 or your local law enforcement agency.

Policy Council Approval:



## Hidalgo County Head Start Program Child Maltreatment Policy

### **Proposed**

#### **Immune From Liability**

All reports of child maltreatment are confidential and you are protected from civil or criminal liability as long as the report is made in “good faith” and “without malice”. **Ref: Family Code 261.106.**

- “**Good faith**” means the person making the report took reasonable steps to learn facts that were readily available and at hand.
- “**Without malice**” means that the person did not intend to injure or violate the right of another person.

#### **Failure To Report**

A person commits a Class B misdemeanor if he or she has cause to believe that a child’s physical or mental health welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided by law. **Ref: Family Code 261.109**

An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency a Class C misdemeanor offense. **Ref: Penal Code 39.06**

#### **Reporting Requirements**

The HCHSP staff will cooperate with law enforcement child maltreatment investigations without the consent of the child’s parents if necessary, including investigations by the Department of Protective and Regulatory Services.

The policies on child abuse reporting shall:

1. Ensure that all HCHSP staff cooperate and **not interfere** with an investigation of a report of child maltreatment; and:
  - HCHSP staff **cannot deny** a CPS investigator’s request to interview a student at a center, and
  - HCHSP staff **cannot require** the presence of a parent or Center Manager or administrator during an interview by a CPS investigator.
2. Ensure that all reports of suspected child maltreatment shall remain confidential and any disciplinary action that resulted from noncompliance with the reporting policy; and
  - HCHSP staff **is not required** to first report suspicions of child maltreatment to a Center Manager or administrator prior to making a report to one of the appropriate agencies listed above.

#### **Training Requirements**

The HCHSP will provide training to all Head Start staff a minimum of one (1) hour of annual training in focused on prevention, recognition, and reporting child maltreatment, including 746.1311 (c)

1. Factors indicating a child is at risk for abuse and neglect;
2. Warning signs indicating a child may be a victim of abuse or neglect;

Policy Council Approval:



## Hidalgo County Head Start Program Child Maltreatment Policy

### Proposed

3. Procedures for reporting child abuse or neglect; and
4. Community organizations that have training programs available to employees, children, and parents.

### Annual Review and Distribution

The program's policies regarding child abuse and neglect shall be distributed to all personnel at the beginning of each school year. The HCHSP Health Advisory Committee and Policy Council shall also review the policies annually.

\_\_\_\_\_  
Employee Name (Print)                      Date

\_\_\_\_\_  
Employee Signature                      Date

\_\_\_\_\_  
Human Resource Signature              Date

\_\_\_\_\_  
Employee ID #

Policy Council Approval: