

HIDALGO COUNTY, TEXAS
PERSONNEL POLICY MANUAL

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Date Authorized: ___/___/2020
Supersedes: N/A

HIDALGO COUNTY CHILD SAFETY POLICY

This policy is in addition to any specific County Office/Department/Program requirements or policy. If there is a conflict between this and a specific policy, the more restrictive will apply unless otherwise allowed by law.

POLICY STATEMENT.

The County of Hidalgo (“County”) is dedicated to providing a child safe environment for all children that interact with County workplace(s) and its employees and/or volunteers. The County will not tolerate and will seek to eradicate any behavior by its employees or volunteers which constitute child abuse as described herein. The County’s Child Safety Policy (the “Policy”) has been created for this purpose and to support compliance with any applicable law.

SCOPE.

This policy applies to all County employees and volunteers or other workplace participants at County’s discretion. While this policy addresses minors who interact with County employees/volunteers at the workplace, an employee/volunteer may still be subject to the provisions and penalties described herein for committing or being charged with committing child abuse against a minor outside of a County workplace.

DEFINITIONS.

Child abuse is a crime as defined by Texas law and includes physical, emotional and sexual abuse (*see below*) and/or neglect.

- *Child sexual abuse* may include, but is not limited to: unwanted and unnecessary touching or fondling of minors, voyeurism, exposing minors to sexual acts or pornography, requests for or offers of sex to minor, solicitation of sex from minors, sexual exploitation of minors, lewdness or exposing private body parts to minor and other sexual acts to minors such as intercourse, penetration, rape, incest and sodomy.

County Workplace includes properties/premises owned and/or operated by the County, as well as at programs/activities sponsored by the County at any location.

RELATIONSHIP WITH MINORS PROHIBITED.

Employees/volunteers are expected to comply with all applicable Federal, State and local laws, rules and regulations; as well as County Policy and Office/Departmental rules processes and procedures regarding interaction with minors. The County requires that all employees/volunteers interact and communicate with minors that interact with the County in a safe, appropriate, proper and professional manner. Employees/Volunteers should obtain any applicable authorizations from the County and/or the minor’s guardian(s)/parent(s) as may be required by County offices/departments or otherwise.

Employees/volunteers are prohibited from having any type of sexual relationship with a minor that interacts with employees/volunteers or the workplace even if the minor or his or her parent(s) provide their expressed consent.

Employees/volunteers that commit or are charged with committing child abuse while performing their job

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duties will be reported to the proper legal authorities and subject to disciplinary action up to and including termination.

REPORTING PROCEDURES.

Employees/Volunteers:

Employees and volunteers are required to immediately report any known or suspected incidents of child abuse/sexual misconduct in compliance with Texas law reporting requirements.

Reports should be made to: proper legal authorities, the Texas Department of Family and Protective Services (DFPS) at any time by phone at 1-800-252-5400 or online at Texas Abuse Hotline, and the Hidalgo County Executive Officer or designee at:

Hidalgo County Executive Office
Attn: County Executive Officer
2818 S. Business Highway 281
Edinburg, TX 78539
Phone: (956) 292-7655
Fax (956) 292-7034

County Executive Officer online: <https://www.hidalgocounty.us/372/Commissioners-Court-Executive-Office>

The Hidalgo County Executive Officer or designee shall implement and monitor this policy, provide training, and investigate and report on reported incidents. All formal complaints will be given a full, impartial and timely investigation. During such investigation, while every effort will be made to protect the privacy rights of all parties, confidentiality cannot be guaranteed. In the event that the County Executive Officer or designee is the first notified of an incident of known or suspected child abuse, the County Executive Officer or designee shall immediately notify the child's parent or legal guardian as the case be, and the appropriate legal authorities as required by state or local law, unless the parent or legal guardian is the alleged abuser. The County Executive Officer or designee is encouraged to communicate any questions or concerns about any incident with legal counsel.

If an Employee or volunteer makes a report to their immediate supervisor and/or the Department/Office head, that individual shall then notify the County Executive Officer or designee. If the person to whom an employee or volunteer is to report is the offending person, the report should be made to the next higher level of administration or supervisor.

Children/Parent/Legal Guardian:

It is the express policy of the County to encourage victims of child abuse, and their parents or guardians in the case of minors, to come forward with such claims.

Each year, parents or legal guardians of children who participate in County programs shall be advised of the contents of this Child Safety Policy and be instructed to report any incident of known or suspected child abuse/sexual misconduct to the County program or the County Executive Officer or designee, unless that individual is the offending person. Contact information for the County Program and the County Executive Officer contact information indicated above should also be provided in the notice. If the complaint is made to the head of the County Program, that individual shall follow state law reporting requirements and

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immediately notify the County Executive Officer or designee. This provision does not alleviate any employee's requirement to report as required by the employee's position.

Please note, an employee or volunteer's requirement to report an incident of known or suspected child abuse under any law, rule regulation or other requirement is not alleviated by this policy.

DISCIPLINE.

Any employee or volunteer involved in a reported incident of child abuse may be immediately relieved of responsibilities that involve interaction with minors or may be suspended, as determined by the County. Reinstatement of employees or volunteers involved in a reported incident of child abuse shall not be considered until after all allegations of child abuse have been cleared by the County.

Any employee or volunteer who is determined, after an investigation, to have engaged in child abuse in violation of this policy will be subject to disciplinary action up to and including discharge.

False accusations regarding child abuse will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action up to and including discharge, with regard to employees or volunteers.

Any employee/volunteer who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to sexual misconduct complaint will be subject to disciplinary action up to and including discharge. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

APPLICATIONS/BACKGROUND CHECKS/TRAINING/MAINTENANCE OF RECORDS AND DOCUMENTS.

The County Executive Officer or designee will:

- ensure that standard applications are used for all prospective employees or volunteers.
- ensure that a minimum of two (2) background checks are performed on all prospective employees and volunteers on "Sex Offender Hot-Lines", State Police, State Department of Social Services, or similar public agency databases.
- provide training directly or ensure and assist Offices/Department/Programs to provide training to employees and volunteers regarding this policy and procedures.
- maintain all records and documentation required by law or otherwise required by this and other related policies of the County including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

QUESTIONS.

Direct any questions about this policy to your department head or the Hidalgo County Executive Officer or designee. Department Heads should seek guidance from the Hidalgo County Executive Officer or designee regarding this policy.