

Child Abuse Reporting Guidelines (2 Pages)

HHSC Child Abuse Screening, Documenting, and Reporting Policy for Medicaid Providers

Each contractor/provider shall comply with the provisions of state law as set forth in Chapter 261 of the Texas Family Code relating to investigations of report of child abuse and neglect and the provisions of this HHSC policy. HHSC shall distribute funds only to a contractor/provider who has demonstrated a good faith effort to comply with child abuse reporting guidelines and requirements in Chapter 261 and this HHSC policy. Contractor/provider staff shall respond to disclosures or suspicions of abuse/neglect of minors [by reporting] to appropriate agencies as required by law.

PROCEDURES

- I Each contractor/provider shall adopt this policy as its own.
- II Each contractor/provider shall report suspected sexual abuse of a child as described in this policy and as required by law.
- III. Each contractor/provider shall develop an internal policy and procedures that describe how it will determine, document, and report instances of abuse, sexual or nonsexual, in accordance with the Texas Family Code, Chapter 261.

REPORTING GENERALLY

- I Professionals as defined in the law are required to report not later than the 48th hour after the professional first has cause to believe the child has been or may be abused or is the victim of the offense of indecency with a child.
- II Nonprofessionals shall immediately make a report after the nonprofessional has cause to believe that the child's physical or mental health or welfare has been adversely affected by abuse.
- III A report shall be made regardless of whether the contractor/provider staff suspect that a report may have previously been made.
- IV Reports of abuse or indecency with a child shall be made to:
 - A Texas Department of Family and Protective Services (DFPS) if the alleged or suspected abuse involves a person responsible for the care, custody, or welfare of the child (DFPS Texas Abuse Hotline at 1-800-252-5400, operated 24 hours a day, seven days a week);
 - B Any local or state law enforcement agency;
 - C The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
 - D The agency designated by the court to be responsible for the protection of children.
- V The law requires that the following be reported:
 - A Name and address of the minor, if known;
 - B Name and address of the minor's parent or the person responsible for the care, custody, or welfare of the child if not the parent, if known; and
 - C Any other pertinent information concerning the alleged or suspected abuse, if known.
- VI Reports can be made anonymously.
- VII A contractor/provider may not reveal whether or not the child has been tested or diagnosed with HIV or AIDS.
- VIII If the identity of the minor is unknown (e.g., the minor is at the provider's office to anonymously receive testing for HIV or an STD), no report is required.

REPORTING SUSPECTED SEXUAL ABUSE

- I Each contractor/provider shall ensure that its employees, volunteers, or other staff report a victim of abuse who is an unmarried minor under 14 years of age and is pregnant or has a confirmed sexually transmitted disease acquired in a manner other than through perinatal transmission.
- II The Texas Family Code, Chapter 261, requires other reporting of other instances of sexual abuse. Other types of reportable abuse may include, but are not limited to, the actions described in:
 - A Penal Code, §21.11(a) relating to indecency with a child;
 - B Penal Code, §21.01(2) defining “sexual contact”;
 - C Penal Code, §43.01(1) or (3)-(5) defining various sexual activities; or
 - D Penal Code, §22.011(a)(2) relating to sexual assault of a child;
 - E Penal Code, §22.021(a)(2) relating to aggravated sexual assault of a child.
- III Each contractor/provider may utilize the attached Checklist for HHSC Monitoring for all clients under 14 years of age. The checklist, if used, shall be retained by each contractor/provider and made available during any monitoring conducted by HHSC.

TRAINING

- I Each contractor/provider shall develop training for all staff on the policies and procedures in regard to reporting child abuse. New staff shall receive this training as part of their initial training/orientation. Training shall be documented.
- II As part of the training, staff shall be informed that the staff person who conducts the screening and has cause to suspect abuse has occurred is legally responsible for reporting. A joint report may be made with the supervisor.