

Health and Safety

Subject: Child Abuse and Neglect Plan and Procedures – Identification and Reporting of Child Abuse and Neglect	Head Start Performance Standard: 1301.31, N-30-356-1-30 of the Head Start Policy Manual – General Provisions (1.a), (b.4), (B.d,e,f) and Florida Statutes, Chapter 39
Service Areas: Personnel and General Administration.	Section:

POLICY:

In accordance with the Head Start Performance Standards, the Miami-Dade County CAA Head Start/Early Head Start Program must ensure that Grantee and Delegate Agencies develop and implement a plan for responding to suspected or known child neglect, physical or sexual abuse, as required by the Florida Statutes. The plan must include procedures which require Head Start/Early Head Start personnel, who are mandatory reporters, to report child abuse and/or neglect in accordance with the provisions of reporting requirements in the State of Florida.

Florida law is very specific about child and vulnerable adult abuse and neglect. A few of the definitions are mentioned below.

“Abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the EHS Teacher, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this subsection, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. The term does not include a surrendered newborn infant as described in s. 383.50, a “child in need of services” as defined in chapter 984, or a “family in need of services” as defined in chapter 984. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or EHS Teacher responsible for a child’s welfare may support a finding of abandonment.

“Abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

"EHS Teacher" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare.

"Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

- a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or
- b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Neglect of a child includes acts or omissions

"Other person responsible for a child's welfare" includes the child's legal guardian or foster parent; an employee of any school, public or private child day care center, residential home, institution, facility, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include the following persons when they are acting in an official capacity: law enforcement officers, except as otherwise provided in this subsection; employees of municipal or county detention facilities; or employees of the Department of Corrections.

PROCEDURE:

Any staff member who suspects that a child is being neglected and/or abused (by staff, EHS Teacher or unknown person) must take the following steps:

1. Report the suspected incident IMMEDIATELY to the Florida Department of Children and Family (FDCF) 24-hour Child Abuse hotline at 1-800-96-ABUSE (1-800-962-2873). If the employee reporting the incident would like to document the incident, the employee can complete the FDCF Fax transmittal Report form and fax it to 1-800-914-0004.
2. It is the responsibility of the staff that suspects and/or observes a physical injury and/or mark on the child to call and report the incident. Staff will not delegate this responsibility to another staff for ANY reason.

- a. If the suspected perpetrator of the abuse/neglect is an employee or volunteer of the agency, the individual that suspects the abuse/neglect is encouraged to notify their immediate supervisor and administration. Further action will be taken by notifying the Regional Office.
 - b. If there is an open DCF investigation involving a staff member/volunteer, administration will be notified in order to relay the information to the Regional Office.
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- The Curriculum Specialist, Early Childhood Development Coordinator, Family Worker or any other employee may not influence the staff person suspecting the abuse from making a report to the DCF hotline.
 - Any form of child abuse (verbal, physical, sexual, emotional etc.) that is consistent with the law will not be accepted in the Head Start/Early Head Start Program.
 - The use of any form of abuse by program staff is grounds for disciplinary action, up to and including termination.