

 <p style="text-align: center;">WEST VIRGINIA DIVISION OF JUVENILE SERVICES</p>	<p><u>POLICY NUMBER:</u></p> <p style="font-size: 2em; text-align: center;">335.00</p>	<p><u>PAGES:</u></p> <p style="text-align: center;">3</p>
<p><u>CHAPTER:</u> Institutional Operations</p>	<p><u>REFERENCE AND RELATED STANDARDS:</u> WV Code Chapter §§ 49-1-201, 49-2-803, 49-2-903,; ACA 4-JCF-3B-03 and 3D-1; ACA 3-JDF-3D-06-1; Prison Rape Elimination Act (PREA), §§115.361, 115.363, and 115.381</p>	
<p><u>SUBJECT:</u> Facility Child Abuse and Neglect</p>		
<p><u>DATE:</u> October 1, 2015</p>		

PURPOSE

It is the policy of the Division of Juvenile Services to be in compliance with the West Virginia Code as it applies to child abuse and neglect.

CANCELLATION

This policy has been revised and supersedes Policy 335.00 dated April 1, 2014.

APPLICABILITY

This Policy applies to all Division of Juvenile Services’ facilities, centers and employees.

DEFINITION

West Virginia Code §49-1-201 states, in pertinent part:

“Abused child’ means a child whose health or welfare is being harmed or threatened by:

- (A) A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;
- (B) Sexual abuse or sexual exploitation;
- (C) The sale or attempted sale of a child by a parent, guardian or custodian; or
- (D) Domestic violence.

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West Virginia Code §49-2-803(a) states, in pertinent part:

Any ... employee of the Division of Juvenile Services ... who has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than forty-eight hours after suspecting this abuse or neglect, report the circumstances or cause a report to be made to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.

PROCEDURES

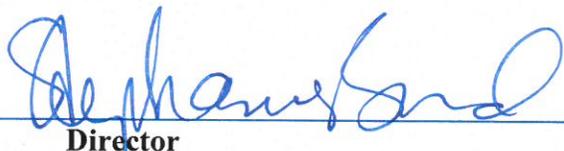
1. West Virginia Code **§49-2-803(a)** requires all employees to report any and all incidents of child abuse as defined above to the Facility Superintendent/Director or his or her designee.
2. Medical and mental health practitioners are obligated to inform residents of their mandatory reporting requirements at the initiation of any services to a resident and the limitations of confidentiality.
3. Medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.
4. The Facility Superintendent/Director or his or her designee, shall report any suspected incident of institutional or non-institutional child abuse or neglect to the Division's Director of Investigations or his or her designee and to the Department of Health and Human Resources **Child Abuse Hot Line at 1-800-352-6513** as soon as possible but no later than forty-eight (48) hours. For any instances of non-institutional report of suspected child abuse, the Division's Investigative Unit will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred within 72 hours after notification of the alleged abuse. Full cooperation shall be given in any subsequent investigation.

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5. The Facility Superintendent/Director or his or her designee, upon becoming aware of any suspected incident of institutional abuse or neglect of a resident, shall immediately initiate whatever measures are determined appropriate to ensure the affected resident's safety and security. The Department of Health and Human Services' Office of Institutional Investigation Unit (IIU) shall be notified. An internal investigation will be carried out by the Division's Investigative Unit.
6. Each facility will have in place an operational procedure to ensure the standards and practices of this policy are followed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:  10/6/15
Director Date