



10 ADMINISTRATION

Effective: 08/01/11

10.45 Child Abuse and Neglect Reporting

POLICY: WIC staff must follow agency protocols for reporting suspected or threatened child abuse or neglect. If the agency does not have a protocol for reporting suspected or threatened child abuse or neglect, the protocols set forth in this policy must be followed. Reporting of child abuse and neglect (or suspected abuse or neglect) is required of all WIC staff.

References: 7 CFR § 246.26 (d)(3), Wis. Stat. § 48.981

PROCEDURE:

A. WHAT MUST BE REPORTED

All suspected incidents of child abuse or neglect (or credibly threatened abuse or neglect) must be reported when encountered in the course of professional duties. A child is <18 years of age.

1. Abuse Wis. Stat. ch. 48 (Children's Code) and Wis. Stat. ch. 948 (Crimes against Children) provide the following as examples of child abuse:
 - a) Physical injury inflicted on a child by other than accidental means (Wis. Stat. § 48.02(1)(a)).
 - b) Recklessly or intentionally causing bodily harm to a child or failing to act to prevent bodily harm (Wis. Stat. §948.03)
 - c) Causing mental harm to a child. (Wis. Stat. § 948.04).
 - d) Physical injury includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm
 - e) A child's parent, guardian or legal custodian refusing, neglecting or failing (for reasons other than poverty) to obtain necessary treatment for or to take steps to ameliorate the symptoms of emotional damage. (Wis. Stat. § 48.02(1)(gm)
 - f) Inflicting serious physical harm on an unborn child, including the risk of serious physical harm caused by the habitual use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree. (Wis. Stat. § 48.02(1)(am))
 - g) Sexual intercourse or sexual contact under Wis. Stat. §§ 940.225 (sexual assault), 948.02 (sexual assault of a child), 948.025 (repeated acts of sexual assault with the same child), or 948.085 (Sexual assault of a child placed in substitute care).
 - h) Sexual exploitation of a child (Wis. Stat §§ 948.05 and 948.12 (Possession of child pornography)).
 - i) Permitting, allowing or encouraging a child to engage in prostitution (Wis. Stat. § 944.30).
 - j) Trafficking of a child (Wis. Stat. § 948.051).



- k) Causing a child to view or listen to sexual activity (Wis. Stat. § 948.055).
 - l) Exposing a child to harmful material or harmful descriptions or narrations. (Wis. Stat. § 948.11)
 - m) Causing a child to expose genitals or pubic area or exposing genitals or pubic area to a child for purposes of sexual arousal gratification, (Wis. Stat. § 948.10).
 - n) Illegal manufacturing of methamphetamine with a child physically present, in a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home, or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child. (Wis. Stat. §48.02(1)(g))
 - o) Non-accidental incidents of death, serious injury, violence, torture, inappropriate or cruel restraints, exposure of a child to a dangerous situation, or other similar circumstances may all constitute child abuse.
 - p) Contributing to the delinquency of a child. Wis. Stat. § 948.40).
2. Neglect: Wis. Stat. § 48.981(1)(d) defines "neglect as a failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child." Neglect may include neglect of an unborn child.
3. EXCEPTION: WIC staff are not required to report a pregnant minor (<18 years of age) if she has received health care services from a physician, physician's assistant, or nurse.
4. Reporting is required if a pregnant minor (<18 years of age) has not received health care services from a physician, physician's assistant, or nurse, and WIC staff:
- a) suspects that the sexual contact was with a caregiver
 - b) believes the minor is incapable of consent due to a mental illness
 - c) believes the minor is incapable of consent due to immaturity or a lack of understanding
 - d) suspects the minor was unconscious
 - e) suspects exploitation
 - f) suspects that the sexual contact was not voluntary including forcible rape, sexual assault. (Wis. Stat. § 48.981(2m)).

B. WHO MUST REPORT

1. **MANDATORY REPORTERS (Direct):** - As defined in Wisconsin State Statutes, the following WIC staff are mandatory reporters and must immediately report reasonably suspected incidents of child abuse or neglect (or credibly threatened abuse or neglect) when encountered in the course of their professional duties.
- a) a dietitian (Wis. Stat. § 48.981)



- b) a nurse (Wis. Stat. § 48.981)
 - c) a health care provider as defined in State Statutes 146.81 to 146.84
 - (1) a dietitian licensed under Chapter 448 (a Certified Dietitian)
 - (2) a nurse holding a certificate of registration or a license under Chapter 441
 - d) All CPAs employed by or working under contract with a county human services department. This requirement includes personnel working as bilingual certifiers during the certification appointment (formerly known as Bilingual Paraprofessional CPAs trained by the Wisconsin WIC Program).
2. **MANDATORY REPORTERS (Indirect):** Other WIC staff must verbally report suspected child abuse and neglect observations and concerns to a mandatory reporter: 1) a project Dietitian (RD or CD), or 2) a Nurse, or 3) a CPA in the WIC Project employed by or working under contract with a county human services department, who must then immediately make the report. The purpose is for a mandatory reporter to make the report and to support WIC staff but not to make a determination of actual abuse or neglect. Another option is that they make the report together. The WIC staff person who initially suspected child abuse or neglect must retain the responsibility under the law to assure that the report was made.
- a) In the situation when a mandatory reporter is not available, reporting will be delayed until a mandatory reporter is available. For example, a Breastfeeding Peer Counselor makes a home visit to a participant on the weekend and suspects child abuse. The Peer Counselor will wait until Monday to make the report to a mandatory reporter.
 - b) **WIC staff must work within her/his scope of professional duties. WIC staff does not need to seek further information or clarification. Any concerns about child abuse or neglect will be investigated by child protective services. WIC staff must not investigate suspected child abuse or neglect.** (Policy 10.41 Confidentiality).

C. OTHER

- 1. A staff person required to report suspected child abuse or neglect must immediately inform the county child welfare department of the facts and circumstances contributing to the suspicion. The county child welfare department should be where the child or child's family resided. In a county having a population of 500,000 or more (Milwaukee County), a person required to report must immediately inform one of the following of the facts and circumstances contributing to the suspicion: the county child welfare department, the Department of Children and Families (DCF), a licensed child welfare agency



under contract with DCF, the sheriff, or the city, village, or town police department (Wis. Stat. § 48.981(3)(a)(1)).

- a) According to Wisconsin Statute 48.981, no person may be discharged from employment for making a report and any person or institution making a report in good faith will have immunity from any liability, civil or criminal, “that results by reason of the action.”
2. All mandatory reporters must have a telephone number to call to report suspected child abuse or neglect. To locate an agency, go to www.dcf.wisconsin.gov and click on “Report Child Abuse” or contact information at <http://www.wcwpds.wisc.edu/mandatedreporter/contacts.pdf> which includes telephone numbers for after hours.
3. A release of information is not required before making a report. 7 CFR § 246.26(d), Wis. Stat. §§ 48.981(4) and 146.82(2)(a)11
4. Follow Memorandums of Understanding and consult with legal counsel as needed.
5. Follow WIC Risk Criteria and Guidelines for Risk Factor 901 Victim of Abuse/ Battering.
6. Training: Within the next 12 months, it is required that all WIC staff, without agency protocols for reporting, review this policy and discuss local procedures. It is recommended that all WIC staff receive annual child abuse and neglect training to learn procedures for reporting. If possible, training should be provided by experts in this topic, such as, the county human services department staff or child protective services staff, or through a “train the trainer” process. It is recommended as part of orientation that newly hired staff receive training or read written policies and procedures that address reporting child abuse and neglect within six weeks of beginning employment. See Resources at the end of the policy for training materials.
7. The agency that the WIC Program is part of should develop a policy for child abuse and neglect. Policy 10.45 may be used as a template.

D. DOCUMENTATION

1. Document in the ROSIE Care Plan, as appropriate: statements made by the client (subjective), physical observations (objective), and action taken, such as talked with supervisor, made the report (plan). No assessment or concern is needed. Include the name and telephone number of the person to whom the abuse report was made.
 - a) The person who documents in the care plan is determined by the WIC Project.



- b) If a health professional documents the report made by a staff person who is not a mandatory reporter, include the name of this staff person in the ROSIE care plan.
2. During the certification appointment, follow the WIC Risk Criteria and Guidelines for using code Risk Factor 901 Victim of Abuse/Battering. If the risk factor is determined mid-certification, document in the care plan. At the following certification appointment, add risk factor 901 in the ROSIE risk tab.

References:

7 CFR § 246.26 (d)(3) <http://www.fns.usda.gov/wic/lawsandregulations/default.htm>

Wisconsin State Statute 48.981 <http://nxt.legis.state.wi.us>

Child Welfare Information Gateway and Wisconsin Coalition Against Sexual Assault.

Resources:

Training materials have been developed by the Children's Hospital of Wisconsin for mandatory reporters. Training materials are located at:

<http://www.wcwpds.wisc.edu/related-training/mandated-reporter/Default.aspx>

This includes a 2 hour video, handouts, a 79 page script with power point slides, and a quiz.

Contact Information-Who Should I Call:

<http://www.wcwpds.wisc.edu/mandatedreporter/contacts.pdf>

Policy 10.41 Confidentiality

Wisconsin Children's Trust Fund, Child Abuse and Neglect Prevention Board

<http://wctf.state.wi.us>

Wisconsin Coalition Against Sexual Assault www.wcasa.org

Child Abuse and Neglect www.childwelfare.gov/can/

Defining Child Abuse and Neglect www.childwelfare.gov/can/defining/

Preventing Child Abuse and Neglect www.childwelfare.gov/preventing/

Reporting Child Abuse and Neglect www.childwelfare.gov/responding/reporting.cfm

Recognizing child abuse and neglect: signs and symptoms

<http://www.childwelfare.gov/pubs/factsheets/signs.pdf>



Mandatory reporters of child abuse and neglect:

www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm