



CHILD ABUSE AND NEGLECT POLICY

Intent Statement:

This example policy was developed to assist child care staff by providing guidelines for the detection and reporting of suspected cases of child abuse and neglect. The policy applies to all regular staff, substitute staff, volunteers, and parents in the child care setting. All who work with children and have reasonable cause are legally required to make an abuse and/or neglect report and cannot shift the responsibility of reporting to anyone else.

Where to Report:

All staff must report suspected abuse or neglect. Reports of suspected abuse or neglect can be made to the Department of Community Based Services (DCBS) at 1 (877) 597- 2331. In case of an emergency or if a child is in immediate danger, dial 911 first. Child care staff may prefer to report suspected abuse or neglect of a child to the to a local law enforcement agency or the Department of Kentucky State Police; the Commonwealth's attorney or the county attorney.

Non-emergency reports may be made online at: <https://prd.webapps.chfs.ky.gov/reportabuse/home.aspx>

If a child care center staff makes notification to DCBS about a suspicion of abuse or neglect, this person must also notify their local Division of Regulated Child Care (DRCC) office to report the incident of abuse or neglect. Notification to DRCC can be made by phone, fax, email, or by a hand-delivered written statement.

What to Report:

DCBS (Protection & Permanency) determines abuse and/or neglect through investigation.

- A report should contain enough information to identify the child involved, any persons responsible for the abuse and neglect (if known), and the nature and extent of the maltreatment.
- Include a word for word account of what the child said without editing and who was present when the child revealed the abuse.
- Record the child's emotional state, gestures, and facial expressions and what was happening at the time the child revealed the abuse.
- The report should also include a careful description of the size, shape, color, location, and drainage of any obvious physical injury, and if necessary, a drawing describing the injury.

Legal Definitions of Child Abuse and Neglect:

KRS 600.020 states:

(1) "Abused or neglected child" means a child whose health or welfare is harmed, or threatened with harm when:

(a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:

1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
7. Abandons or exploits the child;
8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed; or

(b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

Child Care Regulations:

922 KAR 2:090 Section 13. Reports.

(1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:

(e) A report of child abuse or neglect that:

- 1. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and*
- 2. Names a director, employee, volunteer, or other person with supervisory or disciplinary control over, or having unsupervised contact with a child in care as the alleged perpetrator; or*

(2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.

922 KAR 2:090. Section 6. License Issuance.

(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:

(f) Cooperate with the cabinet, the cabinet’s designee, or another agency with regulatory authority during:

- 1. An investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(4);*

922 KAR 2:120. Section 2. Child Care Services.

(3) (a) Each center shall maintain a child-care program that assures each child will be: 2. Protected from abuse or neglect.

(b) The program shall include:

- 1. A procedure to ensure compliance and inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030; and*
- 2. Written policy that specifies that the procedures that were taught at the orientation training shall be implemented by each child-care center staff member.*

Acknowledgement

I have reviewed the policy. I had the opportunity to ask questions for clarification. I will implement the policy effective immediately on the date signed.

Name _____ Date _____

References:

- Kentucky Cabinet for Health and Family Services. Preventing Child Abuse and Neglect Booklet.
- Kentucky Cabinet for Health and Family Services. Division of Child Care. 922 KAR 2:090 and 922 KAR 2:120
- Child Care Aware of Kentucky, Tips and Tools. Standards of Practice for Licensed Child Care.