

HOW A CHILD ENTERS THE SYSTEM

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REPORTING

Duty to Report: § 32A-4-3(A)

Every person, must report “including”:

- ❖ a licensed physician;
- ❖ a resident or an intern examining, attending or treating a child;
- ❖ a law enforcement officer;
- ❖ a judge presiding during a proceeding;
- ❖ a registered nurse;
- ❖ a visiting nurse; a schoolteacher;
- ❖ a school official;
- ❖ a social worker acting in an official capacity; or
- ❖ a member of the clergy

Why are these listed if the requirement includes “every person”? Because these may think they have other duties/privileges - see next slide

Duty to Report, cont.

Any person who has information that is not privileged as a matter of law (not as a matter of ethical rules or conventions),

who knows or has a reasonable suspicion that a child is an abused or a neglected child,

shall report the matter immediately to:

- ❖ a local law enforcement agency;
- ❖ CYFD; or
- ❖ a tribal law enforcement or social services agency for any Indian child residing in Indian country.

Immunity of Reporting Person

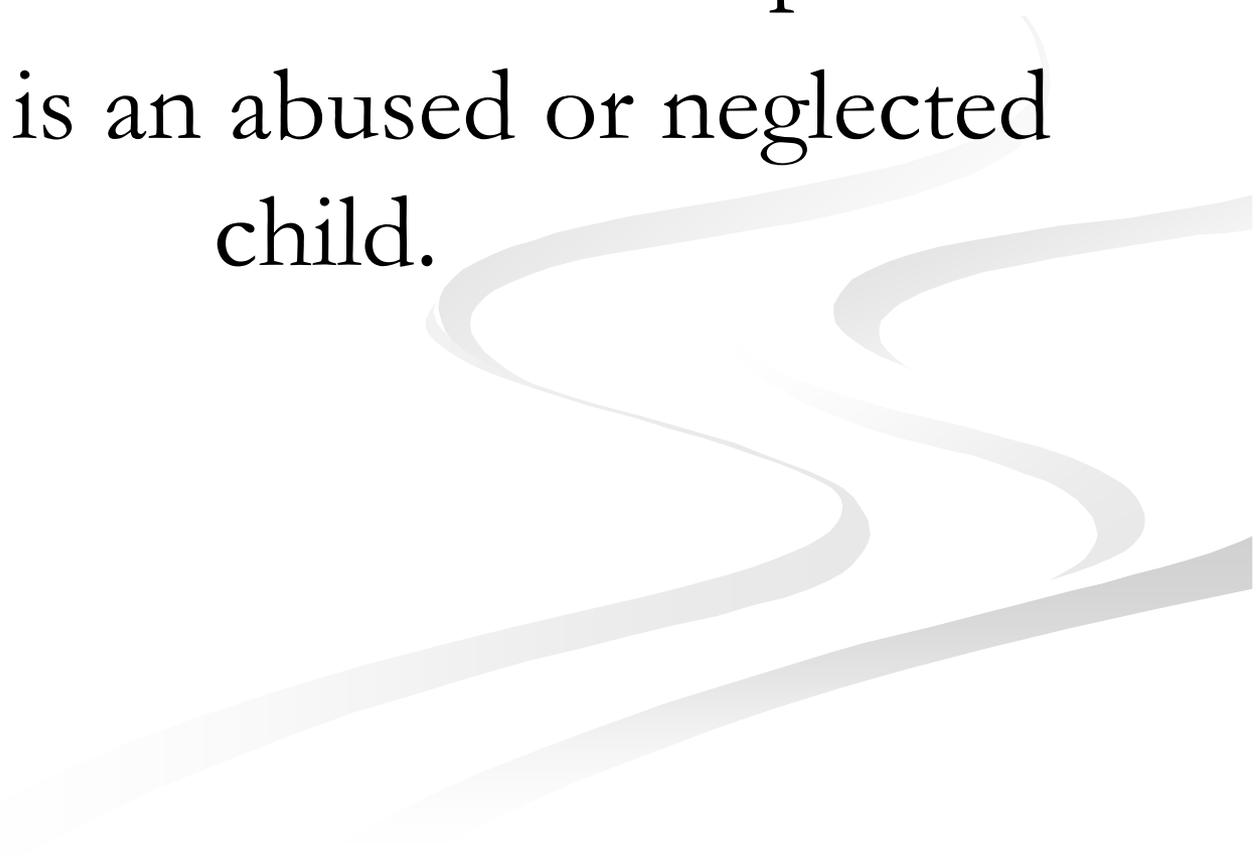
§ 32A-4-5(B)

“Anyone reporting an instance of alleged child neglect or abuse or participating in a judicial proceeding brought as a result of a report required by Section 32A-4-3 NMSA 1978 is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose.”

What must be reported?



Knowledge or reasonable suspicion
that a child is an abused or neglected
child.

The background of the slide features several thick, light gray, wavy lines that flow from the bottom right towards the center, creating a sense of movement and depth.

Abuse

- ❖ **Serious Harm**
- ❖ **Physical Abuse**
- ❖ **Emotional Abuse**
- ❖ **Psychological Abuse**
- ❖ **Sexual Abuse or Sexual Exploitation**
- ❖ **Endangerment**
- ❖ **Torture, cruel confinement or cruel punishment**

SEE DEFINITIONS HANDOUT

Emotional & Psychological Abuse

- ❖ The Children's Code does not define emotional or psychological abuse.
- ❖ But, the Court of Appeals upheld a finding of **Emotional Abuse** and Neglect in *Eventyr J.*, based on the combined effects of mother's:
 - ❖ Leaving children unattended for long periods;
 - ❖ Exposing them to dangerous situations;

Cont.

- ❖ Failing to understand their physical and emotional needs;
- ❖ Failing to empathize with their feelings;
- ❖ Being self-centered in her interactions with the children;
- ❖ Exposing them to domestic violence;
- ❖ Exposing them to substance abuse;
- ❖ Showing an indifference to their needs in favor of her own; and
- ❖ Placing them with inappropriate caretakers.

Eventyr J., 120 N.M. 463 (Ct. App. 1995); see also *State ex rel CYFD v. Athena H.*, 2006-NMCA-113.

Neglect

- ❖ Abandonment
- ❖ Lack of proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being because of:
 - ❖ the faults or habits of the child's p/g/c, or
 - ❖ the failure or refusal of the p/g/c, when able to do so, to provide them.
- ❖ Physical or sexual abuse, when the child's p/g/c *knew or should have known* of the abuse *and failed to take reasonable steps to protect* the child from further harm
- ❖ Inability to discharge parental responsibilities because of incarceration, hospitalization or physical or mental disorder or incapacity.

SEE DEFINITIONS HANDOUT

Abandonment & Safe Haven

Leaving an infant at a hospital in accordance with the Safe Haven Act:

- ❖ protects a parent, guardian, or custodian from **CRIMINAL PROSECUTION** for child abandonment, but
- ❖ does **NOT** protect against abuse & neglect proceedings.

Where are reports made?



What happens to a report?

CYFD Statewide Central Intake

8.10.2 NMAC

When SCI receives a report of alleged abuse or neglect, the report is assigned an investigative priority.

- ❖ **Emergency Report:** respond within 3 hours = immediate danger
- ❖ **Priority One Report:** respond within 24 hours = serious allegations, but child in safe environment
- ❖ **Priority Two Report:** respond within 5 calendar days = past abuse/neglect, no immediate danger

Respond = face to face contact with alleged victim (child).

Screen In/Screen Out

“Screen in” means a report from a community source which met requirements to make it a referral.

“Screen out” means the report didn’t meet requirements, including out of home perpetrator, concerns do not warrant an investigation, or the allegations the same as a current investigation.

Emergency Report

Response required within 3 hours:

- ❖ When the worker believes the identified victim is in **immediate danger**, he/she immediately consults the supervisor for approval of the emergency prioritization.
 - ❖ The supervisor arranges for immediate assignment of the report for investigation.
- ❖ When the situation is potentially life threatening, the worker **contacts the appropriate emergency response personnel**, including, but not limited to, law enforcement and paramedics.

Examples of Emergency Report

Examples include, but are not limited to:

- ❖ an abandoned infant or child;
- ❖ any incident alleging a recent serious trauma, such as head injury, burns, or broken bones;
- ❖ reports alleging physical injury to an infant;
- ❖ reports alleging recent sexual abuse;
- ❖ reports alleging any potential life-threatening situation;
- ❖ requests from law enforcement for immediate response to assist in the assessment of the immediate safety of the child and/or adult; and
- ❖ allegation of abuse or neglect in foster or pre-adoptive home.

Priority One Report

24-hour Response

If the intake worker assesses that the alleged victim is not in immediate danger, but that a response by CYFD is required within twenty four hours, he/she completes the Protective Services Report, and forwards the report to his/her supervisor as soon as possible.

- ❖ The supervisor reviews, approves and forwards the report to the investigation supervisor for assignment.

Examples of Priority One Reports

Examples include, but are not limited to:

- ❖ Allegations of physical injury where the alleged victim is presently in a safe environment;
- ❖ Allegations of ongoing abuse or neglect where the alleged perpetrator will not have access to the child in the next twenty-four hours.

Priority Two Report

5 calendar days

If, based upon the information provided in the report, the intake worker assesses that the alleged victim is not in immediate danger; he/she completes the Protective Services Report, and forwards the report to his/her supervisor as soon as possible.

- ❖ The supervisor reviews, approves and forwards the report to the investigation supervisor for assignment.

Examples of Priority Two Reports

Examples include, but are not limited to:

- ❖ Reports alleging a/n with no immediate concerns for the victim's safety or well being;
- ❖ Reports alleging physical abuse with no present injury;
- ❖ Reports of a/n when the alleged perpetrator no longer has access to the victim;
- ❖ Reports of abuse/n when a protective parent or caretaker has already intervened.

The New Mexico Piñon Project

**Initiative to Standardize and Improve Practice
Across the State.**

The purpose of the project is to define a framework of how our agency engages and works together with children, youth, families, and stakeholders to create an environment that focuses on the safety, permanency, and well-being of children and their families.