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Sheriff

# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

## Child Maltreatment – Mandated Reporter Protocol

<b>Distribution:</b>	<b>All Employees</b>	<b>Index:</b>	<b>OPS 1201</b>
<b>Responsible Unit:</b>	<b>Child Advocacy Center</b>	<b>Rescinds:</b>	<b>N/A</b>
<b>DLI Program:</b>		<b>MD Code:</b>	<b>See References</b>

<b>Issued:</b>	<b>1/1/18</b>	<b>Revised:</b>	<b>10/15/17</b>	<b>Reviewed:</b>	<b>12/14/17</b>	<b>Next Review:</b>	<b>1/1/21</b>
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### 1. Purpose

To provide guidance to law enforcement deputies who receive reports of child maltreatment from mandated reporters.

### 2. Policy

Deputies responding to incidents of child maltreatment will place the immediate and long term well-being of the child victim above any procedural considerations.

### 3. Definitions

**ABUSE:** the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by a parent; a household member or family member; a person who has permanent or temporary care or custody of the child; a person who has the responsibility for supervision of the child; or a person who, because of the person's position or occupation, exercises authority over the child; and sexual abuse of a child, whether physical injuries are sustained or not. Abuse does not include the physical injury of a child by accidental means.

**ADULT SURVIVOR:** any person 18 years-of-age or older, who discloses sexual child abuse that occurred when they were a child, 17 years-of-age or younger.

**CARE OR CUSTODY:** a parent/guardian, family member, household member, or other person who has permanent or temporary responsibility for the supervision of a minor.

**CHILD NEGLECT:** the intentional failure to provide necessary assistance and resources by a parent/guardian, family member, household member, or other person, for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor. Neglect does not include the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to a lack of financial resources or homelessness.

**FAMILY MEMBER:** A relative of a minor by blood, adoption, or marriage.

**HOUSEHOLD MEMBER:** A person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

**MANDATED REPORTER:** A health practitioner, educator, human service worker, or police officer.

**MENTAL INJURY:** the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child.

**MINOR (CHILD):** Any individual under the age of eighteen (18) years.

**SERIOUS PHYSICAL INJURY:** Brain injury or bleeding within the skull; starvation; physical injury that creates a substantial risk of death or causes permanent or protracted severe disfigurement; loss of the function of any bodily member or organ, or impairment of the function of any bodily member or organ.

**SEXUAL ABUSE:** means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member including a parent, household member or family member, a person who has permanent or temporary care or custody of the child; a person who has the responsibility for supervision of the child; or a person who, because of the person's position or occupation, exercises authority over the child. Sexual abuse includes allowing or encouraging a child to engage in obscene photography, films, poses, or similar activity; pornographic photography, films, poses, or similar activity; or prostitution; human trafficking; incest; rape; sexual offense in any degree; sodomy; and unnatural or perverted sexual practices.

**SEX TRAFFICKING:** the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

#### **4. References**

MD Code, Criminal Law, §3-601 (Physical- Child Abuse)  
MD Code, Criminal Law, §3-602 (Sexual Abuse of a Minor)  
MD Code, Criminal Law, §3-602.1 (Neglect of a Minor)  
MD Code, Criminal Law, §11-207 (Child Pornography)  
MD Code, COMAR, 13A.08.01.13 (Questioning on School Premises)  
MD Code, Family Law, § 5-704 (Reports of suspected abuse or neglect; required reporters)

#### **5. Procedures**

##### **A. Reporting**

1. Reporting does not require proof that abuse or neglect has occurred as incidents are to be reported as soon as they are suspected.
2. Waiting for proof may involve grave risk to the child and impede services to the family as witnesses to child abuse and neglect are rare.
3. Professional judgment and knowledge should be used to evaluate any suspicion.

**B.** If a mandated reporter attempts to report suspected child abuse/neglect or vulnerable adults to the Department of Social Services (DSS) after normal business hours, they will be referred to local law enforcement by DSS.

## 6. Responsibility of Law Enforcement

- A. Upon receiving an after-hours report of suspected child abuse/neglect or vulnerable adults from a mandated reporter, law enforcement will first make a determination if the victim is presently in danger and/or awaiting contact by considering the following:
1. Is there an immediate threat to the victim by the suspect (e.g. same household, shared custody, etc.)?
  2. Is the victim presently at a medical/mental health facility related to the allegation?
  3. Does the victim and his/her caregiver wish to file a police report?
- B. If the victim is presently in danger and/or awaiting contact, law enforcement will:
1. Generate a call for service in CAD/RMS;
  2. Conduct a thorough preliminary investigation;
  3. Ensure Child Protective Services (CPS) is notified via the on-call answering service at (410)879-5578;
  4. If necessary notify the on-call Child Advocacy Center (CAC) investigator per the posted on-call procedure; and,
  5. At the conclusion of the preliminary investigation, the deputy will prepare a detailed written report. This report will be completed prior to the end of his tour of duty.
- C. The completed report will be forwarded to the CAC via the preferred email method, using the appropriate distribution list or via fax at (410) 638-3296.
- D. The completed report will also be forwarded to CPS via the preferred email method, using the appropriate distribution list or via fax at (410) 836-4945.
- E. If the mandated reporter is simply meeting their legal obligation by notifying law enforcement and the victim is not presently in danger and/or is not awaiting contact law enforcement will:
1. Obtain the contact information for the mandated reporter, and;
  2. Provide the contact information, along with law enforcement callback information, to CPS on-call answering service at (410) 879-5578.

## F. Responsibility of CPS on-call personnel

- A. If law enforcement receives an after-hours call from a mandated reporter who is simply meeting their legal obligation, where the victim is not presently in danger and/or is not awaiting contact, law enforcement personnel shall forward the mandated reporter's contact information to the CPS on-call answering service.

- B. The answering service will notify the on-call CPS worker with the mandated reporter and law enforcement's contact information.
- C. The on-call CPS worker will make contact with the mandated reporter and gather further details of the alleged abuse/neglect in order to complete the appropriate mandated paperwork.
- D. If the on-call CPS worker feels there are further details which indicate exigent circumstances requiring an immediate response, they will re-contact law enforcement to request that law enforcement generate a call for service and complete a written report.
  - 1. If law enforcement is requested by a CPS worker, a law enforcement officer must respond to the scene of the alleged incident and take appropriate steps to document the incident.
- E. If the on-call CPS worker feels that the mandated reporter is simply meeting their legal obligation and the further details do not indicate any exigent circumstances requiring an immediate response, they will file the mandated paperwork accordingly.

**G. Applicability**

- A. These procedures ONLY apply to after-hours calls from mandated reporters.
- B. These procedures DO NOT apply to other after-hours calls for service to law enforcement regarding child abuse or neglect.

**H. Confidentiality**

- A. All personnel of the Harford County Sheriff's Office are responsible for maintaining the security and confidentiality of any personal information concerning child maltreatment investigations.