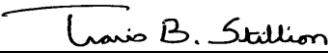


NORTH CENTRAL OHIO REHABILITATION CENTER	
PROCEDURE FO-3D-04-1	
TITLE: REPORTING OF CHILD ABUSE/NEGLECT	
PURPOSE: To establish guidelines regarding reporting of child abuse and/or neglect consistent with appropriate state and local laws.	
ACA REFERENCE: 3-JCRF-3D-04-1 Protection from Harm PREA REFERENCE: §115.321, §115.322, §115.334, §115.351, §115.353, §115.354, §115.361, §115.363, §115.364, §115.365, §115.367, §115.371, §115.372, §115.373, §115.376, §115.377, §115.378, §115.382, §115.383	
PART THREE: Facility Operations SECTION: Juvenile Rights	
MARION COUNTY REFERENCE: N/A	
DIRECTOR'S APPROVAL: 	Date: 6/1/2017

1. POLICY: It is the policy, procedure, and practice of North Central Ohio Rehabilitation Center (NCORC) to provide for the reporting of all instances of child abuse and/or neglect consistent with appropriate state laws or local laws.

As prescribed in ORC 2151.421, NCORC shall report all allegations/indications of emotional, physical or sexual abuse involving youth of the facility to the county child protection system. Referrals shall be made, pursuant to the procedures described below, whenever a youth alleges that he has been a victim of said abuse or when the facility believes the youth may have been a victim of abuse both prior and during his stay. Further, the facility shall also report to the child protection system when youth disclose previous delinquent behavior that would have resulted in the abuse of another minor. Facility staff shall notify the Probation Officer whenever an abuse referral is made to the child protection system. Parent(s)/legal guardians should be notified unless it is alleged that they may have been involved with the circumstances of abuse. In all situations involving possible abuse conditions, facility staff shall document all action taken.

2. DEFINITIONS: See policy 3D-04-Definitions

3. PROCEDURE:

Identification of previous abuse at admission

3.1. Staff, at the time of admission, shall be alert to any potential signs of abuse (bruises, lacerations, burns). Particular attention shall be paid

attention when conducting the Frisk and Hygiene Search. If staff does witness potential signs of abuse, they will question the youth as to its cause.

- 3.2. If the admitting staff member believes, because of physical indications and/or the youth's allegations, that the youth may have been a victim of abuse, staff immediately shall notify the on-duty Shift Supervisor.
- 3.3. The admitting staff shall also complete a Critical Incident Report, detailing observations and the discussions with the youth.
- 3.4. The Shift Supervisor and/or Rehabilitation Advisor shall call the therapist.
- 3.5. The therapist shall call the county child protection system where the youth last resided. The therapist shall document the referral and his/her contacts in the Critical Incident Report.
- 3.6. The therapist shall speak with the youth to process the allegations. Within this meeting, the youth shall prepare a written statement of facts. The therapist or in his/her absence, the Program Compliance Director shall notify the Probation Officer and, if the situation allows, the youth's parent/guardian. All situations should be documented in the Critical Incident Report. In consultation with the Executive Director, the Program Compliance Director, Assistant Director and the therapist shall determine whether others should be notified (e.g.: Chain of Command, police or agency where the alleged act occurred).
- 3.7. Copies of the Critical Incident Report and statement of facts shall be secured into the youth's file. The original Critical Incident Report and statements of facts shall be secured in the three ring binder labeled Critical Incident Reports.
- 3.8. If, during the admission procedure, the youth indicates that they have been a recent victim of a sexual assault, staff shall follow the Sexual Assault Protocol.

Identification of previous abuse-disclosed to Direct Care Staff

- 3.9. If a youth, during his stay in the facility, alleges that he has previously been the victim of abuse, staff shall immediately notify the on-duty Shift Supervisor.
- 3.10. The Shift Supervisor and/or Rehabilitation Advisor shall call the therapist.
- 3.11. The Direct Care Staff shall also complete the Critical Incident Report.

3.12. The therapist shall call the county child protection system where the youth last resided. The therapist shall document the referral and his/her contacts in the Critical Incident Report.

3.13. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency where the facility is located (i.e.: Sheriff's Office, Children's Services, State Patrol, etc).

3.13.a. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

3.13.b. NCORC shall document that it has provided such notification.

3.13.b.1 Information to include in documentation is date and time of calls to the agency and investigative agency. Include the name of person spoken to regarding allegation.

3.13.c. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

Identification of previous abuse – Disclosed to Therapist

3.14. If a youth, during his stay in the facility, discloses to the therapist that he has previously been the victim of abuse, the therapist shall immediately notify the Executive Director, Program Compliance Director and Assistant Director. In addition the therapist shall complete a Critical Incident Report documenting their actions. As therapists are mandatory reporters, they are responsible for calling and/or faxing a copy of the Critical Incident Report to the protection system where the youth last resided.

3.14.a. The therapist shall notify the Probation Officer. In consultation with the Executive Director, the Program Compliance Director, Assistant Director and the therapist shall determine whether others should be notified (e.g.: Chain of Command, police or agency where the alleged act occurred). All actions taken should be documented in the Critical Incident Report.

3.14.b. Copies of the Critical Incident Report shall be secured into the youth's file. The original Critical Incident Report shall be secured in the binder labeled Critical Incident Reports.

3.14.c. Parent(s)/legal guardians should be notified unless it is alleged that they may have been involved with the circumstances of abuse.

3.15. If a youth, during his stay in the facility, discloses to a therapist that he has previously abused (physical or sexual) a minor child, the therapist shall immediately notify the Executive Director, Program Compliance Director and Assistant Director.

3.15.a. The therapist shall complete a Critical Incident Report documenting their actions.

3.15.b. The therapist shall also call and/or fax a copy of the Critical Incident Report to the respective police agency where the alleged act occurred.

3.15.c. The therapist shall also call and/or fax a copy of the Critical Incident Report to the county child protection system where the alleged victim resides.

3.15.d. Copies of the Critical Incident Report shall be secured into the youth's file. The original Critical Incident Report shall be secured in the binder labeled Critical Incident Reports.

3.15.e. The therapist shall notify the Probation Officer. In consultation with the Executive Director, Program Compliance Director, Assistant Director and the therapist shall determine whether others should be notified (e.g.: Chain of Command, police or agency where the alleged act occurred).

3.15.f. Parent(s)/legal guardians should be notified unless it is alleged that they may have been involved with the circumstances of abuse.

3.15.g. All actions taken should be documented in the Critical Incident Report.

3.15.h. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency where the facility is located (i.e.: Sheriff's Office, Children's Services, State Patrol, etc).

3.15.i. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

3.15.i.1 Information to include in documentation is date and time of calls to the agency and investigative agency. Include the name of person spoken to regarding allegation.

3.15.h. NCORC shall document that it has provided such notification.

3.15.j. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

Reporting possible abuse while in the facility

3.16. All employees shall sign a Code of Ethics during the orientation phase of employment. Any sexual conduct, contact or activity between staff and youth and volunteers or contract personnel and youth is strictly prohibited.

3.17. When there is a incident of alleged abuse or allegations of abuse the employee(s), volunteer and/or contractor who witness an act of possible abuse/assault shall immediately notify the supervisor who shall notify the Chain of Command. These incidents include emotional, physical or sexual abuse. The staff, volunteer and/or contractor that is a witness to or has knowledge of the abuse is responsible for reporting them immediately. If the employee(s), volunteer and/or contractor fails to report the abuse, the employee(s), volunteer and/or contractor shall be subject to disciplinary and/or criminal sanctions.

3.18. The employee, volunteer and/or contractor may by pass the chain of command if they are not comfortable reporting the allegation to the supervisor on duty.

3.19. If the sexual conduct, contact, activity or sexual harassment includes a staff person, contract personnel or volunteer that person is suspended pending the investigation to prevent contact which is prohibited with the alleged victim.

3.20. The witnessing employee shall prepare a written statement which shall not be part of the internal communications, but be in the possession of the Executive Director.

3.21. A preliminary review of allegation will be conducted by the PREA Coordinator(s). All information will be passed on to the Executive Director.

3.22. All sexual abuse/assault allegations will be referred in its entirety to the Marion County Sheriff's Office (MCSO) and Children's Services for investigation.

3.22.a. Marion County Sheriff's Office (MCSO) and Children's Services shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

3.23. Cooperation in the investigation shall include, but not limited to, permitting access to:

- 3.23.a.** The alleged youth victim
 - 3.23.b.** The alleged perpetrator
 - 3.23.c.** Witnesses
 - 3.23.d.** Staff
 - 3.23.e.** Incident reports, medical records, personnel records, training files, Policy and Procedure Manuals relating to the investigation.
- 3.24.** The Executive Director shall also notify the respective committing court of the allegations and the status of the investigation.
- 3.25.** The Executive Director shall also contact the parent/guardian of the allegations.
- 3.26.** The Executive Director shall document all contacts, securing them, along with other related documents that are specific to this investigation.
- 3.27.** If allegation has no merit, internal corrective actions or safety measures may be implemented.

Reporting to the Ohio Department of Youth Services (ODYS)

- 3.28.** Allegations involving physical/sexual abuse of a resident shall be reported to ODYS.
- 3.29.** The Executive Director, Program Compliance Director and/or Assistant Director shall notify ODYS as soon as possible.
- 3.30.** In addition to the phone call, the Executive Director, Program Compliance Director and/or Assistant Director shall complete all necessary paperwork documenting the allegations and the status of the investigation.
- 3.31.** All paperwork shall be sent to ODYS. The form shall be available for review by the MCSO, Children's services and representatives of the ODYS.
- 3.32.** The Program Compliance Director shall be responsible for maintaining a binder of Critical Incident Reports.

Youth Reporting of Sexual Abuse

- 3.33.** Youth who are victims of sexual abuse have the option to report the incident to any staff member, not just an immediate point-of-contact line staff member. If the incident reported is recent, the staff recipient of the report shall inform the alleged victim not to shower, clean themselves,

brush their teeth or otherwise take any action which might damage or destroy evidence. Staff are to secure the area in which the abuse has allegedly taken place with tape. Staff are to document in the log and on the tape who secured the area and when. Do not let anyone into this area except the Sheriff Deputies.

3.34. NCORC shall provide multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

3.34.a. Examples of internal ways but not limited to: verbally to any staff member, written through a grievance or letter (request slip) to staff.

3.35. NCORC shall also provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request.

3.35.a. The youth can utilize a pre-programmed number on the youth phone to contact an outside agency to report abuse or harassment.

3.35.b. The youth can also write any outside person to report abuse or harassment. The youth are given the mailing addresses to Marion County Sheriff's Office, Marion County Children's Services, Marion General Hospital, and the Victim Assistance Program. The addresses are located in the youth handbooks.

3.35.c. All youth are given the tools necessary to make a written report (i.e.: pen, paper, envelope, stamp, etc)

3.36. Any employee, volunteer and/or contractor who receives a report of sexual assault or possible sexual assault, whether verbally, in writing, anonymously, and from third parties shall immediately notify the Executive Director, privately if necessary. The employee, volunteer and/or contractor can privately report through a phone call, note slipped under Executive Director's door, email, or memo under door. The employee is also responsible for completing a critical incident report.

3.36a. NCORC can receive third party reports verbally, in writing, or anonymously.

3.36.b. NCORC shall protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other

residents or staff and shall designate all staff with monitoring retaliation.

- 3.36.c.** For at least 90 days following a report of sexual abuse, NCORC shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items NCORC should monitor include any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. NCORC shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- 3.36.d.** In the case of residents, such monitoring shall also include periodic status checks during individual therapy or the PREA Coordinator(s) will periodically check in on the youth. These status checks shall be documented in a progress note or status check form.
- 3.36.e.** If any other individual who cooperates with an investigation expresses a fear of retaliation, NCORC shall take appropriate measures to protect that individual against retaliation. If retaliation is reported against a youth necessary housing changes may be made to protect the youth. If retaliation is reported against a staff person, that staff person may be reassigned to the other community and may be subject to disciplinary action. If the staff retaliate toward a youth and/or staff for reporting the incident, that staff member may be subject to disciplinary action.
- 3.36.f.** NCORC's obligation to monitor shall terminate if the investigating agency determines that the allegation is unfounded.

- 3.37.** The alleged victim and the aggressor shall be separated and remain separated until an investigation is complete. Discipline and/or additional criminal charges for the alleged aggressor may occur pending investigation results. Engaging in a personal and/or sexual relationship or sexual harassment with a youth will result in employment termination and/or termination of contractual or volunteer status. All terminations of employment, contractual or volunteer status for violations of NCORC sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. Any youth found to be in violation of our zero tolerance policy for sexual abuse, assault, conduct or harassment shall be removed from the program in conjunction with the committing county.

- 3.37.a.** NCORC shall employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- 3.37.b.** If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- 3.37.c.** If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- 3.37.d.** If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

3.38. The Executive Director or designee is responsible for notifying:

- 3.38.a.** The Marion County Sheriff's Office
- 3.38.b.** The Ohio Department of Youth Services
- 3.38.c.** Youth's parents / legal guardian
- 3.38.d.** Juvenile Court
- 3.38.e.** Children's Services
- 3.38.f.** NCORC Nurse
- 3.38.g.** NCORC Therapist

Victim Treatment

3.39. In conjunction with the investigating agency (i.e.: Sheriff Office), victims of sexual assault shall be immediately transported to Marion General Hospital for treatment and gathering of evidence.

- 3.39.a.** As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- 3.39.b.** Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the

abuser or cooperates with any investigation arising out of the incident.

- 3.40.** The Marion County Sheriff's Office shall collect any relevant documents and evidence from NCORC and Marion General Hospital SANE nurse.
- 3.41.** Upon returning to the facility, the nurse shall be responsible for ensuring that the resident receives testing to include, but not be limited to: Gonorrhea, Chlamydia, Syphilis, Hepatitis B, and HIV testing if testing did not occur at the emergency room. The nurse shall also ensure testing of the alleged aggressor if the aggressor was a youth within the facility.
- 3.42.** If the youth is still in NCORC, medical follow-up shall reflect re-testing five to six months after the initial test. If the youth is no longer in NCORC, the aftercare plan will reflect recommendations for medical follow-up.
- 3.43.** Upon returning to the facility, the resident shall be seen by the facility mental health professional as soon as possible. Other appropriate referrals shall be made.
 - 3.43.a.** NCORC shall make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, NCORC shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. NCORC shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. NCORC may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services. Will provide, post, or otherwise make accessible mailing addresses and telephone numbers, including toll free hotline numbers where available.
 - 3.43.b.** NCORC shall enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible.
 - 3.43.c.** NCORC shall inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

- 3.43.d.** NCORC shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. NCORC shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
- 3.43.e.** NCORC shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians. The youth can fill out a request slip requesting to speak with their attorney or other legal representation. A NCORC staff person (i.e.: therapist, Assistant Director, or Program Compliance Director) shall facilitate this phone call. A youth can either write their parents or schedule a phone call throughout the week.
- 3.43.f.** As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- 3.44.** If the victimization was not recent, the facility nurse and therapist may be contacted and appropriate referrals for treatment and gathering of evidence shall be made within a reasonable timeframe.
- 3.45.** A qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. This person is the SANE nurse at Marion General Hospital.

Reporting to Residents

- 3.46.** Following an investigation into a resident's allegation of sexual abuse suffered in NCORC, NCORC shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- 3.47.** NCORC shall request the relevant information from the investigative agency in order to inform the resident. NCORC will document this request.
- 3.48.** Following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:

- 3.48.a.** The staff member is no longer posted within the resident's unit;
 - 3.48.b.** The staff member is no longer employed at NCORC;
 - 3.48.c.** NCORC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - 3.48.d.** NCORC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- 3.49.** Following a resident's allegation that he or she has been sexually abused by another resident, NCORC shall subsequently inform the alleged victim whenever:
 - 3.49.a.** NCORC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - 3.49.b.** NCORC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- 3.50.** All such notifications or attempted notifications shall be documented.
- 3.51.** NCORC's obligation to report under this standard shall terminate if the resident is released from NCORC's custody.

Allegations of sexual harassment

- 3.52.** NCORC shall ensure that an administrative or criminal investigation is completed for all allegations of sexual harassment.
- 3.53.** A preliminary review of allegation will be conducted by the PREA Coordinator(s). All information will be passed on to the Executive Director in order to assess merit of the allegation.
 - 3.53.a.** If allegation has merit, the Executive Director shall refer the matter in its entirety to the Marion County Sheriff's Office (MCSO) and Children's Services for investigation
 - 3.53.b.** If allegation has no merit, internal corrective actions or safety measures may be implemented.

Case Records

- 3.54.** All case records associated with claims of sexual abuse shall be maintained in resident's permanent file. A copy shall also be maintained along with other Critical Incident Reports by the Program Compliance Director in accordance with record retention policy.