#### DEPARTMENT OF CARE MANAGEMENT

Section	Policies & Procedures	6.2	06/04/91 - Effective
Subject	<b>Departmental Operations</b>		01/23/2009 - Reviewed
			01/23/2009 - Revised
Policy	Child Abuse Reporting		Care Management - Author

# **Child Abuse Reporting**

## Policy Overview

Texas State law mandates that persons having cause to believe or suspect that a child has been or is at risk of being physically, sexually, or emotionally abused or neglected must report his / her suspicions to the Texas Department of Protective and Regulatory Services (DPRS).

### Audience

Care Management staff.

# Care Manager's Role for Reporting

A Care Manager suspecting abuse or neglect of a child must make a report to the state CPS Hotline at 1-800-252-5400 or via the internet <a href="https://www.txabusehotline.org/">https://www.txabusehotline.org/</a>. Documentation of the report should be made in the child's medical record (call identification number, name and extension of the person receiving the report, and any other pertinent data). A Care Manager may submit a written report to CPS if deemed necessary by the worker and/or supervisor. Any written report should be non-accusatory in nature stating the facts of the situation and the observation of the worker.

# Cases Without Care Management Involvement

It is not the responsibility of the Care Manager to report the findings of another professional to CPS. In these instances, reports must be made by the professional staff with direct knowledge of the findings which led to their concerns. The Care Manager may provide guidance to this professional.

# Physician Reporting

The physician treating the child should be encouraged to report the medical findings independently. An Abuse protocol (form # 7043) is available for the physician to document the findings.

# Information Disclosure

All reports should contain the name and address of the child and the responsible person(s). Additionally, behavioral observations or interactions, as well as past or current chemical use (if directly disclosed by the parents), and known previous CPS history should be disclosed to CPS. CPS may also request to know whether physician feels the history given is consistent with the injuries, the identities of all household members, if there are siblings, and if the condition is life-threatening.

# Newborn Infants Information

In the case of newborn infants, information from both the mother's and infant's medical charts may be reported.

Information regarding HIV status or regarding chemical dependency treatment

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## Which May Not Be Disclosed

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# Family Notification Involvement With Attorneys

Family notification of a CPS referral is not required but is strongly encouraged.

The Care Manager may not contact any attorney directly regarding suspicions

Transportation For Court Appearances

of abuse / neglect. If contacted by an attorney or if subpoenaed by the court, the Care Manager should contact their supervisor, who will notify UTMB Legal Affairs. Care Managers will not testify in court absent a subpoena.

If a court appearance is required, the Care Manager is entitled to travel expenses

from the Attorney who issued the subpoena. In Civil Cases, with the approval of UTMB Legal Affairs, the "100 Mile Rule" may be invoked to encourage jurisdictions at this distance or greater to accept deposition in lieu of personal appearance. This rule does not apply in criminal cases.

# Subpoenas Of Medical Records

Medical records require a separate subpoena which should be directed to the Department of Health Information Management.

# Abuse / Neglect Validation

The Care Manager shares no responsibility with CPS for validating whether actual abuse/neglect has occurred or of determining which person is responsible.

# Temporary CPS Custody

In cases where CPS determines that a child should not be discharged to the parents' custody, a copy of the court order giving temporary custody to CPS must be placed on the medical record. Prior to receipt of the court order, the Care Manager must document in the progress notes that a court order exists, the number of the court order, the date it was issued, the judge's name and the court in which the judge presides, and the name and phone number of the CPS worker.

# Emergency CPS Custody

CPS workers have limited authority, prior to obtaining a court order, to take emergency custody of a child for up to 72 hours. However, it is not advisable to have the child leave the hospital without a court order or without direct advice and authorization from UTMB Legal Affairs and/or Hospital Administration. Legal Affairs personnel are available during non-regular working hours through the on-call administrator. Care Managers should document in the medical record when they are made aware that CPS has take emergency custody. A copy of the emergency removal form shall be placed on the child's chart.

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