

VIBS Family Violence and Rape Crisis Center Mandatory Reporting Policy

Policy:

VIBS Family Violence and Rape Crisis Center (VIBS) values the physical and emotional well-being and safety of all the individuals served. While VIBS also values empowerment and supports independence and personal choice for its clients regarding any decision they make for their own safety, **VIBS must abide by its professional and organizational obligations to state and federal laws.** Staff is required by NYS law to protect minors ages 17 and under who have witnessed or experienced abuse and are incapable of protecting themselves. VIBS also has a legal obligation to protect individuals who have suicidal intent, and to report imminent threats to the safety of others if disclosed during services. **Therefore, VIBS staff must make a mandatory report in any of the following circumstances:**

- **abuse, maltreatment and neglect** of children 17 years of age and under
 - Any probable cause or reason to believe that a child 17 years of age and under is being abused, maltreated, or neglected will be reported to Child Protective Services (CPS) according to NYS Social Services Laws Article 6, Title 6, Section 413; and The NYS Office of Children and Family Services Regulations for Domestic Violence Service Providers Section 18 NYCRR Part 462.8(a).
- **suicidal ideations** of any individual receiving VIBS services
 - VIBS staff is obligated by NYS law to contact police to report any suspicion of suicidal intent based on client's direct disclosure of plan or intent to harm her / himself
 - If the client disclosing suicidal intent is a minor 17 years of age and under, a parent or guardian must also be informed
- **homicidal intent** of any individual receiving VIBS services
 - VIBS requires its staff to report to police and to the intended victim any imminent threats to the safety of others if disclosed during services.

VIBS values transparency with every survivor regarding instances when the laws demand that a mandatory report be made to the appropriate authority as stated above. Disclosures and discoveries of child abuse, suicidal intent, and homicidal intent cannot be held confidential. Therefore, all staff will communicate this policy to the client, verbally and in writing, at the onset of services.

Purpose:

To ensure that VIBS staff meet their legal and ethical responsibility to protect those individuals most at risk for abuse and deemed incapable of protecting themselves; to make VIBS' position on mandatory reporting clear and transparent to clients, staff, volunteers and consultants; and to guide the staff in best practices in meeting client needs and preferences while still abiding by all legal mandates.

I. CPS Mandatory Reporting Procedures:

Any VIBS staff member who witnesses or has reasonable suspicion(s) of the abuse, neglect or maltreatment of a child 17 years of age or younger has a NYS legal and professional mandate to report this knowledge to CPS (Child Protective Services). VIBS staff does not need to obtain a signed consent release of information form by the individual since this reporting is a legal and professional mandate. As such, VIBS staff is expected to follow the procedures outlined below.

1. Staff is required to inform all clients of VIBS legal and professional mandates regarding instances of child abuse.
 - a. Staff will inform clients of this legal and professional mandate
 - i. At the onset of services
 - ii. During clients initial phone or in person contact with VIBS
 - iii. Upon immediate disclosure by client or staff's reasonable suspicion
2. Upon the immediate knowledge or reasonable suspicion of child abuse, staff who obtains this knowledge will:
 - a. Attempt to gather more information from the client about the child abuse incident including
 - i. Alleged perpetrator's name, address, and contact information if known
 - ii. Name and address of victim(s)
 - iii. If other children under 17 years of age reside in the household with alleged perpetrator
 - iv. If any other children are or have been abused by alleged perpetrator
 - v. Type of abuse endured by alleged perpetrator
 - vi. Dates, times, and nature of the abuse
 - b. Inform the client that a mandatory CPS report will be made, ***except in instances of child sexual abuse by a family member.***
 - i. If the individual who discloses child abuse is an active client of VIBS but the child abuse was witnessed or reported to a staff member other than the client's counselor or advocate, then the clients' counselor or advocate will inform the client that a mandatory CPS report will be made by VIBS.
 - ii. If the staff member who witnessed or obtained knowledge of child abuse is ***not*** a direct service provider, than a direct service provider will inform the individual who is not an active client that a mandatory CPS report will be made by VIBS.
 - iii. If the staff member who witnessed or obtained knowledge of child abuse is not the counselor or advocate of an active client, than the clients assigned counselor or advocate will inform the client that a mandatory CPS report will be made by VIBS.
 - iv. Staff should ascertain if the child alleged to be abused is receiving services through the Office for People with Developmental Disabilities (OPWDD). If so, adult non-offending parents must be informed that this report to CPS may result in CPS making a report to OPWDD as well.
 - c. Consult with direct supervisor.

- i. If direct supervisor is not available, then any available departmental supervisor should be contacted.
 - d. Encourage the client / individual to make a report to CPS
 - i. If the client / individual reports abuse of a child against abusive partner, another parent, or guardian of child over the phone, through email, and/or in letter form, the client / individual will be encouraged to make a report to CPS her / himself
 - ii. If the client / individual reports abuse of a child against abusive partner, another parent, or guardian in person, staff will encourage client / individual to make the report with staff
 - (1.) Staff will discuss with client how being involved in the CPS reporting process will demonstrate to CPS that the client / individual is attempting to safeguard the child
 - e. Contact the New York State Central Register for Child Abuse and Maltreatment Reporter's hotline at 1-800-635-1522 within a 24 hour time period.
3. Once a CPS report has been accepted by the NYS Central Registry
 - a. The staff member who called in the report will fill out and complete a DSS22221-A form within a 48 hour period of when report was phoned in.
 - b. The unit supervisor is responsible for all administrative actions concerning the report thereafter, including the responsibility for completion and submission of the CPS form DSS22221-A with all pertinent and available information regarding the case.
 - i. The supervisor may delegate this responsibility to another staff member, but must ensure its submission, and assumes all liability for doing so.
 - c. This form will be mailed to the local Department of Social Services at:
 - CPS Register / Intake Unit
 - Suffolk County Department of Social Services
 - PO Box 18100
 - Hauppauge, NY 11788-8900
 - d. A copy of this form will be made and given
 - i. to file in clients record
 - ii. to Director of Counseling Services
 - iii. to counselor / advocate assigned to client if the reporting staff member is not the clients counselor or advocate
4. Staff will clearly document in the clients file that a CPS report was made, including information pertaining to
 - a. time and date of disclosure / reasonable suspicion
 - b. allegations and nature of abuse
 - c. staff member who obtained knowledge of abuse and made the report
 - d. time and date of CPS report
 - e. outcome of CPS report (accepted or denied)
5. All CPS reports and documentation will be placed in client's file.

*Instances When Staff Will **Not** Inform Client That a CPS Report Was Made by VIBS*

1. VIBS staff will **NOT** inform clients or individuals about VIBS mandates to contact CPS when a disclosure is made or staff obtains knowledge of child sexual abuse by a family member.
 - a. This is to help protect child victims from threats to recant their disclosures and to avoid giving the subject of the report an opportunity to “cover up” the abuse.

CPS Reports Not Accepted by NYS Child Central Registry

1. If the report is not accepted by the NYS Child Central Registry, staff may ask for the CPS registry representative’s supervisor and try again.
2. If the report is still not accepted, and strong concerns continue to exist, staff is encouraged to contact Suffolk County CPS to discuss the case.
3. Declined reports should be addressed with a supervisor.
4. Staff is required to document in the clients file her /his attempts to make a CPS report and that the report was not accepted.

Safety Planning with Client / Individual after Making a CPS Report

1. Staff will explore and discuss with the client / individual any concerns she / he has for her / his safety regarding CPS report.
2. Staff will engage the client in additional safety planning due to the possibility of client / individual being at an increased risk of danger as a result of CPS report.
3. If VIBS staff has particular concerns about having made a report and its subsequent impact on the client’s safety, staff is strongly encouraged to contact Suffolk County CPS to discuss these concerns and engage the CPS worker in safety planning.
4. Staff will make every attempt to link individuals who are not active clients of VIBS to an advocate or counselor for safety planning purposes.

Multiple VIBS Staff Working with Same Client or Family in Which a CPS Report is Made

1. If multiple staff members are working with the same client or family and a CPS report needs to be made
 - a. The staff member who obtains or witnesses the child abuse is required to make the CPS report.
 - i. The staff member making the report will clearly document this information in the clients file
 - ii. This staff member is also required to inform the other staff members working with the client and/or family that a CPS report was made
2. If multiple staff members are working with the same client or family and all have knowledge or reasonable suspicions of child abuse
 - a. only 1 VIBS staff member is required to make the report on behalf of the agency
 - b. the VIBS staff member making the report will inform the CPS registry of the names of all VIBS staff who have direct knowledge of the alleged abuse.
 - c. all other staff members who have knowledge or suspicion of the abuse should be informed that a report has been made.

II. Suicidal Intent Mandatory Reporting:

Any VIBS staff member who has reasonable suspicion or knowledge of a client's plan or intent to harm her or himself is legally and professionally obligated to report this knowledge to Suffolk County Police. VIBS staff does not need to obtain a signed written release of information consent form by the individual / client since this reporting is a legal and professional requirement. As such VIBS staff is expected to follow the procedures outlined below:

1. Staff is required to inform all individuals seeking services and active clients of VIBS legal and professional mandates regarding suicidal intent / plan.
 - a. Staff will inform individuals seeking VIBS services and active clients of this legal and professional mandate
 - i. At the onset of services
 - ii. During clients initial phone contact or in person appointment
 - iii. Upon immediate disclosure by client or staff's reasonable suspicion
2. Upon immediate knowledge or suspicion of an individual's / client's intent or plan to harm themselves, staff who obtains this knowledge will:
 - a. Attempt to gather more information from the individual / client about their suicidal intent / plan
 - i. Name and contact information of suicidal client
 - ii. How the client / individual intends to harm him/herself
 - iii. When the client / individual intends to harm him/herself
 - b. Inform the individual / client that VIBS will be contacting Suffolk County Police Department (SCPD) at 631-854-8400 due to staff having knowledge or reasonable suspicion of suicidal intent / plan.
 - i. Staff will **only** provide necessary and relevant information to SCPD that pertains to the client's suicidal intent and/or plan, including the name of the suicidal individual.
 - ii. A signed release of information form is **not** needed to release confidential information to SCPD.
3. Staff will consult with their direct supervisor regarding suicidal intent and staff's need to contact SCPD.
4. Staff will notify the Executive and/or Associate Director of the same.
5. Staff will notify front desk receptionist that SCPD was contacted and are expected due to client crisis emergency, if the client is present in-person at VIBS facility.
 - a. If the client decides to leave VIBS premises before SCPD arrives, staff will inform the client that SCPD will be provided with the clients name, address, phone number, and make and model of their car if known, as well as any personally identifying information about the suicidal individual.
6. Upon the arrival of SCPD, an administrative staff member will greet them and lead them to the client and staff member who made the call.
7. The client should be met with in a private office space in providing the most confidential environment away from other clients and staff members.
8. VIBS staff may also contact a close family member (non-abusive spouse, parent, adult child, etc.), legal guardian, and/or any helping professional who may be involved in the client's case.

- a. If the client expressing suicidal intent is a minor, staff is encouraged to contact his/her parent / guardian.
 - b. A release of information consent form must be signed in order to contact the above mentioned individuals, *unless a parent is being contacted regarding a minor client.*
9. Staff will clearly document in the client's file:
- a. The client's suicidal intent / plan.
 - b. VIBS actions in relation to this disclosure.
 - c. The actions of the SCPD regarding such.
10. An internal incident report is to be completed by the staff member who is providing services to that client.
- a. This report will be submitted to staff's direct supervisor and VIBS associate and/or executive director.
 - b. A copy of the incident report will be placed in the clients file.

III. Homicidal Intent Mandatory Reporting:

Any VIBS staff member who has reasonable suspicion or knowledge of a client's plan or intent to harm someone else is legally and professionally obligated to report this knowledge to Suffolk County Police. VIBS staff does not need to obtain a signed written release of information consent form by the individual / client since this reporting is a legal and professional requirement. As such, VIBS staff is expected to follow the procedures outlined below.

11. Staff is required to inform all individuals seeking services and active clients of VIBS legal and professional mandates regarding homicidal intent / plan.
- a.) Staff will inform individuals seeking VIBS services and active clients of this legal and professional mandate
 - At the onset of services
 - During clients initial phone contact or in person appointment
 - Upon immediate disclosure by client or staff's reasonable suspicion
12. Upon immediate knowledge or suspicion of an individual's / client's intent or plan to harm another, staff who obtains this knowledge will:
- a.) Attempt to gather more information from the individual / client about their homicidal intent / plan
 - Name and contact information of intended victim
 - How the client / individual intends to harm the intended victim
 - When the client / individual intends to harm the intended victim
 - b.) Inform the individual / client that VIBS will be contacting Suffolk County Police Department (SCPD) at 631-854-8400 due to staff having knowledge or reasonable suspicion of homicidal intent / plan.
 - i.) Staff will **only** provide necessary and relevant information to SCPD that pertains to the client's homicidal intent and/or plan, including the name of the intended victim if known.
 - ii.) A signed release of information form is **not** needed to release confidential information to SCPD.

- c.) Staff will consult with their direct supervisor regarding homicidal intent and staff's need to contact SCPD.
- d.) Staff will notify the Executive and/or Associate Director of the same
- e.) Staff will notify front desk receptionist that SCPD was contacted and are expected due to client crisis emergency, if the client is present in-person at VIBS facility.
 - i.) If the client decides to leave VIBS premises before SCPD arrives, staff will inform the client that SCPD will be provided with the clients name, address, phone number, and make and model of their car if known, as well as any personally identifying known of the intended victim.
- 13. Upon the arrival of SCPD, an administrative staff member will greet them and lead them to the client and staff member who made the call.
- 14. The client should be met with in a private office space in providing the most confidential environment away from other clients and staff members.
- 15. VIBS staff will also contact the parent / guardian of a minor who discloses homicidal intent / plan.
- 16. Staff will clearly document in the client's file:
 - a.) The client's homicidal intent / plan.
 - b.) VIBS actions in relation to this disclosure.
 - c.) The actions of the SCPD regarding such.
- 17. An internal incident report is to be completed by the staff member who is providing services to that client.
 - a.) This report will be submitted to staff's direct supervisor and VIBS associate and/or executive director.
 - b.) A copy of the incident report will be placed in the clients file.

Staff Contacting the Intended Victim

- 1. Staff will contact the intended victim, if known, to warn her / him of the intended threat.
 - a.) Staff will provide *only* the necessary information pertaining to the potential homicidal intent or plan by the client.
 - b.) No other information about the client's case and/or their involvement with VIBS will be disclosed to the intended victim.
 - c.) A signed release of information form is **not** needed to release information to the intended victim pertaining to homicidal threat.
 - d.) Staff will provide safety planning to her / him.