

Gulf Coast Trades Center (GCTC)	Standard Operating Procedure: A.016
Section: PROGRAM SERVICES	Effective Date: 10/01/2020
Regarding: MISTREATMENT, NEGLECT, AND ABUSE	Supersedes: 06/01/2020

Purpose:

The purpose of this standard operating procedure is to establish guidelines for recognizing, preventing, and reporting mistreatment, neglect or abuse of youth.

Discussion:

The Gulf Coast Trades Center is committed to protecting youth from mistreatment, abuse, neglect, or improper child care practices by direct care professionals.

Any professional who has cause to believe a youth’s physical or mental health or welfare has been adversely affected by abuse, neglect or other forms of mistreatment shall make a written or oral report immediately after learning the facts giving rise to the suspicion. A professional who knowingly fails to report the suspected abuse or neglect is subject to disciplinary action up to and including termination and may be charged with a Class A misdemeanor under Family Code §261.101(b).

Retaliation against any person who, in good faith, files a report of mistreatment, abuse or neglect is strictly prohibited. Any staff member found guilty of retaliation may be subject to disciplinary action.

Reports, records and working papers used or developed during an investigation, related to this standard operating procedure, are confidential and may only be disclosed for purposes consistent with existing interagency agreements and Texas Family Code §§ Chapter 34..

All allegations of mistreatment, abuse, neglect or improper child-care practices are investigated. Confirmations of such mistreatment may be grounds for disciplinary action or criminal prosecution.

- I. Definitions as defined by Texas Department of Family and Protective Services (TDFPS):
  - A. Abuse – Deliberate actions resulting in injuries to youth or genuine threats of such actions or concerns about physical injuries of an unexplained or suspicious nature.
  - B. Neglect – Failure to provide youth with necessary food, clothing and shelter to maintain a healthy life.

- C. Professional -A person who is licensed or certified by the state or who is an employee of a facility licensed, certified or operated by the state, who in the normal course of official duties, has direct contact with youth.

II. Reporting:

- A. A professional having cause to believe that a youth has been or may be adversely affected by abuse or neglect will make a report orally or in writing to their supervisor immediately after becoming aware of the allegations.
- B. The supervisor receiving the report will notify the AOD for further action.
- C. The AOD will notify the Executive Director, Licensed Administrator or designee immediately and take the following additional actions:
  - 1. Notify and separate staff from his/her accuser or place on leave any professional accused of wrongdoing until an investigation can be completed
  - 2. Ensure investigation is initiated
  - 3. Ensure youth involved are protected
  - 4. Preserve evidence that may be pertinent to the investigation
  - 5. Ensure report is recorded for tracking
- D. Allegations will be reported to the referring agency, TDFPS, and the youth's parent(s) or guardian(s) immediately after becoming aware of the alleged abuse or neglect.
- E. Allegations are reported to the Texas Juvenile Justice Department (TJJD) administrative system for youth under their placement unless, in the process of an investigation, there is evidence that abuse or neglect occurred.
- F. Youth or parents may make a report by filing a complaint under the GCTC complaint resolution procedures. The staff member receiving the report will forward to the AOD immediately.
- G. Allegations will be reported to the referring agency, TDFPS, law enforcement, if applicable, and the youth's parent(s) or guardian(s) immediately after becoming aware of the alleged abuse or neglect.
- H. A written report must be provided to the referring agency and TDFPS containing the following information:
  - 1. Time and date of the incident,
  - 2. Name, age, and date of admission of the youth involved,
  - 3. Names and job titles of professionals involved,
  - 4. Nature of the incident,

5. Circumstances surrounding the incident,
6. Interventions made during and after the incident, such as medical interventions, contacts made or other follow-up actions,
7. The treating licensed health-care professional's name, findings and treatment, if any; and
8. The resolution of the incident.

- I. Reports must be maintained for two years and be made accessible to Licensing upon request.

### III. Youth Neglect:

#### A. Youth neglect occurs when a professional knowingly fails to:

1. Intervene to prevent physical or emotional harm of youth
2. Provide medical care for a condition that caused or may have caused severe emotional distress, significant or continuing pain, or serious threat to health
3. Provide appropriate educational services in violation of state educational laws.
4. Provide quality supervision that a prudent child care worker would have used under similar circumstances, that threatens or causes physical or emotional harm to youth.
5. Provide adequate supervision that results in physical or sexual assault by others, attempted suicide, self-abuse or death, (Refer to SOP A.003, SOP A.022, SOP A.0185 and SOP A.0171).

#### B. Improper Child Care Practices

1. Use of profanity, threats, racial slurs or inappropriate sexual languages or behavior which offends, degrades, or threatens youth with physical or emotional harm.
2. Unjustified force or excessive force that occurs without causing serious physical injury.
3. Failure or refusal to provide food, clothing, medical or dental care that violates TJJD child care policies or TDFPS licensing standards.
4. Deprivation of food or sleep, or the use of repetitive, purposeless, degrading work or exercise to control or discipline youth.
5. Forced administration of medication, tranquilizers, or psychotropic drugs under non-life threatening situations to control or discipline youth.
6. Unwarranted restriction to the grievance or appeals system, including threats of retaliation.

### IV. Youth Reports:

- A. Youth are encouraged to immediately inform a staff member or to file an emergency grievance when they feel they have been mistreated.
- B. Staff members receiving reports of mistreatment from youth or who have cause to believe a youth has been or may be mistreated should inform the Residential Services Director or their supervisor immediately.
- C. If a determination is made that the allegation is consistent with abuse or neglect, the Residential Services Director shall notify the AOD.
- D. Reports shall be made to one or all the following sources, depending on the incident:
  - 1. HHSC office of the Ombudsman for Children and Youth in Foster Care at 844-286-0769 or online at [www.hhsc.state.tx.us/ombudsman/foster-care-shtml](http://www.hhsc.state.tx.us/ombudsman/foster-care-shtml)
  - 2. DFPS Abuse and Neglect hotline at 800-252-5400,
  - 3. DFPS Office of Consumer Affairs at 800-720-7777, or
  - 4. Disability Rights of Texas at 800-252-9108.