

Maine Center for Disease Control and Prevention

WIC Nutrition Program

Effective: October 1, 2012

Policy No. OM-14

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Mandated Reporting and Confidentiality

Authority

Chapter 958-A; §1981, C. 527 §1, (Adult Protective Services Act Heading) Subchapter 1-A, §1981, C. 705, §2 (Reporting of Abuse, Neglect or Exploitation)

Title 22 §4011-A, Subtitle 3 (Income Supplementation)

Public Law 1973, C. 790, §1 (AMD) Part 3: Children, Chapter 1071 (Child and Family Services and Child Protection Act) Subchapter 2 (Reporting of Abuse and Neglect)

Title 22 §4002 (Definition of Child Physical Abuse, Neglect, Sexual Abuse/Exploitation, Emotional Abuse)

22 MRSA, Chapter 958-A, §3477 (Maine Adult Protective Services Act)

Title 17-A §555 (Definition of an Incapacitated Adult)

Policy

1. As mandated reporters under State law, State and Local Agency staff shall be required to report known or suspected child abuse, neglect or jeopardy to health or welfare of a child.
2. A report shall be required when a person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.

Procedure

1. For suspected adult abuse, WIC staff shall be responsible for making a report to Adult Protective Services when the staff member has reasonable cause to suspect that an incapacitated or dependent adult has been or is in danger of abuse, neglect, or exploitation.
 - 1.1. WIC staff shall be legally required to make a report to Adult Protective Services Intake at 1-800-624-8404 (TTY Maine Relay 711) immediately or as soon as possible, if they suspect abuse, neglect, or exploitation of a dependent or incapacitated adult who does not have developmental disabilities. The Intake Unit is available to receive reports 24 hours a day.
2. For suspected child abuse by a caretaker or parent, WIC staff shall be legally required to make a report to the Child Protective Intake Unit of the Department of Health and Human Services at 1-800-452-1999 (TTY Maine Relay 711) immediately or as soon as possible, if the abuse of a child is by a caretaker or parent. The Intake Unit is available to receive reports 24 hours a day.

- 2.1. All WIC staff members shall review the DHHS Office of Child and Family Services Mandated Reporting training, available at:
http://www.maine.gov/dhhs/mandated_reporters.shtml
3. All WIC staff members shall be responsible to make a report to the Department if there is knowledge or reasonable cause to suspect that a child is not living with the child's family.
 - 3.1 The report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 6 months.
 - 3.2 The report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 12 months when there has been no legal transfer of custody/guardianship of the child.
4. In making a report, State and Local Agency staff may disclose confidential applicant and participant information including the name and address of the child or adult; name and address of the person responsible for care, custody, or welfare of the child or dependent adult; and any other pertinent information concerning the alleged or suspected abuse without the consent of the participant or applicant to the extent necessary to comply with such law.
 - 4.1. When a report is made, all the information provided, when and to whom the information was given, must be documented in the client's file.
 - 4.2. State law requires mandated reporters to identify themselves when they call, however, confidentiality may be requested.
 - 4.3. Confidentiality means that the caseworker shall not reveal the reporter's identity unless the case goes to court.
 - 4.4. WIC staff may use their own judgment to determine what constitutes pertinent information and may refuse to release information requested by investigators if the information is not believed to be pertinent. CPS or APS may contact WIC clinics to assist with cases that did not stem from a report originally filed by WIC staff.
 - 4.5. In this situation, WIC staff may inform the CPS or APS investigator about the federal WIC confidentiality provisions and the need for client permission to provide any information.
5. Child abuse or neglect means a threat to a child's health or welfare due to physical, mental or emotional injury, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these by a parent or caregiver responsible for the child.
6. Examples of jeopardy to health or welfare of a child include but are not limited to:
 - 6.1. Deprivation of adequate food, clothing, shelter, supervision, care, or education when the child is at least age 7 and has not started school.
 - 6.2. Deprivation of necessary health care when the deprivation places the child in danger of serious harm.

- 6.3. Abandonment of the child or absence of any person responsible for the child that creates a threat of serious harm.
- 6.4. The end of voluntary placement, when the imminent return of the child to his or her custodian causes a threat of serious harm.
7. Reporting of suspected child or adult abuse does not constitute a violation of confidentiality provisions.
8. WIC staff who make a report in good faith are protected under the law from being sued in civil court.