



Abuse Reporting

700 Series: Services Policies & Procedures

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POLICY

EPI will create and maintain procedures to ensure EPI employees are properly trained in abuse reporting and do so in compliance with Mandatory Reporter laws and Iowa Administrative Code (IAC).

Written procedures will specifically address, but are not limited to, the following:

1. Dependent Adult Abuse
2. Child Abuse
3. Abuse suspected
4. Internal procedures

PROCEDURE- Mandatory Reporter Training

EPI is committed to protecting the safety and well-being of the people receiving services. Mandatory Reporter of child and/or dependent adult abuse training is provided during orientation and must be completed no later than 90 days after employment. Mandatory reporters must take the 1-hour recertification training within 3 years of the initial 2-hour training, and every 3 years thereafter, in order to remain in compliance with the law. All new employees receive copies of EPI's abuse policy during orientation, prior to service delivery. Additionally, the policy is reviewed annually as part of the formal training calendar.

PROCEDURE- Dependent Adult Abuse

A dependent adult is defined within IAC section 235B.2 as a person eighteen years of age or older who is unable to protect his/her own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.

Dependent adult abuse is defined as any of the following, which occur as a result of the willful or negligent acts or omissions of a caretaker:

1. Physical Abuse: Injury to, assault of, or the unreasonable confinement or unreasonable punishment of a dependent adult.

Applies To:

- All Service Staff

Effective Dates:

- Board approved: June 2018
- Policy updates:
- Procedure updates: May 2018, January 2019, February 2019, May 2019, July 2019, May 2020

Regulation:

- [Iowa Code section 232.68](#)
- [Iowa Code section 235B.2](#)
- [Iowa Code section 235E.1 subsection 5.a\(3\)](#)
- [Iowa Code section 709](#)
- [Iowa Code section 717C.1](#)
- [Iowa Code section 725.1](#)
- [Iowa Code section 726.2](#)
- [Iowa Code section 728.1](#)
- [Iowa Code section 728.12 subsection 1](#)

Related:

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2. Sexual Abuse: The commission of a sexual offense under Iowa Code chapter 709 or Iowa Code section 726.2 with or against a dependent adult.
3. Sexual Exploitation by a caretaker: Any consensual or nonconsensual sexual contact with a dependent adult by a caretaker.
4. Financial Exploitation: The act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.
5. Denial of Critical Care/Neglect: The deprivation of the minimum food, shelter, clothing, and supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health. This can also be a result of the acts or omissions of the dependent adult.
6. Personal Degradation: The willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation or harm to the personal dignity of the reasonable person including the taking, transmission or display of electronic images.

PROCEDURE- Child Abuse

A child is defined within IAC 232.68 as someone under the age of 18.

Child abuse is defined as any of the following, which occur as a result of the willful or negligent acts or omissions of a caregiver:

1. Physical Abuse: Any non-accidental physical injury, or injury which is at variance with the history given relating to the injury suffered by a child.
2. Mental Injury: Any mental injury to a child's intellectual or psychological capacity causing impairment in the child's ability to function within the child's normal range of performance and behavior
3. Sexual Abuse: The commission of a sexual offense pursuant to Iowa Code chapter 709 or Iowa Code section 726.2 or Iowa Code section 728.12 Subsection 1 with or against a child.
4. Denial of Critical Care: The failure on the part of the person responsible for the child to provide for the adequate food, shelter, clothing, mental or physical health care or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so.
5. Child Prostitution: Allowing, permitting or encouraging a child to engage in acts prohibited pursuant to Iowa Code section 725.1 (prostitution).
6. Presence of Illegal Drugs: The presences in a child's body as the result of the acts or omissions of the caretaker.
7. Manufacturing or Possession of a Dangerous Substance: Allowing the child to be in the presence of illegal drugs or dangerous chemicals with the intent to manufacture illegal drugs.

8. Bestiality in the Presence of a Minor: Bestiality in the presence of a minor as defined in Iowa Code section 717C.1.
9. Allows Access by a Registered Sex Offender or allows a registered sex offender to have custody or control of a child up to age 14 or a child up to age 18 if the child has a mental or physical disability.
10. Allows access to obscene material, exhibits such material, or distributes such material to a child as defined in Iowa Code Section 728.1.

PROCEDURE- When the abuse of an individual is suspected:

If the dependent adult or child is in imminent danger, staff are expected to contact law enforcement immediately.

1. Any staff who suspects abuse is occurring or has occurred will inform supervisory staff immediately. The suspected abuse will be reported to the appropriate authorities for investigation by the individual witnessing the event or to whom the allegation was reported:
 - If the individual is a resident of a licensed health care facility, the staff reporting the abuse will notify the Department of Inspections and Appeals (DIA) and other appropriate parties within 24 hours.
 - If the individual lives in any other living arrangement, or the suspected abuse occurred within services not licensed by DIA, the staff reporting the abuse will notify the Department of Human Services (DHS) and other appropriate parties. If outside of business hours, the notifications will be made to the 24 hour abuse hotline. A written report completed by the reporter will be submitted to DHS within 48 hours.
 - If the child is in the care of a child care provider, the staff reporting will notify the Iowa Child Care Complaint Hotline 1-844-786-1296
2. Administrative support will be made available as requested to any staff making a report to DIA or DHS. The Mandatory Reporter Manuals will be used by supervisory staff as needed to assist staff in following the DHS guidelines for reporting.
 - * An EPI Incident Report will be completed regarding the report of suspected abuse and appropriate information will be submitted to IMPA and DIA's website where applicable.
3. EPI prohibits any retaliation, discrimination or humiliation of a person or persons who report potential abuse.

It is a legal responsibility of all mandatory reports to report any suspicion of child or adult abuse encountered in the course of one's professional duties.

The responsibility to report those suspicions applies not only to individuals directly involved with the individual, but to any volunteers, students, or support staff who have contact with the individual.

PROCEDURE- While the above procedures are being followed, internal procedures are as follows:

1. EPI will not interfere with ongoing investigations and may be instructed to hold internal investigations until DHS, DIA or law enforcement have completed their external investigations. EPI will cooperate in any way possible and share information gathered with external investigators whenever legally permissible to do so.
2. All persons who may have knowledge of the situation leading to the abuse allegation will be interviewed by at least two supervisors as soon as possible (within 24 hours of the initial report whenever possible).
3. Any agency staff suspected to be the perpetrator of abuse may be suspended immediately, without pay, pending the outcome of the internal and external investigation.
4. All interview content will be documented immediately in writing and signed and dated by those involved in the interviews.
5. At least two program directors and/or management team members will review all of the documentation and make all necessary personnel recommendations to the appropriate management team member.
6. Failure of any staff person to report a potentially abusive situation may result in termination.
7. While working at the Hawkeye Child Development Center, if a staff member is accused of abuse or neglect of a child the following shall be followed: (complaints and documentation is confidential)
 - Complaint form must be completed in order to initiate a formal investigation
 - Complaint will be reported to Human Resource staff
 - All complaints and inquiries shall be promptly investigated
 - While waiting for results, rights of the accused staff person as well as the child will be protected
 - The result of the investigation shall be reported to the appropriate Human Resource staff for review and final decision.
 - Any information related to suspicion or report of child abuse is confidential between the person(s) directly involved, the person making the report. Discussing any information related to a situation of suspected child abuse with the parents of the other children in case is a Breach of Confidentiality.

Pending the results of both the internal investigation and external investigation, EPI will take further action based on the following guidelines:

A. **FOUNDED**--If the allegations is Founded per DHS or DIA investigation, the employee will be terminated immediately and not reimbursed for the time while on suspension due to this investigation.

B. **UNFOUNDED**--If the allegation is Unfounded per the DHS or DIA investigation, the employee may be reinstated to their position or a similar position and will receive full back pay for regular scheduled time while on suspension for this investigation. Payment of back pay will not be made until written confirmation of unfounded status is received from DHS or DIA.

C. **CONFIRMED, NOT REGISTERED**--If the allegations are Confirmed, Not Registered per DHS or DIA investigation, EPI management will review the finding of the internal investigation to determine the best course of action to be taken.

EPI has a responsibility to provide a safe working environment for its employees, clients, and stakeholders. EPI reserves the right to make decisions regarding employment status based on the findings of their internal investigation. Violations of EPI policy will be subject to disciplinary action up to and including termination.

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