The purpose of this memo is to clarify the role of home visiting programs with reporting incidents of child abuse, neglect, and/or exploitation. Be advised that section 32A-4-3 of the New Mexico Children’s Code mandates that anyone who has knowledge or a reasonable suspicion that a child is an abused or neglected child must report it immediately. The report may be made to (1) a law enforcement agency; (2) the New Mexico Children, Youth, and Families Department; or (3) a tribal law enforcement or social services agency for any child residing in Indian Country. Reporting an incident of abuse, neglect and/or exploitation to a supervisor is not sufficient and can place the child(ren) at further risk if reporting is delayed.

Definitions of child abuse and Neglect according to the NM Abuse and Neglect Act (32A-4-2, NMSA 1978) is as follows:

Physical abuse includes:
1. Cases in which a child exhibits evidence of a skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of a bone, subdural hematoma, tissue swelling or death, AND
2. There is not a justifiable explanation for the condition or death.

Sexual abuse includes:
1. Criminal sexual contact
2. Incest or criminal sexual penetration
3. Sexual exploitation (actions such as allowing, permitting or encouraging a child to engage in prostitution or obscene or pornographic photographing, or filming a child for obscene or pornographic commercial purposes)

Neglect includes:
1. The abandonment of a child by a parent, guardian, or custodian
2. The failure of a parent, guardian or custodian to provide a child with proper parental care and control with subsistence, education, medical or other care or control necessary for the child’s well-being.
3. When a child is physically or sexually abused and the child’s parent, guardian, or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm.
4. Parent inability to discharge their responsibilities to and for the child because or parent incarceration, hospitalization, or physical or mental disorder or incapacity.

The State of New Mexico has a mandated reporting law which emphasizes that every person is responsible to take child abuse and neglect seriously. When abuse and/or neglect is suspected is the duty of the individual who bears witness to the defined incidents of abuse and/or neglect that they contact Statewide Central Intake (SCI) at 1-855-333-SAFE [7233] or #SAFE from a cell phone, or to law enforcement or the appropriate tribal identity (CYFD; Reporting on Abuse or Neglect).

Providers of the home visiting program and their staff are not responsible to investigate the incident in question. They are responsible to report it to SCI and then it will be evaluated and
assigned to the proper authorities as CYFD determines it necessary. Home visitor providers need to be aware that they are responsible for reporting abuse and/or neglect but ARE NOT responsible for anything beyond the report (i.e. investigating, gathering more information on the event, etc...).

Once a report is made, the Home Visiting staff needs to inform their immediate supervisor of the call made. The supervisor will then inform the Home Visiting Manager/Monitor of the matter for documentation purposes. A brief email informing the Manager/Monitor that a call has been made is all that needs to be emailed. **DO NOT** email identifying information on the child (i.e. initials, DOB, parent name, and/or any other information that could cause the child to be identified). Neither PHI or HIPAA can be guaranteed using email, therefore it requested that the email be kept simple and non-identifying.

Within 24 hours of the report the “Home Visiting SCI Report” document must be completed and faxed to the assigned home visiting manager/monitor. On this document it will ask to provide more sensitive information on the event that will be reviewed by the manager/monitor. The manager/monitor will decided what further follow ups and/or supports are needed as a result of the report made. If further support is needed for the Home Visiting program, the supervisor will let the Manager/Monitor know in this document that a conference/consultation call is needed to process the incident. The Home Visiting Program Manager will be advised of the request to be involved in the conference/consultation call.