4-100 GOAL, DEFINITION AND OBJECTIVES OF CHILD PROTECTION INVESTIGATION SERVICES

A. GOAL

The goal of Child Protection Investigation Services is to protect children from abuse, neglect, exploitation or abandonment; and to ensure their safety through protective investigation *or family assessment**, social services provision and legal intervention to remove them from that environment when it seriously threatens their safety and well being.

B. DEFINITION

Child Protection Investigation Services are legally mandated, specialized social services for children who are neglected, abused, exploited, or who are without proper custody or guardianship. The ***services include:*** an intake screening of reports of child abuse and/or neglect; *a determination of an agency response with an Alternative Response Family Assessment or investigation; an investigation as needed*** to determine if the child(ren) has been abused or neglected; a determination, if possible, of the person(s) responsible for the injury or harm; an assessment of the severity of the harm which has occurred; an assessment of the current safety of the child in the home or facility and determination of whether a safety plan/intervention is needed to protect the child from imminent moderate to severe harm; an assessment of the future risk of possible harm from abuse/neglect to the child(ren); a provision of emergency, short term and concrete services as needed; participation in court hearing, when required; and timely referral to Family Services *and/or community service providers,** as appropriate, in order to protect the child(ren).

CPI Staff are part of the Office of Community Services Children's Protective Services team. The team includes the Child Protection Investigation Staff, the Family Services Staff, the Foster Care Staff *and the Adoption Staff.**

In addition to the agency team, CPI also requires the efforts of a whole system of community agencies in order for children to be effectively protected. This community team includes the Office of Community Services, law enforcement agencies, District Attorneys, courts, coroners, community social services providers, physicians and hospitals.

C. OBJECTIVES

The objectives of Child Protection Investigation Services are:

1. To promptly initiate an investigation of all reports of child abuse and/or neglect in families, foster homes, day care centers and restrictive care facilities in order to safeguard children whose physical or mental condition presents a substantial risk of harm to their health or welfare as a result of conditions resulting from parental actions or inactions, using an objective non-adversarial approach with the family.
2. To identify children who have been, or are at *present or impending** danger of moderate to severe harm from abuse/neglect by a parent or caretaker, and to assess the degree of harm which has occurred and the risk of future harm to children as early as possible in the investigation.

3. To promptly refer families to Family Services as appropriate as soon as abuse or neglect is validated and the current safety and the future risk of harm to the child(ren) is assessed to be controllable with the child remaining in the home. The purposes of referral are: to assure protection of the child in his home, if possible, to prevent premature or unnecessary separation of the child(ren) from his home, and to remedy or assist in solution of problems which result in child maltreatment.

4. To initiate action to obtain out of home care for children who are in clear and *present or impending** danger, or whose parents or caretakers are unable, with available assistance, to meet their minimum needs or protect them from further harm in their own home.

5. To conduct an investigation as expeditiously as possible in order to determine the validity or invalidity of the report and to assess the risk of future harm from abuse and/or neglect to the children.

6. To assess the family's willingness and ability to participate in services and give FS Staff adequate information on referrals of valid cases of children who have been abused or neglected to determine if services are appropriate or necessary to protect the child(ren) and to ameliorate family dysfunction.

7. To obtain and document sufficient evidence to support the investigation decision making and findings.

8. To engage the family in services whenever possible and to provide emergency, short term and concrete services when these are indicated to maintain family unity and prevent removal of the child.

9. *To engage a family in the process for an Alternative Response Family Assessment when a report is assigned to an assessment; to assess the safety and risk of the children; conduct a family assessment of family strengths and needs; to provide short term services during the assessment; and to link the family with needed community service providers.**

D. GLOSSARY

The following is a list of terms and their definitions that are used in this policy:

1. Abuse - Defined in the Louisiana Children's Code Article 603, (1) as "any one of the following acts which seriously endanger the physical, mental or emotional health and safety of the child:"
a. The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.

b. The exploitation or overwork of a child by a parent or any other person.

c. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state."

2. Adjudication Hearing - The evidentiary trial in which the State must prove to the judge, by a preponderance of the evidence, that a child is abused or neglected (i.e. "in need of care"), as defined by the Louisiana Children's Code, Article 606, and alleged in the petition.

3. Allegation - A statement or assertion by an individual, either oral or written, of specific injury, harm or condition to a child victim on which the reporter's reason to believe the child is neglected or abused is based. In order for an investigation to take place, the assertion or statement must allege one of the kinds of injury, harm, or conditions identified and defined by the agency as an allegation of abuse or neglect in Appendix 4-B of this manual. An allegation may also be a situation that a CPI Worker believes is harmful to a child even though the reporter did not include it in the report to the agency.

4. *Alternative Response Family Assessment – a safety focused, family centered and strength-based approach to reports of child abuse/neglect in families assessed to be low risk at the time of the intake decision making. The focus is to establish a partnership with the family to assist them to identify their strengths and needs; address any safety/risk concerns; draw on the strengths of the family members to protect the children; and, to link with service planning and provision.**

5. Caretaker - Defined in the Louisiana Children's Code, Article 603 (3), as "any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a *registered** family child day care home, or other person providing a residence for the child."

6. Central Registry - The subsystem of the *ACCESS and TIPS** Computer Systems that maintains information on investigations of child abuse and/or neglect with valid, *and in one instance inconclusive,** final findings as mandated in Article 616 of the Louisiana Children's Code.

7. Child - Defined in the Louisiana Children's Code, Article 603 (5), as a person under 18 years of age who, prior to juvenile proceedings has not been judicially emancipated or emancipated by marriage.
8. Child in Need of Care - An adjudication finding determined by the court that a child has been abused or neglected as per the Louisiana Children's Code, Title VI.

9. Children's Code - Enacted by the 1991 Louisiana Legislature to bring together in a single code the laws affecting the exercise of juvenile court jurisdiction. It includes the child abuse/neglect reporting law, the requirements for the investigation and disposition of reports as well as the juvenile court procedure when court intervention is indicated.

10. Client Non-Cooperation - A final determination for an investigation that could not be completed as the result of the client's refusal to participate in the investigation. This final finding status shall be used only when the worker has made every reasonable effort to interview the client, law enforcement has not been able to assist, or refused to assist, with efforts to interview the client, the District Attorney does not pursue court action or the court has refused to order the client to cooperate, or the court has been unsuccessful in effecting cooperation.

11. Collateral - An individual, other than a nuclear family member, or subject of an investigation who may have objective information about the family situation or firsthand knowledge about the incident(s) of child abuse and/or neglect. *In most cases, reporters are not a collateral.** Collaterals are classified as professional and nonprofessional. The following are examples of professional collaterals: physicians, psychiatrists, psychologists, nurses, social workers, legal consultants, law enforcement officials, teachers, other school personnel, and others with professional expertise. Examples of nonprofessional collaterals are neighbors and family friends who are not personal references and who can reasonably be expected to give reliable information.

12. Continued Custody Hearing - A court hearing required by Article 624 of the Louisiana Children's Code to be held within three days of the time a child is taken into the custody of the department with an Instanter order. The state must prove there are reasonable grounds to believe the child is in need of care and that continued custody is necessary for his safety and protection.

13. Culpable/Culpability - Involvement in, or having some responsibility for, child abuse and/or neglect by a caretaker as defined in the Louisiana Children's Code.

14. Day Care Center - A day care center is defined by Louisiana R.S. 46:1403 A. 4, "as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance of seven or more children, not including those related to the caregiver, and unaccompanied by parent or guardian, on a regular basis for at least twelve and one half (12 1/2) hours in a continuous seven-day week." Private and public day schools serving children in grades one and above, kindergartens, and camps, as well as all care given without charge, are not included in the definition.
15. Disposition Hearing - The hearing before the judge, sometimes at a separate hearing after the adjudication hearing, when the judge rules on what should be done with the abused or neglected child based on social information on the child and family, evaluations and recommendations regarding a specific plan for working with the child and family. The judge may place custody of the child with the parent, the department, private or public institution or agency, relative or other person with conditions as deemed in the best interest of the child. The court orders may specify treatment for the child and/or the parents.

16. Families in Need of Services - An adjudication permitted by Title VII of the Louisiana Children's Code. It provides that a court with juvenile jurisdiction may adjudicate a family in need of services if the court finds that the grounds as specified in Article 730 are met. The purpose of Title VII as stated in Article 726 is to "define self-destructive behaviors by the child and conduct by other family members which contribute to the child's harm and which warrant court intervention in the family's life so that appropriate services to remedy the family's dysfunction can be secured; to secure the effectiveness of the court's intervention by explicitly confirming its duty to obtain the cooperation and coordination of all public institutions or agencies having responsibility to supply services to any member of the family referred to the court; to establish a family service plan binding upon all family members and the appropriate service providers; and to protect the integrity of the family by authorizing adjudication and the imposition of a dispositional judgment requiring participation in a plan of services only after all available voluntary alternatives have been exhausted".

17. Family Unit - A group of one or more adults and children who are related by blood, legal or non-legal marriage, law or decree who normally live in the same household, and other persons who sometimes reside in the same household and assume or are granted child care responsibility by a parent or guardian, such as a live in companion who is not a member of a separate family unit.

18. Inconclusive - A final determination that the completed investigation reveals evidence to support a finding of abuse or neglect, but there is not enough information to confirm a valid report. (Refer to 4-535 A., Determining Validity for Each Allegation and an Overall Finding for the Investigation.)

19. Informal Adjustment Agreement - A written agreement between the District Attorney and a child's parents, or the court and the child's parents that specifies the terms and conditions agreed between the parties. The procedure is permitted by Title VI, Chapter 7, of the Louisiana Children's Code. It may be authorized by either the court or the District Attorney prior to the filing of petition, or by the court after the filing of a petition. If the child is in the custody of the department, the department's consent must be obtained.

20. Initial Investigation Contact - The *investigation worker's first face-to-face interview with the alleged victim(s) and parent/caretaker.*
21. Instanter Order - Emergency custody order permitted by Articles 619 and 620 of the Louisiana Children's Code which is issued by a Juvenile Court judge upon the request of a District Attorney, OCS or police officer. The order awards temporary custody of an allegedly abused or neglected child to the state.

22. Intentional False Report - a report of child abuse and/or neglect made by a person for harassment purposes who knows that the allegation(s) is not true, and which has been verified by an OCS Child Protection Investigation Worker as a false report.

According to Louisiana Law R.S. 14:403 A. (3), "any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency, knowing that such information is false, shall be guilty of a misdemeanor or upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both".

23. Invalid - A final finding for a preliminary or completed investigation in which it was determined that the investigation findings did not indicate child abuse or neglect.

24. Investigation - The fact finding and assessment process whereby the investigation worker obtains evidence, information and makes observations in order to determine the validity or invalidity of the allegation(s) of the report. The worker also identifies, if possible, the person(s) responsible for the injury or neglect, the type of child abuse and/or neglect, current safety, and future risk of harm to the alleged child(ren) victim(s) as well as to the other children in the household.

25. Involved Subject - A person who has been determined during the investigation process to have taken part, either actively or passively, in the abuse and/or neglect of a child victim. An involved child is a child who has been determined to have taken part in the abuse and/or neglect as a perpetrator and/or was a victim.

26. Involvement - The alleged or determined role or participation of a subject in the child abuse and/or neglect. A subject may be a victim, a perpetrator or a noninvolved child or adult.

27. Level of Investigation - The standardization into three categories of the minimum required contacts and activities to be conducted in order for a Child Protection Investigation to be completed. The level is initially determined by the allegation(s) of the report and may be modified during the investigation as needed if more serious allegations are found during the investigation.

28. *Mitigating or Controlling Factor – behavior, capacity and/or circumstance operating in a family that moderates or lessens a risk of future child abuse/neglect.**
29. Mandated Reporters - Those persons who are required by Article 609 of the Louisiana Children's Code to report suspected cases of child abuse and/or neglect to the local child protection unit of the department (Office of Community Services) or law enforcement. Mandated reporter is defined in Article 603 (13), of the Louisiana Children's Code.

30. Multi-Disciplinary Team - the group of professionals who provide expertise in the areas of medicine, law, psychology (or psychiatry), social work, law enforcement and education to the Child Protection Investigation process in order to assist with the determination of case validity, to provide diagnostic assessment, to assist in the assessment of risk of harm, to provide recommendations for service and treatment planning, and to provide recommendations for decision making.

31. Neglect - Defined in the Louisiana Children's Code, Article 603 (14), means: the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect. Consistent with Article 606 (B), the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

Prenatal neglect means *exposure to chronic or sever use of alcohol or the unlawful use of any controlled dangerous substance, as defined by R.S. 40:961 et seq., or in a manner not lawfully prescribed, which results in symptoms of withdrawal in the newborn or the presence of a controlled substance or a metabolic thereof in his body, blood, urine, or meconium that is not the result of medical treatment, or observable and harmful effects in his physical appearance or functioning.

Newborn is defined in the Children’s Code, Article 603 as “a child who is not more than thirty days old, as determined within a reasonable degree of medical certainty by an examining physician.”

32. Permitted Reporter - Persons who may report suspected cases of child abuse and/or neglect but not specifically required by law to report.

33. Perpetrator - A person who is either suspected of, or determined to be responsible for, either directly or indirectly, committing an injury or harm to a child. A perpetrator may be either an adult or a child.
34. Preponderance of the Evidence - The legal term for the standard of proof which means that, after all the evidence has been considered, the outcome will favor the side that has presented the most convincing evidence. This standard is used in adjudication and disposition hearings. The state must prove, by the evidence it presents, that it is more likely than not that a child is abused or neglected.

35. *Protective Capacity - behavioral, cognitive and emotional resources that can specifically and directly be associated with the ability and willingness to keep a child safe.*

36. Protective Service Alert - The communication system which states use to notify other states or parishes within the state that persons have fled from their state or parish in order to avoid the child protective service process.

The alerts contain identifying information on the missing adults and children, pertinent information regarding the status of the protective service action attempted or anticipated, and the information on whom to contact if any of the missing persons are located. The purpose of the alerts is to enhance efforts to protect children from abuse and/or neglect.

37. Reasonable Cause - The legal term for the standard or proof which means that there are grounds for belief in the existence of facts that a child is in clear and immediate danger and that unless the child is removed from his caretaker(s), there is a greater likelihood than not for the child to be harmed or further harmed. This standard is used for Instanter/Continued Custody Hearings.

38. *Registered Family Child Day Care Home - A family child day care home is defined in LA RS 46:1441.1 as any place, facility, or home operated by an institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of six or fewer children. LA RS 46:1441.5 mandates family child day care homes registration for homes receiving state or federal funds. Family child day care homes are registered with DSS/OFS for participation in the Child Care Assistance Program and the Department of Education administers, through sponsoring agencies that register homes, the Louisiana Family Day Care Home Program.*

39. Relationship - The familial or social association or connection between two persons who are subjects of a report and investigation of child abuse and/or neglect.

40. Removal - Defined in the Louisiana Children’s Code, Article 603 (18), as “placing a child in the custody of the state or with someone other than the parent or caretaker during or after the course of an investigation of abuse and neglect to secure the child’s protection and safeguard the child’s welfare.”

41. Report - The information that a child has been or may be abused and/or neglected. The information must include at least one allegation of harm to a child by a caretaker as specified in the Louisiana Children's Code and agency policy.
42. Reporter - The person who provides the child abuse/neglect information directly to the agency.

43. Risk Assessment - The ongoing process during which the worker determines the degree to which a child is thought to be at risk of future maltreatment, either by passive or active means, by a parent or caretaker. The level of risk is determined through a consideration of the factors that place the child on a continuum from low to very high potential for future maltreatment along with any circumstances, supports, or family mitigating factors that reduce the risk of future harm. It is also a formal procedure at specified times during the investigation and its outcome affects the critical decision making and activities of the investigation.

44. Safety - The term safety refers to the present or near future/impending danger of substantial harm to a child from abuse and/or neglect.

45. Safety Assessment - The ongoing process throughout the lifetime of the case by which the worker determines whether a child is considered to be safe or unsafe. A child is unsafe if he is likely to be substantially harmed due to passive or active child abuse and/or neglect immediately or in the near future either by a parent or caretaker. A child is considered to be safe if there is no known present or impending danger of substantial physical or emotional harm.

The assessment of the safety of a child begins at intake and continues throughout the investigation and service delivery process. It is a formal procedure at specified times during the investigation and, like the risk assessment, its outcome affects the critical decision making and activities of the investigation. It includes a consideration of specific safety factors, that if present without parent/caretaker protective capacities to control the safety threat, place a child in danger of immediate or impending substantial harm.

46. Safety Plan – An in-home or out-of home plan developed to assure a child's safety when the child is assessed to be either at present or impending and substantial danger from abuse and/or neglect. The plan establishes immediate supports or interventions to control the immediate harm. Examples include removal of the perpetrator, protective services day care, and court intervention with placement outside of the home. A safety plan is not a service plan or a referral for services. It is designed to control the circumstances that make the child unsafe and therefore reduces the danger to the child when factors are controllable with the implementation of the plan.

47. Sexual Abuse - Defined in the Louisiana Children's Code, Article 603.1.(c) as "the involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity which is a crime under the laws of this state".

48. Source - the person who provides child abuse and/or neglect information to another individual who then actually reports to OCS.
49. Subject of a Report - A person who is included in the report and investigation of alleged child abuse and/or neglect. Essentially it is any person who lives with an alleged child victim and any other person, not living with an alleged victim, who is an alleged perpetrator. The following persons are included as subjects of a report:

   a. Any adult and/or child named in a report of child abuse and neglect as an alleged perpetrator or victim; and
   
   b. All other adults and children in the household where the alleged child victim normally resides regardless of whether or not they are alleged to be perpetrators or victims; and
   
   c. Other persons living out of the home who are named in the report as suspected perpetrators.

50. Terminated Day Care Center Investigation - A final determination for an investigation which was not completed because the facility reported to be a day care center was in fact not a facility meeting the definition of a day care center.

51. Unable to Locate - A final determination for an investigation that could not be completed because the subjects of the report could not be located.

52. Unsafe – A determination by a safety assessment that a child is in present or impending danger of substantial physical or emotional harm from abuse/neglect by a parent or other caretaker.

53. Valid - A final determination that the completed investigation revealed evidence, by the agency standard, that child abuse and/or neglect occurred. (Refer to 4-535 A., Determining Validity for Each Allegation and an Overall Finding for the Investigation.)

54. Victim - The child who has suffered or is alleged to have suffered harm as the result of abuse and/or neglect.