Guidelines for

Mandated Reporters

Of

Child Abuse and Neglect

Children's Division

Missouri Department of
SOCIAL SERVICES
Your Potential. Our Support.

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Dear Colleague:

In 1993 representatives of the Children's Division (CD) met with representatives from the school system to discuss mutual concerns surrounding the reporting and investigation of child abuse and neglect (CA/N). These discussions resulted in the development of guidelines for school personnel. Since then, the information in this booklet has been updated to reflect changes in child abuse and neglect laws and CD policy. This guide was initially designed especially for school teachers and other personnel who work with children in the school setting. This booklet has now been expanded to be a resource guide for all mandated reporters.

We encourage mandated reporters, school boards, and school districts to use this material. We also recommend local representatives from community support agencies, school districts and CD develop local protocols, ongoing reciprocal training and educational programs to enhance already strong relations. We strongly believe that this material and open communication will ensure protection and support for children and their families to enhance their educational and social development.

The information contained in this booklet is available to all mandated reporters and school personnel at http://www.dss.mo.gov/cd/pdf/guidelines_can_reports.pdf. For additional information regarding Children's Division services and programs, visit the Department of Social Services website at: http://www.dss.mo.gov. Thank you for your efforts to improve community response to the needs of children and families.

If you have any questions, please contact Dena Driver at (573) 522-5062. Please feel free to print this booklet and make copies for distribution.

Sincerely,

Candace A. Shively
Children's Division Director

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COMMON TERMINOLOGY

Administrative Review – An alleged perpetrator may request an administrative review when he/she disagrees with a "Preponderance of Evidence" finding that child abuse/neglect occurred. The request must be made in writing through the Circuit Manager in the county which completed the investigation. If the division continues to believe the finding was appropriate, a review is completed by the Child Abuse and Neglect Review Board, which decides if the division's decision is upheld or overturned.

Alleged Perpetrator – The individual named in the child abuse/neglect report as suspected of having abused or neglected a child.

CA/N – Child Abuse/Neglect

CS-21 – The letter sent to parents and alleged perpetrators following the investigation of a CA/N report. It contains the outcome of the investigation and information on the appeal rights available to the alleged perpetrator.

CS-21a – The letter sent to parents following a family assessment. It contains the outcomes of the assessment and advises if services are needed or not needed, and whether services will be provided through the division at this time.

Child Abuse and Neglect Hotline Unit (CANHU) – This unit, comprised of trained children's service workers, maintains the 24-hour Child Abuse/Neglect Hotline (1-800-392-3738).

Child Welfare Practice – Child Welfare Practice encompasses the entire provision of services for the family, beginning with intake (CA/N report), referral for Family-centered Services (treatment), foster care or adoption services, concluding when services are no longer deemed necessary and are terminated.

Child Abuse and Neglect Review Board (CANRB) – The CANRB, comprised of individuals from the community, conducts an independent review of the child abuse and neglect determination when the alleged perpetrator requests an administrative review and disagrees with the division's decision to "Preponderance of Evidence".

Circuit – The area or district territory under the jurisdiction of a judge. The state is divided into 45 Judicial Circuits, comprised of one to five counties, and includes the major metropolitan cities.

Circuit Manager – The Circuit Manager has total responsibility for the management and direction of all Children's Division programs within the assigned Judicial Circuit (geographical) area. All major decisions (affecting the assigned programs in the circuit) that require supervisory input or clarification go to the employee in this position.

Conclusion – The legally correct terminology for "substantiated" investigations are "court adjudicated", "preponderance of evidence" (post 8/04), "probable cause" (post 8/94) and "reason to suspect" (pre 8/94).

Court Adjudicated – Court of competent jurisdiction (circuit, criminal, or juvenile) which sustains in writing, the division's determination of "preponderance of evidence" for a specific child abuse/neglect incident. The specific allegations in the investigation must match the findings in the court hearing.

Court Appointed Special Advocate (CASA) – A community volunteer trained and supervised by the local CASA program and appointed by court order to serve the best interests of a child under the circuit court's jurisdiction. As an officer of the court, the CASA may serve as a Guardian ad litem or Friend of the Court, depending upon the program model adopted by the judicial circuit.

Court Jurisdiction – The authority through the juvenile division of the circuit court wherein the court may take jurisdiction of a child based on delinquency, dependency, abuse, neglect, termination or parental rights, or adoption petition.

Children's Division (CD) – A division within the Department of Social Services, which administers a variety of programs and services, including the investigation and treatment of child abuse and neglect (CA/N).

Educational Neglect – Failure by the person responsible for the care, custody and control of the child to provide an appropriate education and to promote school attendance as required for all children ages 7 through 16 years and children ages 5 and 6 when they have been enrolled in a public school by their parent or guardian.

Family Assessments – The process to determine the child's safety and the family's need for services. CD may address reports of child abuse or neglect, which do not allege criminal behavior, through the family assessment process. If at anytime during the assessment the child's safety cannot be assured, the CD professional may conduct an investigation and involve law enforcement.

Family-centered Service (FCS) – FCS is a family-focused intervention model used by CD to work with families to ensure child safety. A children's service worker meets with the family to assist them in identifying the causes of abuse or neglect, family strengths, and intervention needs.

Family Assessment – Services Needed – The family has an identified need for services. CD will continue to work with the family after the assessment is completed and will continue providing services.

Family Assessment – Services Needed – Family Declined – The children's service worker has identified a service that may be beneficial to the family; however, the family declined to receive the services. The child's safety has been assessed, and there is no evidence that warrants court intervention.

Family Assessment – Services Needed – Linked Initial 30 Days – The family has an identified need for community services. The identified services were linked with the family during the 30-day assessment process. CD will not continue working with the family when the family assessment is completed. The children's service worker should contact referral providers to verify the family is receiving needed services.

Family Assessment – Services Not Needed – The family does not have an identified need for additional services. Families may be receiving services prior to the date of the hotline. Services Not Needed is used only when the family does not have additional service needs.

Family Assessment – Family Uncooperative – Child Safe – Enough information has been obtained to ensure that the child is safe; however, the family refuses to participate in the family assessment process and the allegations do not warrant a co-investigation with law enforcement or court involvement.

Guardian ad litem (GAL) – An attorney who is appointed by the court to promote and protect the best interests of a child involved in a judicial proceeding. The GAL will ensure the child's best interests are represented not only in the courts but throughout the social service and ancillary service systems. Only CASA volunteers sworn in as officers of the court or attorneys licensed by the Supreme Court of Missouri shall be appointed to act as a GAL for a child in all court proceedings related to juvenile or family court matters and domestic relations matters as set forth in Chapters 210, 211, 452, and 455 of the Missouri Revised Statutes (RSMo).

Home Schooling – Parent or other responsible caretaker is providing the child with academic education at home, without the child's attendance at either a public or private school. When CD receives an educational neglect hotline report, CD staff may make a finding of Home Schooling. When this occurs, the report is referred to the school superintendent. The division does not make a finding of abuse or neglect.

Hotline – The division maintains a 24-hour, statewide telephone hotline (1-800-392-3738), staffed by trained children's service workers, who receive child abuse and neglect reports.

Inappropriate Report – Report received that does not contain allegations of abuse and/or neglect that are governed by Section 210, RSMo.

Investigation – Child abuse and neglect reports that indicate behaviors that if true, constitute a suspected law violation. Reports of this nature include serious physical abuse and all sexual abuse reports. CD must notify local law enforcement agencies immediately, upon receipt of the report, to assist in the investigation.

Juvenile Office – There are 45 judicial circuits in Missouri, including St. Louis City, each containing a juvenile court. Juvenile officers assigned to the court are responsible for petitioning the court to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court.

Office of the Child Advocate – Section 37.705 of HB1453 establishes the Office of the Child Advocate for Children's Protection and Services, formerly the Office of the Child Welfare Ombudsman. The Office of the Child Advocate has authority to assist families to assure children receive adequate protection and care from services and programs offered by CD, Department of Mental Health (DMH) or the juvenile court. The Advocate shall have access to specified information about children in protective custody, reports of child abuse/neglect, and records concerning protective services for children.

Out-of Home Investigation (OHI) Unit – A unit comprised of CD investigators who complete investigations for reports that allege abuse or neglect occurred outside the family home if facilities such as foster homes, licensed and registered child care homes and centers, residential facilities, and in private and public schools.

Preponderance of Evidence – That degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proven to be more probable than not. Standard of proof used by the division to determine the existence of abuse or neglect in an investigation initiated by a CA/N report received on or after August 28, 2004.

Unsubstantiated – A finding reached by CD staff when it is established by competent evidence that there is insufficient or no evidence for the child abuse and neglect allegations.

Unsubstantiated – Preventive Services Indicated (PSI) – A finding, established through investigation, that abuse/neglect has not occurred, but the family is experiencing problems, which if unresolved, could potentially contribute to abuse/neglect.

CA/N BY MANDATED REPORTERS

Child Abuse/Neglect Reports by Mandated Reporters

REPORTING REQUIREMENT (210.115.1 RSMo)

"When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, RSMo, peace officer or law enforcement official, or other person with the responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183.

Reasonable cause to suspect means a standard of reasonable suspicion, rather than conclusive proof. When a person is required to report in an official capacity as a staff member of a school facility, the person in charge shall be notified. That person in charge becomes responsible for immediately making or causing a report to be made. This is not meant to relieve anyone of their responsibility from making a report. A report may also be made to any law enforcement agency or juvenile office, although this does not take the place of making a report to CD.

Section 210.109.3, RSMo, states mandated reporters may not make child abuse/neglect (CA/N) reports anonymously provided the reporter is informed that reporter information will be held as confidential.

Abuse is defined as: "…Any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse."

Neglect is defined as; "…Failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being."

Those responsible for the care, custody, and control of the child are defined as: "…Those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a 24 hour day. It shall also include any adult, who, based on the relationship to the parents of the child, members of the child's household or the family, has access to the child." (Section 210.110 RSMo)

REPORTING PROCEDURE/CA/N HOTLINE UNIT RESPONSE

Reports are to be made immediately to the 24 hour, 7 day a week Child Abuse/Neglect Hotline telephone number (1-800-392-3738 & TDD 1-800-669-8689) maintained by CD. The Hotline is staffed by trained Children's Service Workers whose responsibility is to accept the information and make the determination that the information constitutes a child abuse/neglect report. The screening will determine that:

- The child is age 18 or under;
- Whether or not the person who is alleged to have abused the child was "responsible for the care, custody, and control" of the child at the time of the incident;
- The alleged abuse or neglect is having an adverse effect on the child;
- The incident occurred in Missouri;
- The report meets the definition of abuse or neglect as defined by law; and
- Identifying information is available to locate the child/family.

The following information, if available, should be provided when making a report:

- The name, address, present whereabouts, sex, race, and birth date or estimated age of the reported child or children and of any other children in the household;
- The name(s), address(es), and telephone number(s) of the child's parent(s), or other person(s) responsible for the child's care;
- The name(s), address(es), and telephone number(s) of the person(s) alleged to be responsible for the abuse or neglect, if different from the parent(s);
- Directions to the home, if available, when the child's address is general delivery, rural route, or only a town;
- Other means of locating the family;
- Parents'/alleged perpetrators' place of employment and work hours, if known;
- The full nature and extent of the child's injuries, abuse, or neglect, and any indication of prior injuries, including the reason for suspecting the child may be subjected to conditions resulting in abuse or neglect;
- Any event that precipitated the report;
- Adverse reactions to the child(ren);
- An assessment of the risk of further harm to the child and, if a risk exists, whether it is imminent;
- If the information was provided by a third party, or if there were witnesses, the identity of that person(s);
- The circumstances under which the reporter first became aware of the child's alleged injuries, abuse or neglect;
- The action taken, if any, to treat, shelter, or assist the child;
- Present location of the child;
- Whether the subjects of the report are aware a report is being made;
- The name, address, work and home telephone numbers, profession, and relationship to the child of the reporter;

- When was the child last seen by the reporter;
- Whether other children are in the home.

If the call is accepted as a child abuse/neglect report, the information is transmitted electronically to the county Children's Division office within a designated circuit, and an investigation or family assessment is begun immediately or initiated within 24 hours, depending on the severity of the allegations. If educational neglect is the only concern, the investigation shall be initiated within 72 hours. For the vast majority of reports, the child is seen within 24 hours.

Only juvenile officers, law enforcement or physicians can take protective custody of a child. Law enforcement officers and physicians may detain a child for 12 hours, whereas juvenile officers may detain a child for 24 hours. Immediate notification of protective custody shall be made to the juvenile court. A child is removed from the home only when the child's safety cannot be assured.

The worker completing the investigation or family assessment will contact the reporter in order to ensure that full information has been received, to obtain any additional information, and to determine the safety of the child. The mandated reporter shall be contacted when the report is sent to the county office or within 48 hours of receipt of the report. If the worker is unable to contact the reporter, the investigation or family assessment will be initiated by seeing the child. The worker shall also contact the identified Public School District Liaison in the district the alleged victim child attends school. The Public School District Liaison shall be designated by the superintendent of each school district. Investigations and family assessments are completed in 30 days. The name of the reporter is never revealed to the person named as the alleged perpetrator or to family members of the child (Section 210.150 RSMo).

IMMUNITY/PENALTIES (Section 210.135 RSMo)

The law provides immunity from civil or criminal liability to those who are required to make reports with CD, any law enforcement agency, or the juvenile office in the completion of an investigation/family assessment. Immunity is provided regardless of the outcome of the investigation/family assessment; however, it does not apply if a person intentionally files a false report.

Failure to report is a Class A misdemeanor for a person who is required under the law to report. Filing a false report is also a Class A misdemeanor.

NON-CHILD ABUSE/NEGLECT (CA/N) REFERRALS

NON-CHILD ABUSE/NEGLECT (CA/N) REFERRALS

At the heart of the Division's statutorily defined mission is the safety of children through CA/N Investigations and Family Assessments. For a number of years, the Division has taken many calls through the CA/N toll-free number that do not meet the statutory definition of child abuse and neglect. The Division accepted those calls as non-CA/N referrals and directed field staff to respond to the callers and help identify local resources for families when available.

As of July 1, 2010, the Division will continue to accept these calls, but will change the Division's response to them. Rather than referring these calls to the field, CA/N hotline staff will document the concerns and, based on the topic of the call, provide referral contact information directly to the caller, when such information is available.

When a mandated reporter contacts CANHU with information regarding child abuse or neglect, CANHU staff will determine if the information may be accepted as a CA/N Report or if it may be forwarded to the county office as a Referral. If the information does not meet either criteria hotline staff may discuss with the reporter other possible service agencies the reporter may wish to contact. Information that does not meet the criteria of a CA/N report or Non-CA/N Referral will *not* be accepted by CANHU. In addition, the information will *not* be forwarded to the county office.

The Child Abuse Neglect Hotline Unit (CANHU) will screen all calls to the hotline to determine if the allegations reported should be accepted as a child abuse/neglect (CA/N) hotline report, per Missouri law. If information provided does not meet criteria for a CA/N report, CA/N hotline staff will continue to thoroughly screen the concerns presented by each caller to ensure that callers are given contact information for appropriate services, as available. The following is a list of non-CA/N referrals that will continue to be alerted to field personnel:

"Newborn Crisis Assessment (A)" – This referral is accepted based on information received from hospital personnel or other medical practitioners. The concerns presented may include: a positive drug screen of a mother and/or a newborn; bonding issues between mother and newborn; housing/homeless issues; or, other concerns regarding the mother/caretaker's ability to care for the newborn. Newborn Crisis Assessment referrals may be accepted for children up to one year of age.

"Non-CA/N Child Fatality (F)" – Section 58.722 RSMo requires medical examiners and local coroners to report all child deaths under the age of eighteen to CANHU. This information is then forwarded to the State Technical Assistance Team (STAT). Child deaths in this referral are caused by means other than child abuse and neglect.

"Preventive Services Referrals (P)" – This referral is accepted for calls of general concern for a child's well-being, which if not addressed, could lead to child abuse or neglect. Acceptable calls include:

- Child is 18 years and older and is in the custody of the Children's Division and mandated reporter needs to receive a call back from field personnel.
- Request for placement of a newborn as outlined in the Safe Place for Newborns Act.
- Child has no caretaker due to caretaker's incarceration, illness, hospitalization or death, and no other appropriate childcare plan is in place, and immediate action or action within 24 hours is needed due to the child's young age or vulnerability.
- A person other than child's parent has child in his/her care and is requesting immediate removal of child.
- A parent is requesting immediate placement of child solely because child is in need of mental health services that the parent cannot access or afford, and parent is not threatening to harm or abandon child. (Referral to Custody Diversion Protocol and possible need for a Voluntary Placement Agreement per House Bill 1453).
- Situations involving an open Family-Centered Services or Family-Centered Out-of-Home Care case.
- Any call regarding a child placed in a residential facility licensed by the Children's Division.

"Non-Caretaker Referral (N)" – For calls involving an alleged perpetrator who does not have care, custody, or control of the child, local staff may be asked to assist juvenile officers or law enforcement as needed. (Example: adolescent allegedly perpetrating an act of violent behavior on a neighbor child. Adolescent was not babysitting at the time.)

"Administrative Referrals" – Hotline staff have been documenting calls received in which the person is not making a report but wishes to contact an investigator in the county. During regular working hours, the call will be directed to the local office. However, such requests for an on-call worker will be called out to the worker after regular business hours.

CD RESPONSE TO REPORTS OF CA/N

CHILDREN'S DIVISION RESPONSE TO REPORTS OF CHILD ABUSE/NEGLECT

Information received at the Child Abuse Neglect Hotline Unit (CANHU) will be "screened in or screened out" as a child abuse/neglect report or referral. Using Structured Decision Making tools, CANHU will also determine how quickly county staff need to respond to the allegations (Response Priority) and which response track staff will follow (investigation or family assessment).

RESPONSE PRIORITY

"The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports". (RSMo 210.145.2)

The Structured Decision Making (SDM) Response Priority tool is used to provide criteria to determine the time frame in which the family should be contacted. There are three response levels. These levels take the place of the "emergency contact".

3 Hour – This is equivalent to an emergency report. Face-to-face contact with all alleged victim(s) must be made within three hours from the county office's receipt of the report. A face-to-face contact with all other children living in the household must be made within 72 hours. Available resources shall be utilized to locate the children, including law enforcement assistance;

24 Hour – Face-to-face contact with all alleged victim(s) must be made within 24 hours from the county office's receipt of the report. A face-to-face contact with all other children residing in the home must occur within 72 hours.

72 Hour – County staff must initiate contact with the family/child(ren) within 24 hours. Face-to-face contact with all children (alleged victims and home residents) must be made within 72 hours from the county office's receipt of the report.

NOTE: Face-to-face contact can be made by members of the multidisciplinary team (mandated reporters such as juvenile officer or law enforcement personnel). Pursuant to section 210.145.10 RSMo., initial contacts can include phone calls or contact with appropriate persons in an attempt to make a home visit and to assure safety of the child(ren) pending the face-to-face contact.

TRACK ASSIGNMENT

Investigation Response:

An Investigation response is conducted for reports, which if found to be true, constitute a law violation. The response is evidentiary and fact finding. If a report is screened as an investigation, CD will immediately notify the appropriate local law enforcement agency to assist in or co-investigate the reported allegations.

Family Assessment Response:

A Family Assessment response is no less serious than an investigation.. The focus of a Family Assessment is designed to help the family identify areas where they need assistance safeguarding their children. The family is approached in terms of a "reported concern". The Family Assessment response determines the family's need for services and refers the family to needed resources. This type of response seeks to ensure child's safety and enhance the effectiveness of services by addressing the underlying needs of individual families.

Changing Track Assignment

In a small percentage of reports it will be determined that a report screened for a Family Assessment would be more appropriately handled as an investigation or vice versa. Missouri statute requires reports to be transferred, as appropriate, including notification to law enforcement to assist in co-investigation of the report.

EDUCATIONAL NEGLECT:

Educational neglect reports are accepted on children ages five through fifteen. Reports are accepted on five and six-year olds when they have been enrolled in school. The school should use the following checklist to determine when a report should be made to CD and what information will be necessary:

- Provide identifying information: child's name, date of birth, parent name, address, phone number;
- Provide current, accurate attendance data;
- Explain the adverse impact of nonattendance on the progress of the particular child; (Lack of regular attendance is not, in and of itself, sufficient reason for CD to act. CD is only empowered by law to address minimal standards of family care.)
- Document the efforts of the school to work with the family;
- Address why this is not truancy. CD is not empowered to enforce truancy laws. Truancy situations should be referred to the Juvenile Office;

- Mention other neglect and abuse concerns for the child, if any;
- Don't wait until the end of the school year, if at all possible. It is difficult for CD to address school attendance problems with the family when school is out.

When a student cannot attend school due to not having received required immunizations, and the school has made efforts to assist and encourage the family in obtaining the immunizations, an educational neglect report may be accepted by CD. Exceptions for a child not receiving immunizations are if one parent or guardian objects in writing to the school administrator because of religious beliefs or medical contraindications. In the latter instance, a statement from a duly licensed physician must be provided to the school administrator.

CONCLUSION/DETERMINATION OF FINDINGS

The division shall complete all investigations/family assessments within thirty days, unless good cause for the failure to complete the investigation/family assessment is documented. The local office shall update all information in the automated information system. The information shall contain, at a minimum, the determination made by the division as a result of the investigation/family assessment, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information.

The division may make the following determinations upon completion of the investigation/family assessment:

Investigation:

- Court adjudicated
- Preponderance of evidence
- Unsubstantiated
- Unsubstantiated – preventive services indicated

Family Assessment:

- Services needed
- No services needed
- Family uncooperative – child safe
- Services needed – linked initial 30 days
- Services needed – family declined

The following codes may be used for either investigations or family assessments:

- Unable to locate
- Inappropriate report
- Located out-of-state
- Home schooling

Upon conclusion of the investigation/family assessment the alleged perpetrator and the child's custodial and non-custodial parent(s) shall receive a CA/N Disposition Form Letter (CS-21 and CS21a). Information provided in the form letter includes:

- The outcome of the investigation;
- How long the file will be retained; "Preponderance of Evidence" and "Court Adjudicated" – indefinitely; "unsubstantiated" Reports will be destroyed after a period of two years if reported by a permissive reporter and five years if reported by a mandated reporter;
- The alleged perpetrator's appeal rights (administrative and judicial review); and
- The alleged perpetrator's right to see information in the record (except the identity of reporter).

GRIEVENCE/APPEAL RIGHTS

When there is a "preponderance of evidence" finding and the alleged perpetrator disagrees with the CD's' determination, the following review process is available upon request. The administrative review process must be exhausted before the judicial review is utilized.

Step 1 – Administrative Review: The alleged perpetrator has sixty (60) days from receipt of the CS-21 to request an administrative review. Failure to request an administrative review within sixty (60) days will result in the loss of an opportunity for a formal review. In those cases where criminal charges arising out of facts of the investigation are pending, the administrative review request must be made within sixty days from the court's final disposition or dismissal of the charges.

The request must be made in writing through the circuit manager/designee in the county which completed the investigation. The request should include the reasons for disagreeing with CD's determination and any new information which is believed could affect the determination.

Based on the information provided, and if the county office continues to believe that the finding was appropriate, the Child Abuse/Neglect Review Board (CANRB) will complete a review. Witnesses on behalf of the perpetrator, child victim and CD may provide information at the review. The CANRB provides an independent review of child abuse/neglect determinations. The purpose of the review is to determine if there is adequate evidence and documentation to support the determination of preponderance of evidence or neglect.

The administrative review process is ***not*** used for complaints involving the investigator's job performance.

Step 2 – Judicial Review: The perpetrator has sixty days upon receipt of notification of the final decision from the administrative review process to request a judicial review. The request for this review should be filed with the Circuit Court in the county where the perpetrator resides or as otherwise provided in Missouri law section 210.152 RSMo.

Office of Child Advocate: For reports determined by the division to be "unsubstantiated", the reporter may request the report be referred to the Office of child Advocate for review.

Availability of "Know Your Rights" Brochure

The "Know Your Rights" brochure is a simple explanation of consumer rights and the Service Delivery Grievance Process. This brochure is to be given to families in order that they may understand their rights with regard to our agency as well as the Service Delivery Grievance Process. Families are to be given the "Know Your Rights" brochure, in person during their first contact with CD staff when providing Family-centered Services, Family-centered Out-of-Home Services, Intensive In-Home Services, Family Reunion Services, Independent Living Services, or Adoption and Guardianship services. This brochure is also to be given upon request during the course of an investigation/family assessment. Additionally, this brochure should be available in the receiving lobby of county and regional offices. A copy of this brochure may be made available upon request to the county and regional office.

Statement of Consumer Rights

Individuals have certain rights with regard to services that our agency may provide. These rights include the right to:

- Services without discrimination regardless of your age, race, religion, ethnicity, family background, sexual orientation or disability;
- Be treated with respect;
- Be active in making a service plan that meets their family's needs;
- Refuse to participate in the services that are offered;
- Know and understand what may happen if a person refuses to accept services that are offered;
- Protection of confidential information according to state statutes;
- Receive services in a language that you can understand;
- Legal representation in any court proceedings affecting their child;
- To file a formal grievance if a person believes they have been treated unfairly.

SPECIAL INVESTIGATIONS

SPECIAL INVESTIGATIONS

CHILD ABUSE/NEGLECT (CA/N) REPORTS – SCHOOL PERSONNEL (STUDENT VICTIM)

Reports to CA/N Hotline

CD occasionally receives child abuse and neglect reports alleging that an employee of a school district has abused or neglected a student. Section 160.261 RSMo. delineates the responsibilities of the school, the division, the juvenile officer, and the county prosecutor in the investigation of these reports. The following steps would be taken in order to assure that the appropriate school personnel receive the report:

- The superintendent or his designee will be contacted by the division's Out-of Home investigation (OHI) Unit on all reports involving school personnel. If the allegation is against the superintendent, the president of the school board will be notified; and
- Based on the information supplied in the report and discussions with the OHI investigator, the superintendent (board president) and the OHI investigator should decide how to proceed.

SPANKING

If the superintendent determines, after an initial assessment, the alleged incident arose out of or is related to a spanking administered by certificated school district personnel according to written discipline policy, he/she will notify law enforcement in the jurisdiction in which the alleged incident occurred, and the report shall be jointly investigated with law enforcement. The investigation shall begin no later than 48 hours after notification from the OHI Unit is received. CD will not be involved in these investigations. The investigation shall consist of, but need not be limited to, interviewing and recording statements of the child and his or her parents or guardian, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

Separate reports by the superintendent and law enforcement are made to the school board within seven (7) days of receiving the report from CD, with their findings and recommendations. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is "preponderance of evidence" or "unsubstantiated".

The school board, within seven (7) days of receiving the last of the two reports, will consider the separate reports and issue its findings and conclusions, which are sent to the CD/OHI investigator who notified the superintendent of the report. The findings and conclusions will be one of the following:

- The report of the alleged child abuse is "unsubstantiated by School Board." Law enforcement and the investigating school board personnel agree that the evidence shows that no abuse occurred.
- The report of the alleged child abuse is "preponderance of evidence by School Board." Law enforcement and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur. The OHI investigator will forward the information to the prosecuting attorney; or
- The issue involved in the alleged incident of child abuse is unresolved because law enforcement and school personnel are unable to agree on their findings and conclusions on the alleged incident. The OHI investigator will forward the information to the prosecuting attorney. Depending on whether the prosecuting attorney takes action on the report, the outcome will be "law enforcement /School Board do not agree. Forward to Central Office/Prosecuting Attorney."

After receiving the final conclusion from the investigation, the OHI Unit will send a CA/N Disposition Form Letter (CS-21) to the alleged perpetrator and the child's custodial and non-custodial parents, with a copy to the superintendent. Information provided in the CS-21 letter includes:

- The outcome of the investigation;
- How long the file will be retained; "preponderance of evidence" and "court adjudicated" – indefinitely; "unsubstantiated" reports will be destroyed after a period of two years if reported by a permissive reporter and five years if reported by a mandated reporter;
- The alleged perpetrator's appeal rights (administrative and judicial review); and
- The alleged perpetrator's right to see information in the record (except the identity of reporter).

REPORTS MADE SOLEY FOR THE PURPOSE OF HARASSING A PUBLIC SCHOOL EMPLOYEE

Section 160.261 RSMo. also allows the superintendent (board president) to assess if the report has no merit and was made for the sole purpose of harassing a school employee. The superintendent (board president) should make this decision in consultation with the OHI investigator. If there is any doubt that the allegation(s) is completely false, it is important that those individuals trained to investigate such reports (CD and law enforcement) be involved prior to the interview of the child or alleged perpetrator.

If the superintendent determines that the report was made for the sole purpose of harassing a school employee, then (s)he must take the same steps as outlined above in the section on spanking.

OTHER CHILD ABUSE/NEGLECT REPORTS

If the report does not allege spanking by certificated school personnel pursuant to a written policy of discipline, or is not harassment, the report is to be investigated by CD staff. The superintendent (board president) will be considered a member of the multidisciplinary investigation team and, as such, may be involved in the investigation. This will allow him/her to have access to appropriate information and to be notified as to the outcome of the investigation.

Appeal Rights Available to School Personnel

When there is a "preponderance of evidence" finding and the alleged perpetrator disagrees with the CD's determination, the following review process is available upon request. The administrative review process must be exhausted before the judicial review is utilized.

Step 1 – Administrative Review: If a school employee is found to have abused or neglected a student, (s)he can request an administrative review through the Out-of-Home Investigative (OHI) Unit located in CD Central Office (P.O. Box 88, Jefferson City, Missouri 65103). The request must be made in writing within 60 days of receipt of the notice (CA/N Disposition form Letter) of the outcome of the investigation. The OHI administrator will review the record to assure that (s)he agrees with the determination. If the OHI administrator concurs with the finding, the request is forwarded to the Child Abuse and Neglect Review Board (CANRB), an independent review board consisting of professionals appointed by the Governor. The board reviews the investigative file and hears presentations from the alleged perpetrator and/or their legal counsel or a representative of the alleged perpetrator's choosing, the child or his/her representative or witnesses, and division staff. If the finding is reversed, an amended disposition letter is sent to the alleged perpetrator.

Step 2 – Judicial Review: If a judicial review is sought, it must be requested within 60 days of receiving notification from the CANRB. The request for the judicial review is filed with the Circuit Court in the county where the alleged perpetrator resides. If the alleged perpetrator does not reside in Missouri, the request should be made in Cole County. The alleged perpetrator may appear and present testimony, and may subpoena any witness except the alleged victim or the reporter.

INTERVIEWS

CHILD ABUSE/NEGLECT (CA/N) INVESTIGATIONS – SCHOOL STUDENT/CHILDCARE AND PARENT(S)/GUARDIANS

School/Childcare Facility Setting Interviews

INTERVIEWS OF STUDENTS/CHILDREN IN CHILDCARE FACILITY BY CHILDREN'S SERVICE WORKERS

When the Alleged Perpetrator is the Parent:

CD staff may meet with a child on school property or childcare facility other than in a school or childcare facility building where the alleged abuse occurred. This is a change from the 2003 legislation in House Bill 613, which did not allow CD staff to meet with a child in any school facility.

When neither parent is the alleged abuser, the CD worker must notify one of the parents of a child who is the subject of the ca/n report prior to interviewing the child. When attempting to locate one of the child's parents, the CD worker shall attempt a minimum of three (3) contacts, using all available modes of contact. If the alleged abuser is "unknown" the CD worker is to use his/her professional judgment in deciding whether to contact the parent/guardian prior to interviewing the child. **NOTE:** In situations where the alleged abuse/neglect occurred in a school, childcare facility, foster home, or residential facility, these cases will be assigned to OHI.

In emergency situations, ensuring the safety of the child shall take precedence. The CD worker will need to use professional judgment to decide if an extensive search to contact the parents will put the child at risk. In these situations, the CD worker shall proceed with the interview and contact the parents at his/her earliest opportunity.

When a parent wishes to be present during the interview, pursuant to current policy, the CD/OHI worker shall make arrangements with the parents to interview the child in their presence, in a desired location, such as their home. Local staff are expected to support OHI investigators by providing courtesy child victim interviews, pursuant to current policy, when mandated victim contact time frames are an issue.

When possible, the investigative worker will contact the school principal or his/her designee, prior to coming to the school, to explain the need to interview the student at school and to arrange the interview. Consistent with existing procedures, the CD worker may be accompanied by a law enforcement officer when the report alleges sexual abuse or serious physical abuse.

CD staff will properly identify themselves to the school administrator or designee. If in doubt, the school administrator should request to see the investigator's identification card.

The following points should be resolved between the CD worker and school administrator prior to the interview:

- **Is there a need to have a certified interpreter involved during the interview with the child?** If an interpreter is needed, the Children's service worker will secure the services of an interpreter prior to meeting with the child at the school.
- **Who will conduct the interview?** The interviewer will be the CD service worker and/or the law enforcement officer (when involved), although the special needs of the child and his/her relationship with school personnel may be taken into consideration. When law enforcement personnel are involved, they often "take the lead" in the interview.
- **Who may be present in the interview?** The number of participants should be kept to an absolute minimum. The child's ability to decide whom to have present should be considered. School personnel participants should be limited to one person, and preferably someone with whom the child feels comfortable. Anyone present during the interview should be aware they could be served with a subpoena to testify in court. If there are concerns voiced by the school administrator about the process and format of the interviews, the school administrator has the ability to ask that the interview not take place on school grounds.
- **Confidentiality mandates should be discussed.** The confidentiality statutes concerning child abuse investigations are contained in Section 210.150 RSMo. The statute states that disclosure of information concerning the abuse and neglect is made only to persons or agencies that have a right to such information.
- **Where and when the interview will be conducted?** The interview must be in a private setting and cause minimal disruption to the child's schedule. The child's right to privacy must be respected.
- **Should parents initially be notified by school personnel or by CD personnel that an interview occurred at the school, and when should that contact occur?** If the parents of the child are not the alleged abusers and the abuse is alleged to have occurred in a school, a parent of the child must be notified prior to the child being interviewed by the division.

INTERVIEWS BY GUARDIAN AD LITEMS AND COURT APPOINTED SPECIAL ADVOCATES

After the initial child abuse/neglect investigation or family assessment, the juvenile court may take jurisdiction for further consideration. In those situations, a Guardian Ad Litem (GAL) and/or Court Appointed Special Advocate (CASA) is appointed by court order to represent the child's best interests. GALs are attorneys appointed by the court to represent a child. CASAs are trained volunteers, also appointed by the court, to gather information regarding a child for the court. The GAL and/or CASA must provide reports to the court while the child is under the court's jurisdiction.

When the GAL or CASA finds it necessary to interview the child during the school day or during periods of extracurricular activities, the school principal or his/her designee must be notified. The principal will verify and record the identity of the GAL or CASA through the court order which appoints them. The interview must be conducted in a private setting and with the least disruption to the child's schedule as possible.

Schools may release information to the GAL or CASA if they produce an appropriate court order allowing access to school records. Under such circumstances, the school will not be in violation of the Family Education Rights and Privacy Act (FERPA). A court order which appoints a GAL or CASA volunteer may reference Sections 210.160.2 and 210.160.5 RSMo, which describe the GAL and CASA volunteer's access to information.

SCREENING EMPLOYEES

SCREENING SCHOOL EMPLOYEES OR VOLUNTEERS FOR A HISTORY OF CHILD ABUSE OR NEGLECT

School districts can screen prospective or current employees and volunteers for history of child abuse and neglect through the Central Registry of the Children's Division (Section 210.150.2(8) RSMo). Child abuse and neglect information is maintained historically in the Central Registry on substantiated child abuse/neglect investigations as "reason to suspect" (pre 8/28/94), "Probable Cause" (post 8/28/94), "preponderance of evidence" (post 8/28/04), and "court adjudicated" conclusions. Criminal conviction information is maintained by the Missouri State Highway Patrol. Criminal history, child abuse and neglect information can be received by completing a single form.

HOW DOES THE PROCESS WORK?

1. The school district superintendent or designee sends a one time written request to the director of the Children's Division, P.O. Box 88, Jefferson City, Missouri, 65103. The Superintendent, on school district letterhead, requests enrollment information for the Child Abuse/Neglect Screening Program.

2. The Background Screening and Investigation Unit (BSIU) will respond with a packet of information and the required screening application form. The packet will include a copy of the current Missouri Laws relating to Child Abuse and Neglect. Questions relating to the specifics of the process can be directed to BSIU staff the (573) 526-1438.

3. Forms are to be completed for each employee/volunteer and mailed as follows:

   A. Child Abuse and Neglect Screening Only – The school district superintendent or designee will send the SHP – 159F form to the Missouri Children's Division (BSIU), P.O. Box 88, Jefferson City, MO 65103 (no fee required).

   B. Criminal History Screening Only – The school district superintendent or designee will send the SHP – 159F (09/07) form to the Missouri State Highway Patrol, Criminal Records and Identification Division, P.O. Box 9500, Jefferson City, MO 65102 (must include a $9.00 fee for each person screened).

   C. For both Child Abuse and Neglect and Criminal History Screenings – The school district superintendent or designee sends the SHP – 159F (09/07) form to the Missouri State Highway Patrol, Criminal Records and Identification Division, P.O. Box 9500, Jefferson City, MO 65102 (must include a $9.00 fee for each person screened). For a fingerprint search, there is a $20.00 fee. For the FBI fingerprint search, the fee is $24.00.

NOTE: The SHP – 159F form may be obtained from the Missouri State Highway Patrol Homepage at: http://www.mshp.dps.missouri.gov/MSHPWeb/Publications/Forms/SHP-159.pdf

4. The identifying information submitted on the BSIU form is matched with identifying information in the Central Registry for child abuse and neglect and by the Highway Patrol for criminal history.

5. If the Central Registry has information on the applicant, the screening application is stamped "preponderance of evidence", "probable cause", "court adjudicated", or "reason to suspect" child abuse/neglect findings and returned to the requester. Regulation allows for a 90 day response time, however, the requester can expect a response within 5 to 7 working days.

6. When an identification match is found in the Central Registry, BSIU will submit this information to the requester usually within 5 to 7 days. BSIU responds by letter to the requester with the nature and disposition of the report, including the date of the event, type of abuse or neglect, severity of the event, and the official conclusion, i.e., reason to suspect, probable cause, or court adjudicated. If the employee believes the information submitted is in error, the employee may contact the Children's Division in the county where they reside.

7. The Missouri State Highway Patrol will respond to the requester with the results of the criminal history screen. The Missouri State Highway Patrol will respond to questions regarding the criminal history screen.

ADDITIONAL INFORMATION

The Background Screening and Investigation Unit is prevented by law from providing additional information regarding the incident, e.g., name of victim, home vs. professional surrounding, etc.

Schools/agency should protect the confidentiality of the information provided to them and not share this information with other schools. The results of a release should be considered as a "onetime release", subject to change due to record retention, and administrative or judicial appeal decisions available to the alleged perpetrator.

Children's Division cannot assist the inquiring user in further determining the suitability of employment/volunteer work for the applicant. Internal protocols should be developed by the agency to ensure consistent use of the information, and to ensure safety of children.

SCREENING CHILD-CARE, ELDER CARE, AND PERSONAL CAREGIVER WORKERS FOR A HISTORY OF CHILD ABUSE OR NEGLECT

Missouri's Family Care Safety Registry, maintained by the Department of Health and Senior Services, was established by law to protect children, elderly, and the physically or mentally disabled in this state and to promote family and community safety by providing background information on potential caregivers. Families and employers can call the registry's toll-free telephone line to request background information on registered child-care, elder care, and personal caregiver workers or to request licensure status information on licensed child-care and elder care providers. This service is intended to provide information to help families and employers make informed decisions when hiring employees to work with children, elderly, and the physically or mentally disabled. Additional information about the Family Care Safety Registry, including how to request a background check on a potential caregiver, can be found at http://www.dhss.mo.gov/FCSR or by calling 1-866-422-6872.

Expungement Timeframes					
Court Adjudicated	Before 8/28/91 Expunge 10 years from date of CA/N Report or case closing		On or after 8/28/91 Retain indefinitely		
Reason to Suspect	Before 8/27/94 Destroy 10 years from date of report or closing of case (whichever is later.)		N/A		
Probable Cause	N/A	On or after 8/28/94 through 8/27/04 - Retain Indefinitely	N/A		
Preponderance of Evidence	N/A		On or After 8/28/04, Retain indefinitely		
Unsubstantiated or Unsubstantiated-Preventive Services Indicated	Before 8/28/91 All information pertaining to the Investigation shall be destroyed 90 days from the CA/N report date	On or after August 28, 1991 through August 27, 1999, The case shall be destroyed five years from the date of the CA/N report, case closing or from the date of the last report if there were subsequent reports.	On or after 8/28/99 through 8/27/00 Destroy two years from the date of CA/N report finding or if a case is opened as a result of CA/N report or subsequent reports are received destroy five years from the case closing or from the date of the last subsequent report, whichever is later.	On or after 8/28/00 If made by permissive reporter destroy 2 years from the date of CA/N report	
				On or after 8/28/00 through 8/27/04, If the CA/N was made by a mandated reporter destroy 10 years from the date of CA/N report.	On or after 8/28/04, If the CA/N was made by a mandated reporter destroy 5 years from the date of CA/N report
Unsubstantiated and report was found to be harassment	N/A	On or after 8/28/05, Destroy identifying information 45 days from conclusion			
Located Out of State or Home Schooling	Destroyed five years from the date of the report, case closing or from the date of the last report if there were subsequent reports.				
Inappropriate Report	Destroy record immediately if CA/N is concluded as “Inappropriate Report”.				
Unable to Locate	Destroy 10 years from date of report or closing of a case (whichever is later.)				
Family Assessments	Retain Indefinitely				
A, M, N, and P, Referrals	Destroy 5 years after closing date unless an FCS case was open at the time of the referral or subsequent to the referral. In the above situations, the information should be placed in the record and retained based on policy.				
F-Referrals	Retain Indefinitely				

SHARING INFORMATION/CONFIDENTIALITY

SHARING INFORMATION/CONFIDENTIALITY

SHARING INFORMATION WITH REPORTER

When a mandated reporter, or any reporter who provides his/her name to the CA/N hotline shall be informed of their right to obtain information concerning the general disposition of the report (Section 210.145.15). Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family.

Information will be provided verbally, or in writing, and may include:

- The date the investigation/family assessment was completed;
- The conclusion reached: "preponderance of evidence," "unsubstantiated," or "unsubstantiated – preventive services indicated," "services needed," "services needed – family declined," "services needed – linked initial thirty days," "no services needed," "family uncooperative – child safe"; and facts utilized to reach the conclusion;
- Whether referral for Family-centered Services (FCS) or to other community services was made. FCS are the services provided and arranged by Children's Division' staff; and
- The fact that a referral is being made to the Juvenile Court, if applicable.

In many instances the mandated reporter may continue to have on-going contact with the family after the report has been made. In such cases, staff should discuss information regarding the family's treatment plan and progress as deemed necessary, to engage the reporter as a continued support to the family.

The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation/family assessment. School personnel/agency who made the report may only share the information with the school setting on a need-to-know basis, due to confidentiality of child abuse reports and investigations/family assessments. If the school principal or agency director is the eventual reporter, he/she should share the feedback he/she receives with the teacher, counselor, nurse, etc. who generated the report.

Information regarding a CA/N investigation/family assessment, which CD shares with a school or agency reporter, cannot be released by the school or agency without CD's written authorization. Parents/guardians should be referred to CD for any information regarding investigation/family assessment. The identity of the reporter shall not be released to parents/guardians or the alleged perpetrator (Section 210.150 RSMo).

SHARING INFORMATION WITH MEMBERS OF MULTIDISCIPLINARY TEAM

Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services. Members of the multidisciplinary team may include: law enforcement, a liaison of the local public school, the juvenile court, and other agencies, both public and private.

If school personnel/agency staff are part of the multidisciplinary team involved in the investigation, assessment or treatment of CA/N case, CD is permitted to share appropriate information that would be helpful to the school/agency in their work with the child/family. This information includes:

- Information regarding the investigation/family assessment outcome;
- Facts utilized to reach the conclusion;
- The treatment plan; and
- Progress of the family.

If school personnel/agency staff did not make the hotline report, but are aware an investigation/family assessment is being completed, CD will share appropriate information with the personnel as a member of the multidisciplinary team.

Information shared with the school/agency is confidential according to the provisions of Section 210.150 RSMo, and should be handled in a strict confidential manner by the school. It must be used only for the purpose for which it was released. Confidential information is released per statute, policy, and in compliance with HIPAA regulations. "Any person who knowingly violated the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a Class A misdemeanor" (Section 210.150.4 RSMo).

SHARING INFORMATION WITH CHILDREN'S DIVISION DURING INVESTIGATION/FAMILY ASSESSMENT

Section 210.140 RSMo states, "Any legally recognized privileged communication, except that between attorney and client or involving communications made to a minister or clergyperson, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by Sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to Sections 210.110 to 210.165 or, to give or accept evidence in any judicial proceeding relating to child abuse or neglect."

Schools/agency staff may share all appropriate information with CD during a CA/N investigation/family assessment regarding the child that would assist CD in making a determination of whether abuse occurred. This can be done as CD was vested with the authority to investigate child abuse and neglect prior to the passage of the federal Family Educational Rights and Privacy Act of 1974 FERPA).

SHARING INFORMATION WITH PUBLIC SCHOOL DISTRICT LIAISON AND CHIEF INVESTIGATORS

Legislation effective August 28, 2000 mandates that school districts designate a liaison, who will be considered a member of the multidisciplinary team. CD staff are to utilize the school liaison when a report is received by the division in which the alleged victim(s) is enrolled in school. Ongoing communication between CD and the school is encouraged when it is beneficial to the child(ren) and family.

This same legislation requires CD to assign a Chief Investigator in each local county office. The Chief Investigator will verify that all of the children in a named CA/N report are seen, as well as ensure information regarding the status of the investigation is provided to the public school liaison.

To strengthen the relationship between local school officials and local CD staff pursuant to Section 210.145, RSMo, Public School District Liaison(s) and Chief Investigators must develop protocols to ensure information regarding a CA/N report is shared with appropriate school personnel. County offices should contact each school district or private school within the county to review developed protocols to ensure all mandates are met. Current confidentiality laws should be reviewed and discussed to assist in identifying what information will be shared to assist in providing timely, quality services to the child and family.

INDICATORS OF ABUSE

INDICATORS OF PHYSICAL ABUSE

The indicators of child abuse and neglect vary. No child or caretaker will exhibit all of the physical or behavioral indicators listed, and some of the indicators are contradictory. The behavior of an abused or neglected child and other family members may be sporadic and unpredictable. Indicators should be used only as a general guide.

LOCATION: The location of the injury is a significant criterion which can aid identification of its origin.
Injuries to the thighs, calves, genitals, buttocks, cheeks, earlobes, lips, neck and back are more likely a result of abuse than injuries to the elbows, knees, shins and hands, which are frequently incurred accidentally. In the younger child, bruises over the bony parts of the child's body (i.e., chin and forehead) are common sites for falling injuries. However, bruises to any infant should be particularly suspect given his or her limited mobility and opportunity to harm himself or herself.

BEHAVIORAL INDICATORS OF CHILD: Behavioral indicators of physical abuse may exist independently or in conjunction with physical indicators. Behavioral indicators of physical abuse in the child include:

- Reacts with fear or aggressiveness to being touched, whether the touch is playful, supportive or restraining;
- Appears wary of adult contact;
- Appears to be or states that (s)he is frightened of the parents or other persons;
- Appears to be afraid to go home or to another familiar location;
- Seems to feel deserving of punishment;
- Demonstrates apprehension when other children cry;
- Behaves provocatively and appears to push encounters to the point where others physically maltreat him or her;
- Behaves manipulatively to get attention;
- Indiscriminately seeks affection;
- Appears to have a poor self-concept;
- Appears to have a vacant or frozen stare;
- Remains very still while visually surveying the surroundings;

- Responds to questions in monosyllables;
- Seems capable of only superficial relationships;
- Exhibits behavioral extremes, including extreme aggressiveness or extreme withdrawal;
- Is physically aggressive with no provocation;
- Exhibits assaultive behaviors (physical assaults or homicide attempts);
- Is involved in fire setting, compulsive lying, compulsive stealing, compulsive destruction of property or vandalism, or other delinquent acts;
- Runs away and appears reluctant to return home when found;
- Exhibits precocious maturity;
- Wears long sleeves or other cover-up clothing to hide injuries; and/or
- States that he or she has been physically abused.

PARENTAL/FAMILIAL CHARACTERISTICS:

- Seems unconcerned about the child;
- Perceives the child as "bad," "evil," a "monster," a "witch," or "different";
- Offers an inadequate or illogical explanation or has no explanation for the child's injury;
- Gives different or contradictory explanations for the same injury;
- Attempts to conceal the child's injury or to protect the identity of a person the caretaker says is responsible;
- Takes an unusually long time to obtain medical care for the child;
- Takes the child to a different doctor or hospital for each injury;
- Does not visit the child in the hospital;
- Does not ask about follow-up care;

- Disciplines the child too harshly considering the child's age, condition, or what the child did;

- Abuses alcohol or other drugs; and/or

- Has a history of physical abuse as a child.

INDICATORS/CHARACTERISTICS OF SEXUAL MALTREATMENT:

The indicators of child abuse and neglect vary. No child or caretaker will exhibit all of the physical or behavioral indicators listed and some of the indicators are contradictory. The behavior of an abused or neglected child and other family members may be sporadic and unpredictable. Indicators should be used only as a general guide. The presence of indicators alone does not establish that sexual abuse or exploitation has occurred. It should be noted that physical indicators are present in only a very small percentage of sexual abuse cases.

BEHAVIORAL INDICATORS IN CHILD:

- Child displays bizarre, sophistic or unusual knowledge of sex;

- Acts out sexually;

- Child displays confusions over sexual identity;

- Victim has fear of men or women;

- Extreme curiosity about sexual parts of body;

- Excessive masturbation;

- Excessive sexual activity with other children;

- Victim affectionless or extremely affectionate;

- Role reversal with same sex parent;

- Refuses to participate in physical education activities;

- Difficulty in sitting or walking;

- Child feels destroying parents' marriage;

- Night terrors;
- Deviant sexual activity;
- Runs away;
- Withdrawn;
- Aggressive;
- Depressed;
- Enuresis;
- Regressed;
- Retreated into fantasy world;
- Poor peer relationships;
- Sudden school problems;
- Fire setting;
- Emotional instability;
- Delinquent;
- Extreme changes in behavior such as loss of appetite;
- Child has episodes of self-mutilation;
- Cruelty to animals;
- Low self-esteem;
- Defiance;
- Lying;
- Sleep disorders;
- Speech disorders; and/or
- Self-destruction (i.e., head banging, drug abuse, obesity, or anorexia).

PARENTAL/FAMILIAL CHARACTERISTICS:

- Authoritarian father - ineffectual mother;
- Sexual problems in marriage;
- Role reversal between mother and daughter;
- Religious beliefs (father's duty to teach daughter about sex);
- Over protection of the daughter;
- Isolation -- geographic isolation -- lack of social or emotional contacts with people outside family;
- Poor self-esteem in family members;
- Repression and denial as coping mechanisms;
- Alcohol/drug problems - other addictions;
- High stress - unemployment, physical disability, etc.;
- Past sexual abuse in family;
- Poor sexual boundaries;
- Extreme passivity of the father;
- Power, father tries to control wife, child, etc., but has no impulse control;
- Prolonged absence (emotionally and/or physically) of one parent from the home;
- Loss of one parent through death or divorce;
- Severe overcrowding in the home, especially in sleeping arrangements
- Marital problems causing one spouse to seek physical affection from a child rather than from the other spouse
- Multi-generational pattern of incest/history of sexual abuse;
- Cultural standards in a family which determine the degree of acceptable bodily contact;

- Physically isolated in community;
- Family roles are rigid;
- Family members are socially fearful, placating, or blaming ;
- Family members have difficulty expressing feelings;
- Attitudes regarding sexuality repressed or confused;
- Mother passive/poor self-image;
- Parents claim victim is "seductive";
- Parent sexually abused as child;
- Child may mention subtle or veiled threats;
- May be evidence of "conditioning" process – including favoritism;
- Denial of non-abusive parent; and/or
- Perpetrator uses abuse victims serially and one at a time.

INDICATORS/CHARACTERISTICS OF NEGLECT

The indicators of child abuse and neglect vary. No child or caretaker will exhibit all of the physical or behavioral indicators and some of the indicators are contradictory. The behavior of an abused or neglected child and other family members may be sporadic and unpredictable. Indicators should be used only as a general guide.

CHILD PHYSICAL INDICATORS:

- Consistent hunger, poor hygiene, inappropriate dress
- Consistent lack of supervision, i.e., child participates in dangerous activities or is unsupervised for long periods of time
- Abandonment
- Often tired or listless
- Lack of adequate clothing

- Illnesses associated with excessive exposure and poor hygiene (home or personal--EXAMPLE-persistent scabies, bacterial infections, persistent head lice)
- Persistent diaper rash or other skin disorder
- Chronically dirty or unbathed
- Developmental delays (EXAMPLE-three-year old that doesn't verbalize)
- Consistently low blood count
- Improper growth patterns, low weight or weight loss

BEHAVIORAL INDICATORS IN CHILD:

- Child begs or steals food
- Child assumes an excessive amount of responsibility or relies heavily on another child
- Child attends school irregularly, including excessive tardiness
- Child remains at home for extended hours
- Child falls asleep, is fatigued or listless in school
- Child abuses drugs or alcohol
- Child engages in delinquent or status offender behavior or has other contact with Juvenile or other Law Enforcement authorities
- Extended stays in school (early arrival and late departure) or other places where care is provided
- Child states there is no caretaker
- Child unable to form appropriate relationships with peers and adults
- Eating disorders (EXAMPLE-over eating/hoarding food)

PARENTAL/FAMILIAL CHARACTERISTICS:

- Highly stressful family situations

- Single parent family
- Several children
- Recent marital problems
- Insufficient financial and other resources for child care
- Isolated within the neighborhood
- Mental retardation, character disorders, emotional illness of parent(s)
- Coldness, inability to empathize with child's needs
- Alcoholism, drug abuse
- Loneliness
- Poor self-esteem, immaturity, dependent, unable to carry continuing responsibility, poor or distorted judgment
- Depressed
- Limited intellectual capacity
- Parental history also reflects neglect
- Parents are indifferent, emotionally detached from each other and/or the child(ren)
- Disorganized, inconsistent family life
- Parent(s) is unable to make decisions, passively accepts events, waits for others to solve problems/provide needs
- Parent(s) is unwilling to accept referrals for tangible services
- Parent(s) is unable to give information on child(ren)'s immunizations, illnesses, childhood milestones (EXAMPLE-potty-training, first began talking, walking)
- Parent(s) has long-term chronic illness
- Parent(s) cannot be found

- Parent(s) provides for self before providing for needs of child (Example-coats, shoes, etc.)

- Parent(s) is apathetic, feels nothing will change.

INDICATORS/CHARACTERISTICS OF MEDICAL NEGLECT:

The indicators of child abuse and neglect vary. No child or caretaker will exhibit all of the physical or behavioral indicators listed, and some of the indicators are contradictory. The behavior of an abused or neglected child and other family members may be sporadic and unpredictable. Indicators should be used only as a general guide.

- Untreated serious physical or psychological illness or injury;

- Developmental delays (see Developmental milestones of children chart in appendix);

- Failure to thrive (see failure to thrive in appendix section).

EXCEPTION BY REASON OF RELIGIOUS BELIEF:

Failure to obtain specified medical treatment because of the legitimate practice of religious beliefs on the part of the child's parents, guardian, or others legally responsible for the child, will not be considered to be abuse or neglect. However, the juvenile court may order that medical services be provided to the child in such a situation if such services are necessary for the health of the child.

PARENTAL/FAMILIAL CHARACTERISTICS:

- Highly stressful family situations

- Single parent family

- Several children

- Recent marital problems

- Insufficient financial and other resources for medical care

- Isolation within the neighborhood

- Isolation from family members

- No community support systems

- Coldness, inability to empathize with child's needs
- Chemical dependency
- Loneliness
- Poor self-esteem
- Immaturity
- Dependent
- Lack of responsibility, poor or distorted judgment
- Depressed
- Parents' histories also reflect neglect
- Parents are indifferent, emotionally detached from each other and/or the children
- Disorganized, inconsistent family life
- Parents are unable to make decisions, passively accept events
- Parents are unwilling to accept referrals for tangible services
- Mental retardation
- Character disorder
- Emotional illness

OTHER FACTORS TO CONSIDER:

- Failure of parent to follow through on a medical professional's advice/instructions
- Failure to seek treatment impairs the child physically or emotionally
- Parent is aware of the child's condition and risk of further harm to the child
- Parent fails to seek adequate treatment despite financial or other reasonable means to do so.

EDUCATIONAL NEGLECT

Educational neglect must be differentiated from truancy (a status offense). When a child is continuously absent from school through intent or neglect of the parent or caretaker, there is educational neglect. When a child is absent through his/her own intent, this is truancy and not reportable as child abuse/neglect.

Home schooling does not constitute educational neglect.

INDICATORS / CHARACTERISTICS OF EDUCATIONAL NEGLECT:

The indicators of child abuse/neglect vary. No child or caretaker will exhibit all of the physical or behavioral indicators listed, and some of the indicators are contradictory. The behavior of an abused or neglected child and other family members may be sporadic and unpredictable. Indicators should be used only as a general guide.

- A child being held responsible for the care of other children during the school day while the parent works.
- A parent who is unable to get the child fed and dressed in time to attend school.
- Failure of parent to obtain and /or cooperate with special or remedial instruction for the child when recommended and provided by the school and the child is not succeeding in current class placement.

PARENTAL/FAMILIAL CHARACTERISTICS:

- Highly stressful family situations
- Single parent family
- Recent marital problems
- Insufficient financial and other resources for child care

OTHER FACTORS TO CONSIDER:

- Parent has been advised by school personnel of child's excessive absenteeism/special educational needs.
- Parent is providing home schooling.
- Parent's religious practices prevent child's attendance in a public school setting.

EMOTIONAL MALTREATMENT

INDICATORS/CHARACTERISTICS OF EMOTIONAL MALTREATMENT:

The indicators of child abuse and neglect vary. No child or caretaker will exhibit all of the physical or behavioral indicators and some of the indicators are contradictory. The behavior of an abused or neglected child and other family members may be sporadic and unpredictable. Indicators should be used only as a general guide.

CHILD BEHAVIORAL INDICATORS:

- Habit disorders such as sucking, biting, rocking, enuresis, soiling, or feeding disorders

- Conduct disorders including self-destructive and antisocial behavior, such as oblivious to hazards and risks, destructiveness, cruelty to self and others, stealing, hyperactivity, and disruptiveness

- Neurotic disorders such as sleep problems, uninhibited play, depression, anxiety, and fearfulness

- Behavior extremes such as extremely passive or aggressive, impulsive, overly compliant, very demanding, or withdrawn

- Overly adaptive behaviors which are either inappropriately adult (parenting other children for example) or inappropriately infantile (rocking, head-banging, or thumb-sucking for example)

CHILD PHYSICAL INDICATORS:

- Lags in physical development

- Failure to thrive

- Lags in emotional development

- Empty or blank expression

- Speech disorders

- Lags in intellectual development

- Attempted suicide

- Avoidance of eye contact

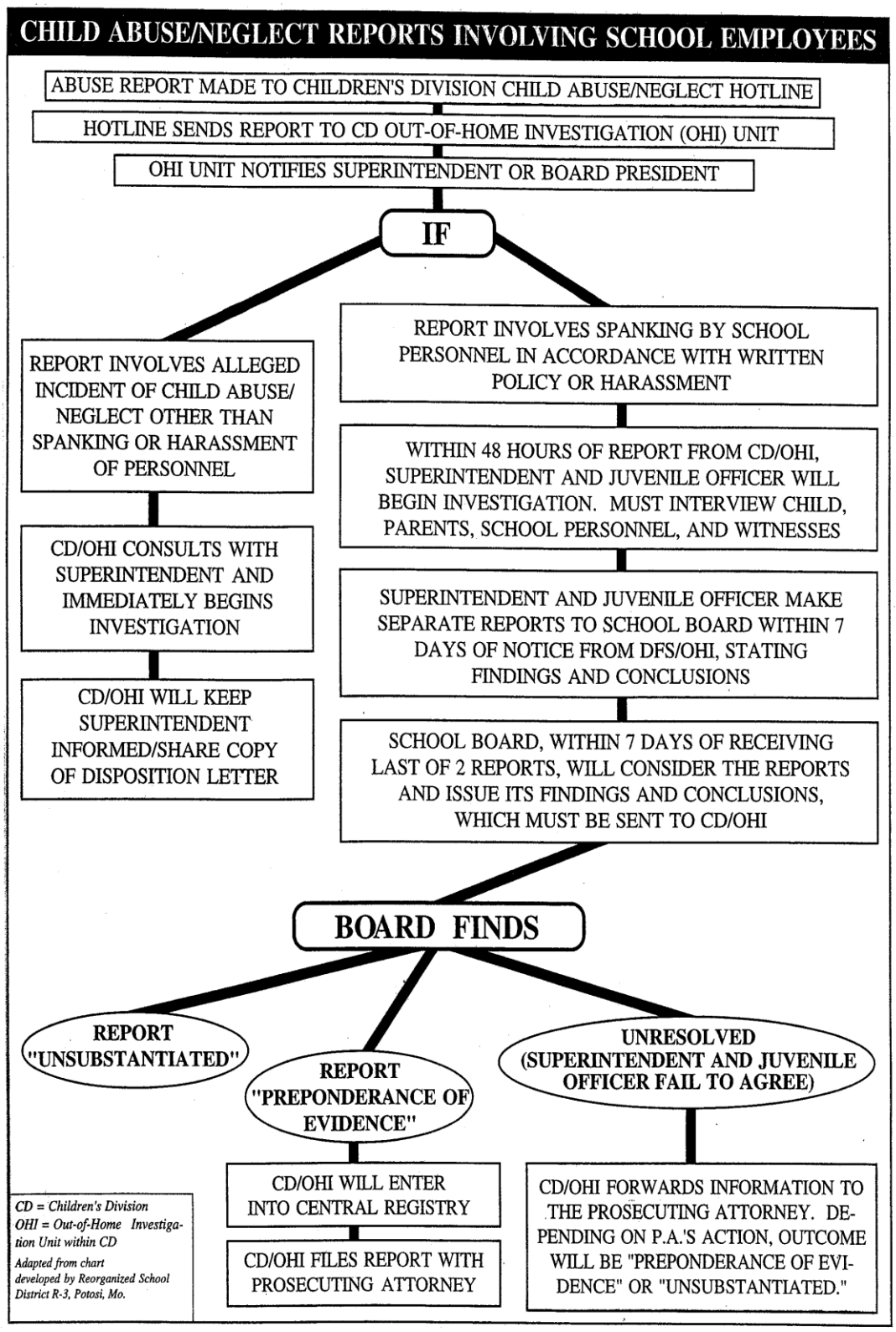
- Stress related physical symptoms, i.e., enuresis, hair pulling, ulcers, headaches, hives

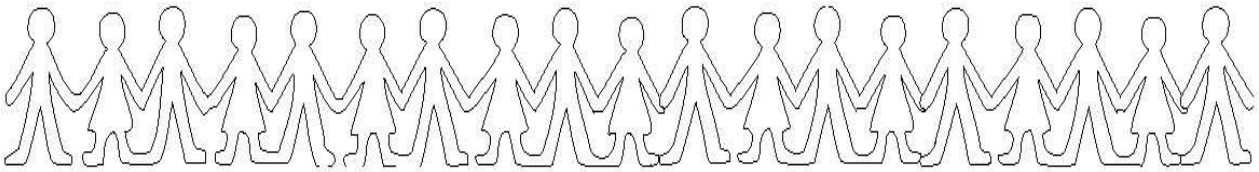
FAMILY/PARENTAL CHARACTERISTICS AND BEHAVIORAL INDICATORS:

- Verbal scapegoating and ridicule
- Extremely inappropriate expectations in performance and behavior, etc.
- Substance abuse
- Psychosis – may view child as monster
- Withholds love, sees child as bad or evil
- Ignoring, blaming, or rejecting, unconcerned about child, unwilling to accept help
- Threats to health or safety, uses excessive physical punishment
- Bizarre behavior by parent
- Deprived of emotional support as children, lack of self-esteem
- Family may be socially isolated with few support systems
- Frequent marital problems and life crises, such as spouse abuse, non-communicative marriage, loss of employment, high level of indebtedness, lack of housing, and conflicts between divorced or separated parents
- Lack of nurturing child-rearing practices

Emotional maltreatment means an injury to the intellectual or psychological capacity of a child as evidenced by an observable and substantial impairment in his/her ability to function within a normal range of performance and behavior, with due regard to his/her culture.

The results of emotional maltreatment cover the entire spectrum of psychological and mental dysfunction. In order for intervention to be indicated, the child's maladaptive behaviors must be clearly observable, unalterable through normal channels (such as school), circumstantially caused.


CHILD ABUSE/NEGLECT REPORTS INVOLVING SCHOOL EMPLOYEES
ABUSE REPORT MADE TO CHILDREN'S DIVISION CHILD ABUSE/NEGLECT HOTLINE
HOTLINE SENDS REPORT TO CD OUT-OF-HOME INVESTIGATION (OHI) UNIT
OHI UNIT NOTIFIES SUPERINTENDENT OR BOARD PRESIDENT
IF
REPORT INVOLVES ALLEGED INCIDENT OF CHILD ABUSE/ NEGLECT OTHER THAN SPANKING OR HARASSMENT OF PERSONNEL
CD/OHI CONSULTS WITH SUPERINTENDENT AND IMMEDIATELY BEGINS INVESTIGATION
CD/OHI WILL KEEP SUPERINTENDENT INFORMED/SHARE COPY OF DISPOSITION LETTER
REPORT INVOLVES SPANKING BY SCHOOL PERSONNEL IN ACCORDANCE WITH WRITTEN POLICY OR HARASSMENT
WITHIN 48 HOURS OF REPORT FROM CD/OHI, SUPERINTENDENT AND JUVENILE OFFICER WILL BEGIN INVESTIGATION. MUST INTERVIEW CHILD, PARENTS, SCHOOL PERSONNEL, AND WITNESSES
SUPERINTENDENT AND JUVENILE OFFICER MAKE SEPARATE REPORTS TO SCHOOL BOARD WITHIN 7 DAYS OF NOTICE FROM DFS/OHI, STATING FINDINGS AND CONCLUSIONS
SCHOOL BOARD, WITHIN 7 DAYS OF RECEIVING LAST OF 2 REPORTS, WILL CONSIDER THE REPORTS AND ISSUE ITS FINDINGS AND CONCLUSIONS, WHICH MUST BE SENT TO CD/OHI
BOARD FINDS
REPORT "UNSUBSTANTIATED"
REPORT "PREPONDERANCE OF EVIDENCE"
UNRESOLVED (SUPERINTENDENT AND JUVENILE OFFICER FAIL TO AGREE)
CD/OHI WILL ENTER INTO CENTRAL REGISTRY
CD/OHI FILES REPORT WITH PROSECUTING ATTORNEY
CD/OHI FORWARDS INFORMATION TO THE PROSECUTING ATTORNEY. DEPENDING ON P.A.'S ACTION, OUTCOME WILL BE "PREPONDERANCE OF EVIDENCE" OR "UNSUBSTANTIATED."
CD = Children's Division
OHI = Out-of-Home Investigation Unit within CD
Adapted from chart developed by Reorganized School District R-3, Potosi, Mo.



Save a Child!

Child Abuse/Neglect Hotline

1-800-392-3738

Statewide Toll-Free 24 Hours

or

1-573-751-3448

Outside Missouri

Missouri Department of Social Services

Children's Division