

## Chapter Eleven

# Legal Issues for Resource Parents

### Abuse Allegations and Investigations

When abuse allegations are made against Resource Parents, they are investigated by a team out of DCS Central Office. This team is called Special Investigations Unit, or SIU. The SIU is supervised out of the Office of Child Safety and investigators are located throughout the state.

#### *Policy Reference: 14.25 Special Investigations*

Special Investigations Unit staff adheres to the same Child Protective Services policies that are outlined in Chapter 14 of the Department of Children's Services Policy Manual. All information gathered is strictly confidential and strong attention is paid to the privacy of the individuals involved. Resource Parents who are either directly or indirectly involved in an SIU investigation should be aware of certain investigative procedures. Becoming familiar with the process will hopefully ease fears, resulting in better communication and a timely resolution. SIU investigators respond to all kinds of allegations and work with Resource Parents all over the state on a daily basis. Cooperation, understanding, and communication are important aspects for both the investigators and Resource Parents. SIU investigators are highly skilled and respectful of the challenges faced by Resource Parents.

Referrals involving abuse or neglect are made to the DCS Central Intake Hotline at 1-877-237-0004. Hotline staff screens calls concerning abuse or neglect for the entire state. The hotline counselors gather the information and a screening decision is made concerning the allegations and severity. If the referral meets criteria for assignment, it is assigned for investigation.

SIU investigators begin an investigation by assessing risk to the child. If a child is currently in the presence of or is being cared for by the alleged perpetrator, it is necessary to take immediate action. This may include but is not limited to a safety plan/agreement (depending on the circumstances), immediate response to where the child is located, contact with law enforcement, and/or requesting respite placement until the case can be investigated further. If the alleged perpetrator is a foster parent, notification of the right to an advocate must be made. If the foster parent does not know the name or have information concerning the advocate, the investigator must obtain the information and provide it to the foster parent. It is the responsibility of the foster parent to make contact with the advocate. It is the investigator's responsibility to set up the interview with the child. The interview must be conducted in a neutral, non-threatening, and private environment. Typically, investigations are conducted by trained forensic interviewers at Child Advocacy Centers.

A copy of all sex abuse and severe physical abuse referrals are sent to the District Attorney's office. These cases are worked with a team approach, referred to as CPIT (Child Protective Investigative Team). CPIT teams comprise law enforcement, SIU, District Attorney, medical staff, and others as needed. The cases are worked together and the final classification is the result of a team approach.

Investigators will interview the alleged victim first and then all children in the home, including birth and adoptive children. Investigators will talk to all witnesses before interviewing the perpetrator. The perpetrator interview will be conducted by law enforcement and/or the SIU investigator, depending on the seriousness of the allegation. After all information is gathered, a classification decision is made. Cases are either founded (indicated) or unfounded. If a case is indicated, the alleged perpetrator will receive a letter from the Department concerning the indication and appeal process.

### **SIU Level I Due Process**

**SIU Emergency (formal) File Review.** A due process proceeding is required for all indicated classifications to individuals who currently volunteer, foster, and/or work directly with children. This includes approved resource or adoptive parents, employees, teachers, and child care workers. Exception: This does not include if the indicated abuse happened when the custody child was on runaway status, trial home visit or on a home pass. SIU does not investigate those types of allegations; they are addressed by local CPS staff.

### **SIU Level II Due Process**

**Administrative Hearing.** A due process proceeding offered to individuals who have been indicated by the Department. This proceeding is the final process that is offered by the Department and usually follows an emergency file review and is completed by an administrative law judge.

## **Frequently Asked Questions**

- Q. Why is it taking so long and why haven't I heard from anyone?**
- A. Investigators make an initial assessment and try to gather as much information as possible. Typically, they are waiting on a response from law enforcement, the results of a medical exam, or statements from witnesses. The investigation does not stop after the initial child interview. There are many factors that can delay the process. Resource Parents may contact the investigator, SIU supervisor or foster parent advocate to voice concerns. Investigators are under strict time frames for completion (60 days) and cases usually take several weeks to complete.
- Q. How do I prepare for this?**
- A. Be knowledgeable of DCS policies and keep accurate records. Stay informed and communicate concerns to appropriate DCS staff. Keep a current phone list for DCS staff and contract agencies and know how to contact your foster parent advocate. Document concerns and potential problems so that they may be addressed, hopefully before an issue becomes a CPS investigation. Plan to attend foster parent events where SIU staff members make presentations. This will give you an opportunity to meet the staff and have open dialogue about concerns.

**Q. What can I ask?**

A. You can ask about the allegations, but the SIU investigator cannot reveal the identity of the referent. You can ask if you are the subject of an investigation; however, the investigator will decide at what point in the investigation certain information is shared. Cooperation is essential and strict confidentiality rules must be followed.

**Q. Will I know when this is over?**

A. Yes. The case closure notification along with recommendations is sent from the SIU investigator to the Regional Administrator. The Regional Administrator then decides where to distribute the information.

**Q. Will my child be moved?**

A. Frequently, during an investigation, the SIU investigator will ask that a child be placed in respite until a determination is made. If the Resource Parent is named as the alleged perpetrator, the victim child and Resource Parent must be separated. This prevents any future allegations being made and protects both parties. The SIU investigator makes the decision to remove a child from the home and the local DCS staff assists with the process.

**Q. Will I be falsely accused?**

A. There is a possibility that a child placed in your home may try to manipulate the placement or lash out by making a false allegation. Please know that SIU investigators understand that you have opened your home and heart to a child. SIU investigators are highly trained and they are sensitive to these issues. They will determine as quickly as possible if there are concerns and make recommendations as needed.

**Finally . . . Stay informed, Be Proactive,  
Partner with the Department, and Ask Questions!!  
KNOW HOW TO REACH YOUR ADVOCATE!!**