

## **FOLLOW-UP INVESTIGATION AND CASE MANAGEMENT**

Agencies responding to child abuse or neglect must follow-up promptly to protect the child and the community. The responsibility for follow-up and case management should be assigned to professionals with child abuse training. The assigned professionals should investigate all avenues necessary to protect the child, collect evidence, and initiate appropriate court action promptly.

### **Law Enforcement**

Child abuse investigators encounter many unique issues. In addition, child victims do not always react to abuse in ways that one would commonly expect. As a result, it is imperative that investigators assigned to child abuse or neglect cases receive specialized training to conduct the investigations.

Law enforcement agencies shall send all newly assigned child abuse professionals to training programs in child sexual abuse and exploitation investigation within the first six months of assignment. PC §13516(c) After the initial training, law enforcement agencies are encouraged to provide periodic continuing education.

Once a trained investigator is assigned to the case, the investigator should promptly review all of the previous materials generated about the case and perform an appropriate investigation, including

- if not previously done, conduct non-leading, separate interviews of all victims, witnesses, and suspects and document each interview. Potential witnesses to the abuse or behavior of the child can include
    - neighbors
    - extended family members
    - school personnel
    - peers
    - coaches
    - baby sitters
- \*[See Index of Appendices for the Criminal Child Abuse Investigative Checklist published by the National Center for the Prosecution of Child Abuse]
- collect any corroborating evidence not previously collected by the first responding officer or CSW

- arrange for appropriate scientific testing
- arrange for transportation for victims and witnesses where necessary to complete case processing, including but not limited to, interviews with the prosecutor and appearances in court
- work closely with all agencies that have an interest in the child to maximize protection of the child and community safety
- make appropriate referrals to victim advocates

It is the intent of the Legislature that law enforcement and DCFS continue to communicate information learned about subsequent incidents or further disclosures of suspected abuse or neglect. {PC §11166.3}

All subsequent incidents of suspected abuse or neglect shall be cross reported to law enforcement, DCFS, and the District Attorney. Additional disclosures of already-cross-reported information should be discussed among the professionals assigned to the case in the various agencies.

Most child abuse cases should be prosecuted vertically; that is, the same prosecutor handles the case from the filing through final disposition. Investigators should contact the prosecutor promptly, once a suspect is identified, if not sooner. Where possible and appropriate, the prosecutor should be included in the investigative interviews to minimize the trauma to the child victim caused by multiple interviews.

Law enforcement agencies should investigate child abuse and neglect cases as a high priority so that appropriate evidence is gathered and preserved for the prosecutor's filing decision. An investigative packet submitted to a prosecutor should include

- all investigative reports, especially victim, witness, "fresh complaint" or reporting party interviews, suspect statements, and evidence [property reports]
- suspect's criminal history [rap sheets]
- police reports or reports of past abusive or assaultive conduct by the suspect on any person
- medical reports, especially paramedic, hospital records, expert opinions, and results of examinations of the victim and siblings
- forensic reports, which may include blood, hair, DNA, origin of marks, etc.
- photos of body, crime scene, weapon, or instruments

- all relevant documentary evidence, including, but not limited to, birth certificates, magazines, videos, tapes, consent to search, school and dependency records, and DCFS records
- search warrant, search warrant return, and property report
- any information about the status of an open or closed child dependency case or history of DCFS involvement
- any prior abuse reports involving the child
- whether there are any past or existing protective orders concerning the victim or other household members

Upon presentation of the case for criminal filing consideration, include all documentation and reference to all evidence. The prosecutor needs this information to make a filing decision. In addition, it is necessary for legally mandated discovery. Failure to provide complete discovery at the earliest possible time, could result in sanctions including case dismissal.

## **DCFS**

CSWs serve many functions and perform numerous duties when investigating and managing a case assigned to them. After the initial response, a CSW formulates an initial case plan. The California Department of Social Services mandates that a case plan be in place within 30 days of the initial face-to-face contact, initial removal, or dispositional hearing, whichever comes first. The case plan is a written document which is based upon an assessment of the circumstances which required child welfare services intervention. In the plan, the CSW identifies a case plan goal, the case plan participants, the objectives to be achieved, the specific services to be provided, and the case management activities to be performed. Welfare and Institutions Code §16501.1(d) provides a detailed list of the mandated factors to be included in the case plan.

Before removing a child from the home, the CSW must consider whether there are any reasonable services available to the child's family which would eliminate the need to remove the child from the custody of the parent or guardian. {WIC §§306, 309}

In lieu of filing a petition with the court, or subsequent to the dismissal of a petition already filed, WIC §301 allows the CSW to undertake a six-month program of voluntary supervision of the child. During this time, the parent(s) must agree to participate in a program of child welfare services designed to ameliorate the situation which brought the child within, or created the probability that the child would be within, the jurisdiction of WIC §300. If at any time during the six-month period the family fails to cooperate with the services being provided, the CSW may file a petition with the juvenile court pursuant to WIC §332.

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Once the petition has been sustained, in lieu of adjudicating the child a dependent, the court may exercise one of the following options

- Terminate jurisdiction at the disposition hearing with an order determining the custody of, and/or visitation with, the child. An order made by the court pursuant to WIC §362.4 continues until modified or terminated by a subsequent order of the superior court, and the order made by the dependency court becomes a part of the family law file or may be used as the basis for opening a family law case. {WIC §362.4}
- Without declaring the child a dependent, order DCFS to provide informal services and supervision for a period of six months, which are designed to keep the family together {WIC §360(b)}. If the family subsequently is unable or unwilling to cooperate with the services being provided, the CSW may file a petition with the juvenile court pursuant to section 332 alleging that a previous petition has been sustained, and that disposition pursuant to WIC §360(b) has been ineffective in ameliorating the situation requiring child welfare services. {WIC §360(c)}

Once a petition has been filed with the court, the case is assigned to a dependency investigator. The dependency investigator prepares an evidentiary report for the court that must contain all matters relevant to jurisdiction and disposition and a recommendation for disposition. The dependency investigator is charged with interviewing all family members in person to gather relevant data. The investigator must identify family strengths, case plan objectives, and the responsibilities and activities required of the CSW, including contacts with the parents and the children.

The report must

- address all of the allegations in the petition and any other apparent problems and possible causes of the abuse or neglect
- address in specific detail the health, safety, and general welfare of the child, which includes all psychological, mental health, behavioral, and educational issues regarding the child
- document all previous child welfare services
- address whether the child meets the criteria of a special-needs child

Note: For purposes of this section, special needs refers to a child

who has three or more placements during a 12-month period or who has been detained and has a diagnosis or history, including, but, not limited to behavioral or emotional disorders such as conduct disorder, self-destructive or suicidal behaviors, fire-setting, chronic depression, and/or substance abuse.

- document whether family preservation or other services are appropriate for the family

In the evidentiary report, the CSW must include a factual discussion that addresses the following

- available child protective services to prevent or eliminate the need for the continued placement of the child [WIC §16500 et seq.]
- a plan for the return of the child to the parent, if recommended
- a plan for achieving legal permanency for the child if reunification efforts fail, if recommended
- whether the best interests of the child will be served by granting reasonable visitation rights with the child's grandparents
- whether the child is adoptable and whether termination of parental rights is appropriate
- whether the parent has been advised of the option of a voluntary relinquishment of parental rights, including the option to enter into a post-adoption contract agreement
- an assessment of the appropriateness of a relative placement under WIC §361.4

The CSW may recommend

- the child remain in the home [family maintenance]
- the child return home in the future within statutory time frames [family reunification]
- family reunification services be denied to the family pursuant to WIC §361.5(b), and the child be referred for a selection and implementation hearing to determine a permanent plan of adoption, legal guardianship, or planned permanent living arrangement (PPLA) pursuant to WIC §366.26
- a legal guardianship be established pursuant to WIC §360(a)

If the CSW recommends removing the child from the home, the report must include a discussion of the reasonable efforts made to prevent or eliminate removal and a recommended plan for reuniting the child with the family including a plan for visitation, if appropriate.

Court-ordered family reunification services may be provided for six months, twelve months, but never longer than 18 months. {WIC §§366.21(e), 366.21(f), 366.22} Once the period for reunification has terminated, the court must select a permanent plan for the child under WIC §366.26.