

Investigating Child Abuse and Neglect Fact Sheet

Our Legal Responsibilities

When Butler County Children Services receives a report saying a child has been abused or neglected, the law requires us to:

- Find out if there is a need to help a child and family. We must respond immediately to children who may be in danger.
- Ask the person making the report to provide all the information they can to help us understand what has allegedly happened to the child.

Once a report is received, we may:

- Decide that there is no reason to investigate
- Offer help to the family without conducting an investigation
- Investigate the situation further

If the person making the report believes a child was abused or neglected and we determine that the claims they have made require additional follow up, the law says we must investigate. If, during our investigation, we find that a child has been abused or neglected, we must take steps to protect the child.

When We Must Investigate

We must investigate if the information given by the person making the referral leads us to suspect that the child may have been abused or neglected.

Child abuse is defined as:

- Any recent act, or failure to act, on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation
- Any act, or failure to act, on the part of a parent or caretaker, which presents an imminent risk of serious harm

Physical punishment that injures a child is abuse. Sexual contact between an adult and child is also abuse, as are some cases of sexual contact between children. Other examples of child abuse include children who are injured because of the carelessness of their parents and/or mental or emotional difficulties in children that are caused by their parent's behavior.

Neglect is failure to act on behalf of a child. It involves child rearing practices that are essentially inadequate or dangerous. It may not produce visible signs, and it usually occurs over a period of time. Neglect can mean that a child is not getting:

- Appropriate adult supervision, housing, clothing, medical attention, nutrition or support
- Appropriate support or affection necessary to a child's psychological and social development

How We Conduct Investigations

- We will meet with you and tell you the specific allegations of child abuse or neglect that were reported to us.
- One of our caseworkers will talk to you face to face, as well as the other adults in the home. We will also talk privately with all children in the home. If the children are too young to talk, we must at least observe them.
- We will ask the child, privately, for his or her explanation of what happened to them, and ask you for your explanation of any harm the child may have suffered.
- We will give you information so that you understand your parental rights and responsibilities.
- We will not tell the name of the person who made the report of child abuse or neglect. If the law did not require such confidentiality, people might be afraid to report children who have been abused or neglected at home.
- We must check for past records on your family – in our county or elsewhere. And, we may also check criminal records of other adults in the home.
- If we find that there has not been abuse or neglect, or risk of such, we will close our investigation and let you know we're finished.
- If we find that there is a risk of harm to your child, we will keep the case on your family open and begin working with you to address the problems.
- Usually, we prefer to get your permission to enter your home. However, in more severe circumstances or an emergency, we may gain access to your home without permission. We can also seek a court order if someone is keeping us from beginning or finishing our investigation.
- We have the legal right to take photographs of any visible injuries to a child.
- We may need to take a child for a physical or mental health examination. If you have a family doctor or the child already has a therapist, let us know.
- We must keep your personal information — such as names and the facts of your case — strictly confidential. We will only talk about your case with the professionals involved in your family's case.
- In some cases involving a child's death or very severe injury, information about a case may be available to the public.
- If English is not your or your child's first language, or if one of you has a serious handicap (such as hearing impairment), we will get an interpreter to help during the investigation. Simply let your caseworker know.

How We Work With the Police

In some cases, we work with the police. They may join us in our investigation to ensure that:

- Our caseworkers are safe
- Possible evidence of a crime against a child (especially in serious physical and sexual abuse cases) is collected in the proper manner
- Any witnesses to a possible crime against a child are properly questioned, and that persons suspected of committing a crime are both advised of their rights and properly questioned

Others Who May Be Involved

We may talk with others to make sure the right decisions are made with respect to your case. We have a right to get information from other people to help us decide if abuse or neglect took place. These other people may include doctors, teachers, social workers, and sometimes, neighbors and relatives.

When we get information from other sources, we will be as respectful as we can of your privacy and “reputation,” keeping in mind that we also must protect children from abuse and neglect. We also have a right, either with your consent or a court order, to get information that may help us decide if a child has been abused or neglected, including school, mental health or medical information.

Investigation Follow Up

After looking at all the facts about what happened in your case, a decision will be made about whether or not abuse or neglect occurred. This decision is called a “disposition.” There are four types of dispositions:

Indicated: A report in which there is circumstantial, medical, or other isolated indicators of child abuse or neglect, but those indicators cannot be confirmed

Substantiated: A report in which there is an admission of child abuse or neglect by the person(s) responsible; an adjudication (judgment) of child abuse or neglect; other forms of confirmation deemed valid by BCCS; or a professional judgment that the child has been abused or neglected

Unsubstantiated – cannot locate: A report of child abuse or neglect in which the investigation was not initiated due to the inability to locate the family or the family moved before an investigation was completed

Unsubstantiated – no evidence: A report of child abuse or neglect in which the investigation determined that no occurrence of child abuse or neglect took place

Within three days of completing our investigation of abuse or neglect, we will tell you and your children (if they are old enough to understand) whether or not we found that abuse or neglect took place. In addition, you will get a letter that details our findings.

If Abuse or Neglect *DID NOT* Occur...

If we determine that abuse or neglect did not occur and there is no risk of such, we will close the case on your family. We can still offer your family assistance – a chance to get services and referrals to other programs that can help – even though we did not find your child to be abused or neglected.

If a person makes repeated reports where no abuse or neglect, or risk of such, is found, we may report this to a prosecutor for possible criminal action against the person for making a false report. Please note that a report that we label as “unsubstantiated” (unproven) is not necessarily a “false” report.

If Abuse or Neglect *DID* Occur...

If we find that abuse or neglect did occur and that you or someone in your home was responsible:

- We will tell the adult we believe is responsible for the child’s abuse or neglect, in writing, of our determination and that they can appeal our decision.
- We will give specific information on how and when that “appeal” can be made.

We will work with you and your family — we hope with your full consent and cooperation — to help prevent future abuse or neglect. We will invite you and anyone else you want to bring to a Family Case Conference to develop a “Family Case Plan” that lays out what is expected of you and the services you and your child will receive. You are encouraged to participate in the writing of this plan, so you can be sure that you understand and agree with what it says.

If it seems the child’s abuse or neglect was serious enough to be a crime, we must give information and assistance to the police and prosecutor, who will make decisions about whether a crime occurred.

When Cases Go to Court

We take cases to court when a child must be removed from home or when we need the court’s help to protect a child while the child stays at home. Most families receiving assistance from us do not have any court involvement. But, if a child must temporarily live away from home for safety reasons, we must have that case heard in court.

When Children Need to Leave Home

We cannot remove children simply because their parents are being uncooperative with us. In most cases, we decide that children are not in any immediate danger and do not need to be taken out of their home. However, there are cases where the law says that temporarily removing a child from home is necessary, if parents agree. In cases where we think a child is not safe, the child may be removed without permission.

Here are three questions we ask when deciding whether to remove a child from home:

- Could the child suffer serious physical or emotional harm if left at home (for example, an infant or toddler left without adult supervision)?
- Does the risk of harm to the child outweigh the emotional pain the child might experience by being removed from the home?
- Is there a reasonable chance that we can prevent serious harm to the child without removing him/her from the home?

We would rather provide helpful services to you and your child within your home. In some cases, parents know that there is someone other than them in the home who is abusing their child. In these cases, we strongly advise parents to insist that the abuser leave the home, not the child.

If parents cannot safely care for their children, we first consider placing them with relatives rather than strangers. So, it's important to tell your caseworker about any relatives (or close family friends) who might be suitable to care for your child.

If we must remove a child because an emergency situation shows they are in danger, the law says that, whenever time permits and if it will not risk a child's safety, we must first go to the local juvenile court and file a "petition" asking that a judge order the removal.

If we must remove a child, we can ask the police or a court officer to help us.

Within 24 hours, or on the following Monday if a child is removed over the weekend, we must go to court if we want to continue to keep the child away from home. If your child is removed from home, we must give you the following information:

- Why your child was removed
- Who to contact at BCCS about your case
- How and when to visit your child
- When and where you need to go to court
- Who to call about getting a lawyer if you cannot afford one