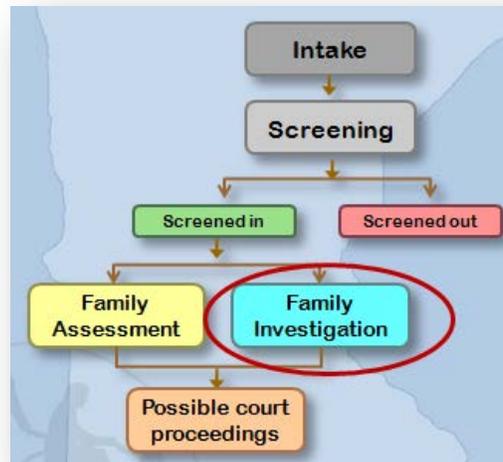


Module 7 Chapter 3: Family Investigations

This chapter provides an in-depth look at Family Investigations. Remember, you are mandated to conduct a Family Investigation when reports involve substantial child endangerment, infant medical neglect, and maltreatment in facilities. You should continue to use a family-centered, strengths-based approach to increase child safety regardless of the type of abuse or neglect being investigated.

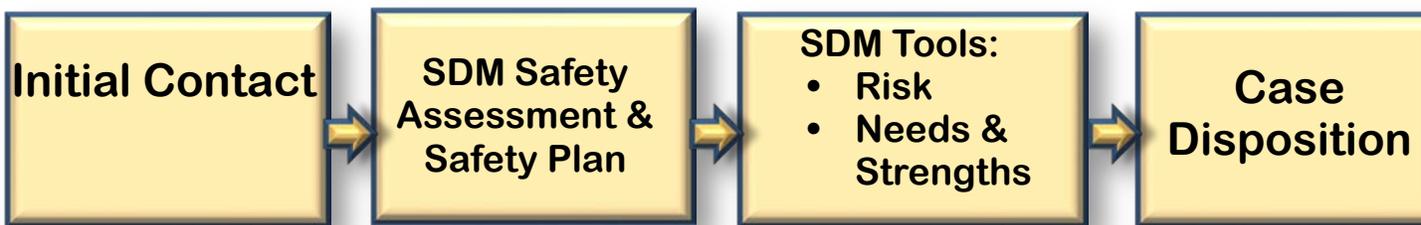


Substantial Child Endangerment

These types of maltreatment constitute substantial child endangerment according to Minnesota §626.556, Subdivision 2:

- Egregious harm
- Sexual abuse
- Abandonment
- Neglect that substantially endangers the child's physical or mental health, including a growth delay diagnosed by a physician and is due to parental neglect
- Murder in the 1st-3rd degree
- Manslaughter in the 1st or 2nd degree
- Assault in the 1st-3rd degree
- Solicitation, inducement, and promotion of prostitution
- Criminal sexual conduct
- Solicitation of children to engage in sexual conduct
- Malicious punishment or neglect or endangerment of a child
- Use of a minor in sexual performances
- Parental behavior, status or condition which mandates that a county attorney file a termination of parental rights petition.

Family Investigation Process



This simplified diagram was introduced in the previous chapter to illustrate the basic steps of Family Assessment. Keep in mind that the same basic steps are used in Family Investigation. We won't review these steps in this chapter, but instead provide you with information and skills for conducting an investigation – the key difference in your responsibilities in a Family Investigation.

A word about the SDM tools:

- The Family Risk Assessment of Abuse and Neglect is required in Family Investigation.
- The Family Assessment of Needs and Strengths is not required in Family Investigation; however, best practice is to complete the tool at the end of the investigation.

What is an Investigation?

An **Investigation** is a close examination or systematic inquiry of an allegation.

As defined in Minnesota §626.556, Subdivision 2 (b), <https://www.revisor.mn.gov/statutes/?id=626.556> an investigation is: “fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed.”

Let's take a closer look at the things that must happen during the investigative process.

Responsibilities

The investigator's responsibilities can be divided into three primary areas:

1. Ensuring child safety
2. Fact-gathering to determine whether maltreatment occurred and if there is a need for protective services
3. Establishing the agency's relationship with the family in a manner that promotes an ongoing joint effort to identify and eliminate causes of maltreatment.

Workers must coordinate and collaborate with other agencies, including law enforcement, and follow a process that minimizes opportunities to miss evidence. You must also follow legal rules to ensure proper protection of the child and make results of the Investigation admissible in court, should it be necessary.

Minnesota §626.556, Subdivision 10, comprehensively outlines an investigator's responsibilities. Follow the link <https://www.revisor.mn.gov/statutes/?id=626.556> and carefully review the statute.

Primary Sources of Evidence

Fact gathering includes identifying and utilizing four primary sources of data and information:

- Maltreatment scene
- Evidence
- People
- Records and files.

It is important to understand that while the next screens separate each source type, reality dictates extensive overlap.

The **maltreatment scene** is exactly what it sounds like – the place or places where maltreatment occurred. Law enforcement often refers to the maltreatment scene as the *crime scene*.

Examples: Home, bedroom, car, etc.

Evidence is any object that can establish that maltreatment has or has not occurred. Law enforcement may use the term *physical evidence*.

Examples: Forensic interview audio and video tapes; objects such as belts used in the maltreatment incident; photographs of victims that perpetrators create for exploitation; photographs of the child's injuries or living conditions.

For the purposes of fact-gathering, **people** are identified as alleged victims, alleged offenders, mandated or non-mandated reporters, witnesses and collateral contacts.

Records include any document that can establish a link between the alleged:

- Victim and maltreatment scene
- Victim and offender, or
- Offender and maltreatment scene.

Examples: Medical records, school records, past human services files, and phone records.

Fact Gathering: Conducting An Investigation

The next screens combine the types of data sources and explore how to gather facts to conduct a thorough investigation.

Crucial components of the investigative process include:

- Interviews
- Physical evidence
- Record reviews
- Documentation.

Interviews

Forensic – legal – interviews help workers identify who, what, when, where, why, and how something happened. The interviews you conduct during the Investigation are forensic interviews.

Interviews should always include the alleged victim, siblings, the alleged offender, the non-offending caregiver, and other relevant collaterals.

Follow these guidelines for conducting interviews with *any* person during the investigation:

- Audio or video record all interviews
- Provide everyone age 10 and older with an oral and written copy of the Notice of Privacy Practice
- Use age-appropriate questions
- Be aware of cognitive or physical disabilities that may influence the interview or require accommodation
- Ask open-ended questions to the greatest extent possible
- Ask strengths-based questions
- Engage in direct observation of the person – what are physical and behavioral indicators of maltreatment, what family dynamics are present
- Document all interviews in SSIS – date, time, duration, identity of persons present, and written summary.

The Interviewing Methods chart from the website is a helpful resource.

Victims with Disabilities: The Forensic Interview is an excellent resource guide for working with and interviewing persons with disabilities. The link is available on the website.

Initial Contact

Investigations require that initial face-to-face contact with the alleged victim must take place immediately – as soon as possible but no longer than 24 hours after screening the report in – when substantial child endangerment is alleged. In most cases, forensic interviews with the child should occur before interviews with the parents or caregivers, and can take place without parental permission.

Exceptions may occur when the alleged offender is not the parent or caregiver, the child is too young, or the child is otherwise incapable of participating in the interview process. When an exception occurs, seek parental permission before having contact with the child.

If substantial child endangerment is *not* alleged, a face-to-face contact must be made within five calendar days.

Attempts to Contact

If immediate contact is not established, attempts to contact must be made daily until:

- Actual face-to-face contact is made
- It is determined that a law enforcement check is needed
- A court order is obtained to make the child available
- It is determined that the family can't be found and the investigation can't be completed.

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Attempts to contact may include visiting the home at different times, calling to schedule an appointment, or contacting the reporter to see if he or she has additional information relevant to establishing contact.

Approaching the Family

Compared to Family Assessments, Investigations are more likely to be adversarial. The family's response to the worker may range from cooperative surprise to hostile threats. Engagement skills are crucial to establishing rapport with the family.

To establish rapport and a relationship with the family:

- Use supportive and open-ended interview methods
- Use strategies for engaging the family
- Consider whether the person you will be interviewing has any cognitive, communication or mental health disabilities that require special interviewing skills.

Information obtained during the intake and screening processes may indicate that someone in the family has a criminal record or is dangerous; consider having law enforcement accompany you to the initial meeting. Module 10 provides information on worker safety.

Ensuring Child Safety

During your initial contact with the child, caregiver and alleged offender, you must assess safety and complete the SDM Safety Assessment. This tool helps you determine if the child is safe or not safe in the home, and it helps you and the family determine what steps must be taken to ensure child safety. You will learn more about this and other tools in Module 9.

When child safety must be assured, you and the family can:

- Assign responsibility for care of the child in his own home to a responsible adult or substitute caregiver
- Ask the offender to leave the home.

Law enforcement or a court order can:

- Hospitalize the child for medical care
- Temporarily place the child with extended family
- Place the child in a foster home or shelter when it is the only viable way to protect the child.

Consider placement when other safety alternatives are not present, there is reason to believe the parent may hide the child, leave town, direct anger about the investigation to the child, or cause further harm.

Physical Evidence

During investigations, you will need to gather evidence. Photographs are the most common form of physical evidence. When you photograph injuries, be sure to use a standardized tool, such as a small ruler or business card, to show the size of the injury.

Direct observation of the maltreatment scene helps you determine what photographs to take in order to create a complete record of the incident. Remember, neglect is a form of maltreatment and neglect can, at times, be photographed. An example of visible neglect is a home with unsafe and unsanitary living conditions.

You should always inform parents about photographs that need to be taken or have already been taken. If objects such as belts are available as evidence, it is best to ask law enforcement to collect that evidence.

All evidence should be documented in your written summary in SSIS and *all* physical evidence should be labeled and stored according to agency protocol. Talk with your supervisor about how your agency labels and stores recordings, photographs or other types of evidence.

Record Reviews

After completing interviews and obtaining physical evidence, review relevant documentation and records from schools, medical providers, law enforcement and other agencies.

Obtain copies of the records that you need for the Investigation. Document when you have received and reviewed records and files in the appropriate SSIS areas in addition to your written summary.

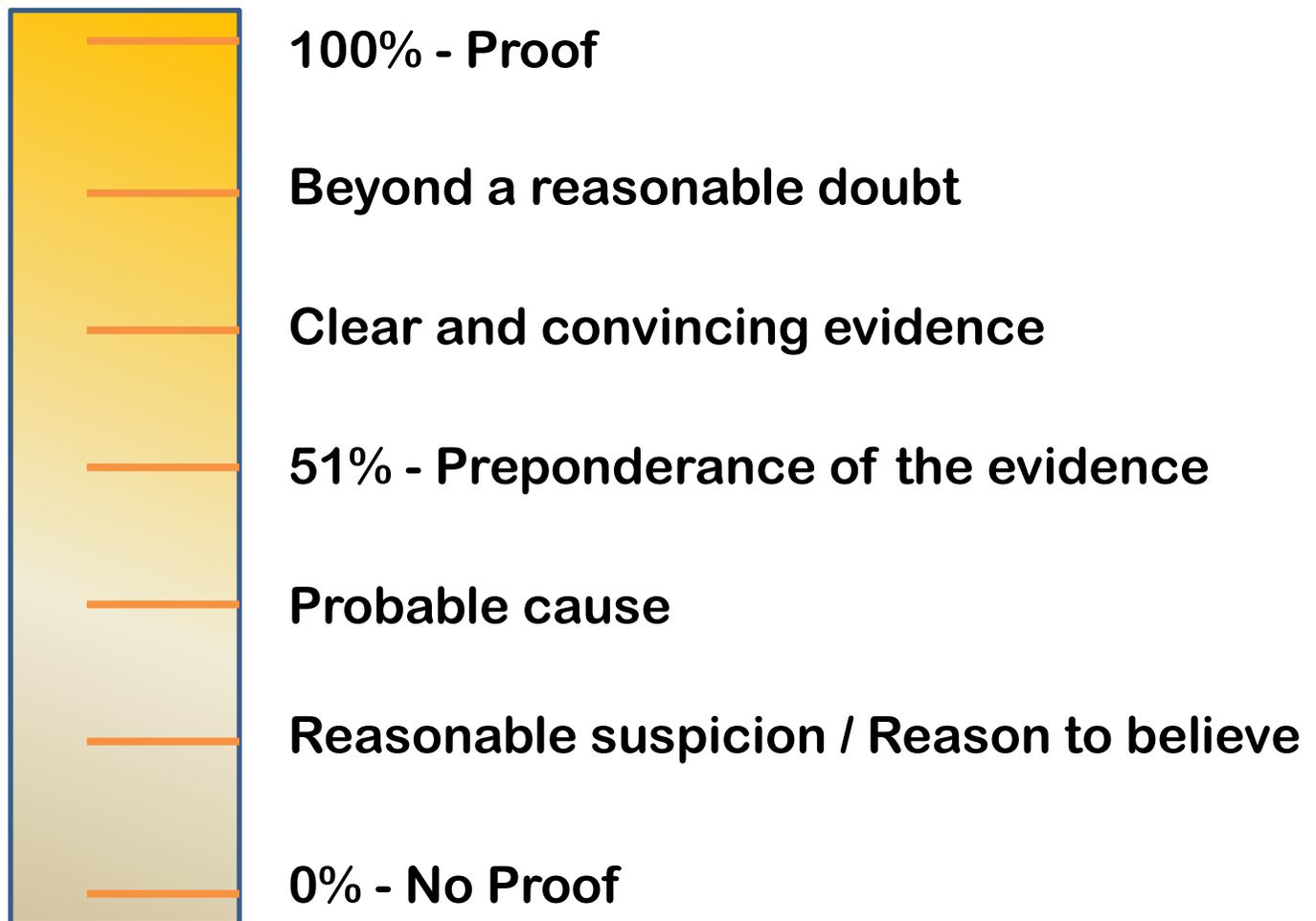
Review Minnesota §626.556, Subdivision 10(h), for more detail regarding information you can gather and share.

Now What?

After you have completed all appropriate interviews, gathered physical evidence and reviewed relevant records, you need to compile and assess the information to determine whether maltreatment occurred and services are needed.

To help you make the determinations required in Minnesota §626.556 Subdivision 10e, you need to understand legal standards and the relationship of evidence to allegations.

Legal Standards



There are different **legal standards** – burdens of proof – that apply to civil and criminal situations. The legal standards are:

- Proof
- Beyond a reasonable doubt
- Clear and convincing evidence
- Preponderance of the evidence – 51% or the greater weight of the evidence
- Probable cause
- Reasonable suspicion / Reason to believe
- No proof.

It is important to understand that if *no proof* is present, no one has any authority to intervene.

Let's review the scenario from Module 4; we will use this scenario to learn more about legal standards.

Scenario

- The basic details involve a 10-year old boy living with both parents. [Pix and words timed to narration]
- The mandated reporter indicates the child has a black eye and bruises on both arms that appear to be hand prints.
- The child said his parents were fighting about “getting supplies” and “cooking.”
- The boy’s dad grabbed him and punched him in the face.
- The child’s mom did not intervene.
- The reporter said the child smells funny, like fertilizer, but he doesn’t live on a farm.
- The child’s grades are dropping and his clothes are dirty.
- The child told his teacher he is afraid to go home.

Immediately cross-report the allegations to law enforcement. Consult with your supervisor, law enforcement and the county or tribal attorney.

- The recorded child interview takes place on the same day with law enforcement.
- The interview reveals additional information that corroborates the initial report.
- Law enforcement has probable cause to obtain a search warrant.
- Law enforcement places the child on a 72-hour protective custody hold.
- Criminal charges for drug manufacturing, assault and child endangerment are likely.

In the scenario, several legal standards are applied. Law enforcement primarily operates at the levels of *reasonable suspicion* and *probable cause*.

Reasonable suspicion means the police have a reason to believe that a violation of criminal or civil law is going to happen. In the scenario, the child was afraid to go home, and enough information was present to indicate the child was in danger of maltreatment. Law enforcement placed the child into protective custody pursuant to Minnesota §260C.175. This statute requires law enforcement to have a reason to believe – or reasonable suspicion – that the child is in danger or at significant risk of maltreatment if left in the home.

Details from the investigative interviews provided sufficient information for law enforcement to approach the court and seek a search warrant. The US Supreme Court has ruled that *probable cause* must exist for a search of a person or person’s property to take place.

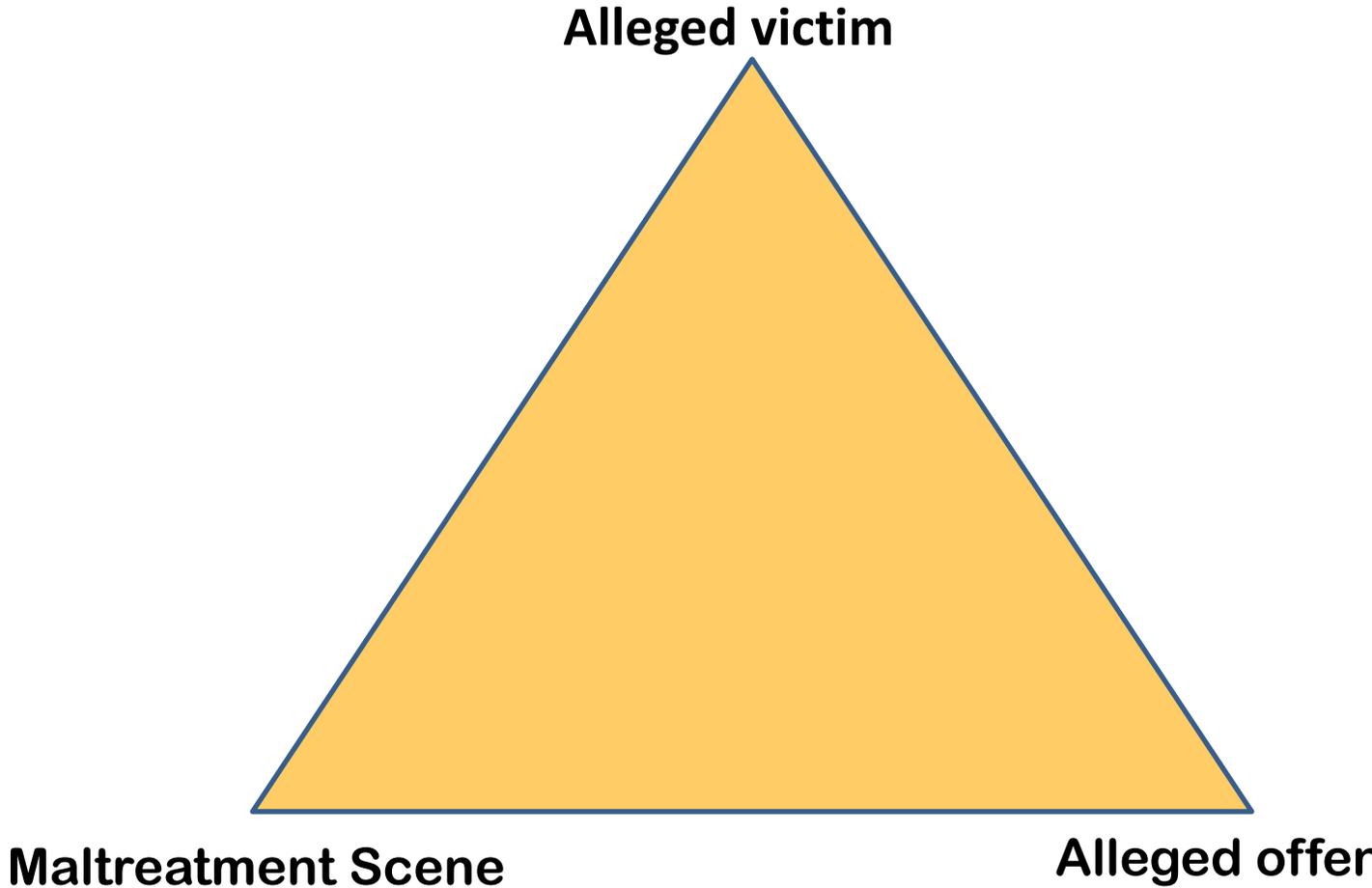
For child protection cases – civil cases – there must be reason to believe (reasonable suspicion) that maltreatment has occurred or will occur when cases are screened in for Assessment or Investigation.

This is the lowest legal standard applicable to the scenario from both the criminal and civil aspects. Before we look at the other applicable standards, let’s look at reviewing evidence and making determinations.

Is There a Preponderance of Evidence?

There are two simple ways to review information and decide if the facts meet a preponderance of the evidence to make a determination whether maltreatment occurred: the evidence triangle and the evidence grid.

Evidence Triangle



When using the evidence triangle, ask if the evidence connects:

- The alleged victim to the alleged offender or to the maltreatment scene
- The alleged offender to the alleged victim or to the maltreatment scene
- The maltreatment scene to the alleged victim or offender.

This method helps you visualize how and where pieces of evidence connect to support the allegation *or* how evidence does *not* connect and thereby negates the allegations, and what evidence is missing.

Evidence Grid

	Support	Negate
Alleged victim	<ul style="list-style-type: none">• Statement• Injuries	

Alleged offender	<ul style="list-style-type: none"> Admission 	
Non-Offender		<ul style="list-style-type: none"> Refusal to speak
Collaterals	<ul style="list-style-type: none"> Mandated report Search warrant Criminal charges 	

Create a simple grid to help you review evidence. The grid should:

- Identify the alleged victim, offender, non-offending caregiver, and collaterals when appropriate
- List facts to support or negate the allegations
- Identify missing information.

The details in this example are from the short scenario.

Determinations

Minnesota §626.556, Subdivision 10e(c), mandates two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

A **preponderance of the evidence** is required to determine that maltreatment did occur. After you have gathered data, information, and evidence, you need to ask this question:

- Do the facts meet a preponderance of the evidence to make a determination of maltreatment?

If a preponderance of the evidence does not exist, you cannot make a determination of maltreatment. Review Minnesota Statutes 626.556 Subdivision 10e for details.

The second determination – whether child protective services are needed – has a lower evidentiary standard. After you have gathered data, information, and evidence and used the triangle or grid, you need to ask this question:

- Do the facts support a determination of the need for child protective services?

According to Minnesota §626.556, Subdivision 10e(g): “...the local welfare agency has documented conditions during the ... investigation sufficient to cause a child protection worker, ... to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.”

In other words, you can't determine that child protective services are necessary unless you have a reason to believe that significant risks of maltreatment remain and that the caregiver hasn't or isn't likely to take protective actions.

Now let's take a closer look at determinations, part of the case disposition.

Case Disposition

As in Family Assessments, the **case disposition** must be made within 45 days of receipt of the report. There must also be a determination of whether child protective services are needed. However, unlike Family Assessments, a determination must be made as to whether maltreatment occurred.

Based on the scenario information available to you, your determinations should be that maltreatment did occur and services are necessary.

Primary Case Dispositions

The primary case disposition options are:

- Maltreatment did not occur and the family is not in need of child protective services.
- Maltreatment did not occur but child protective services are needed due to a risk of maltreatment of the child.
- Maltreatment occurred but there is no need for protective services because steps have been taken to assure that there is no risk of maltreatment reoccurring.
- Maltreatment occurred and protective services are needed, so services should begin immediately or continue.

If maltreatment did not occur and child protective services are not necessary, but the family or child is in need of other types of services, the worker should provide appropriate referrals.

Notice of Determinations

Within 10 days of making determinations, the parent or caregiver, alleged offender, or director of the facility (if applicable), must be notified in writing of:

- The determinations
- A summary of the reasons for the determinations
- Certification that information collection procedures were followed
- Right to obtain access to private data on the subject
- Length of time the records will be retained.

Reports to both mandated and voluntary reporters are the same as in a Family Assessment.

Legal Standards Applied

Recall the legal standards. We have discussed the first three standards. The remaining standards are clear and convincing evidence and beyond a reasonable doubt.

Clear and convincing evidence is a civil standard. It applies to CHIPS cases *and* Indian Child Welfare Act (ICWA) cases. In order for the court to grant a CHIPS petition or a termination of parental rights, your county attorney – with your help – must present *clear and convincing evidence* that the child is in need of protective services or supervision. This standard applies to the scenario with regard to the agency's request that the court grant the CHIPS petition.

For cases involving American Indian children, *clear and convincing evidence* is required to demonstrate that a child must remain in foster care beyond an emergency placement.

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Beyond a reasonable doubt is both a civil and criminal standard. It is civil for ICWA cases when termination of parental rights and adoption cases are brought before the court. The legal standard is criminal when a crime has been committed and the defendant is going to trial over the charge. An example of the criminal legal standard rising from a child protection case is found in our scenario with regard to drug manufacturing, assault and child endangerment charges.

Developmental Screening

Federal law requires agencies to refer children under the age of three who have been determined to be maltreated to the local Interagency Early Intervention Coordinator to be screened and assessed for developmental delays or disabilities. Parental consent is *not* required for child protection workers to make the referral. However, in order for the full evaluation (screening and assessment) to occur, parental consent must be given. Refusal to participate in the evaluation is not grounds for a CHIPS petition.

For complete details, go to the Attachments tab to print and review DHS Bulletin 10-68-02 Infants and Toddlers with Disabilities Program: A Look at New Requirements and Overall Review.

Workers are encouraged to make referrals – with parental consent – for any child under age 5 when concerns about development are present.

A link to an additional resource that provides strategies for enhancing the healthy development of infants and young children is *Critical Connections for Children Who Are Abused and Neglected: Harnessing the New Federal Referral Provisions for Early Intervention* is available on the website.

Special Circumstances

Reports alleging any of these conditions require more intense consideration and attention to detail:

- Infant Medical Neglect and Failure to Thrive (FTT)
- Factitious Disorder – Munchausen Syndrome by Proxy (MSbP)
- Prenatal Exposure
- Safe Place for Newborns.

From the website, the following documents are available:

- Investigations – Special Circumstances
- CP – Infant Medical Neglect Investigation Checklist
- DHS Bulletin 12-68-10 The Safe Place for Newborns Law.

Fatal Neglect and Child Homicide

When fatal neglect or a child homicide occur, it is important for the child welfare agency to initiate a Family Investigation. Law enforcement leads the criminal investigation and may or may not invite child protection to join the investigative interviews.

When a child dies as a result of abuse or neglect, it is necessary to determine that maltreatment did occur. The child protection agency can make a maltreatment determination based on law enforcement investigative reports. Documentation of a maltreatment determination is valuable information in the event the family re-enters the system.

Murder-suicide cases also require a maltreatment determination. Murder-suicides are an indicator that the offender suffered from mental illness or the family had a pattern of domestic violence.

Documenting a child homicide in SSIS helps state agencies accurately identify the number of children that died from child abuse, and circumstances that led to the death. These cases must result in local child mortality reviews with the ultimate goal of strengthening the service system and preventing future harm.

Record Retention

For Investigations, records of cases in which maltreatment and/or need for protective services was determined must be kept for at least 10 years after the date of the final entry in the case record. The records can be used in employment and licensing background checks.

Records of Investigations which resulted in no determination of maltreatment or the need for services must be maintained for four years and can only be used to assist in future risk or safety assessments.

Summary

The chapter summary consists of a Family Investigation scenario.

From the website, print the Module 7 Chapter 3 Scenario. As a way to help you prepare for initiating a Family Investigation, read the short scenario and think about the steps you would take upon receiving this information. Be prepared to identify strengths-based techniques you can use to approach the family and discuss the case during your supervisory consultation.

Next Steps

The Module 7 Chapter 3 Transcript is available from the website along with the following documents:

- The CP – Family Investigation Checklist
- The CP – Infant Medical Neglect Investigation Checklist
- DHS Bulletin 10-68-02 Infants and Toddlers with Disabilities Program: A Look at New Requirements and Overall Review
- DHS Bulletin 12-68-10 The Safe Place for Newborns Law
- Investigations – Special Circumstances
- Module 7 Chapter 3 Scenario.
- Victims with Disabilities: the forensic interview

Remember to check the website and print the documents labeled for classroom use. You will need to bring those documents to class with you.

Consult with your supervisor regarding:

- How your agency labels and stores recordings, photos and other types of evidence
- The Module 7 Chapter 3 Scenario.

When you are ready, begin Chapter 4.