Goal of Protocol

- To facilitate an integrated, interdisciplinary team approach to formalize communication around reporting, investigating, and treating child maltreatment cases.

C.A.R.T. (Child Abuse Resource Team)

- C.A.R.T. members are specialized in their fields and their objective is to bridge communication gaps, and promote coordinated efforts in reporting, investigation and treatment of child abuse and neglect.

Child Abuse Resource Team (CART)

Weld County Department of Social Services
Mary Gill
Intake Supervisor
970-352-1551 Ext. 6210
Heather Walker
Intake Supervisor
970-352-1551 Ext. 6218
Kathy McIntyre
Intake Screener
970-352-1551 Ext. 6213
Intake Screeners
970- 352-1551 Ext. 6214 / 6211

Weld County Communications Department
(Law Enforcement)
970-350-9600
Child Advocacy Resource and Education (c.a.r.e.)
Chris Sarlo-Bergmann
970-356-6751 Ext. 308
United Way of Weld County
Michael Muskin
970-353-4300

Facts About the Problem

- Last year, there were 3 million reports of child abuse involving 5 million children in the United States. Approximately 1 million of those cases were substantiated.

- Nationally, the actual incidence of child maltreatment is estimated to be three times greater than the number reported.

- In Weld County, from March 2004 to March 2005, 1265 referrals of child maltreatment were assigned to Child Protection workers to investigate. Nationally, on average, 2/3 of reports are screened in and 1/3 are screened out.

- Since January 1, 2005 until November 15, Weld County Social Services has placed 731 children outside their homes.

- An average of three children die each day of abuse.

- Nationally, the percentage of *substantiated* cases of abuse break down as follows:

  Neglect - 60%
  Physical - 20%
  Sexual – 12%
  Psychological – 8%

  Source: US Dept. of Health and Human Services

Coalition's Protocol Committee

The Protocol Advisory Committee consists of the Director's and/or assigned personnel of:

- Weld County Department of Social Services
- Greeley Police Department
- North Range Behavioral Health
- District Attorney's Office
- Child Advocacy Resource and Education (c.a.r.e.)
- A Kid's Place
- Weld County Sheriff's Office
- 19th Judicial District
- Weld County Chiefs of police
- Weld County Board of Cooperative Educational Services
- United Way of Weld County
- Weld County Schools
- Treatment Providers

- **Responsibilities and Duties include**:

- Review, update and establish policies for implementing the Protocol;
- Render full support to organization's CART members;
- Evaluate and recommend changes based on concerns and suggestions about Protocol.

CHILD ABUSE RESOURCE TEAM MEMBERS (C.A.R.T.)

CART is a multi-disciplinary group of specialists throughout Weld County, who work together to bridge communication gaps and promote coordinated efforts in reporting, investigation, and treatment of child abuse and neglect.

CART PURPOSE is:

- Provide a systematic communication link to expedite reporting, investigation, and treating child abuse and neglect in Weld County;
- Promote collaborative team efforts;
- Enhance understanding and define unique roles of each organization, agency, and professional group;
- Implement the Weld County Child Abuse Protocol.

COMPOSITION OF CART is:

- **Reporting CART members**
- **Investigating CART members**
  - Law Enforcement
  - Social Services
- **Treatment CART members**
  - Agencies providing direct services
  - Attorneys involved in Dependency and Neglect cases
  - On-going caseworkers with WCDSS
  - CASA and Court Facilitator on assigned cases

ROLE OF C.A.R.T. MEMBERS

- To read, understand and adhere to the Weld County Child Abuse Protocol.
- Attend training provided by the Weld County Child Abuse Coalition and to share their organization's expertise on the issues of child abuse and neglect during the training.
- Communicate appropriate information back to their agency, organization, and/or professional group to keep system running smoothly.
- To take the lead in specific areas where their agency, organization, and/or professional group is legally responsible.
- To keep materials and information confidential and disclose only to those appropriate people on the CART or who have been authorized access to the information by the client on a release form.

MANDATED REPORTS INCLUDE:

- Public or private school official or employee
- Peace officer
- Social Worker, worker in a family child care home, employee sponsored on-site child care center, child care center, or foster care home.
- Mental Health Professional
- Clergy
- Fireman
- Physician, Osteopath, Surgeon, Pharmacist
- Child Health Associate
- Medical Examiner or Coroner
- Dentist, Dental Hygienist
- Optometrist
- Chiropractor, Chiropodist, Podiatrist
- Registered Nurse or LPN
- Hospital personnel engaged in admission, care or treatment of patients
- Victim Advocate
- Psychologist
- Physical Therapist
- Veterinarian
- Commercial film and photographic print processor
- Dietician

IDENTIFYING CHILD ABUSE

- Abuse and Neglect

  According to the Children's Code (19-1-103), "Abuse" or "Child Abuse or Neglect" means an act or omission in one of the following categories, which threatens the health or welfare of a child:

- Any case in which a child exhibits evidence of atypical skin bruising, unexplained bleeding that raises suspicion, malnutrition, failure to thrive, burns, fractures of any bone, subdural hematoma, soft tissue swelling, or death and either;

  Such condition or death is not justifiably explained; the history given is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence.

- Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution.
- Any case in which a child is in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.
- Any case in which a child is subjected to emotional abuse. "Emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

- Any case in which, in the presence of a child, or on the premises where a child resides, a controlled substance, as defined in section 18-18-102 (5), C.R.S., is manufactured or attempted to be manufactured.
- Intrafamilial Abuse & Neglect. Any case that occurs within a family context by a child's parent, stepparent, guardian, legal custodian, or relative, or spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over, or care for the child. This does not include any person who is regularly in the child's home for the purpose of rendering care for the child if the person is paid for this and not related to the child.

CD 19-3-102. Neglected or Dependent Child

(1) A child is neglected or dependent if:

(f) A parent, guardian or legal custodian has **abandoned the child or has subjected him or her to mistreatment or abuse; or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child** without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;

(g) (b) The **child lacks proper parental care** through the actions or omissions of the parent, guardian, or legal custodian;

(h) The **child's environment is injurious** to his or her welfare;

(i) A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his or her health, guidance, or well-being;

(2) A child is neglected or dependent if:

A parent, guardian or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse.

Child Advocacy Centers (H.B. 1061)

- Allows a competent interview at a child advocacy center that has a memorandum of understanding with the law enforcement agency to interview children concerning reports of child abuse. Requires that the child advocacy center posses the ability to videotape or audiotape child interviews. Requires a law enforcement agency that enters into a memorandum of understanding with a child advocacy center to insure that the interviewers meet the training standards for the agency's interviewers. Allows the law enforcement agency to require that the advocacy center meet national performance standards established by national accrediting body. Defines "child advocacy center" to mean a center that provides a comprehensive, multi-disciplinary team responses to allegations of child abuse or child neglect in a dedicated, child-friendly setting.

- Effective: May 21, 2003 Statutes: 19-1-103; 19-3-308.5

RECOGNIZING AND RESPONDING TO A CHILD'S DISCLOSURE OF ABUSE

- Children disclose abuse in a variety of ways. Making a request to DSS or LE to investigate a child's environment once you SUSPECT abuse is a professional response and an appropriate means for advocating for children.
- More often children disclose through indirect means:

  "Our neighbor wears funny underwear."
  "My brother bothers me at night."
  "I have a secret….promise not to tell."
- Occasionally a child will disclose during a class session.

  ~ Don't attempt to gather details.

  ~ Don't use puppets, dolls, drawings.

  ~ Don't rephrase child's thoughts.

  ~ Don't put words into silence.

  ~ Don't call the child's parents.

  ~ Don't promise confidentiality.

Reporting Liabilities

- As a mandated reporter, if you suspect abuse, you MUST report.
- Notify CART member for support.
- DON’T INVESTIGATE.

- A person who makes a report of child abuse or neglect in good faith is immune from civil or criminal liability.
- Failure to report promptly may result in civil or criminal liability.
- Failure to report is a Class 3 Misdemeanor with a maximum penalty of six months in jail and/or a fine of $750.00.

Where you make your report.

- If you're not sure it's suspected abuse, call Social Services to review issues.
- Report all intrafamilial abuse and neglect to the Department of Social Services.
- Contact Law Enforcement if the suspected perpetrator is not a relative and not living in the home.
- Third Party sexual abuse cases will be investigated by Law Enforcement if the suspected perpetrator is 10 years of age or older, and by Social Services if suspected perpetrator is under the age of 10.

Where to make your report.

- All reports should be made to the law enforcement agency in the jurisdiction where the abuse or neglect has occurred.
- **If a child is considered to be in immediate danger, call 911.** (i.e. if abuse is happening in your presence, you have just left a situation where is was occurring.)
- All after hours and weekend calls and reports are connected directly to a law enforcement dispatcher, who notifies a Social Service's emergency caseworker and/or law enforcement officer to investigate.
- If Social Services is unable to respond and they deem the situation critical enough not to release the child from school, they will ask you to call Law Enforcement: 350-9600.

Written Reports

- The verbal report to Social Services, must be followed by a written report within 3 working days.
- Do not send a report to Law Enforcement.
- If the child/family is monolingual and/or does not speak English as a primary language, please put that in your report so they can bring an interpreter.
- The person with the knowledge is, by law, responsible for reporting or must cause the report to be made.

Interviews

- Social Services and Law Enforcement personnel have authority to interview a suspected child abuse victim on school premises.
- School personnel may Only attend an interview when it is in the best interest of the child AND there is mutual agreement by the school, Social Services, and/or law enforcement.
- In the event that you do attend the interview, be prepared to identify yourself to Social Services or Law Enforcement because you become a witness and may receive a court order to testify in later court proceedings.
- **DO NOT** attend an interview until you have made accurate, specific, written notes with regard to the disclosure. Notes may be required to be produced in later court proceedings.

What happens after a report is made.

- A member of Social Services or Law Enforcement will tell the family a report has been filed.

- Social Services and Law Enforcement will determine if a response is required and the appropriate response time.

- CART or the reporting party may contact Social Services for a status on the report:
  - ~ after 5 working days
  - ~ that will identify the risk factor assessed (mild, moderate, severe).
  - ~ name of case worker

Third Party Abuse and Neglect by School Employees

Colorado Revised Statutes:

- Upon initial investigation, of a report alleging abuse or neglect in which the suspected perpetrator was acting in his official capacity as an employee of a school district, if the Department of Social Services or the local law enforcement agency reasonably believes that an incident of abuse or neglect has occurred, it shall immediately notify the superintendent of the school district who shall consider the report to be confidential information; except that the superintendent shall notify the department of education of such investigation.

- A teacher, employee, volunteer, or staff person of an institution who is alleged to have committed an act of child abuse shall be temporarily suspended from his position at the institution with pay, or reassigned to other duties which would remove the risk of harm to the child victim or other children under such person's custody or control, if there is reasonable cause to believe the life or health of the victim or other children at the institution is in imminent danger due to continued contact between the alleged perpetrator and the child at the institution.

Third Party Abuse and Neglect by School Employees

Colorado Revised Statutes

- When the investigation involves a suspected perpetrator who was acting in his official capacity as an employee of a school district, the local law enforcement agency shall coordinate such investigation with any concurrent abuse investigation being conducted by the department of education or the school district to the extent such coordination is possible and deemed appropriate.

Nothing in the protocol is intended to limit a school's right to conduct an administrative investigation of its employees. However, the district attorney and local law enforcement need to have criminal and administrative investigations separate and distinct to avoid the possibility of inadmissible evidence in the criminal proceeding.

Third Party Abuse and Neglect by School Employees

Where reasonably possible, the following procedure is recommended as best practice:

- The criminal investigation will be completed prior to a school district administrative investigation being initiated or continued.
- The criminal investigation will be conducted expeditiously but in accordance to generally accepted law enforcement professional investigation standards.
- Investigatory interviews of an alleged perpetrator by law enforcement will occur off school premises.
- School officials will be provided a complete copy of the criminal investigative report at the conclusion of the investigation in accordance with the Colorado Criminal Justice Records Act.
- The superintendent will be informed of changes in the status of the criminal investigation including, but not limited to, the case being forwarded to the District Attorney's office to determine what or if charges will be filed, and when the criminal investigation is complete.
- The administrative investigation by a school district may commence at the conclusion of the criminal investigation, as school officials deem appropriate.