

GENERAL POLICIES AND PROCEDURES

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A. Establishing And Maintaining Child Abuse/Neglect Records

Child abuse and neglect records are confidential and shall be carefully maintained by County Departments to ensure that confidentiality. The use and disclosure of information contained in CA/N records is statutorily defined (Code of Alabama, 1975 § 26-14-8) and limited to purposes associated with the provision of child protective services. Refer to *Central Registry* for policy and procedures regarding the use and disclosure of CA/N information.

1. Establishing CA/N Records

When County Departments receive a CA/N report on children who are unknown to DHR, the county shall assign the children's family a case number and establish a family case record. The family record shall contain a case narrative with an entry noting the CA/N report's receipt, the date received, and a reference to the CA/N record.

When CA/N reports are received on children who are known to DHR, the County Department shall use the case number and record previously assigned to the children's family. The case narrative shall have an entry made that notes the CA/N report's receipt, the date received, and a reference to the CA/N record.

A separate CA/N record shall be established for each family. This record may be a case record folder unto itself or it may be the "red" folder when accordion files are used for family case records. Regardless of the method used, County Departments shall maintain uniformity in their CA/N record establishment, formatting, and maintenance (i.e., separate folders or accordion files, not both).

CA/N records shall be labeled with the family name, the names of the children identified in the CA/N report, and the family's case number. CA/N records for reports involving "groups" of children in out-of-home settings shall be labeled with the out-of-home setting facility's name (e.g., Smith Family Day Care Home, Our Place Group Home, Boy Scout Troop # 15).

2. Storing CA/N Records

County Departments shall store CA/N records in a manner that maintains their confidentiality. These records may be stored in a file drawer or cabinet separate from all other DHR case records or they may be stored in the family case record when accordion files are used. If stored in a separate drawer or cabinet, the records shall be filed in alphabetical order. If stored in an accordion file, the CA/N record must be filed in a manner that allows easy separation in the event a subpoena is received for the CA/N information.

3. Content Of CA/N Records

Each CA/N report shall be maintained as a separate information packet with its associated narrative, forms, and correspondence stapled or gem clipped together and filed

in the CA/N record. Subsequent reports shall be handled in the same manner and filed with the most recent report on top.

CA/N records shall contain only that information which is specifically related to the CA/N report. CA/N information, other than a copy of any legal documents (e.g., petitions, affidavits, court orders) completed during the initial assessment, shall not be duplicated in the family case record or narrative. A copy of all legal documents related to DHR being granted custody of children during the initial assessment shall be filed in the family case record.

Each CA/N report packet shall contain the following:

- The written report of suspected abuse/neglect (generated by FACTS);
- DHR-FCS-1593 (when received from the reporter) and any attached statements or reports; and
- Any other documents and information specifically related to the report (e.g., narrative, court reports, photographs, correspondence, inquiries about the report).

Upon completion of the CA/N initial assessment, child welfare staff shall record the following information in the family narrative.

- CA/N disposition (i.e., indicated, not indicated);
- Decision regarding the need to provide on-going services and the basis for the decision; and
- Steps to be taken until an initial ISP is developed or the existing ISP is revised.

Subsequent contacts with the family are recorded in the family narrative.

B. Protocol With District Attorneys

All county DHR offices, in collaboration with their respective District Attorney's Office (DA) and local law enforcement agencies (LEA), shall develop a protocol for joint intervention when child abuse/neglect reports are of such severity that the person allegedly responsible for abuse/neglect (i.e., parent, primary caregiver) is arrested for prosecution. The court-approved "Protocol For Joint Intervention With Children And Parents With Pending Criminal Prosecutions," R.C. vs Hornsby, No. 88-H-1170-N, Consent Decree (M.D. Ala. Approved Dec. 18, 1991), shall serve as a basis for local protocols.

Each County DHR office shall develop a written joint intervention protocol that shall be revised and updated on a periodic basis as determined by the participants. The protocol, intended as a guide for cooperative joint intervention, shall address, at a minimum, the following:

- Type cases to be referred (e.g., specific allegations, situations involving severe physical injury, all cases);

- Timing of the referral (e.g., upon receipt of the CA/N allegations);
- DHR personnel responsible for providing reports to the DA's office;
- DA personnel responsible for providing information to DHR on arrest and prosecutorial actions;
- Process by which a jointly approved mediator will be selected; and
- Role of existing working agreements between community agencies that facilitate the intent of this protocol.

C. Working Agreement With Law Enforcement

CA/N reports are received by a "duly constituted authority," as defined in Code of Alabama § 26-14-1 (4), and this authority is responsible for notifying the appropriate investigative agency that a CA/N report has been received. All County DHR offices shall develop a written working agreement with their local law enforcement agencies (LEAs) which addresses procedural requirements related to the following areas.

1. Receiving And Submitting CA/N Reports To The Appropriate Agency For Investigation Or Initial Assessment
 - Specific allegations that will be referred to law enforcement and a timeframe for submitting the report. The established timeframe must allow the investigative agency to meet their internal response time standards.
 - Reports of CA/N allegations may be provided orally or in writing. When the investigative agency receives the CA/N report orally, the duly constituted authority shall provide that agency with a written report, following the oral report, within the timeframe designated in the working agreement.
 - The written report shall include, at a minimum, a summary of the intake information and the DHR-FCS-1593, Written Report of Suspected Child Abuse/Neglect.
 - All written reports shall be submitted to the investigative agency in a confidential manner. The investigative agency is responsible for protecting the information from being shared with anyone other than those directly responsible for the discovery and/or prevention of child abuse/neglect.

2. Conducting DHR CA/N Initial Assessments And LEA Investigations

- Joint intervention coordination and cooperation;
- Procedures for intervening in reports involving drugs (e.g., crystal methamphetamine is produced in the home) that affect child safety and/or place children at risk of serious harm;
- Individual agency responsibilities when the CA/N report involves an out-of-home care setting; and
- After-hours procedures for handling emergency calls including, at a minimum, contact numbers (e.g., telephone) for on-call and back-up staff; and contact numbers for local law enforcement agencies.

3. Reporting Criminal Activity To Law Enforcement

Child welfare staff shall notify the appropriate law enforcement agency of only criminal or other illegal activity (e.g., drug use, production/distribution of illegal drugs, production of child pornography, etc.) that is contributing to the abuse/neglect of the child(ren) or directly affects child safety.

DHR staff are prohibited from providing police and other law enforcement with any information that aids in the investigation of any matter other than child abuse/neglect. Refer to Central Registry, II. Inquiries And Disclosures Of Information, E. Use And Disclosure of CA/N Information, (2).

4. Completing CA/N Documentation For Submission To DHR or LEAs

- Documentation needed from LEAs to meet DHR CA/N initial assessment, due process, and Central Registry requirements;
- Timeframes for submitting the documentation; and
- Submitting documentation to LEAs on CA/N reports involving specific allegations described in the county's working agreement.

5. Taking Children Into Protective Custody (Summary Removals)

Paragraph 51. f. of the R. C. Consent Decree states:

“The ‘system of care’ will vigorously seek to ensure that law enforcement officers, juvenile court personnel, and others do not remove class members from their home and place them in foster care or DHR custody without first notifying the ‘system of care’

and providing the system an opportunity to intervene to prevent the removal or placement.

6. Providing cross-training based on identified needs; and
7. Reviewing and revising written working agreements on a periodic basis.

D. Observing And Documenting Physical Indicators Of Suspected Abuse/Neglect

Child welfare staff may need to view a child's body for physical indicators of abuse or neglect during the course of a CA/N initial assessment. If so, the child and the observer shall, whenever possible, be of the same sex, particularly when viewing private areas." If the CA/N report involves sexual abuse allegations, the observation **must** be made by a physician. *CA/N Allegations And Definitions* specifies when other verification methods are required.

Regardless of who makes the observation and who is present, child welfare staff must be sensitive to the child's needs and feelings when body observations are made. When it is necessary to view a child's "private areas" (i.e., bathing suit area for boys and girls), a witness, other than the person allegedly responsible for abuse/neglect, must be present for the worker's protection and to provide collaborating testimony if needed. The witness may be a co-worker, child's teacher, day care worker, parent (when the child is allegedly abused/neglected by someone outside the home), police officer or some other person with whom the child is comfortable. Child welfare staff shall **not** touch children in the "private areas" during the observation. A witness is not needed for observations that do not involve the private areas.

Physical indicators of suspected abuse/neglect shall be documented using photographs (refer to section E for additional information) or DHR-FCS-1595, Suspected Abuse/Neglect Injury Notesheet.

E. Photographs

Photographs may be taken during initial assessments to document child abuse/neglect indicators (e.g., a child's physical injuries or condition, hazardous conditions in a child's home). The parents'/primary caregivers' permission shall be requested, but is not absolutely necessary. If parents'/primary caregivers refuse permission to photograph and child welfare staff believe photographs are needed for documentation purposes, law enforcement shall be contacted or court action explored.

Photographs shall be taken with a quality camera. The type camera used should be consistent within the county department but any of the following types may be used:

- the traditional Polaroid instamatic type camera which produces instant on-site pictures;

- other type camera such as 35mm which requires film be sent out to be developed;
- digital cameras, that use removable storage devices, as substitute for film, or
- worker tablets

The Polaroid and digital camera provide certain advantages over other type cameras (e.g., 35mm). Confidentiality is better maintained as the need for sending film to a professional lab for development is eliminated. Child welfare staff also has immediate access to Polaroid pictures/digital images.

Digital cameras use removable storage devices (i.e., compact flash, memory sticks, standard floppy disks, etc.) to capture and save digital images until downloaded directly onto a computer hard drive. To insure digital images are not lost/misplaced child welfare staff shall download digital images captured on digital storage devices promptly. File pictures in the appropriate CA/N record (see information below on how photographs are to be labeled). County Departments shall have in place local procedures that address security and deletion of digital pictures saved on computer hard drives for periods of time (i.e., three months, six months, etc.) after the initial first printing.

Note: Digital photographs can be easily altered/manipulated making them susceptible to legal challenges over their authenticity or admissibility in court. In jurisdictions where digital photographs have been challenged in court, county departments should consult with the District Attorney (DA) and local law enforcement agencies about any concerns they have regarding the continued use of digital cameras for evidentiary purposes. When it is alleged that digital photographs taken by the county department have been altered SDHR Legal should be contacted for guidance.

If county departments choose other type cameras, the developer must sign a confidentiality agreement before processing the film or reproducing photographs. The agreement must include assurances that the film or photographs will not be reproduced, shown to, distributed, sold, or discussed with anyone outside the Department of Human Resources. If the processing will be completed by a mass-market company through a local retailer, the retailer must sign a confidentiality agreement which outlines how their personnel will handle and ensure the confidentiality of the materials while in their possession.

The Department is aware that local retailers cannot assure confidentiality once the photographic materials are sent to the mass-market developer. Law enforcement agencies may have an agreement for photographic processing and County Departments may request a copy for adaptation and collaboration with the processor. If there are concerns about using local businesses to process film, the County Department can contact their CPS consultant for assistance in making arrangements with private developers in other parts of the state to perform the work.

A sufficient number of photographs shall be taken during the initial assessment to supply the needs during the course of the assessment process. All photographs are part of the initial assessment and shall be stored in the CA/N record. Before storing the photographs, they shall be properly labeled with the following information noted on the back of the photograph.

1. the child's full name;
2. the date, time, and location where the photograph was taken;
3. the reason for taking the photograph; and
4. the photographer's name.

Scan (e.g. scanners are set to scan double sided so both the picture and written information is captured) and import photograph(s) into the FACTS file cabinet. Maintain the original photograph(s) in the CA/N record in the event they are needed for future reference or court proceedings.

F. Video and Audio Tapes

Video and audiotapes may be used to record interviews during initial assessments. The parents'/primary caregivers' permission shall be requested, but is not absolutely necessary when taping children. If parents'/primary caregivers refuse permission and child welfare staff believe the tapes are needed for documentation purposes, law enforcement shall be contacted or court action explored.

Before beginning the interview, the person recording the tape shall make an introductory statement that identifies the subjects' full names and the date, time, and location where the interviews were conducted. The tapes shall also be properly labeled on the outside cover with this information. Information gathered during the video/audio taping shall be summarized in the CA/N narrative. All tapes must be carefully maintained in a locked file in a manner that fully ensures their confidentiality.

G. Polygraphs

The use of polygraphs with children who have allegedly experienced abuse/neglect is not recommended and shall not be authorized. In rare cases, the polygraph may be an appropriate investigative tool with an older teenager; however, County Departments must contact their SDHR consultant to obtain approval before authorizing its use with children in DHR custody. Polygraphs are not admissible in court, but are admissible in some Departmental hearings.

H. Signing Criminal Warrants

Grand jury indictment is the usual method for initiating criminal prosecution, and in most CPS situations, signing criminal warrants is not an appropriate child welfare function. Child welfare staff must consult with their County Director to discuss the situation prior to signing any criminal warrants. If a warrant is signed, the county's SDHR CPS consultant must be notified. Situations where signing warrants may be appropriate include, but are not limited to, the following:

- cases where an individual involved in an initial assessment interferes with or disrupts child welfare program operations;

- cases where a parent or other person removes a child from protective custody;
- cases where a child is removed from a relative who has custody and is under protective supervision by the Department;
- cases where the applicable criminal statute of limitations will run out before the grand jury meets to consider the case; or
- cases where DHR personnel are harassed or assaulted.

Note: DHR staff have the right as individuals to sign warrants against persons for crimes or acts of violence or destruction of personal property committed against them. The staff person's County Director shall be notified when a warrant will be signed against any person who is receiving child protective services.