

Criteria for a Child Protective Services Investigation

Rhode Island Department of Children, Youth and Families

Policy: 500.0010

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The Department of Children, Youth and Families has established criteria for accepting or rejecting a child abuse/neglect (CA/N) report for investigation. The circumstances reported, if true, must constitute child abuse/neglect as defined by RIGL 40-11-2. There must be reasonable cause to believe that abuse/neglect circumstances exist. For purpose of this policy, *reasonable cause to believe* is defined as *a suspicion founded upon circumstances sufficiently strong to warrant a reasonable person to believe that there is evidence of abuse and/or neglect.*

The Department initiates a Child Protective Investigation in the following situations. These include reports involving families new to the Department, families actively being serviced by the Department, families previously active with the Department and reports of institutional abuse/neglect.

- **Four Criteria** - CA/N Reports that contain the following four criteria are investigated. A report that contains at least one, but not all four criteria, is considered an Early Warning Report and is generally not investigated.
 1. The report must involve a child under 18 years or under 21 years of age if living in DCYF foster or institutional care or under 21 years of age if in DCYF custody, regardless of placement.
 2. Harm or substantial risk of harm to the child is present.
 3. A specific incident or pattern of incidents suggesting child abuse and/or neglect can be identified.
 4. A "person responsible for the child's welfare" or living in the same home has allegedly abused or neglected the child. RIGL 40-11-2 defines a "person responsible for the child's welfare" as the child's parent, guardian, foster parent (relative or non-relative), an employee of a public or private residential home or facility, or any staff person providing out-of-home care (out-of-home care means child day care to include family day care, group day care, and center-based day care).
- **Non-Relative Caretaker** - RIGL 42-72.1-4 requires that no parent shall assign or otherwise transfer to another, not related to him or her by blood or marriage, his or her rights or duties with respect to the permanent care and custody of his or her child under eighteen (18) years of age unless duly authorized by an order or decree of the court.
- **Sexual Abuse of a Child by Another Child** - RIGL 40-11-3 requires the Department to immediately investigate sexual abuse of a child by another child.
- **Duty to Warn** - If the Call Floor receives a report that a perpetrator of sexual abuse or serious physical abuse has access to another child in a family dwelling, that report shall be classified as an investigation and assigned for investigation.

Related Procedures and Addendum...

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Accepting Investigation - Report Meeting 4 Criteria

Procedure From Policy 500.0010: Criteria for a Child Protective Services Investigation

- A. Child Abuse/Neglect (CA/N) Reports accepted for investigation must contain the four criteria listed below:
 - 1. The report must involve a child under 18 years or under 21 years of age if living in DCYF foster/institutional care or under 21 years of age if in DCYF custody, regardless of placement.
 - 2. Harm or substantial risk of harm to the child is present.
 - 3. A specific incident or pattern of incidents suggesting child abuse and/or neglect can be identified.
 - 4. A “person responsible for the child's welfare” or living in the same home has allegedly abused or neglected the child. RIGL 40-11-2 defines a “person responsible for the child’s welfare” as the child’s parent, guardian, foster parent (relative or non-relative), an employee of a public or private residential home or facility, or any staff person providing out-of-home care (out-of-home care means child day care to include family day care, group day care, and center-based day care).
- B. The Call Floor worker completes a CPS report for all reports alleging child abuse and neglect (refer to RICHIST “How do I”, Create/Complete CPS Report).
- C. The CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.

Accepting Investigations - Non-Relative Caretaker

Procedure From Policy 500.0010: Criteria for a Child Protective Services Investigation

- A. A CPS investigation will be initiated when the Department receives a report that a parent has assigned or otherwise transferred to another, not related to him or her by blood or marriage, his or her rights or duties with respect to the permanent care and custody of his or her child under eighteen (18) years of age unless the arrangement was authorized by an order or decree of the court.
- B. During the investigation, it will be determined if the home is suitable for the child. If the placement is deemed appropriate, the Department will license the caretaker if she/he meets licensing standards and is able to meet the needs of the child.
- C. If the placement is unsuitable, the Department will remove the child and place him or her in an appropriate living arrangement. If there is a need for the Department to place the child in out of home care, federal (PL 105-89) and state law (RIGL 40-11-12.2, 14-1-27) require the Department to first explore potential relatives as placement resources (refer to [Policy 900.0025 Kinship Care](#)).
- D. The Call Floor worker completes a CPS report for all reports alleging child abuse and neglect (refer to RICHIST "How do I", Create/Complete CPS Report).
- E. The CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.

Accepting Investigations - Sexual Abuse of a Child by Another Child

Procedure From Policy 500.0010: Criteria for a Child Protective Services Investigation

- A. The Department is required by RIGL 40-11-3 to immediately investigate sexual abuse of a child by another child. The Department will initiate a CPS Investigation when:
 - 1. The incident appears to have occurred as a result of parental abuse or neglect.
 - 2. The nature of the sexual activity is determined to be “unexpected”, “abusive” and “exploitative” even if there is no indication of parental abuse or neglect. The following factors should be considered:
 - a. Coercion based
 - b. Bullying and lack of parity
 - i. Age Difference
 - ii. One child is physically or mentally disabled
 - c. Explicit reenactment of adult sexual activity
 - d. Fear, shame or discomfort
 - e. One child’s physical or mental health or welfare is harmed or threatened with harm as a result of the abuse.
- B. The Department does not consider it to be sexual abuse and will not initiate a CPS investigation when the nature of the activity is determined to be “expected”, “healthy” and “normative”. The following factors should be considered:
 - 1. Curiosity based
 - 2. Mutual interest and consent
 - 3. Looking, touching
 - 4. Often “fun” and “silly”
- C. The Call Floor worker completes a CPS report for all reports alleging child abuse and neglect (refer to RICHIST “How do I”, Create/Complete CPS Report).
- D. The CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.

Duty to Warn - Assessment of Risk/Allegations of Serious Physical/Sexual Abuse

Procedure From Policy 500.0010: Criteria for a Child Protective Services Investigation

- A. If the Call Floor receives a report that a perpetrator of sexual abuse or serious physical abuse has access to a child in another family dwelling, that report shall be classified as an investigation and assigned to a child protective investigator (CPI). (refer to ***Duty to Warn-Assessment of Risk/Allegations of Serious Physical/Sexual Abuse - Addendum*** for the applicable categories of sexual abuse or serious physical abuse.)
- B. The assigned CPI shall attempt to verify any prior adjudication on a DCYF Dependency/Neglect/Abuse petition, criminal conviction in Family, District or Superior Court or a CPS indicated finding of allegations of sexual abuse and/or serious physical abuse pertaining to the alleged perpetrator.
- C. The CPI shall make efforts to verify the identity of the person who had previously been adjudicated, convicted and/or been the subject of a prior CPS finding on charges/allegations of sexual abuse and/or serious physical abuse.
- D. Prior to responding to the home, the CPI shall contact the consult attorney to determine what, if any, information can be disclosed to the primary caretaker pursuant to the provisions of RIGL 47-72-8 (b) (3). After hour inquiries should be referred to the Chief, Child Protective Investigator who will consult with Chief Legal Counsel.
- E. The CPI shall respond to the home and interview the child to determine if he/she has been a victim of any act of abuse and/or neglect by the alleged perpetrator.
- F. The CPI shall assess whether there exists a substantial risk of imminent physical or emotional harm to any child residing in the same household as the alleged perpetrator or to whom the alleged perpetrator has frequent access. In determining whether or not there exists a substantial risk of imminent harm, the CPI and his/her supervisor shall consider any appropriate factors in assessing risk to the child, which shall include but is not limited to:
 1. How long ago the conviction, adjudication and/or indicated finding occurred
 2. Whether the alleged perpetrator has engaged in and/or is engaging in any clinical treatment to address the issues of prior sexual abuse and/or serious physical abuse
 3. The age of the child(ren) residing in the household
 4. Whether there has been any prior DCYF involvement with the child who is the subject of the current investigation
 5. Whether or not the family is amenable to services
 6. Whether child has disclosed any acts of abuse and/or neglect by the alleged perpetrator
- G. If the CPI, in consultation with his/her supervisor, determines that there exists a substantial risk of imminent harm to the child, the CPI shall advise the primary caretaker that the alleged perpetrator shall not be allowed further access to the child.
 1. The CPI shall provide the caretaker and the alleged perpetrator with the RICHIST generated DCYF#182, **Notification Of Child Protective Services Investigation Findings**.
 2. The DCYF #182 includes the CPI's basis of determination and information regarding the caretaker's and alleged perpetrator's right to pursue an administrative appeal of the determination in accordance with Department Policy 100.0055, Complaints and Hearings.
- H. If the alleged perpetrator is a natural parent or legal guardian of the child and agrees to leave the home of the primary caretaker, the CPI shall consult with a staff attorney and file a Dependency/Neglect/Abuse petition with the Family Court.
- I. If the primary caretaker is unwilling or unable to ensure that the alleged perpetrator will not be allowed access to the child and/or the alleged perpetrator is unwilling to leave the residence of the primary caretaker, the CPI shall consult with legal counsel and take immediate action to ensure the protection of the child.

Duty to Warn-Assessment of Risk/Allegations of Serious Physical/Sexual Abuse-Addendum

STATE OF RHODE ISLAND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

Duty to Warn - Assessment of Risk/Allegations of Serious Physical/Sexual Abuse - Addendum

Convictions, Adjudications, and Indicated Findings of Sexual Abuse and/or Serious Physical Abuse

A Child Protective Services Investigation will be initiated when a report is received that a perpetrator who has been convicted, adjudicated, or indicated for the following categories of sexual abuse or serious physical abuse has physical access to other children in a family.

Convictions

Murder (involving a child)
First degree child abuse
Battery by an adult upon children ten years of age or younger - serious bodily injury
First degree child molestation
Second degree child molestation

Adjudications (Family Court)

Cruel and abusive treatment (TPR)
Sexual abuse

Indicated Abuse Findings (CPS)

Death (#01)
Brain damage (abuse indicated) (#02)
Subdural hematoma (abuse indicated) (#03)
Internal injuries (abuse indicated) (#04)
Intercourse (#31)
Sexual Exploitation (#32)
Molestation (#33)

\$ K + Accepting Report as an Early Warning

Procedure From Policy 500.0010: Criteria for a Child Protective Services Investigation

- A. An Early Warning is a report that meets at least one, but not all four criteria.
- B. An Early Warning is documented in RICHIST (refer to RICHIST "How do I" Create/Complete CPS Report, Early Warning Workflow).
- C. If a call is accepted as an Early Warning and there is an open case, an e-mail message is sent to the active worker.
- D. If one of the following is the only allegation reported, it is generally considered to be an Early Warning and not investigated. However, if there is a history of Departmental involvement, the Call Floor CPI discusses the matter with the Call Floor supervisor to determine if an investigation should be initiated:
 1. Bruises with no suspicion of abuse/neglect and no history of abuse neglect
 2. Children not using seat belts or car seats in moving vehicles in accordance with provisions of RIGL 31-22-22
 3. Children eleven (11) years of age or older left unsupervised for no more than 3 hours in the daytime or early evening-where there is no clear and present danger (i.e. handicapped child)
 4. Custody issues related to domestic disputes
 5. Families or children that are reported as nuisances in the neighborhood when there is no clear and present danger
 6. Head lice and minor hygiene problems when there is no evidence of abuse/neglect
 7. Physical or sexual abuse of a person who is now an adult if there are no minor children in the home (refer to appropriate law enforcement agency)
 8. Overcrowded housing
 9. Parent/child conflict where there is no allegation of physical or sexual abuse
 10. Physical or sexual abuse reports that have already been investigated and there are no new allegations or evidence
 11. Truancy/lack of school attendance (refer to appropriate agency)
 12. Physical or sexual abuse of a child by a "person not responsible for the child's welfare" when there is no evidence of parental negligence (refer to appropriate law enforcement agency)
 13. Vague or general information such as "the house is dirty", "the child has been molested" or "the child is abused" with no specific incident, no further explanation and with no credible reason to suspect abuse or neglect
 14. Teenager is beyond parental control (refer to a community program (e.g. YDP) or appropriate law enforcement agency)
 15. Report of general neglect of a teenager who is not physically or developmentally disabled when report does not fit into one of the specific neglect allegation categories
 16. Unsupervised teens disturbing the neighborhood (refer caller to appropriate law enforcement agency)