

Policy Subject:	Investigations of Allegations of Child Abuse and Neglect in Child Care Facilities
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Program Affected:	Child Protective Services/Family Preservation Services



Legal Information and Purpose

This policy sets out a protocol for Child Protective Services (CPS) to coordinate with the Regional Offices of the Maryland State Department of Education, Office of Child Care (OCC) in the investigation of child abuse or neglect, alleged to have occurred in a licensed or unlicensed child care home or child care center and requires that each local department of social services (LDSS) have a memorandum of understanding with the appropriate OCC Regional Office as required by Md. Code Ann., Family Law § 5-706(f) (5-706(f) MOU).

Until 2005, the Child Care Administration (CCA) was an administration under the then-Department of Human Resources. In 2005, CCA was transferred to the Maryland State Department of Education (MSDE) and became OCC. Prior to 2005, statutes, regulations, and Policy Directive SSA# 98-7 directed the sharing between administrations of reports of child abuse and neglect and the development of an Memorandum of Understanding (MOU) providing for local coordination between Child Protective Services (CPS), CCA, law enforcement, the State's Attorney, and the Health Department. When the regulation of child care was transferred to MSDE, some CPS staff members concluded that, because CPS and OCC were no longer in the same agency, the coordination of investigations and the sharing of information were more limited. To the contrary; the cooperation and coordination between the two agencies in investigating and sharing information regarding child abuse or neglect in a child care facility or child care home remains a vital link in the provision of child protective services, and in the imposition of regulatory action to prevent further incidents of child abuse or neglect in a child care environment where many children may be at risk.

Procedural Guidance

Report of Abuse or Neglect and Notice

1. When CPS receives a report of abuse or neglect alleged to have occurred in a licensed or unlicensed child care center or child care home, LDSS will immediately notify the OCC Regional Manager regardless of any decision to screen the report in or out.
 - a. The purpose of sharing referral information is to alert OCC that a report concerning a child care home or center has been made and, if the referral has been accepted for an investigation, to allow OCC and CPS to plan a joint investigation;
 - b. If the OCC Regional Office is not open, CPS will notify the OCC Regional Manager as soon as possible on the next working day or sooner if CPS and OCC have so agreed;
 - c. CPS shall ensure that the preferred method of notification is memorialized in the 5-706(f) MOU.
2. According to Fam. Law § 5-705.3, LDSS must also advise the State Superintendent of Schools or designee within 48 hours of receiving a report of child abuse (but not neglect) in a child care center or child care home.
3. If the screener concludes that the alleged maltreater is *not* a caregiver, household or family member, or (in abuse cases only) a person in a position of authority but has been allowed

access to the children in a child care home or center, the CPS screener or supervisor shall assess whether the alleged maltreatment resulted from neglect in the form of a lack of proper supervision on the part of the provider. For example, a provider could be found responsible for child neglect for leaving a child alone with an individual not approved and unqualified to provide care who then abused the child. In a child care home, a provider could also be found responsible for child neglect because the provider's child or other household member had unsupervised access to a child.

4. In the case of a child death in a child care home or center, when child abuse is not suspected, DSS should accept the report for investigation as possible neglect.

Responsibilities of Office of Child Care

1. Once OCC is notified that the LDSS has accepted an allegation for investigation, the OCC will provide the LDSS with the name of the assigned licensing specialist.
2. OCC is responsible for convening a multidisciplinary team (MDT) meeting, if needed, to plan for OCC's investigation of a child care home or center and CPS's investigation of the alleged maltreatment.
 - a. OCC will attempt to convene the MDT meeting prior to anyone interviewing an alleged victim or perpetrator;
 - b. A MDT meeting may be conducted by phone or other electronic means;
 - c. If law enforcement is involved, a law enforcement representative should be included in the MDT meeting; and
 - d. The OCC regional manager shall chair the MDT meeting.
3. The role of the MDT is to:
 - a. Share initial information regarding what allegedly occurred, the identity of any alleged maltreater, and any changes in the status of the child care home or center;
 - b. Determine the flow of the investigation and the information that should be obtained; and
 - c. Establish the means and timing of notification to the provider and parents.
4. If an MDT meeting is not feasible prior to the initiation of an investigation, CPS will reach an agreement with OCC and law enforcement on a plan for beginning the investigation.
5. During the course of an investigation involving a child care home or center, the OCC may attempt to convene the MDT to discuss the progress of the case or the status or disposition of the CPS case. If law enforcement is involved, a law enforcement representative should be included in the MDT.

Initiation of Joint Investigation, Notice to Provider, and Press Response

1. Regardless of whether OCC convenes a MDT meeting, CPS is responsible for complying with the 24-hour timeframe for beginning a child abuse investigation and the 5-day timeframe for beginning a child neglect investigation.

- a. Given the presence of other potentially vulnerable children in the child care home or child care center, investigation of alleged child abuse or neglect of a child in care should be commenced as soon as possible;
 - b. If OCC is not able to be present during CPS's initial visit to the child following the allegation of maltreatment, within 24 hours of the visit, LDSS should discuss with OCC the outcome of that visit and provide any information that may be of assistance to OCC's inspection.
2. As soon as it is available to OCC, CPS shall obtain from OCC a list of children in care at the home or center and their parents' names, contact numbers, and email addresses.
 3. CPS should coordinate with law enforcement regarding which agency will notify a provider in a child care home or a director at a child care center that allegations of child abuse or neglect have been made. CPS and law enforcement, with input from OCC, shall discuss the timing of this notification to avoid jeopardizing a child's safety or compromising a CPS or criminal investigation.
 4. CPS must notify an alleged maltreater of the allegations prior to conducting any interview with the alleged maltreater.
 5. If the LDSS anticipates any media coverage concerning alleged child abuse or neglect in a child care home or center, LDSS shall immediately notify DHS/SSA by completing the current 1080A form in reference to critical incidents.

Investigation – Interviews

1. CPS shall conduct interviews with the alleged victim and with any adult or child who may have witnessed the alleged abuse or neglect.
2. In consultation with law enforcement and OCC, as appropriate, CPS should consider which other children or adults to interview, including:
 - a. Any child considered to be a possible victim due to the alleged maltreater's behavior or proximity and relationship to the child or the child's disclosures or behavior;
 - b. The immediate family of any victim or possible victim;
 - c. Children who were previously in the care of the alleged maltreater if the agency has reason to believe that those children are possible victims; and
 - d. Any adult or child to whom the victim states that he or she spoke about the alleged abuse or neglect.
3. Whenever possible, CPS shall interview children in a location other than the child care home or child care center.
4. CPS should permit an OCC representative to sit in on any CPS interviews unless CPS determines that the presence of an OCC representative would interfere with obtaining accurate information.

5. CPS shall work with OCC and law enforcement to avoid multiple interviews of child(ren).
6. If CPS does not give a parent prior notice of an interview, CPS shall notify a parent as soon as possible after an interview but no later than the end of the business day.
7. When interviewing parents of children at the child care home or child care center, CPS shall:
 - a. Immediately advise the parents of the purpose of the interview and whether their child has been identified as a victim or possible victim;
 - b. Advise the parent that CPS, OCC, and law enforcement are conducting a thorough investigation and request that the parent refrain from initiating their own investigation with their own child or other children or parents; and
 - c. Enlist the help of the parent by educating them to be aware of any possible signs or symptoms of child abuse or neglect in their child and encouraging them to report relevant observations.
8. CPS should coordinate with OCC in notifying parents who have not been interviewed of the allegations and the status of any regulatory action.
9. If a parent brings a child to a child advocacy center for a forensic interview, law enforcement and CPS shall reach an agreement as to who will interview the child. OCC, CPS, and law enforcement personnel who are not conducting the interview should be permitted to observe the interview remotely and submit additional questions prior to the interview being concluded. If the OCC is unable to attend the forensic interview and it was recorded, they should be allowed access to view the recorded interviews.

Post-Investigation

1. CPS has sole responsibility for making a finding of indicated, unsubstantiated, or ruled out child abuse or neglect.
 - a. CPS will immediately notify OCC of when it has a preliminary investigation narrative;
 - b. LDSS will keep OCC fully apprised of any challenge to the outcome of a CPS investigation such as, a request for an unsubstantiated conference, a hearing at the Office of Administrative Hearings, or judicial review in a circuit or appellate court; and
 - c. CPS will provide OCC with a copy of the approved investigation narrative and any final decision or order.
2. OCC has sole responsibility for investigating and citing deficiencies or concerns regarding a child care home or a child care center's compliance with child care regulations and policy, for making any decision to suspend or revoke a child care facility's license, and for notifying parents of children in the home or center of the status of any regulatory action, such as immediate suspension, revocation, etc.
3. In response to any OCC request for records, the local department shall:
 - a. Redact from any requested record the identification of any individual who reported child abuse or neglect;

- b. Create an electronic copy of any requested records provided to OCC and store it with the CPS case file; and
 - c. Provide all the requested records in as timely a manner as possible.
4. In response to any OCC request for a witness to testify at an upcoming hearing or trial:
 - a. LDSS shall make available the requested witness without the need for a subpoena;
 - b. In the event that a requested witness is not available to testify as requested, LDSS will promptly advise OCC.
 5. In making a request that OCC provide records or witness testimony, LDSS shall give OCC as much advance notice as possible to facilitate OCC's compliance.

General Meeting

1. In an appropriate situation, OCC may propose holding a general meeting with parents of children who attend or have attended the child care home or child care center where the alleged abuse or neglect occurred.
 - a. CPS should advise OCC of any reservations about the meeting or the timing of the meeting and its effect on an investigation;
 - b. CPS should incorporate in its 5-706(f) MOU and request that OCC convene a general meeting only after all identified victims have been interviewed and their parents notified of the investigation; and
 - c. CPS should incorporate in its 5-706(f) MOU and request that the meeting be limited to parents or legal guardians of children; presently enrolled or previously enrolled at the facility, in addition to representatives of OCC, CPS, and law enforcement.
2. Due to confidentiality, LDSS should share no case-specific information at this meeting.
3. The purpose of a general meeting of parents is to:
 - a. Ensure that all parents are presented with the same information;
 - b. Explain the procedures for investigating reports of suspected maltreatment;
 - c. Advise parents of the status of the investigation;
 - d. Advise parents about the status of any regulatory action and its effect on the ability of the child care home or child care center to provide ongoing care;
 - e. Seek parental assistance in identifying other children who may have been abused or neglected;
 - f. Educate parents on the physical and behavioral indicators of child abuse or neglect; and
 - g. Inform parents of the procedures for contacting OCC, CPS, or law enforcement if they believe a child has been abused or neglected or if they wish to provide information regarding the child care home or child care center.

Immediate Danger Provision

1. If, in the course of any visit, CPS perceives that a child is in immediate danger, CPS is responsible for taking whatever immediate action is necessary to protect the child.

2. LDSS should immediately notify OCC of the danger and request assistance if necessary.

Memoranda of Understanding

1. LDSS should ensure that it has in effect an MOU with OCC, the States' Attorney Office, local law enforcement, and the local health department pursuant to Family Law § 5-706(f) that includes provisions for conducting investigations into allegations of child abuse and neglect involving child care homes or centers.
2. LDSS should also notify OCC of any Administrative appeals and changes to dispositions.
3. In addition to the provisions set forth above, the MOU shall contain provisions to ensure that OCC will:
 - a. Notify CPS promptly of all regulatory actions and oral or written notices to the parents of children in a child care center or home in which CPS is conducting an investigation;
 - b. Keep CPS fully apprised of any challenge to the outcome of an OCC investigation through a request for a hearing at the Office of Administrative Hearings or judicial review in a circuit or appellate court; and
 - c. Provide CPS with a copy of any final administrative or judicial decision or order.

Alignment with the Practice Model and Desired Outcomes

This policy aligns with the Integrated Practice Model by guiding our relationships, work behavior and commitment to our children, youth and families. This policy addresses SSA's commitment to continually improve our performance in ensuring safety and reducing risk to children.

Documentation

In addition to opening an investigation-Intake case in the child welfare database and completing a safety and risk assessment, all policies regarding documentation and timeliness of entering Contact Notes into the database should be followed.

Related Policies and Information

- SSA-CW#18-06 CPS Screening and Case Determination Process
- SSA-CW#15-21 MD Safety Assessment For Every Child and Safety Plan
- SSA-CW#16-02 MD CHESSIE Documentation Time Frames
- SSA-CW#04-03 Maryland Families Risk Assessment (MFRA)