

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 will initiate a Child Protective Services (CPS) investigation when a report that meets one of the five Investigation Criteria outlined below is made to the Department's CPS Hotline. Reports may involve families new to the Department, families actively being serviced by the Department, families previously active with the Department and incidents of institutional abuse and/or neglect.

In order for a Child Protective Investigation to be initiated, a report must always involve a child under 18 years of age or under 21 years of age if the youth is residing in DCYF foster or institutional care or if the youth is in DCYF custody, regardless of placement.

A report made to the CPS Hotline that contains a concern about the well-being of a child, but does not meet the criteria for an investigation, may be classified as an Information/Referral (I/R) Report. If the report is classified as an I/R Report and the family is open to the Department, all staff involved with the case are notified and are required to review the report and respond in accordance with DCYF Policy 500.0040, Information/Referral (I/R) Reports.

A report made to the CPS Hotline that meets the criteria outlined in any one of the following situations (1, 2, 3, 4, or 5) is investigated.

Investigation Criteria 1 - Child Abuse/Neglect (CA/N) Report - RIGL 40-11-3 requires the Department to immediately investigate reports of child abuse and neglect. The circumstances reported, if true, must constitute child abuse/neglect as defined by RIGL 40-11-2. In order to initiate a CPS investigation, there must be reasonable cause to believe that abuse/neglect circumstances exist. For purposes 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. CA/N Reports that contain all of the following elements are investigated:

- Harm or substantial risk of harm to the child is present.
- A specific incident or pattern of incidents suggesting child abuse and/or neglect can be identified.
- A "person responsible for the child's welfare" has allegedly abused or neglected the child. RIGL 40-11-2 defines a "person responsible for child's welfare" as the child's parent, guardian, any individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child, foster parent, an employee of a public or private residential home or facility or any staff person providing out-of-home care, which includes family child care, group family child care and center-based child care.

Investigation Criteria 2 - 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.

Investigation Criteria 3 - 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.

Investigation Criteria 4 - Duty to Warn - RIGL 42-72-8 allows the Department to release information if it is determined that there is a risk of physical injury by a person to himself/herself or others and that disclosure of the records is necessary to reduce that risk. If the Hotline receives a report that a perpetrator of sexual abuse or serious physical abuse has access to another child in a family dwelling, that report is classified as an investigation and assigned for investigation.

Investigation Criteria 5 - Alert to Area Hospitals – Safety of Unborn Child - RIGL 42-72-8 allows the Department to release information if it is determined that there is a risk of physical injury by a person to himself/herself or others and that disclosure of the records is necessary to reduce that risk. The Department will issue an alert to area hospitals when a parent has a history of substantiated child abuse/neglect or a child abuse/neglect conviction and there is concern about the safety of a child. The Department will investigate when the Hotline receives a response to the alert upon the birth of the child.

Related Procedures

Investigation - Criteria 1 – Child Abuse/Neglect (CAN) Report

Investigation - Criteria 2 - Non-Relative Caretaker

Investigation - Criteria 3 - Sexual Abuse of a Child by Another Child

Investigation - Criteria 4 - Duty to Warn

Investigation - Criteria 5 - Alert to Area Hospitals – Safety of Unborn Child

The Department of Children, Youth and Families has established criteria for accepting or rejecting a child abuse/neglect (CAN) 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** CAN 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. 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. 2. Harm or substantial risk of harm to the child is present.
 3. 3. A specific incident or pattern of incidents suggesting child abuse and/or neglect can be identified.
 4. 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...

Accepting Investigation – Report Meeting 4 Criteria

Accepting Investigations – Non-Relative Caretaker

Accepting Investigations – Sexual Abuse of a Child by Another Child

Duty To Warn Assessment of Risk/Allegations of Serious Physical/Sexual Abuse

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

Accepting Report as an Early Warning

**Accepting Investigation – Criteria 1 – Child Abuse/Neglect (CA/N)
Report Meeting 4 Criteria**

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

- A. The Department will investigate reports that allege child abuse and/or neglect as defined by RIGL 40-11-2. In order to initiate a CPS investigation, there must be reasonable cause to believe that abuse/neglect circumstances exist. Child Abuse/Neglect (CA/N) Reports accepted for investigation must contain the following elements: 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.
 1. Harm or substantial risk of harm to the child (under 18 or under 21 years of age if in DCYF placement or in DCYF custody) is present.
 2. A specific incident or pattern of incidents suggesting child abuse and/or neglect can be identified.
 3. 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, any individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child, 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 which includes family child day care, group child day care, and center-based child day care).
- B. ~~The Call Floor worker~~ Hotline CPI completes a CPS report for all reports alleging child abuse and neglect (refer to RICHIST Window Help, “How do I”, Create/Complete CPS Report).
- C. ~~The Field~~ CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.
- D. If the investigation relates to a foster home or child care facility, procedures outlined in DCYF Policy 500.0060, Processing and Notifications for an Alleged Institutional Abuse/Neglect Case apply.

Accepting Investigations -- Criteria 2 - 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. ~~Hotline CPI. The Call Floor worker completes a CPS report for all reports alleging child abuse and neglect (refer to RICHIST "Window HelpHow do I", Create/Complete CPS Report).~~
The CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.
- E. The CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.

Accepting Investigations -- Criteria 3 - 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/Hotline CPI~~ completes a CPS report for all reports alleging child abuse and neglect (refer to RICHIST Window Help, "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.

Investigation – Criteria 4 - 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. RIGL 42-72-8 allows the Department to release information if it is determined that there is a risk of physical injury by the person to himself/herself or others, and that disclosure of the records is necessary to reduce that risk.
- B. In accordance with the law, a Child Protective Services (CPS) Investigation will be initiated when the Hotline receives a report 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.
1. Convictions
 - a. Murder (involving a child)
 - b. First degree child abuse
 - c. Battery by an adult upon children ten years of age or younger - serious bodily injury
 - d. First degree child molestation
 - e. Second degree child molestation
 2. Adjudications in (Family Court)
 - a. Termination of Parental Rights (TPR) based on finding of conduct toward a child of a cruel and abusive nature
 - b. Sexual abuse
 3. Indicated Abuse Findings (CPS)
 - a. Death
 - b. Brain damage
 - c. Subdural hematoma
 - d. Internal injuries
 - e. Intercourse
 - f. Sexual exploitation
 - g. Molestation
- C. Hotline CPI completes a CPS report (refer to RICHIST Window Help, Create/Complete CPS Report).
- D. Field CPI initiates an investigation within twenty-four (24) hours or earlier if the report is accepted for investigation.
- E. ~~The assigned Field CPI shall attempt~~s 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.
- F. ~~The Field CPI shall make~~s 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.
- G. Prior to responding to the home, the Field CPI ~~shall~~ contacts legal counsel to determine what, if any, information can be disclosed to the primary caretaker pursuant to the provisions of

RIGL 42-72-8. After hour inquiries ~~are should be~~ referred to the on-call administrator who will consult with Chief Legal Counsel.

H. ~~The Field~~ CPI ~~shall~~ responds to the home and interviews the child to determine if he/she has been a victim of any act of abuse and/or neglect by the alleged perpetrator.

I. ~~The Field~~ CPI ~~shall~~ determines if there is ~~access 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 ~~is 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 are 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 the child has disclosed any acts of abuse and/or neglect by the alleged perpetrator

~~H.J.~~ 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~~ advises the primary caretaker that the alleged perpetrator ~~must~~ 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.K.~~ 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~~ consults with DCYF Legal Counsel regarding the filing of a Dependency/Neglect/Abuse petition with the Family Court.

L. 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~~ consults with legal counsel and takes immediate action to ensure the protection of the child.

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

~~Addendum from Policy 500.0010: Criteria for a Child Protective Services InvestigationCriteria_For_A_Child_Protective_Services_Investigation_Policy~~

**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)

Investigation – Criteria 5 - Alert to Area Hospitals - Safety of Unborn Child

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

- A. RIGL 42-72-8 allows the Department to release information if it is determined that there is a risk of physical injury by the person to himself or herself or others, and that disclosure of the records is necessary to reduce that risk.
- B. In accordance with this law, the Department will issue an alert to area hospitals when it is believed that there may be risk of harm to a child born to a parent with a history of substantiated child abuse or neglect or a child abuse/neglect conviction.
1. Some reasons for alerts may include, but are not limited to:
 - a. Parent has exhibited behavior or conduct that is seriously detrimental to a child of a duration that renders it improbable for the parent to care for a child for an extended period of time.
 - b. Parent has subjected another child to aggravated circumstances, including abandonment, torture, chronic abuse and/or sexual abuse.
 - c. Parent has committed voluntary manslaughter of another child.
 - d. Parent has aided or abetted, attempted, conspired or solicited to commit such a murder or such a voluntary manslaughter.
 - e. Parent has had his/her parental rights to a sibling of the child terminated involuntarily.
 - f. There is a history of chronic substance abuse by one or both parents.
 - g. Parent has inflicted excessive corporal punishment upon a child, resulting in physical injury to the child.
 - h. Parent has a history of mental or emotional disability which has proven to render the parent unable to care effectively for his or her children.
 2. The alert requests that the hospital contact the CPS Hotline upon the birth of the infant as a result of the Department's concerns about the welfare of the child.
- C. Issuing an Alert
1. An alert regarding the safety of an unborn child may be initiated by a Family Service Unit (FSU) worker, by a Child Protective Services (CPS) worker or by a Juvenile Correctional Services (JCS) worker depending on whether the case is opened or not opened to the Department.
 - a. An alert may be initiated by an FSU worker on an open case, on a case that will close during the pregnancy due to a Termination of Parental Rights or on a recently closed case.
 - b. An alert may be initiated by a Hotline CPI on a case not open to the Department.
 - c. An alert may be initiated by a Juvenile Correctional Services (JCS) worker, which includes Juvenile Probation and the Rhode Island Training School.
 2. Worker discusses the need for an alert with supervisor and administrator in order to obtain approval.
 3. Upon approval, the following processes are completed:
 - a. FSU, CPS or JCS supervisor completes a Case Activity Note (CAN) in RICHIST (refer to RICHIST Window Help, Create CAN report), indicating any special instructions, such as an available placement resource.
 - b. Supervisor sends an e-mail to all CPS administrators informing them of the alert.
 - c. Worker completes the DCYF # 199, Alert to Area Hospitals – Safety of Unborn Child.
 4. FSU, CPS or JCS supervisor and administrator sign the alert.

5. FSU, CPS or JCS supervisor sends the alert to area hospitals.

D. A CPS Investigation will be initiated when the Department receives a response from an area hospital to the DCYF # 199, Alert to Area Hospitals – Safety of Unborn Child upon the birth of the child.

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)~~