

<b>Rhode Island Department of Children, Youth and Families Department Operating Procedure</b>			
	DOP Number: <b>Policy: 500.0060</b>	Effective Date: <b>January 10, 2018</b>	Page 1 of 7
	Version #:6	Revision History: <b>July 7, 1984 V.1 December 9, 2011 V.5</b>	Director:
Section: <b>Child Abuse/Neglect Investigations</b>		Title: <b>Processing and Notifications of Alleged Institutional Abuse/Neglect</b>	
Legal Authority:			
<ul style="list-style-type: none"> <li>• Rhode Island General Law §40-11-2</li> <li>• Rhode Island General Law §40-11-7</li> </ul>			
Related DOPs:			
<ul style="list-style-type: none"> <li>• Family Assessment Response, DOP: 500.0040</li> <li>• Reporting Child Abuse and/or Neglect, DOP: 500.0000</li> </ul>			
Related Forms:			
<ul style="list-style-type: none"> <li>• n/a</li> </ul>			

## I. PURPOSE

Institutional child abuse and neglect means the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child under the age of 18 or under the age of 21 if the child is in the care of the Department by a person, including any employee of a residential facility or any staff person providing out-of-home care who is responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term encompasses both acts and omissions on the part of a responsible person. All persons in Rhode Island are required by law (RIGL 40-11-3) to report known or suspected cases of child abuse and/or neglect to the Department of Children, Youth and Families.

The Department is a firmly committed to the confidentiality of information received on all abuse and neglect allegations and investigation. The Department places strong emphasis on protecting the privacy of the individual under investigation while disseminating specific information regarding the allegations and investigation to Department staff who have a need to know it to protect the best interests of the child involved in the investigation.

## II. TERMS DEFINED

"A person responsible for a child's welfare" means the child's foster parent, an employee of a public or private residential home or facility or other person legally responsible for the child's welfare in a residential setting, or any staff person providing out-of-home care. Out-of-home care also includes child day care (family day care, group day care and center-based day care).

## III. PROCEDURE

I. Regulatory Response

- A. A concern that is reported to the Child Protective Services (CPS) Hotline that concerns the well being of a child but does not meet the criteria for investigation is referred to the Department's Licensing Unit for a Regulatory Response.
  - 1. The Call Floor Supervisor sends an E-mail message to licensing and the active worker(s).
  - 2. No verbal or written notification of the report is required for the Child Advocate.

II. Child Protective Service Calls

- A. A child or youth in out of home care may report information about known or suspected abuse to himself or herself or to another child or youth without being identified as the source of the information; staff who receive such information from a child or youth contact the Child Protective Services Child Abuse Hotline to make the report of known or suspected child abuse.
- B. Any staff reporting abuse or neglect to the CPS Child Abuse Hotline makes every effort to make the call in a private place where confidentiality can be maintained.
- C. Staff never ask a child or youth why he/she wishes to call the CPS Hotline, but rather staff provide immediate access to the telephone. Staff make every effort to ensure that a child or youth calling the CPS Child Abuse Hotline does so in a private place where confidentiality can be maintained. The staff member supervises the child/youth visually but does not listen to the content of the call.
- D. Child Protective Service calls, notification of investigation are as follows:
  - 1. Foster Homes:
    - a. The CPS report is completed and forwarded by the Call Floor worker to the Call Floor Supervisor.
    - b. The Call Floor Supervisor accepts the CPS report and creates a case or links the report to an existing case. The case is assigned to the Investigative Unit for initiation of an investigation.
    - c. The Office of the Child Advocate (OCA) is assigned to the case in RICHIST.
  - 2. Day Care Homes:
    - a. The CPS report is completed and forwarded by the Call Floor Worker to the Call Floor Supervisor.
    - b. The Call Floor Supervisor accepts the CPS report and creates a case or links the report to an existing case. The case is assigned to the Investigative Unit for initiation of an investigation.
    - c. The Office of the Child Advocate (OCA) is assigned to the case in RICHIST.
  - 3. Residential Facilities
    - a. The facility director or his/her designee must be verbally notified of all reports alleging institutional abuse/neglect:
      - i. The Child Protective Investigator (CPI) assigned to the investigation calls the facility director/designee at the initiation of a child abuse/neglect investigation. The CPI reads the narrative on the CPS report to the facility director/designee, excluding any reference(s) to the identity of the reporter.
      - ii. If the facility director is not available, the CPI asks to speak to the designee. If no assistant director is available, the staff person will be requested to contact an

- assistant director and have him/her call the CPI. If no call back is received, the CPI proceeds in accordance with Departmental policy.
- iii. The CPI records the date, time of notification, and person notified in a Case Activity Note.
- b. If a report suggests that a child/youth may be at risk of further abuse or neglect, the facility director or designee takes immediate action to protect the child/youth within the context of a coordinated response, including but not limited to:
  - i. separating the alleged victim and abuser;
  - ii. re-assigning staff to other duties; or
  - iii. placing staff on administrative leave.
  - iv. In no instance is a resident who is alleged to have been a victim of abuse or neglect placed in isolation or segregated housing during the investigation.
- c. The facility director or designee makes every effort to ensure that staff preserve and protect any evidence relevant to the investigation. If abuse occurred in a time frame that allows for the collection of physical evidence:
  - i. The alleged perpetrator is denied access to the area in which the abuse is alleged to have occurred. In addition, the facility director or designee provides staff on duty with the direction necessary to preserve all evidence, including barring the alleged perpetrator from the scene.
  - ii. Staff preserve any identified setting within the facility until the setting is released by the investigating authority;
  - iii. Staff are instructed not to take any action that could destroy such evidence including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. If the alleged victim requests permission to take an action that could destroy evidence, staff consult the facility director or designee.
- d. Upon notification of any allegation of sexual abuse/sexual harassment of a child/youth, the facility director or designee promptly notifies the resident(s) parent(s) or legal guardians, unless there is official documentation that they should not be notified.
- e. The primary Department worker assigned is notified of the CPS investigation by email.
- f. The facility director notifies the child/youth's attorney within 14 days of notification of any allegation of sexual abuse/sexual harassment.
- g. If the scope of an investigation is significantly broadened during the course of an investigation, the CPI informs the facility director/designee and keeps him/her aware of major developments in the case.
- 4. Day Care Centers - The day care centers are not notified of reports alleging abuse/neglect.
- 5. Coordinated Response at the Training School:
  - a. Notification of Training School Administrator on Call:
    - i. In addition to reporting to Child Protective Services, Training School staff notify the Master Control Center (MCC) of any report of sexual abuse or sexual harassment of a resident immediately. The MCC notifies the Administrator on Call and, in the case of alleged sexual abuse by another resident or alleged sexual

- abuse/harassment by a staff member or other adult involved with the Training School, makes the initial call to the Child Protective Services Hotline to report the incident.
- ii. If any report of abuse or neglect suggests that a resident may be at risk of further abuse or neglect, the CPI notifies the Training School Administrator on Call immediately and directly.
  - iii. The Training School Administrator on Call takes immediate action to protect the resident(s) including but not limited to:
    - separating the alleged victim and abuser;
    - ensuring appropriate medical attention by on site or off site medical staff as needed;
    - preventing the alleged perpetrator from destroying or tampering with evidence by barring the alleged perpetrator immediately from the area and from any contact with the identified victim as well as prohibiting the alleged perpetrator from changing clothes, brushing teeth, toileting to the extent possible, showering, drinking or eating.
    - re-assigning staff to other duties; or
    - placing staff on administrative leave.
    - In no instance is a resident who is alleged to have been a victim of abuse or neglect placed in isolation or segregated housing during the investigation.
  - iv. The CPI records the date and time of notification in a Case Activity Note.
  - v. Training School staff document notification in the Unit or Master Control Center Log and an Unusual Incident Report.
- b. The Training School Administrator on Call makes every effort to ensure that staff preserve and protect any evidence relevant to the investigation.
- i. If abuse occurred in a timeframe that allows for the collection of physical evidence:
    - Staff preserve any identified setting within the facility until the setting is released by the investigating authority.
    - Staff are instructed to prohibit the alleged perpetrator from taking any action that could destroy such evidence including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. Staff are instructed to make every effort to persuade the alleged victim from taking any action that could destroy such evidence including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. If the alleged victim requests permission to take an action that could destroy evidence, staff consult the Administrator on Call.

- ii. In conducting a Level 1 investigation, the CPI notifies law enforcement and, in collaboration with law enforcement and Training School personnel, follows established protocols for gathering and preservation of evidence. Refer also to [DCYF Policy 500.0050, Standards for Investigating Child Abuse and Neglect \(CA/N\) Reports \(Levels 1, 2, 3\)](#), [DCYF Policy 500.0080, Standards of Proof](#) and [DCYF Policy 500.0065, Police Involvement in Child Protective Investigation](#).
- c. Upon notification of any allegation of sexual abuse/sexual harassment of a resident, the Administrator on Call promptly notifies the resident(s) parent(s) or legal guardians, unless there is official documentation that they should not be notified. Notification is documented in an Unusual Incident Report, Case Activity Note or other written format.
- d. The Administrator on Call notifies the resident(s) attorney within 14 days of notification of any allegation of sexual abuse/sexual harassment. Notification is documented in an Unusual Incident Report, Case Activity Note or other written format.
- 6. The Administrator on Call notifies the resident(s) attorney within 14 days of notification of any allegation of sexual abuse/sexual harassment. Notification is documented in an Unusual Incident Report, Case Activity Note or other written format.
  - a. The assigned CPI makes an initial attempt to interview appropriate staff or to schedule a definitive date and time for such interview to occur.
  - b. In the event that such initial attempt does not result in either an interview being conducted or a definitive date and time for an interview being scheduled, the CPI immediately contacts the Administrator on Call.
  - c. In the event that the staff person to be interviewed is an alleged perpetrator, the Administrator on Call and the CPI agree upon an interview time and date when the employee is scheduled to work. The Administrator on Call sends to the employee by certified mail, return receipt requested, a Letter of Notification.
  - d. In the event that the employee fails to appear for the scheduled interview, the CPI completes his/her investigation and arrives at his/her conclusions without the input of the alleged perpetrator.
  - e. In the event that the staff person to be interviewed is a witness, the Administrator on Call and the COI agree upon an interview time and date when the employee is scheduled to work. The Administrator on Call sends to the employee by certified mail, return receipt requested, a Letter of Notification.
- 7. A report of abuse (including sexual abuse) or neglect made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute false reporting even if the allegation is not substantiated by the Child Protective Services investigation.

### III. Notification of Results – Indicated and Unfounded

- A. Foster Homes
  - 1. An E-mail message is automatically sent to the Licensing Supervisor, Licensing Worker and the primary worker(s). The report can be accessed online.
  - 2. A CPS Report Notification is sent to the foster parents with the results of the investigation.

- B. Residential Facilities (other than RI Training School):
1. An E-mail message is automatically sent to the Licensing Supervisor, Licensing Worker, Children's Behavioral Health worker and the primary worker. The report can be accessed online.
  2. The CPI provides the facility director with notification of the results of the investigation documenting whether allegations were Indicated or Unfounded.
  3. The Department recognizes that a child/youth victim of abuse has a right to know the outcomes of a report he/she made. The Department also recognizes that capacity for understanding varies.
    - i. School aged children are invited to participate in service planning, for example, to the extent of their verbal capacity and of their understanding of events occurring in their lives. Children are invited to sign service plans starting at age 12. (Refer to [DCYF Policy 700.0075: Comprehensive Assessment and Service Planning.](#))
    - ii. As appropriate within this context, the facility director informs the child/youth who has made a report of abuse or neglect as to whether the allegation has been determined to be indicated or unfounded.
    - iii. As appropriate within this context, for indicated allegations the facility director or designee informs the child/youth whether the staff involved is no longer posted in the unit, employed at the facility or has been indicted or convicted on a charge related to the said abuse or neglect.
  4. Following a resident's allegation that he or she has been sexually abused by another resident, the facility director or designee informs the alleged victim whenever the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.
- C. Day Care Providers:
1. An E-mail message is automatically sent to the Licensing Supervisor, Licensing Worker and the OCA. The report can be accessed online.
  2. The CPI gives the provider and the subject of the investigation written notification of the results of the investigation documenting whether allegations were Indicated or Unfounded.
- D. RI Training School:
1. CPI forwards a copy of the CPS Report to the Administrator on Call or designee.
  2. The Administrator on Call has access to review and/or authority to designate his or her designee to review the full record of investigation in CPS. Access to review the full record is limited to the Administrator on Call and his or her designee.
  3. The Administrator on Call or designee provides the employee under investigation with notification of the results of the investigation.
  4. Inspector forwards a copy of the completed investigation to the Office of the Child Advocate via interdepartmental mail.
  5. Following an investigation into a resident's allegation of abuse (including sexual abuse) or neglect by staff at the Training School, the Department informs the resident as to whether the allegation has been determined to be indicated or unfounded.
    - a. The CPI coordinates with the Administrator on Call or designee to explain the outcome to the resident and to offer any necessary therapeutic support.

- b. For indicated allegations, the Administrator on Call or designee informs the resident whether the staff involved is no longer posted in the unit, employed at the Training School or has been indicted or convicted on a charge related to the said abuse or neglect.
- 6. Following a resident's allegation that he or she has been sexually abused by another resident, the Administrator on Call or designee informs the alleged victim whenever the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.
- 7. All such notifications or attempted notifications are documented in a Case Activity Note.