

330 CHILD ABUSE REPORTING

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

330.2 DEFINITIONS

Definitions related to this policy include (§ 210.110, RSMo):

Abuse - Any physical injury, sexual abuse or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody and control. Discipline such as spanking, when administered in a reasonable manner, is not abuse.

Child - A person who is under 18 years of age.

Neglect - Failure to provide support, education, nutrition, medical or other care necessary for a child's well-being by those responsible for the care, custody, and control of a child.

Temporary protective custody - Placement within a hospital, medical facility, emergency foster care facility or such other suitable custody placement as the court may direct (§ 210.125.5, RSMo).

330.3 CHILD ABUSE REPORTING

All members of this department are responsible for the proper reporting of child abuse or neglect (§ 210.115.1, RSMo). Any member who encounters or learns of any child whom he/she has reasonable cause to believe has been the victim of child abuse or neglect shall immediately take appropriate action.

330.3.1 REPORTED CHILD ABUSE OR NEGLECT

All reported incidents of possible child abuse shall be immediately and completely evaluated to determine the appropriate required action. Evaluation may necessitate an officer's response to assess the circumstances and determine the proper reporting and investigation requirements.

In addition to internal reporting and investigation documentation, any incident in which an member reasonably believes that a child has been or may be subjected to abuse or neglect shall be immediately referred to the Missouri Department of Social Services, Children's Division by calling the Child Abuse and Neglect Hotline at 800-392-3728 (§ 210.115.1, RSMo). The Chief of Police shall designate an individual within the Department to provide the notification.

A child abuse report, when possible, shall include (§ 210.130.2, RSMo):

1. The name and addresses of the child, the child's parents or others responsible for the child's care.
2. The age, sex and race of the child.
3. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
5. The family composition.
6. The source of the report and the name, address and occupation of the person making the report.
7. Any action taken by the reporting source.
8. Any other information that the person making the report believes may be helpful.

If the child is currently in custody, the officer should advise the Child Abuse and Neglect Hotline of the emergency nature of the report and request an immediate response from the on call investigator.

330.3.2 SUSPECTED ABUSE OR NEGLECT

Members responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report. No additional suspected child abuse report is required if the incident is documented in a general or miscellaneous report.

330.3.3 CONTACTING SUSPECTED CHILD ABUSE OR NEGLECT VICTIMS

Generally, an officer should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

1. Exigent circumstances exist. For example:
2. A reasonable belief that medical issues need to be addressed immediately.
3. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
4. The parent, guardian or custodian is involved in the abuse.
5. Notification to the parent, guardian or custodian is not in the best interest, safety or welfare of the child.
6. The parent, guardian or custodian is unable or unwilling to respond in a reasonable amount of time.
7. Involving the parent, guardian or custodian could possibly hinder the investigation.
8. A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

330.4 INVESTIGATION RESPONSIBILITY

The duties of the staff assigned to investigate child abuse include, but are not limited to:

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1. Responsibility for the investigation, the collection of evidence and preliminary preparation for prosecution of all cases of child abuse and molestation.
2. Investigating the deaths of children that could be attributed to abuse or molestation.
3. Investigating any instance of Sudden Unexplained Infant Death (SUID).
4. Investigation of reports of unfit homes, child abandonment, child endangering or neglect.
5. Follow-up compliance calls on suspected child abuse.
6. Providing appropriate training of patrol personnel.
7. Coordination with other enforcement agencies, social service agencies and school administrators in the application and enforcement of the laws regarding child abuse cases.

330.5 TEMPORARY PROTECTIVE CUSTODY

An officer who reasonably believes a child is in imminent danger of suffering serious physical harm or threat to life as a result of abuse or neglect should request the juvenile officer of the county court in which the child is located to take the child into temporary protective custody (§ 210.125.1, RSMo; Sup. Ct. Rule 123.01).

If there is reason to believe the child is in imminent danger as a result of the abuse or neglect before the court can issue a protective order or before a juvenile officer can take the child into protective custody, the officer shall place the child into 24-hour temporary protective custody (§ 210.125.2, RSMo; Sup. Ct. Rule 123.02). As soon as practicable after placement, the officer shall (§ 210.125.3, RSMo);

1. Notify the juvenile officer of the county court in which the child is located.
2. Notify the Missouri Department of Social Services, Children's Division.
3. Make a reasonable attempt to notify the child's primary caregiver.

No abused or neglected child taken into temporary protective custody shall be placed in detention or jail. An officer who takes a juvenile into temporary protective custody shall submit a written report to the juvenile officer as soon as practicable, but no later than 12 hours after taking the juvenile into custody. The report shall identify the juvenile and the facts and circumstances that caused the reasonable belief that the juvenile was in imminent danger. If the juvenile is not released, the report shall also include the reasons the juvenile remains in judicial custody (§ 210.125.3, RSMo; Sup. Ct. Rule 123.02).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into temporary protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into temporary protective custody.

330.6 INVESTIGATION OF ABUSE OR NEGLECT

The Department shall investigate every report of child abuse or neglect if a violation of a criminal statute is alleged. The Department shall assist the Missouri Department of Social Services, Children's Division in investigations when requested and participate in multidisciplinary teams for protective and preventive services pursuant to § 210.145.4 as well as RSMo; § 210.145.10, RSMo.

If a report indicates the child is in danger of serious physical harm, the handling officer shall facilitate the direct observation of the subject child within 24 hours of the receipt of the report (§ 210.145.5, RSMo).

330.6.1 INTERVIEWING JUVENILES

If the parents are not the alleged abusers, a parent of the child shall be notified prior to the child being interviewed. If the abuse or neglect is alleged to have occurred in a school or childcare facility, the interview shall not take place in any school building or childcare facility building where the abuse or neglect is alleged to have occurred (§ 210.145.5, RSMo).

Prior to conducting an interview on school property, the investigating officer shall provide written notification to school officials. The notification shall include the name of the child, the purpose and a reference to the statutory authority that allows the interview to be conducted on school property. The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place and manner of the interview.

Any interview of the alleged child abuse or neglect victim should be audio- or video-recorded as permitted by state law. Interviews concerning reports of sexual child abuse are strongly encouraged to be video-recorded.

330.7 RELEASE OF REPORTS

Reports of child abuse or neglect shall be confidential and may only be disclosed pursuant to state law.

330.8 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.8.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

1. Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
2. Notify the Investigation Unit supervisor so an interagency response can begin.

330.8.2 OFFICER RESPONSIBILITIES

The Investigation Unit supervisor should:

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1. Work with professionals from the appropriate agencies, including the Missouri Department of Social Services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
2. Activate the interagency response when an officer notifies the Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
3. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9 CHILD FATALITY REVIEW TEAMS

Child Fatality Review Teams are required to investigate deaths of children that meet the criteria established by the Department of Social Services. This department shall cooperate fully with any such team and investigation (§ 210.192.3, RSMo).