

CHILD ABUSE AND NEGLECT PROTOCOL MANUAL

INTRODUCTION

Prevent Child Abuse Utah

Prevent Child Abuse Utah (PCA Utah) has led the effort in the development of child abuse prevention programs and services since 1982. PCA Utah is a non-profit agency dedicated to breaking the cycle of child abuse throughout Utah.

Programs Offered by Prevent Child Abuse Utah

School Personnel Training Sessions

PCA Utah provides school personnel training sessions throughout Utah. Training sessions include the following:

- Explanation and utilization of child abuse and neglect reporting protocol as described in this manual.
- Definitions and indicators of child abuse and neglect.
- Discussion on what is reasonable cause to believe a child has been abused or neglected.
- How to handle a child abuse disclosure.
- The Utah Child Abuse Reporting Law.
- Explanation of case process after a report has been made.
- The educator's roles and responsibilities related to child abuse and neglect cases.
- How the educator can best support the abused child after a report has been made, as well as the educator's role on the child protection team.
- Overview of all child abuse prevention programs available and suggested programs appropriate for individual schools.

School-Based Child Abuse Prevention Programs

PCA Utah offers child abuse prevention programs dealing with various aspects of child abuse including sexual, physical, emotional and neglect. Each age-appropriate program consists of classroom discussion, visual aids, videos and other interactive teaching methods such as role plays. Programs are given in the classroom and are also available in Spanish.

The programs teach children about child abuse and their personal rights and responsibilities. The programs help children understand how and to whom they can report abuse and explain what to expect after they make a disclosure. Presentations reassure children that abuse is not their fault and help students with assertiveness training by providing them with ways to avoid dangerous situations.

The objectives of the programs are to:

- teach children the skills to prevent them from becoming victimized;
- help children get needed intervention if they have been abused; and
- assure children that abuse is never a child's fault.

Stop Violence Start Safety

Stop Violence Start Safety (SVSS) is an intervention program developed by PCA Utah for elementary and secondary students suspended from school for moderate to severe safe school violations. SVSS is designed to help students stay in school and to prevent violent acts and asocial behaviors. SVSS sessions include topics on:

- Empathy Training and Experiences
- Resolving Conflict (Anger Management)
- Perception, Thinking Errors and Self Talk
- Values, Choices and Goals
- Safety Strategies and Violence Prevention
- Self Esteem and Service Activities

Conference on Child and Family Violence

Since 1989, this annual mountain-west conference on child abuse and family violence has served as a multidisciplinary training opportunity for parents and professionals.

www.preventchildabuseutah.org

This website provides resources, handouts and literature on child abuse which are designed for professionals, parents and other caregivers.

For additional information please call 1-800-CHILDREN or visit our website at www.preventchildabuseutah.org.

Understanding the Problem of Child Abuse and Neglect

*National Statistics**

- Three children die per day as a result of abuse and/or neglect
- In 2003, 3.2 million children were reported abused
- Eighty-two percent of those victims were under the age of five
- Forty-two percent were less than one year old at the time of his/her deaths
- Almost all deaths from child abuse occur in children under the age of five

* Source: Prevent Child Abuse America

*Utah Statistics***

- In 2003 there were 20,972 cases of child abuse and neglect reported to the Division of Child and Family Services
- 8,335 of those cases were determined to be supported
- Utah's supported rate is slightly higher than the national average of 29.2%
- As a result of these investigations, a total of 10,932 victims were identified

** Source: Utah State Division of Child and Family Services

These statistics are staggering and demonstrate the need for prevention-based programs that teach children to identify abuse and how to get help if they, or someone they know, are being abused. Ongoing training for both professionals and community members is critical.

GENERAL INFORMATION

History of the Protocol Manual

The first edition of the Child Abuse and Neglect Protocol Manual was created in 1991 by PCA Utah. In 1994-95 and then again in 1997, the Division of Child and Family Services (DCFS) contracted with PCA Utah to update the statewide protocol for the handling of child abuse cases. It was necessary to facilitate collaboration and understanding, among school personnel, law enforcement and Child Protection Services (CPS), in order to minimize the trauma and assist in the protection of abused and neglected children.

The protocol manual is based on state laws and established policies of local school boards, law enforcement and DCFS. Originally, seven different localized versions of the manual were created. All were based on the laws and policies governing these entities. Each version was ultimately implemented and endorsed by every DCFS regional director, school district superintendent, sheriff and police chief in the state. State level DCFS, education administrators and the Utah Attorney's Office also approved the manual. The manual is no longer printed in seven different versions, but includes appendices of local information that is relevant to those individual regions of the state.

Since 1997, there have been many changes in child abuse policy, rules, procedures and laws. It is imperative that all school personnel, law enforcement personnel, CPS and private citizens receive this manual and training to assist in the prevention of child abuse in the state of Utah.

In 1999, the "Duty to Notify," a mandatory reporting law, was put into effect requiring all citizens in the state of Utah to report suspected abuse and neglect. The need for the protocol manual and training became even more apparent.

In 2002, PCA Utah received funding from Children's Trust Account (CTA), to update the protocol manual.

Using This Manual

The purpose of this manual is to provide clear understanding and direction to school personnel, law enforcement and CPS in regard to the universal, effective and sensitive handling of child abuse referrals and investigations in the state of Utah. The manual is also appropriate to train all citizens. This information should be used as a guideline to provide on-going training on child abuse recognition and reporting.

Reasonable Expectations Regarding Action

When a report is made the referral is screened by DCFS intake in accordance with the law. All warranted referrals are investigated, as outlined by current DCFS practice. The primary goal is to protect the child with as little disruption to family life as possible.

Sometimes, to the referent and concerned parties, it may seem that very little is being done to improve circumstances for the child. This may be from a perceived lack of communication. Many services are provided to the child which may not be evident to school personnel because of case confidentiality. The law requires CPS and law enforcement to use the least intrusive method possible.

Child Protective Service workers will do everything they can to:

- protect the child;
- stabilize the family;
- prevent future abuse;
- remove child when necessary;
- resolve problems; and
- communicate appropriate information to other professionals involved with the child.

Accepted Cases

Cases are generally handled on a local level. If there is a concern regarding a child abuse investigation, contact can be made to the assigned case worker if it is being handled by CPS. If this does not resolve the situation, DCFS personnel can be contacted in the following order: 1) the supervisor, 2) the community service manager and 3) the regional director. The next level would be the State Division of Child and Family Services (801-538-4100). If a satisfactory resolution still has not been met, contact the Office of the Child Protection Ombudsman (1-800-868-6413).

Law Enforcement will do everything they can to:

- provide immediate attention to the child;
- investigate the case and, when appropriate, submit the information to prosecutors for filing of any charges;
- remove the child when necessary;
- resolve problems; and
- communicate appropriate information to other professionals involved with the child.

If the case is handled by law enforcement, it is suggested to first contact the detective investigating the case. The next level would be the detective's supervisor or the head of the law enforcement agency.

Legal Process

Numerous services and court procedures go into effect after a child abuse case has been reported and there may also be multiple courts involved with the case. Refer to page 13 for a flow chart of the case process.

The Children's Justice Center (CJC) is designed to serve children who are alleged to be sexually and/or severely physically abused to the extent that it may be prosecuted as a criminal matter. The primary function of the Children's Justice Center is to provide a nonthreatening, home-like atmosphere to interview alleged victims and their families. The interviews are video and audio taped and then transcribed for court. Custodial and noncustodial abuse victims, as well as some witnesses, are interviewed at the CJC. Referrals for follow-up counseling are also provided.

Some of the CJCs also have medical rooms where forensic medical exams can take place. These medical facilities are overseen by Primary Children's Medical Center for Safe and Healthy Families. The CJC provides a multi-disciplinary approach to the investigation of child abuse cases.

Liabilities When Working With Youth

In recent years, working closely with youth has become a concern for many professionals. Fear of false accusations of child abuse, or other inappropriate behavior, has made many professionals feel they are in a potentially liable position. Professionals should follow some basic guidelines that will help protect them in situations that could be misinterpreted and result in a false accusation of abuse.

The following list offers ways to prevent these types of accusations, however, it is in no way all inclusive.

- Avoid being alone in a room with a child, with the door closed, unless video surveillance monitoring equipment is in place. One-on-one interviews are sometimes necessary, but avoid closed door situations or invite a third person into the room.
- Never make sexual innuendos to a child, even if you think they seem innocent, they may be misinterpreted. Never tell jokes which have sexual overtones.
- Ask a child's permission before discussing personal issues. For example, "May I talk to you about some of your personal information?"
- Never touch or squeeze a child on the torso of his/her body or give a full frontal hug. Touching on the arms and shoulders is more appropriate.
- Respect a child's personal space. Some children have difficulty with any kind of touch. If a child seems to pull back, even when patted on the shoulder, watch his/her body language and don't invade his/her personal space.
- Never physically punish a child.

KEY REPORTING INFORMATION

Reporting Child Abuse

The law places a “duty to notify” on every person who has reasonable cause to believe that a child may be abused or neglected. It is not necessary to prove that the abuse is occurring.

- Report alleged abuse immediately to CPS or your local law enforcement agency. Any person making a report in good faith is immune from liability, civil or criminal.
- A school employee who only reports the abuse to the principal **has not satisfied the mandatory obligation** to immediately report to the proper authorities. Let the school administrator know a report is being made or report the alleged abuse together. The individual who receives the disclosure must report it to the authorities.
- It is the responsibility of the investigators to contact the parents. Do not call the parents **unless it is clear that parents are not at all responsible for the abuse.**

Collecting Information to Make a Report

- Complete the Child Information Sheet on page 35 to the best of your ability with the information given. This form is designed to assist in the documentation of all relevant information.
- Do not become the investigator and do not ask a lot of questions of the student or referrant.
- Document only the details that a student volunteers to you on the nature of the injury or incident.
- Document the volunteered information concerning who, what, when and where.
- Document concerns including nonverbal cues, body language, tone of voice, etc.

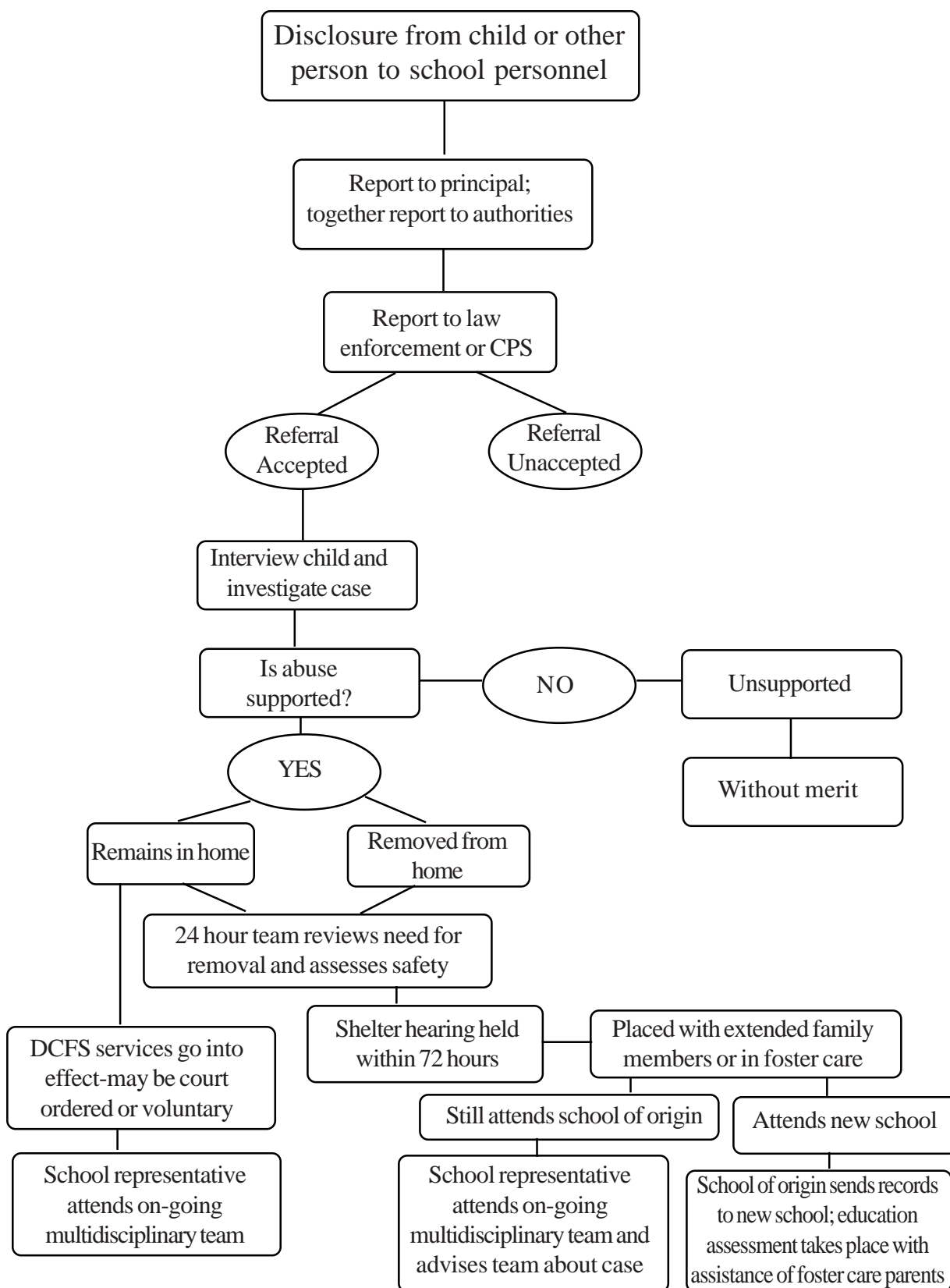
Referent Protection

CPS will not release the name of a referent, except to law enforcement. Both CPS and law enforcement take every precaution to protect the anonymity of the referent. (Utah Code 62A-4a-410, 62A-4a-411)

Feedback Information

Feedback to the referent may either be verbal or in the form of a letter. The specifics of the case will not be discussed. The only information released to the referrant will be whether the case is accepted for further investigation and when it is closed. The principal is responsible to inform the teacher if CPS has contacted the school.

CHILD ABUSE CASE PROCESS



WHERE TO REPORT CHILD ABUSE

It is mandated *either* law enforcement or CPS be contacted when there is reason to believe a child has been a victim of abuse. CPS and law enforcement work together on child abuse cases. The following list will help determine who to contact if abuse is suspected.

<i>Suspicion</i>	<i>Contact</i>
Physical abuse	CPS/law enforcement
Sexual abuse	CPS/law enforcement
Dirty house, unsafe living conditions	CPS
Neglect	CPS
Emotional/verbal abuse	CPS
Adolescent juvenile perpetrators	CPS/law enforcement
Very young perpetrators (<i>generally under 10 years of age</i>)	CPS/law enforcement
Non-supervision, abandonment	CPS/law enforcement
Domestic violence situation (<i>when children are present</i>)	CPS/law enforcement

MOST FREQUENTLY ASKED QUESTIONS

1. When and to whom do I report suspected abuse?

Educators must report when they have reason to believe a student is being abused. Do not call the student's parents if it is possible they are causing the abuse. It is the responsibility of the investigator to notify the parents/guardian of the student's allegation being investigated.

Two agencies are responsible for investigating child abuse cases: law enforcement and Child Protective Services (CPS). You may make the report to either agency.

2. Why should I report abuse?

You should report abuse to protect the child and because it is the law. Anyone suspecting child abuse has a duty to report it immediately to CPS or law enforcement. Remember, child abuse can be a never-ending chain of inappropriate treatment of a child and it will only stop if intervention takes place. Reporting child abuse will help the child and other possible victims. Your report and interest in a child will help him/her now and in the future.

3. Can I just report the abuse to my principal and let the school take care of it?

No. The principal needs to be made aware that a report is being made. However, the person receiving information from the student or the person who has reason to suspect the abuse must make the referral. Firsthand information is vital for child abuse cases. You may make the referral together with your principal or counselor, but if **you** receive the information, **you** are responsible to make the referral.

4. What should I have ready when I make a referral?

Fill out the Child Concern Information sheet on page 35. Answer the questions to the best of your ability with the information you've been given by the student. You will also be asked to provide information as to why you believe the student is being abused. The information you provide will help CPS or law enforcement build a case of child abuse. This documentation is extremely important in child abuse investigations. You do not need to be the investigator, only report the information volunteered to you concerning the incident.

5. Will "they" tell the parents I made the referral?

Every precaution is taken to help keep all information on child abuse cases confidential. Personal identification information should not become a public record. [(Utah Code 62A-4a-412(3)] You may make the referral anonymously but it will restrict the investigator's ability to gather important information. If someone, other than the investigator, calls the school about the referral, the principal should say, "I can neither confirm nor deny that an investigation is ongoing." Then refer the caller to law enforcement or CPS.

6. What should I do if I have more information about a student after my initial report?

Even if a case is opened, do not assume CPS or law enforcement knows more abuse has occurred. Report any additional information to CPS or law enforcement. In many cases, the agency will need additional information. Any information you provide is important to the child abuse investigation. If you have the caseworker's name and phone number, contact him/her first. If not, give the additional information to the intake worker at _____.

7. What should I tell the child once the report is made?

Reassure the child that it was good to ask for help and that the abuse was not his/her fault. Explain that you have talked to someone who is trained to take care of problems like this. Let the child know that you will do your best to protect and support him/her. Do not make promises you cannot keep. Be realistic with the child.

8. Will I be held liable for reporting child abuse?

As a mandated reporter, you are protected by state law. The law states that if you make a report in “good faith,” you will be immune from any civil or criminal liability. (Utah Code 62A-4a-410, 62A-4a-411)

9. What happens if I make a report and nothing happens or I don’t feel the case was handled correctly?

Sometimes it is difficult to know what happens behind the scenes. Legal restrictions prohibit DCFS from disclosing details of an investigation. Children may initially be interviewed or contacted at the school. Some children may be interviewed at their home or at a Children’s Justice Center. After a referral is made, you should receive feedback from law enforcement or CPS. The only information you will be given is if the case is opened or closed. The principal is responsible to inform the teacher if CPS has contacted the office.

Cases assigned to CPS are generally handled on a local level. Should you have concerns regarding the case, it is suggested that you first contact the assigned case worker. If there is not a resolution, you may also contact CPS personnel in the following order: 1) the supervisor, 2) the community service manager, and 3) the regional director. The next level would be the State Division of Child and Family Services (801-538-4100). If you are still not satisfied, you may contact the Office of the Child Protection Ombudsman (1-800-868-6413).

If the case is handled by law enforcement, it is suggested that you first contact the detective investigating the case. The next level of contact would be the detective’s supervisor or the head of the law enforcement agency.

10. To whom can I speak if I have a question about an abusive situation?

Both CPS and law enforcement serve as consultants regarding case circumstances such as whether or not a report needs to be made.

IDENTIFICATION & REPORTING

The policy, protocol and forms included in this manual have been developed to provide clear understanding and direction to school personnel, Child Protective Services (CPS) and law enforcement in regard to the universal, effective and sensitive handling of child abuse referrals and investigations in the state of Utah. All information is presented in order of events, from signs and symptoms of child abuse to possible removal and placement of the child. All professionals from their respective agencies should be familiar with the entire case process, from beginning to end, to ensure expeditious handling of all child abuse cases.

Signs and Symptoms

School personnel should be able to recognize the common signs and symptoms of child abuse and neglect. **When abuse is suspected act immediately. Don't wait until the end of the day to report.** See pages 26-32 for detailed information on signs and symptoms.

Collecting Information

It is important to obtain accurate information about a suspected child abuse case. However, do not solicit information beyond what the child is volunteering. Only get **brief** details on the nature of the injury or incident. Use the Child Concern Information Sheet on page 35 to compile this information. Referrants can be subpoenaed as witnesses, therefore it is important to carefully document all information.

Child Abuse Reporting Law

A. Purpose of Law (62A-4a-401)

- Protect the best interests of children.
- Offer protective services to prevent harm to children.
- Stabilize home environment.
- Encourage cooperation among states in dealing with child abuse.

B. Definitions (62A-4a-402)

- “Child Abuse or Neglect” means causing harm or threatened harm to a child’s health or welfare.
- “Harm or Threatened Harm” means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse.

C. Duty to notify (Utah Code 62A-4a-403)

“Every person who has reason to believe that a child has been subjected to abuse or neglect ... shall immediately notify the nearest peace officer, law enforcement agency or office of the division (DCFS).”

“Reason to believe” does not mean the referent must prove a child is abused or neglected. It is the role of the law enforcement officers or CPS workers to investigate and establish proof.

Child Abuse Reporting Law (continued)

D. Immunity from Legal Action (Utah Code 62A-4a-410)

Any person making a report in good faith is immune from liability, civil or criminal.

E. Failure to Report (Utah Code 62A-4a-411)

Any person who willfully fails to report child abuse or neglect is guilty of a class B misdemeanor punishable by up to \$1,000 fine and six months in jail.

School District's Policy on Reporting Abuse

School personnel need to be aware of their school district's policy on reporting abuse. The abuse must be reported to the legal authorities but should also be reported to the principal, consistent with district policy. **A school employee who only reports the abuse to the principal is not relieved of the mandatory legal obligation to immediately report to the proper authorities.** The principal should not report for the teacher. The person who received the disclosure, or suspects abuse, is required to make the report.

Where to Report Abuse

Many educators are unsure where to report child abuse. There are two agencies mandated to investigate child abuse: CPS and law enforcement. CPS is the part of the Division of Child and Family Services that handles intake and the investigation of child abuse cases. When reporting to law enforcement, any law enforcement officer may take the initial intake call, in some areas specially trained detectives often handle investigations.

Although CPS and law enforcement have specific responsibilities regarding the investigation of child abuse, contacting both agencies may expedite the reporting process. Referrals may be directed from one agency to the other depending on the nature of the case. Inform each agency the other has already been contacted.

MAKING A REFERRAL

Referral

Intake is trained to respond to the referent with sensitivity and understanding and may offer advice on how to proceed and give an explanation of what to expect. When a referral is not accepted, the DCFS Intake worker will explain why and describe other options to the referent. Some examples of these circumstances include:

- truancy;
- educational neglect (See Appendix B, page 30);
- ungovernable behavior;
- illegal behavior, such as prostitution;
- substance abuse;
- poor housekeeping (where age or functioning of the child is such that there is no risk from the described condition); and
- latchkey children. (This generally means older children. Very young, unsupervised children should be referred as a case of neglect.)

On receipt of the referral, "...the peace officer or law enforcement agency shall immediately notify the nearest office of the division (DCFS). If an initial report of child abuse or neglect is made to the division, the division shall immediately notify the appropriate local law enforcement agency." [Utah Code 62A-4a-403(1)]

Priority of the Referral (DCFS Policy 201.5)

CPS response times range from one hour to five days depending on the circumstances. It is very important to let CPS or law enforcement know if the case you are reporting needs immediate attention, e.g., current physical injuries or evidence, or if child is in immediate danger. Ask the DCFS intake worker for an approximate time frame, when an investigator will be out to see the child, and then relay that information to the child so he/she knows what to expect.

"Response time" is defined as the time allotted by DCFS for a CPS worker to make a face-to-face contact with an alleged victim.

PRIORITY OF THE REFERRAL

- I. Need for Immediate Protection - **One hour (three hours in rural areas)**
- II. High Potential for Further Harm - **24 hours**
- III. Low Potential for Further Harm - **Three working days**
- IV. No Safety or Protection Issues Identified - **Five working days**

Priority of the Referral (continued)

- A Priority One Response shall be assigned when the child is in need of immediate protection. DCFS Intake has no more than 30 minutes, from the completion of the initial contact from the referent, to receive additional information, staff the referral to determine the priority, notify law enforcement, and assign a CPS investigator. DCFS Intake shall provide the CPS investigator with information concerning prior investigations. The investigator has a maximum of 60 minutes, from time of notification, to make face-to-face contact with the alleged victim. For a Priority One (rural) response, the investigator has a maximum of three hours to make face-to-face contact if the alleged victim is more than 40 miles from the investigator who is assigned.

Medical Evaluation- In Priority One Cases involving severe maltreatment, severe physical injury or recent sexual abuse, a medical examination of the child shall be obtained no later than 24 hours after the report.

- A Priority Two Response shall be assigned when physical evidence such as bruises, welts, lacerations, abrasions, burns or semen is at risk of being lost or the child is at risk of further abuse, neglect or dependency, but the child does not have immediate protection and safety needs. DCFS Intake has no more than 60 minutes, from the completion of the initial contact from the referent, to receive additional information, staff the referral to determine the priority, assign the referral to the investigator and notify law enforcement. DCFS Intake shall give verbal notification, and any information concerning prior investigations, to the assigned investigator. The CPS investigator has 24 hours, from the time of notification, to make face-to-face contact with the alleged victim.
- A Priority Three Response shall be assigned when potential for further harm to the child and the loss of physical evidence is low. DCFS Intake has no more than one working day, from the completion of the initial contact from the referent, to receive additional information, research data sources, staff the referral to determine the priority, complete documentation, assign the referral to the investigator and notify law enforcement. DCFS Intake shall also provide the investigator with information concerning prior investigations. The CPS investigator has until midnight of the third working day, from the time of notification, to make the face-to-face contact.
- A Priority Four Response shall be assigned when one or more of the following apply and there are no safety or protection issues identified.
 - a. A juvenile court or district court orders an investigation where there are no specific allegations of abuse, neglect or dependency (unless otherwise ordered by the court).
 - b. There is an alleged out-of-home perpetrator (an alleged perpetrator who does not reside with or have access to the child) and there is no danger that critical evidence will be lost.
 - c. An agency outside the state of Utah requests a courtesy investigation and the circumstances in the case do not meet the definition of a Priority 1, 1R or 3.

With a Priority Four Response, DCFS Intake has a maximum of one working day, from the completion of the initial contact with the referent, to receive additional information, research data sources, staff the referral as required, determine the priority, complete all documentation, assign an investigator and notify law enforcement. The investigator has a maximum of five working days, unless otherwise ordered by the court, from the time of notification, to complete the face-to-face contact with the alleged victim.

Referent Protection

“ . . . the division and law enforcement officials shall ensure the anonymity of the person or persons making the initial report and any others involved in its subsequent investigation.”
[UCA 62A-4a-412(3)] The referent’s name and place of employment will not be disclosed to the alleged perpetrator. Law enforcement reports are public records but they must protect the identity of the referent. Obviously, it is sometimes difficult to disguise information obtained in the school setting and some parents may become upset at school personnel. Every effort will be made to diffuse that anger and maintain the school as a support system for the child and family.

INVESTIGATION

About an Investigation

CPS personnel and law enforcement officers are required to make a thorough investigation upon receiving a report of alleged abuse or neglect. The primary purpose of the investigation is the protection of the child. In order to protect the child, prosecution of the abuser is sometimes necessary. If there is not enough evidence to support the allegation, the investigation is marked “unsupported” and the case is closed. Often other services are rendered or resource referrals made.

Authority to Investigate

Teachers, counselors, principals, or other school personnel don’t have the responsibility or the authority to conduct an investigation. School personnel should report anything that is suspicious then let law enforcement and CPS handle the investigation.

Understand, the more a child is asked to talk about the incident the more confused his/her information may become. When receiving a disclosure, a brief description of the direct cause of the injury is sufficient. For example, “My dad beat me and I have bruises.” The person receiving the report should stop there. It is not necessary to know why the incident occurred.

It is important for the investigator to recognize and protect the relationship between school personnel and the child. School personnel are needed to provide on-going support for the child. They should not mislead the child by saying, “I’ll go with you to talk to your parents.” or “I’ll be with you throughout this process.” School personnel need to be honest and let the child know trained professionals will be involved who can help protect him/her.

Calling the School Prior to the Interview

The CPS worker or law enforcement officer will, whenever possible, call the school principal or designee prior to going to the school to interview the child. This is especially helpful so school personnel can ensure the child is there and give any special instruction to the investigator that may be necessary.

Special Instructions

Investigators can receive special instructions and information regarding the child (e.g., deaf child, child with speech impediment, language barriers, etc.) from school personnel. Before interviewing the child it is important for the investigator to make contact with the school counselor and principal; they often have vital information about the child and family.

Authority to Enter

“Division workers or other child protection team members have authority to enter upon public or private premises, using appropriate legal processes, to investigate reports of alleged child abuse or neglect.” [Utah Code 62A-4a-409(8)] CPS workers and law enforcement will receive greater cooperation from school officials if they respect school policies and notify the school in advance of their visit.

Report to the School Office

The assigned CPS worker and law enforcement officer will report to the school office upon arrival and will inform the principal or designee that a student in the school will be interviewed. The investigator should complete the check-in form found on page 36 and properly identify him/herself with official identification cards or badges. Since other child welfare workers also request access to students, the CPS investigator should distinguish his/her role from other child welfare workers.

Explain Investigative Process

The investigator will explain to the school principal or designee the protective service investigative process and answer any procedural questions to clarify what takes place during an investigation.

Detaining a Child After School Hours

School personnel do not have the legal authority to detain a child after school without parental permission. Law enforcement officers must legally detain the child. If it is necessary to detain the child, and an investigator is not reasonably available, school personnel should call 911 to get a law enforcement officer to assist.

Interviewing the Child

Investigator's Role

Investigators will often interview the child at school because it provides a comfortable, private, neutral setting. The law gives investigators the authority to have access to the child during a protective service investigation.

Investigation may include inquiry into the child's home environment, emotional and mental health, nature and extent of injuries, and physical safety.

CPS and law enforcement investigators may conduct a joint interview with victims of sexual or other serious forms of abuse. Law enforcement officers will be involved on any serious physical abuse case and all sexual abuse cases where a crime may have been committed. CPS and law enforcement work as a team to serve the best interest of the child and uphold the law. The child may be interviewed at a Children's Justice Center, if available.

Children's Justice Centers facilitate staffings with CPS, law enforcement, and the county attorney's office. During these meetings, CPS workers and law enforcement present their cases for screening for prosecution, to get suggestions, or to develop plans with other disciplines, and to request treatment referrals. Children's Justice Centers also facilitate training for all of the disciplines that are involved in these cases as well as track the cases through the court systems.

Interviewing the Child (continued)

Educator's Role

It is essential to minimize the trauma to the child who is being interviewed about suspected abuse or neglect. This will increase the likelihood of ascertaining the facts. To aid in this, "The CPS worker shall ensure that reasonable efforts are made to arrange for the child's choice of a support person to be present for the interview; the support person shall be an adult, over the age of 18 years, and shall be reasonably available; the support person may include, but is not limited to, a school teacher, administrator, guidance counselor or child care provider." [DCFS Policy 203.1 (4)(a)] The investigator will inform the child of this right prior to the interview. When a child is interviewed by law enforcement, the presence of a support person is up to the discretion of the law enforcement officer. In either instance, the investigator should consult with the support person prior to interviewing the child and explain his/her role and restrictions in the interview.

When a child with language barriers or disabilities is to be interviewed, school personnel and the investigator should discuss these unique communication barriers. The investigator may request assistance from other school personnel to interview the child. It is recommended that a certified interpreter assist in interviews with hearing impaired children.

A school employee participating in an interview under any circumstances may become a witness and can be subpoenaed to testify. The school staff member remaining in the interview as a support person is required to sign the confidentiality agreement form provided by CPS and keep all information disclosed in the interview confidential.

When entering a school to interview an alleged victim of child abuse or neglect, the responsibility to conduct the investigation resides with the investigators, not with school administrators. Once the investigator enters the school, the matter must be turned over to him/her.

Information to Parents

It is the duty of the investigator to notify the parent that an investigation has taken place. If the child is not taken into custody, but interviewed, and the child's parent, stepparent or guardian has been identified as the alleged perpetrator, the CPS worker need not notify a parent prior to the initial interview.

If the alleged perpetrator is unknown, or if the alleged perpetrator's relationship to the child's family is unknown, the CPS worker may conduct a minimal interview with the child prior to notification of the interview to the child's parent. In either case the CPS worker will notify the parent as soon as possible after the interview has taken place, but no later than 24 hours. (DCFS Policy 203.1)

If a parent calls the school and asks questions about the interview or other circumstances, refer the parent to the appropriate agency.

Information to Parents (continued)

“Any peace officer or caseworker who takes a minor into protective custody pursuant to Section 62A-4a-202.1, shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the parents, including a noncustodial parent, the guardian, or responsible relative:

- that the minor has been taken into protective custody;
- the reasons for removal and placement in protective custody;
- that a written statement is available that explains the parent’s procedural rights and the preliminary stages of the investigation and shelter hearing; and
- of a telephone number where the parent may access further information.”

[Utah Code 62A-4a-202.2(1)(a)]

Reporting Additional Concerns

Even though a referent has submitted one report on a child, if he/she has reason to suspect subsequent incidents of abuse or neglect, additional reports must be made to proper authorities. This applies regardless of the current status of the case.

The opinion of the alleged victim’s primary care physician, a licensed physician, physician’s assistant, or nurse practitioner working under the direction of a physician will be requested for allegations of:

- infants and substance use (Fetal Alcohol Syndrome);
- physical injury;
- medical neglect; and
- sexual abuse. (DCFS Policy 202.9)

Time Frames for Investigation

Within 30 days of the report of abuse or neglect, or sooner if necessary to ensure the child’s safety and welfare, the investigator will:

- determine whether the child can safely remain at home and, if not, arrange for the removal of the child from the home;
- initiate available services if the child can remain safely at home with appropriate family services; and
- determine whether the report of abuse or neglect is supported or unsupported. If the report is supported and removal from home or protective supervision is necessary to protect the child, contact the assistant attorney general to initiate the proceedings in juvenile court.

Case Closure (DCFS Policy 204.14)

A CPS investigation must be closed no more than 30 days from the time the case is accepted and a case finding will be determined. The CPS investigator will notify the referent of the completion within five working days of the case closure. Due to confidentiality, details of the investigation will not be shared.

Missed Priority Time Frames (DCFS Policy 201.10)

If, due to unforeseen or extraordinary circumstances, the time frames mandated for completing an investigation are not met in an individual case, the CPS investigator will document the reasons for the deviation from policy and report to the regional director in writing why the time frame cannot be met. The regional director may grant an extension of time for 30 days upon a showing of good cause.

Case Finding (DCFS Policy 204.10)

At the time of case closure, the CPS investigator will determine the case finding. Acceptable findings include: supported, unsupported, without merit, unable to locate, unable to complete investigation, false report.

- A case finding of **supported** shall be used when there is a reasonable basis to conclude that abuse, neglect or dependency occurred, even if the alleged perpetrator is unknown.
- A case finding of **unsupported** shall be used when there is insufficient evidence to conclude that abuse, neglect or dependency occurred.
- A case finding of **without merit** shall be used when there is evidence that abuse, neglect or dependency did not occur.
- A case finding of **unable to locate** shall be used when the CPS investigator was unable to complete face-to-face contact with the alleged victim and all reasonable efforts were made to locate the child and family members.
- A case finding of **unable to complete investigation** shall be made when:
 - a. The child/family move outside the state and a request for courtesy work is made and declined and there is insufficient information to make a finding.
 - b. The child/family move outside the state after the face-to-face contact is made with the child and there is insufficient information to make a finding because the whereabouts of the child and/or family are unknown.
 - c. The child/family move within the state, after the face-to-face with the child was made but there is insufficient information to make a finding and the whereabouts of the child/family are unknown.
- A case finding of **false report** is made when the CPS investigator finds that the report of abuse, neglect or dependency was made by a referent who “more likely than not knew that the report was false at the time the person submitted the report.”

A case finding of supported, unsupported, or without merit is based on the facts of the case obtained during the investigation and may be based on the child’s statements alone. Corroborating evidence is not required in all cases.

REMOVAL OF A CHILD

The (CPS investigator) shall obtain a warrant from a court of competent jurisdiction to facilitate the removal, and subsequent placement, of a child into protective custody, unless there are circumstances that demonstrate a substantial, immediate threat to the health and safety of a child. A CPS investigator may not take a child into protective custody on the basis of mental illness or poverty of the parent or guardian, or on the basis alone of educational neglect. A CPS investigator may not take a child into protective custody when motivated solely by intent to seize or obtain evidence unrelated to the potential abuse or neglect allegation.

Before taking a child into protective custody, the CPS investigator will determine whether there are services reasonably available that would eliminate the need to remove the child from the custody of his/her parent. DCFS will make reasonable efforts to provide these services. If in the investigator's opinion a delay in removal would endanger the child, the CPS worker will review the reasons for removal and other available options with a supervisor or other personnel designated by the regional director or an assistant attorney general. (DCFS Policy 205.1)

A state officer, peace officer, or child welfare worker may not, without the consent of the minor's parent or guardian, a warrant or a court order issued under Section 78-3a-106, remove a minor from the minor's home or school, or take a minor into protective custody unless there exists exigent circumstances.

A child removed from the custody of his/her parent or guardian shall be given temporary care in an emergency kinship placement or in a shelter facility. The investigator may take a child into protective custody, and deliver the child to a law enforcement officer, or place the child in an emergency shelter facility approved by the juvenile court, at the earliest opportunity. "Control and jurisdiction over the child is determined by the provisions of Title 78, Chapter 3a, and as otherwise provided by law." [Utah Code 62A-4a-409[10]]

Multi-Disciplinary Child Protection Team Consultation/Staffing

Within 24 hours after a child is taken into protective custody, excluding weekends and holidays, the Division of Child and Family Services shall convene a child protection team to review the circumstances regarding removal of the child from his/her home, and prepare the testimony and evidence that will be required of DCFS at the shelter hearing. In addition, the CPS investigator will discuss family strengths, support systems and possible kinship placements.

The team will be chaired by DCFS and will include the following individuals:

- The CPS worker assigned to the case and the CPS worker who made the decision to remove the child, if not the same person.
- A representative of the child's school or school district.
- The law enforcement officer who removed the child from the home.
- A representative of the Children's Justice Center, if one is established within the county where the child resides.

- A local mental health provider or therapist, or a therapist or counselor who is familiar with the child's circumstances, if known.
- A member of the Fostering Healthy Children Staff from the Utah Department of Health.
- Any other individual as determined to be appropriate and necessary by the team coordinator and chair, such as DCFS clinical staff, health care provider, guardian ad litem, domestic violence specialist, etc.

Child and Family Teams

When the Division of Child and Family Services has identified a need to work with a family because of issues related to the abuse, neglect or dependency of a child, they will work with the family and child to establish a child and family team. This is a team made up of the child, parent/guardian, caseworker, any extended family members or informal supports of the family and community partners. The intention in working with a child and family team is to offer support that incorporates the child and family's community and culture, invites participation from a broad membership to assist in assessment and planning, and includes the participation of foster parents or other caregivers. School teachers, social workers and other school personnel may be asked to be members of the child and family team.

The child and family team is a process that brings the family, interested parties such as neighbors, friends, extended family, clergy, caregivers, and formal supporters such as mental health, education and other agencies together. The team functions to serve the child and family's achievement of safety, permanency, stability and well being. The child and family team will bring together the wisdom and expertise of the family and friends as well as the resources, experience and skills of formal supports. This team will work together to assure safety and meet the needs of children and families.

OTHER SERVICES AND INFORMATION

School Personnel as Resources

Teachers, counselors and principals have a unique relationship with the child and may be closer to the child than other professionals. They have daily contact with the child and are a valuable resource to DCFS and law enforcement as a support person for the child. Whenever possible, they should be included as a valuable member of the child protection team consultation staffing. As a member of the team, the DCFS worker can give school officials important information so they may assist in protective, diagnostic, assessment and coordination services for the child.

[UCA 62A-4a-409[4][b]]

On-Going and Special Services

The DCFS worker will explain any special services a child may need at school and clarify issues of custody, if that is an issue in the case. The name of an on-going worker should also be shared so school personnel will know whom to contact should further problems arise. If the DCFS worker is not known, call CPS intake and they will determine the correct worker.

Feedback to Referent and Others

When CPS completes an investigation of child abuse, they “shall provide written notification of the case closure to the referent, unless anonymous, within five working days of the case closure.” (DCFS Policy 204.14 G) Referents can also call CPS Intake to confirm an investigation has taken place. Law enforcement does not mail feedback letters to the referent; however, in most cases verbal feedback is provided.

In all cases where a decision is made *not* to accept and investigate a report of abuse or neglect, the person making the report, unless the report is made anonymously, shall be informed of this decision and the reasons for it, and referred, when appropriate, to other agencies or community resources.

In compliance with law and policy, DCFS workers and law enforcement officers may only share limited information regarding the investigation due to the confidential and sensitive nature of the case.

Confidentiality

School personnel should not discuss any case of child abuse or neglect with other school staff. In coordination with the investigator, it may be appropriate for the principal to advise key staff that an investigation is in progress so they can identify other problems with siblings, absenteeism, behavior changes, etc. It is suggested that school administrators keep all information pertaining to child abuse investigations in a locked file. This will help guarantee the confidentiality of the case will not be compromised.

Sharing of Information Among Agencies

It is important to maintain case confidentiality; however, some circumstances warrant the sharing of information among agencies or law enforcement. Information is, of course, limited and must represent factual and established information. Any reports of alleged child abuse or neglect received by CPS or law enforcement, as well as any other information obtained as the result of a report in the possession of CPS or law enforcement, is confidential. Some of the persons, or circumstances [Utah Code 62A-4a-412(1)] in which this confidential information may be made available are as follows:

- A police or law enforcement agency investigating a report of known or suspected child abuse or neglect.
- A physician who reasonably believes that a child may be the subject of abuse or neglect.
- An agency that has responsibility or authority to care for, treat or supervise a child who is the subject of a report.
- Any subject of the report, the natural parents of the child, and the guardian ad litem.
- An office of the public prosecutor or its deputies in performing an official duty.
- A person authorized by a Children's Justice Center.
- A person engaged in bona fide research, when approved by the director of DCFS, if the information does not include names and addresses.
- The Utah State Office of Education, acting on behalf of itself, or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school.

The person requesting the information must submit a written request and properly identify him/herself to verify he/she qualifies to receive case information. If there is any doubt about the identity of the person, CPS or law enforcement will confirm his/her status.

The referent name and identifying information will be blacked out, except when reporting to law enforcement agencies. Third party psychological, psychiatric, guardian ad litem and law enforcement information will not be released.

Access to Children and Records

If by court order a parent or other guardian of a child is prohibited to access the child, and/or his/her educational records, the custodial parent should give written notice to the school of such a requirement. School officials can deny the child's guardian access during the school day, but beyond regular school hours school officials must have a copy of the court order to deny access. If a child has been placed at a new school and a guardian requests information about the new placement, school personnel should not give out that information, but rather refer the parent to DCFS.

Filing Petitions

Any interested party may file a **civil action petition** to commence proceedings in the juvenile court alleging that a child is abused, neglected or dependent. If the child who is the subject of a petition was removed from his/her home by CPS, the petition will be filed on or before the date of the initial shelter hearing.

The petition will contain:

- the name, age, and address of the child upon whose behalf the petition is brought;
- the names and addresses, if known to the petitioner, of both parents and any other guardian of the child;
- a concise statement of facts, separately stated, to support the conclusion that the child upon whose behalf the petition is being brought is abused, neglected or dependent; and
- a statement regarding whether the child is in protective custody, and if so, the date and precise time the child was taken into custody.

When an Educator is Suspected of Abuse of a Student

Like other suspected child abuse cases, when an educator is suspected of abuse of a student it must be reported immediately to law enforcement and/or CPS. (Utah Code 62A-4a-403)

The process and authority described in this manual also apply during the investigation of a child abuse case involving an educator.

In cases where an educator is implicated, however, Utah Code 53A-6-502 states: “In addition to any duty to report suspected cases of child abuse or neglect . . . an educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report the belief, and all other relevant information, to the school principal, superintendent, or to the State Office of Education.”

“A school administrator who has received a report, or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by an educator shall immediately report that information to the State Office of Education. Failure to comply shall be considered unprofessional conduct.”

SIGNS OF CHILD ABUSE

Physical Abuse

Physical abuse is any physical injury or pattern of injuries inflicted or caused by a parent, parent-guardian, caregiver, or other person. Physical abuse may include, but is not limited to, any non-accidental contusion of the skin, laceration, burn, significant bruise or welt, fracture of a bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a child's health or welfare.

Signs to be Reported

Generally, it is necessary to have physical indicators or a direct disclosure from a child in order to call CPS. Physical indicators include:

- Unexplained bruises or welts
- Unexplained burns
- Unexplained fractures or sprains
- Shaken baby syndrome
- Unexplained head injuries
- Unexplained lacerations or abrasions
- Poisoning, inappropriate drugs, food or drink
- Confinement

Signs to be Monitored

These indicators should be documented and kept in a confidential file. When more information is gathered it will help to build a case of abuse when reported to CPS or law enforcement:

Child's Behavior

- School absence correlates with appearance of injury
- Behavioral extremes, i.e., overly compliant, passive or undemanding, aggressive, withdrawn
- Easily frightened, fearful
- Wary of physical contact or touch
- Poor social relations
- Afraid to go home
- Destructive to self and/or others
- Chronic runaway
- Complains of soreness or moves uncomfortably
- Wears clothing inappropriate to weather to cover body

Caretaker's Behavior

- Conceals the child's injury
- Does not seem concerned about the needs of the child
- Describes the child as bad, different, selfish, etc.
- Believes in severe discipline
- Unrealistic expectations
- Low self-esteem
- Abuses alcohol or drugs
- Markedly immature
- Maltreated as a child
- Projects blame on others

Emotional/Verbal Abuse

Emotional/verbal abuse is a pattern of behavior that takes place over an extended period of time, where a parent fails to give proper love, direction, encouragement and acceptance. This behavior is characterized by intimidating, belittling, constantly ignoring the child and otherwise damaging interaction that affects a child's healthy emotional development.

Signs to be Reported

Physical Indicators

- Patterns of behaviors that are connected to a child's physical and emotional problems
- Exacerbation by emotional distress
- Speech disorders
- Delayed physical development
- Ulcers
- Mental development lags

Caretaker's Characteristics

- Threatens
- Domestic violence

Signs to be Monitored

These indicators should be documented and kept in a confidential file. When more information is gathered it will help to build a case of abuse when reported to CPS or law enforcement:

Child's Behavior

- Regressive behavior
- Low self-esteem
- Long-term depression
- Substance abuse
- Behavioral extremes
- Sleep disorders
- Antisocial, delinquent behavior
- Habit disorders, such as, sucking, rocking, biting, etc.

Caretaker's Behavior

- Unrealistic expectations of child
- Treats siblings unequally
- Low self-esteem
- Unconcerned about the child
- Withholds love

Sexual Abuse

Sexual abuse is exploitation of a child for the sexual gratification of an adult or person older than the child. This includes any act designed to stimulate the child or perpetrator and/or the use of coercion or deceit. Sexual abuse usually occurs in isolation, with no witnesses, in order for the perpetrator to avoid detection. Sexual abuse includes same age non-consensual sex, which is a criminal act in nature.

Examples of Sexual Abuse

- Rape, incest, molestation/ fondling
- Sodomy/oral penetration, anal or vaginal fondling or penetration
- Exhibitionism
- Sexual exploitation including pornography (showing the child or using the child in sexually explicit films or pictures)
- Sexually provocative language and/or behavior with a child used with the intent of coercion

Signs to be Reported

- Unusual sexual behavior or knowledge
- Promiscuous behavior

Signs to be Monitored

These indicators should be documented and kept in a confidential file. When more information is gathered it will help to build a case of abuse when reported to CPS or law enforcement:

Physical Indicators

- Bed wetting and fecal soiling
- Difficulty walking or sitting
- Loss of appetite, unexplained gagging
- Excessive pain or itching in genital area, frequent urinary or yeast infections
- Frequent unexplained sore throats
- Massive weight change
- Chronic constipation

Child's Behavior

- Withdrawal, fantasy or unusually infantile behavior
- Clinging, whining, new fears, hysteria, lack of emotional control, crying with no provocation
- Poor self-esteem, self devaluation, suicide attempts, chronic runaway
- Threatened by physical contact, fear of closeness
- Eating disorders
- Avoidance of bathrooms
- Sudden school difficulties
- Role reversal, overly concerned for siblings

Caretaker's Behavior

- Possessiveness and jealousy of the child
- History of sexual abuse in childhood
- Abuses alcohol or drugs
- Socially isolated, poor relationship with spouse
- Immature, childlike impulse control
- Perceives that the child enjoys sexual relationship
- Perceives sexual relationship to be indicator of love and affection

Neglect

Neglect is failure or refusal of a parent, guardian, or custodian to provide the necessary care for the child's health, safety, morals, or well-being, such as medical neglect, physical neglect, failure to thrive, failure to protect, chronic neglect or severe neglect.

Signs to be Reported

- Lacks adequate food, clothing and/or housing
- Poor hygiene
- Thin, emaciated, distended stomach
- Starvation, malnutrition
- Lack of supervision or guidance (age/mental capacity considered, generally children under the age 10 may be reported)
- Abandonment
- Dependency
- Failure to thrive
- Reports that no caretaker is at home
- Unsafe living conditions

Signs to be Monitored

These indicators should be documented and kept in a confidential file. When more information is gathered it will help to build a case of abuse when reported to CPS or law enforcement:

Child's Behavior

- Extremes in behavior, self destructive, depressed, dull, apathetic
- Food associated problems (begs, steals, refuses to eat)
- Extremes in school (frequently absent or tardy, constant fatigue or listlessness, falls asleep in class)
- Developmental lags

Caretaker's Behavior

- Apathetic or passive
- Depressed
- Socially isolated
- Low self-esteem
- Shows little concern for the child's problems

EDUCATIONAL NEGLECT

The Division of Child and Family Services defines educational neglect as “failure or refusal by a parent or guardian to make a good faith effort to ensure that a child receives an appropriate education, after receiving notice that the child has been frequently absent from school without good cause or that the parent has failed to cooperate with school authorities in a reasonable manner.” Examples include a parent who consistently fails to get the child up and dressed on time so that the child can get to school or a parent who keeps a child home to baby-sit or to provide the parent with company. [(UCA 62A-4a-101(14) and 78-3a-316)]

The situation is defined as educational neglect only when the child’s behavior is under the parent’s control. This would usually involve a child under the age of ten. With older children the situation might be more accurately defined as truancy. In such a case the child might refuse to get up and get dressed, despite the parent’s efforts, or the child might leave the house presumably to go to school and go somewhere else.

Another prerequisite for the behavior to be defined as educational neglect, is that it be chronic and frequent. The school’s accurate documentation of the student’s attendance is crucial. Action should be taken before the student gets so far behind that he/she is unable to catch up.

It should be noted that chronic absences can also be symptoms of other kinds of abuse, including physical (kept home to conceal signs), sexual (kept home to provide accessibility to offender), medical (chronic illness due to lack of proper medical care), or neglect (parents not emotionally or physically capable of caring for a child). These possibilities should be considered when evaluating the situation.

According to Utah Law:

1. An allegation of educational neglect may not be supported, based solely on a child’s absence from school, unless the child has been absent from school or from any given class, without a good cause, for more than ten consecutive school days or more than 1/16 of the applicable school term. [UCA 78-3a-316(1)d]
2. An allegation of educational neglect may not be sustained unless there is clear and convincing evidence that the child has failed to make adequate educational progress, and school officials have complied with the requirements, and the child is two or more years behind the local public school’s age group expectations in one or more basic skills, and is not receiving special educational services or systematic remediation efforts designed to correct the problem. [UCA 78-3a-316(2)]

Procedures for School Officials to Take When Referring A Case of Educational Neglect

1. Efforts to contact the parents by phone should first be made and dates documented. If the situation does not improve, send a letter, preferably certified with return receipt or hand delivered with signed receipt. Describe the problem and request that the parent contact school personnel and come in within one week's time. The letter must also describe the corrective action necessary and inform the parent that if the parent has not corrected the situation or made contact with the school, a referral will be made to the juvenile court. This letter must be sent at least 4 days prior to referring the case to juvenile court. School officials should follow all steps required by district policies. Failure to follow these steps correctly may result in any court action not going forward. [UCA 53A-11-103(1)(b)]
2. It is important to establish time lines, in order to resolve the problem as soon as possible, so the child does not miss more school during this process. Often times a certified letter describing possible legal action is enough to motivate the parent to correct the situation. At this time, the district office student services should be informed of the process in place. A contract with the child and the family should be developed. If the child returns for a while, but the problem begins again, it may be necessary to take legal action.
3. It may be necessary for school personnel, when possible, to visit the home to better evaluate the problem and the reasons for lack of attendance. If school personnel have any suspicions of other kinds of abuse or neglect, a referral should be made.
4. Consider the age of the child and extent of the absenteeism when referring. If a younger child is chronically absent from school without good cause, a referral of neglect against a parent may be justified. All efforts should be made to contact the parent and the child to determine the reason for the absence, consistent with school policy.

It should be noted that if a child is being kept at home, for inappropriate reasons, even if the absence is not chronic, a referral of neglect may be justified.

5. In some cases it may be more appropriate to make a referral of truancy to juvenile court. As a general rule truancy referrals are made in cases where the child is older and is refusing to attend school.
6. Prepare complete documentation of attendance records and efforts made to correct the problem. Refer cases of educational neglect to the attorney assigned to the juvenile court. Referrals to juvenile court can be made at any time during the school year.
7. In the event a petition of educational neglect or truancy is found to be true by the juvenile court, school personnel will be responsible to monitor the case. School personnel will then report any problems to the attorney in cases of educational neglect, or to the juvenile court probation officer in cases of truancy.

Building a Strong Case of Educational Neglect

Educational neglect cases require good preparation up front. The following list will assist school personnel when they are building a case:

1. To establish a case, there must be sufficient evidence to prove (not just surmise or conclude) that the parents are not discharging their duty to afford their child an opportunity for an education.
2. It is not enough to simply show that the student is not attending school. You must show that:
 - the child is not being educated in the home (not that they haven't properly applied or registered for home school, but that they are not doing it);
 - the student is missing a significant amount of school;
 - there is no just cause for the missed school (if they are claiming an illness or physical condition, a written statement is needed from a doctor disproving their claim, or it is necessary to establish they are not under a doctor's care for a condition that would obviously require it); and
 - the parent is not making reasonable efforts to get the child to school.
3. It is usually necessary to have a school official (i.e., teacher, principal, counselor) make face-to-face contact with the parent and/or guardian of the student having the attendance problem. The official should try to get an explanation for the lack of attendance, and determine the validity of the explanation. The official must document specifically what the parent said.

NOTE: The law requires the parent to respond to the school seeking information about a student's absence.

4. Keep similar notes or a written summary of what the **student** has told a teacher or administrator about the reasons for missing school.
5. It is also necessary to prove that the child is suffering some specific educational detriment as a result of the nonattendance. Low grades alone may not be enough. A statement is needed from the teacher or teachers involved explaining exactly what is happening to the child academically, and how it relates to the nonattendance.

STATEWIDE COMMUNITY RESOURCES

More resources may be available in your area of the state than are listed in this section. The numbers provided in this section are numbers that are available statewide and can assist in determining what services are available in local areas.

Reporting Child Abuse

The statewide CPS Hotline is 1-800-678-9399 and/or your local law enforcement agency.

Children's Justice Center (CJC)

The CJC provides a homelike atmosphere to interview children who are victims of abuse, crisis intervention and referrals to other community resources. The Attorney General's office oversees the current CJCs throughout the state. To find your local CJC call (801)538-1941.

Domestic Violence Shelters (DV)

Domestic violence shelters provide services to victims of domestic violence. For DV services in your area call 1-800-897-LINK (5464).

Family Support Centers (FSC)

The FSC provides free 24 hour crisis nurseries for children, ages newborn to eleven, who are at risk of being abused or neglected. Other services may vary throughout the state and fees are based upon ability to pay. To determine whether your area has a FSC contact the Division of Child and Family Services State Office, (801)538-4100.

Office of the Child Protection Ombudsman (OCPO)

The OCPO investigates whether an act or omission of the Division of Child and Family Services, with respect to a particular child, is contrary to statute, rule or policy; places a child's health or safety at risk; is made without an adequate statement of reason or is based on irrelevant, immaterial, or erroneous grounds. The findings and recommendations are placed in a written summary. The OCPO is located at 120 North 200 West Room 422, Salt Lake City, Utah 84103, or call (801)538-8293.

Prevent Child Abuse Utah (PCA Utah)

PCA Utah provides statewide child abuse prevention programs and training for children, school faculty and other professionals. PCA Utah is located at 2955 Harrison Blvd., Suite 104, Ogden, Utah 84403 and 331 S. Rio Grande Suite 307, SLC, Utah 84101 or for more information call (801)-393-3366, 1-800-CHILDREN, or visit www.preventchildabuseutah.org.

Primary Children's Medical Center- Primary Children's Center for Safe and Healthy Families

The Center for Safe and Healthy Families provides evaluations, treatment and medical examinations for children who have been physically and sexually abused. The center offers group treatment to parents and children as well as individual treatment. Primary Children's Medical Center is located at 100 North Medical Drive, Salt Lake City, Utah 84113 or call (801) 588-3650.

State of Utah Office of Crime Victim Reparations

This office offers victims of violent crime, or the family or dependent of a deceased victim, compensation for medical and counseling costs, lost wages, funeral expenses, etc. The office is located at 350 East 500 South, Suite 200, Salt Lake City, Utah 84111 or call (801) 238-2360 or the hotline: 1-800-621-7444.

Utah Attorney General's Office - Child Protection Division

The Child Protection Division represents the Division of Child and Family Services (DCFS) in all court and administrative proceedings related to the protection and custody of abused, neglected or dependent children. The office is located at 160 East 300 South, 6th Floor, Salt Lake City, Utah 84114 or call (801) 366-0250.

Utah Interpreting Services

Offers certified interpreters statewide. There is a cost for this service. Please call (801) 263-4870.

Utah State Bar

Provides consultation services for a one time fee of \$30.00 for 30 minutes. Consultants assess legal problems, and provide lawyer referrals. State Bar consultants offer the Tuesday Night Bar, which provides a 15-20 minute free consultation. The Utah State Bar is located at 645 South 200 East, Salt Lake City, Utah 84111 or call (801) 531-9075.

CHILD CONCERN INFORMATION SHEET

Confidential Keep in Principal's Locked File

To Be Completed By Reporting Party

A. Reporting Party

Name/Title _____ Date of Report _____ Phone () _____
Address _____ Signature of Reporting Party: _____

B. Report Sent To

Police Department Child Protective Services
Agency _____ Address _____
Official Contacted _____ Phone () _____ Date/Time _____

C. Involved Parties

Victim

Name _____ Address _____ Birth Date _____ Sex _____ Race _____
Present Location of Child _____ Primary Language _____ Phone() _____

Siblings (include name, birthdate, sex and race if available)

1. _____ 4. _____
2. _____ 5. _____
3. _____ 6. _____

Parents

Name _____ Address _____
Phone () _____ Primary Language _____ Race _____

D. Incident Information

If necessary, attach extra sheet or other information and check here _____

1. Date/Time of Incident _____ Place of Incident _____

2. Type of Abuse Suspected (Check all that are relevant)

Physical _____ Sexual _____ Emotional _____ Physical Neglect _____ Educational Neglect _____

3. Narrative Description _____

4. Summarize What the Abused Child or Person Accompanying the Child Said Happened _____

5. Explain Known History of Similar Incident(s) For This Child _____

CHECK-IN AND RESPONSIBILITY FORM

for CPS and Law Enforcement

CONFIDENTIAL KEEP IN PRINCIPAL'S LOCKED FILE

I/We are authorized investigator(s) and are conducting an interview with this/these child/children:

- 1) _____
- 2) _____
- 3) _____

Date: _____ Time: _____ School: _____

Principal: _____

Authorized Investigators:

Law Enforcement _____

Jurisdiction _____

Phone _____ Cellular _____

CPS Worker _____

District _____

Phone _____

THIS INFORMATION SHOULD BE COMPLETED AFTER INTERVIEWING THE CHILD

I/We have determined that for the child's protection, s/he will be taken into custody and placed in temporary foster care and scheduled for a shelter hearing.

YES _____ NO _____

The child will remain at the school and can be allowed to return home after school.

YES _____ NO _____

Decision pending, school will be notified as soon as possible.

Sign here:

Law Enforcement Representative

Child Protective Services Representative

DEFINITIONS

Abandonment:

Except in the case of the safe relinquishment of a newborn child, abandonment is defined as conduct by either a parent or legal guardian showing a conscious disregard for parental obligations, where that disregard leads to the destruction of the parent/child relationship. In addition, under Utah Code Ann. §78-3a-408, the following conduct is prima facie evidence of “abandonment,” even if the person denies any intent to abandon:

- A. A person who has legal custody of the child surrenders physical custody and for six months does not manifest to the child or to the person having the physical custody of the child; does not demonstrate a firm intention to resume physical custody; or does not make arrangements for the care of the child.
- B. The parent or legal guardian fails to communicate with the child by mail, telephone or otherwise for six months.
- C. The parent or legal guardian fails to show the normal interest of a natural parent, without just cause.
- D. The parent abandons an infant, as described in Utah Code Ann. §78-3a-313.5. An infant relinquished in a safe manner as described in Utah Code Ann. §62A-4a-802, is not considered abandonment.

Abuse:

Abuse is actual or threatened non-accidental physical or mental harm, negligent treatment, sexual exploitation or sexual abuse.

Child:

A person under 18 years of age is considered a child by DCFS. Please note that some criminal justice statutes define a child or minor differently for purposes of particular sexual offenses. In appropriate circumstances, those statutes may apply.

Child and Family Team:

The child, their family, the DCFS social worker and the out-of-home provider are primary members of a child and family team. Other entities, which may be included to provide additional support, include representatives from education, health care, law enforcement, the GAL, parent’s attorney, AG and other supportive individuals as designated by the family.

Child Endangerment:

A situation in which a child is harmed, or is placed at an unreasonable risk of harm, through the illegal or non-accidental conduct or negligence of the parent, guardian, caregiver, or other person who has a responsibility not to harm the child. An example of child endangerment is driving under the influence with a child in the car.

Child Fatality:

Child fatality is the death of a child.

Chronic Neglect:

Repeated or patterned failure or refusal by a parent, guardian, or custodian to provide care necessary for the child's health, safety, morals, or well-being. NOTE: Chronic neglect may result from inattention to the child's needs and challenges or from conscious refusal to provide care and may be identified from the first referral.

CPS:

CPS is the acronym for "Child Protective Services." CPS is the investigative arm of the Division of Child and Family Services.

DCFS:

DCFS is the acronym for the "Division of Child and Family Services."

DCFS Intake Worker:

A person employed by DCFS who is assigned to receive by telephone, letter, email, fax or in person, all child abuse referrals.

Dependency:

The condition of a child who is homeless or without proper care through no fault of the child's parent, guardian or custodian. Dependency may be due to a lack of understanding by the child's parent or guardian as a result of a lack of education or due to a mental, emotional or physical disability. Dependency may also be due to a parent or guardian's lack of economic resources, or the institutionalization of a parent or guardian. Dependency may also be a legal finding in juvenile court.

DHS:

An acronym for the "Department of Human Services."

Domestic Violence:

Conduct involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means committing or attempting to commit any of the following offenses by one cohabitant against another: assault, aggravated assault, criminal homicide, mayhem, harassment, telephone harassment, kidnapping, child kidnapping, aggravated kidnapping, stalking, unlawful detention, sexual offenses, violation of a protective order or ex-parte protective order, offenses against property as described in Utah Code Ann. §76-6-1 to -3, certain sorts of disorderly conduct as specified in Utah Code Ann. §77-36-1(2)(o), possession of a deadly weapon with intent to assault, and discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building or vehicle. Domestic violence can take a variety of forms:

- a. Physical violence including such aggressive behavior as hitting, pushing, choking, scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects, shooting, stabbing, damaging property or pets, or threatening to engage in such aggressive behavior

Domestic Violence (continued)

- b. Psychological violence, such as intense and repetitive degradation, creating isolation, or detrimentally controlling the actions or behavior of another person through intimidation or manipulation
- c. Sexual violence, such as sexual harassment, limiting reproductive freedom, infliction of pain during sexual intimacy, or the use or threat of physical force to make a cohabitant perform a sexual act

Domestic Violence Related Child Abuse:

Domestic violence or a violent interaction, physical or verbal, between cohabitants in the presence of a child. “In the presence” of a child means in the physical presence of a child, or having knowledge that a child is present and may see or hear an act of domestic violence. (Utah Code Ann. §76-5- 109.1.)

Domestic violence related child abuse might be an isolated incident or a pattern of conduct.

Domestic Violence Services:

Domestic violence services are provided to victims by a licensed domestic violence shelter provider, a licensed domestic violence treatment provider, a victim advocate, or a similar facility or specialist.

Educational Neglect:

Failure or refusal by a parent or guardian to make a good faith effort to ensure that a child receives an appropriate education, after receiving notice that the child has been frequently absent from school without good cause or that the parent has failed to cooperate with school authorities in a reasonable manner.

Emancipated Minor:

Under Utah Code Ann. §15-2-1, a minor who marries is automatically emancipated. A minor may also be deemed emancipated by court order. The court looks at specific facts, including enlisting in the armed forces or leaving the parental home and becoming self-supporting. Except as otherwise provided by law, an emancipated minor is no longer subject to parental control or entitled to parental support.

Emotional Maltreatment:

Conduct that subjects a child to psychologically destructive behavior. Emotional maltreatment may be shown by a pattern of psychologically destructive behavior or by a single serious incident of such behavior. Emotional maltreatment includes, but is not limited to:

- a. demeaning or derogatory remarks that affect, or can be reasonably expected to affect, a child’s development of self and social competence;
- b. engaging in or threatening the child with conduct that causes or can reasonably be expected to cause the child emotional harm, such as threatening, rejecting, isolating, terrorizing, ignoring, or corrupting the child (i.e., harming an animal or threatening to harm an animal in the presence of a child);
- c. domestic violence related child abuse;
- d. violence between a caregiver and another person in the presence of the child, an example of which is child abuse;
- e. providing a child with materials harmful to a child; and/or
- f. providing cigarettes or drugs to a child.

Failure to Protect:

Failure to take reasonable action to remedy or prevent child abuse or neglect. Failure to protect also includes a situation in which the non-abusive parent or guardian knows the identity of the abuser or the person neglecting the child and lies, conceals or fails to report the abuse or neglect or the alleged perpetrator's identity.

Failure to Thrive (non-organic):

A medically diagnosed condition in which the child fails to develop physically. This condition is typically indicated by inadequate weight gain and is caused by some action or inaction of a parent or guardian.

Failure to Thrive (organic):

A medically diagnosed condition in which the child fails to develop physically. This condition is typically indicated by inadequate weight gain, but is *not* caused by some action or inaction of the parent or guardian. There can be an overlap between organic and non-organic failure to thrive.

False Report:

A report of an allegation of abuse, neglect, or dependency made to DCFS by a referent who, more likely than not, knew that the report was false at the time the person submitted the report.

GRAMA:

An acronym for "Government Records Access Management Act," a Utah statute that allows members of the public to obtain copies of certain government records. If a person submits a written request for a DCFS record, GRAMA requires DCFS to disclose the record unless such disclosure is prohibited by GRAMA itself (e.g., Utah Code Ann. §63-2-302 to -304) or by another state or federal statute (e.g., Utah Code Ann. §62A-4a-412). Many of DCFS' records are not open to the public due to their classification under GRAMA or other statutes.

Harm or Threatened Harm:

Damage or threatened damage to the physical or emotional health and welfare of a child through abuse or neglect. Harm or threatened harm includes, but is not limited to, causing or threatening to cause non-accidental physical or mental injury, incest, sexual abuse, sexual exploitation, molestation, or repeated negligent treatment or maltreatment. (*See*: Utah Code Ann. §62A-4a-402(4) and the related definitions in Utah Code Ann. §62A-4a-402.)

Incest:

Sexual intercourse with a person whom the alleged perpetrator knows to be his/her ancestor, descendant, brother, sister, uncle, aunt, nephew, niece or first cousin, including blood relationships of the whole or half blood without regard to legitimacy. Relationships of parent and child through adoption and/or stepparent and stepchild while the marriage creating the relationship exists also apply.

Indecent Liberties:

Touching a child or engaging in other conduct with a child, with the intent to sexually arouse or gratify the sexual desire of any person or with the intent to cause substantial emotional or bodily pain to any person, in circumstances that do *not* amount to rape of a child, object rape of a child, sodomy of a child, or other types of sexual abuse such as touching the child's anus, buttocks, or any part of the genitals, or touching the breast of a female child, but which are of similar gravity.

Intake/On-Call (part of CPS or law enforcement):

Intake is the process of receiving initial information from a referent who is alleging an act of abuse, neglect or dependency has occurred against a child. The duties of intake personnel include researching for additional information, determining appropriate assignment and prioritization of a referral, and delivering an accepted referral for investigation.

Medical Neglect (physical):

Failure or refusal to seek treatment, or failure or refusal to comply with the recommendations of a medical or dental professional, when a child has a condition and either the family has sufficient resources to provide for the care, or in the event of a lack of resources, the family has failed to make reasonable efforts to seek the care. A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified treatment for a child is not guilty of neglect. The child may still be dependent for appropriate medical care.

Medical Neglect (psychological):

Failure or refusal to seek mental health treatment, or failure or refusal to comply with recommendations made by a licensed professional, when a child has a mental condition that poses a risk to the child or others and either the family has sufficient resources to provide for the care or, in the event of a lack of resources, the family has failed to make reasonable efforts to seek the care. This finding needs to be based on the opinion of professionals. A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified treatment for a child is not guilty of neglect. The child may still be dependent for appropriate medical care.

Methamphetamine:

A potent central nervous system stimulant that can be smoked, snorted, injected, taken orally or used in suppository form. It increases the heart rate, blood pressure, body temperature and rate of breathing. It also dilates the pupils, produces euphoria, increases alertness, creates a sense of increased energy and causes tremors. High doses or chronic use have been associated with increased nervousness, irritability and paranoia. Withdrawal from high doses often produces severe depression. Meth is a lethal, dangerous and unpredictable drug. Exposure of a child to a methamphetamine laboratory is felony child endangerment.

Molestation:

Touching any part of the genitals of a child including the anus or otherwise taking indecent liberties with a child with the intent to arouse or gratify the sexual desire of any person or with the intent to cause substantial emotional or bodily pain.

Neglect:

Failure or refusal of a parent, guardian or custodian to provide any care necessary for the child's health, safety or well-being. This can include educational neglect, medical neglect, physical neglect, failure to thrive, failure to protect, chronic neglect or severe neglect. The term neglect includes, but is not limited to:

- a. abandonment of a child, except a safe relinquishment of a newborn child as provided in Utah Code Ann. §62A-4a-802;
- b. subjecting a child to mistreatment or abuse;
- c. lack of proper parental care by reason of the fault or habits of the parent, guardian or custodian;
- d. failure or refusal of a parent, guardian or custodian to provide proper or necessary subsistence, education or medical care, including surgery or psychiatric services when required, nonsupervision, or any other care necessary for the child's health, safety or well-being; and/or
- e. a child at risk of being neglected or abused because another child in the same home is neglected or abused.

Physical Abuse:

Non-accidental conduct that causes harm or threatens harm to a child's physical health or welfare. Also included in the definition of physical abuse is actual conduct such as:

- a. giving a child non-prescribed medications that result in physical harm or that could reasonably be expected to endanger a child's health;
- b. giving a child substances not legally prescribed or recommended for the child such as illegal or controlled substances;
- c. knowingly or intentionally causing or permitting a child to be at risk of suffering bodily injury, substantial bodily injury or serious bodily injury from exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance or drug paraphernalia, as those terms are defined in Utah Code Ann. §76-5-112.5.

To support a finding of physical abuse, DCFS need not show that the parent, guardian, or caregiver actually intended to injure the child because it is sufficient to show that the conduct was non-accidental and actually occurred.

Physical Injury:

A non-accidental injury or condition that impairs or endangers the physical condition of a child, including, but not limited to:

- a. a bruise or other contusion of the skin;
- b. a minor laceration or abrasion;
- c. failure to thrive or malnutrition; and/or
- d. any other condition that imperils the child's health or welfare and which is not serious physical injury as defined in Utah Code Ann. §76-5-109(1)(d).

Physical Neglect:

Failure of a caregiver to provide for a child's basic needs of food, clothing or shelter. The term physical neglect includes conduct such as expelling the child out of the home without making provisions for the child.

Safe Relinquishment of A Newborn Child:

A parent or a parent's designee may safely relinquish a newborn child at a hospital in accordance with the requirements of Utah Code Ann. §62a-4a-802 and retain anonymity, as long as the child has not been subjected to abuse, neglect or dependency. Safe relinquishment of a newborn child who has not otherwise been subjected to abuse, neglect or dependency shall not, in and of itself, constitute neglect, and the child shall not be considered a neglected child as long as the relinquishment has been made in substantial compliance with the guidelines of that section. The law provides that:

- a. a newborn child is defined by the statute as a child who is approximately 72 hours of age or younger as determined within a reasonable degree of medical certainty; and
- b. the child is to be relinquished at a general acute hospital which is equipped with an emergency room, is open 24 hours a day and seven days a week, and employs full-time health care professionals who have emergency medical services training.

Statutory responsibilities of DCFS following the safe relinquishment of a newborn child are as follows.

- a. Immediately upon notice from the hospital, DCFS shall assume care and custody of a relinquished newborn child.
- b. As long as DCFS determines there is no abuse, neglect or dependency of the newborn child, neither the newborn child nor the child's parents are to be subjected to the provisions of part 2 of §62A-4a, the investigation provisions contained in §62A-4a-409.
- c. Unless identifying information relating to the non-relinquishing parent of the newborn child has been provided, DCFS shall:
 1. work with local law enforcement and the Bureau of Criminal Identification within the Department of Public Safety in an effort to ensure that the newborn child has not been identified as a missing child;
 2. immediately place or contract for placement of the newborn child in a potential adoptive home;
 3. within 10 days after receipt of the child, file a petition for termination of parental rights;
 4. direct the Office of Vital Records and Statistics to conduct a search for a birth certificate for the child and conduct an Initiation of Proceedings to Establish Paternity Registry for unmarried biological fathers. DCFS shall then:
 - a. provide notice to each potential father identified on the registry;
 - b. provide a Notice of Termination of Parental Rights Proceedings in the same manner as is utilized for any other termination proceeding in which the identity of the child's parents is unknown.
- d. If no person has affirmatively identified himself within two weeks after notice is complete and established paternity by scientific testing within an expeditious time frame, a hearing on the petition for termination of parental rights shall be scheduled.

Safe Relinquishment of A Newborn Child (continued)

- e. If a non-relinquishing parent is not identified, relinquishment of a newborn child shall be considered grounds for termination of parental rights of both the relinquishing and non-relinquishing parents.

Serious Physical Injury:

A physical injury or set of injuries or condition that seriously impairs the child's health, involves physical torture, causes serious emotional harm, causes a fatality or involves a substantial risk of death to the child, including, but not limited to:

- a. fracture of any bone or bones, even if the fracture has subsequently healed;
- b. intracranial bleeding, swelling or contusion of the brain, whether caused by blows, shaking (as in shaken baby syndrome), or by causing the child's head to impact with an object or surface;
- c. any burn, including burns inflicted by hot water or those caused by placing a hot object on the skin or body of the child;
- d. any injury caused by use of a deadly or dangerous weapon;
- e. any combination of two or more physical injuries inflicted by the same person, either at the same time or on different occasions;
- f. any damage to internal organs of the body;
- g. any conduct toward a child that results in severe emotional harm, severe developmental delay or retardation or severe impairment of the child's ability to function;
- h. any injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb or organ;
- i. any conduct that causes a child to cease breathing, even if resuscitation is successful following the conduct;
- j. any conduct that results in starvation, failure to thrive or malnutrition that jeopardizes the child's life;
- k. any bodily injury, substantial bodily injury or serious bodily injury suffered by a child if the injury resulted from the actor knowingly or intentionally causing the child to suffer from exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, as those terms are defined in Utah Code Ann. §76-5-112.5.

Note: To support a finding of physical abuse or serious physical injury DCFS need not show that the parent, guardian, or caregiver actually intended to injure the child. It is sufficient to show that the conduct was non-accidental and actually occurred.

Severe Maltreatment:

Abuse or neglect that threatens the child's life or seriously impairs the child's health or safety.

Severe Neglect:

Neglect that causes or threatens to cause serious harm to a child.

Sexual Abuse:

Acts or attempted acts of sexual intercourse, sodomy, molestation, or other sexual conduct directed toward a child. Sexual abuse may also include but, is not limited to:

- a. digital or object penetration, however slight, in the genital or anal opening of the child;
- b. touching the anus, buttocks or any part of the genitals of the child;
- c. touching the breast of a female child;
- d. otherwise taking indecent liberties with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person;
- e. lewdness;
- f. forcing a child, under 18 years of age, into marriage or cohabitation with an adult in an intimate relationship; and/or
- g. sodomy on a child defined as anal or oral sexual intercourse; a sexual act with a child involving the genitals and anus of the child and the mouth or anus of the other person.

Sexual Exploitation of a Minor:

Knowingly employing, using, persuading, inducing, enticing or coercing a child to pose in the nude for the purpose of sexual arousal of any person or for profit. This also includes engaging in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording or displaying in any way the sexual or simulated sexual conduct, and distributing or selling material depicting minors in the nude or engaging in sexual or simulated sexual conduct. According to the Utah Criminal Code, a person is guilty of sexual exploitation of a minor when that person:

- a. knowingly produces, distributes, possesses, or possesses with intent to distribute material or a live performance depicting:
 - 1) a nude or partially nude child for the purpose of causing sexual arousal of any person;
 - 2) any child's engagement in sexual conduct alone or with another person; or
- b. is a minor's parent or legal guardian and knowingly consents to, or permits, that child to be sexually exploited as described in subparagraph A of this definition.

Sexual Intercourse:

Penetration, however slight, of the vagina by the penis, or intercourse involving genital contact between individuals other than penetration of the vagina by the penis, including, but not limited to, the use of fingers (digital) or the use of any object.

Sexual Reactivity:

When a child engages in sexual behaviors that are beyond normal sexual exploration and curiosity for the child's developmental age. The child may have been a victim of sexual abuse.

Shaken Baby Syndrome:

A pattern or collection of injuries associated with impact and/or severe and violent rotational forces involving the head that may, but does not always, include retinal hemorrhages; intracranial damage, swelling, and bleeding; possible corner-fractures of long bones; and flu-like symptoms, and which may involve an absence of other outward signs of abuse.

Sibling or Child At Risk:

A child who is at risk of being abused or neglected because another child in the same home or with the same caregiver has been, or is being, abused or neglected.

Substantiated:

A finding by a court, based on the evidence available at the completion of an investigation that there is a preponderance of evidence to demonstrate that severe abuse or neglect occurred. If more than one allegation is made or identified during the course of an investigation, any “supported” allegation determined to meet the criteria for substantiation requires a court finding to become “substantiated”. All findings of “substantiated” entered after May 6, 2002 are maintained on the Juvenile Court information system. The DCFS Safe system maintains only “supported”, “unsupported” and “without merit” findings.

“Supported”

A case finding of Supported shall be used when there is a reasonable basis to conclude that abuse, neglect, or dependency occurred, even if the alleged perpetrator is unknown.

“Unsupported”

A case finding of Unsupported shall be used when there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

Support Person:

A person, 18 years of age or older, of the child’s choice, who is readily available and who can be present during the investigative interview. The support person may include, but is not limited to, a school teacher or administrator, guidance counselor or child care provider. The support person may not be the person who is alleged to be, or potentially may be, the perpetrator.

Unable to Complete Investigation:

A CPS case finding used in the following situations.

- a. When the child/family move outside the state and a request for courtesy work is made and declined and there is insufficient information to make a finding.
- b. When the child/family move outside the state, after the face-to-face contact is made with the child, and there is insufficient information to make a finding because the whereabouts of the child/family are unknown.
- c. When the child/family move within the state, the face-to-face with the child was made, but there is insufficient information to make a finding and the whereabouts of the child/family are unknown.

Unable to Locate:

A CPS case finding indicating that even though the DCFS CPS worker has followed the steps outlined in DCFS policy and has made reasonable efforts, the DCFS CPS worker has been unable to make face-to-face contact with the alleged victim(s) to investigate an allegation and is unable to make a determination of whether the allegation should be classified as substantiated, unsubstantiated, or without merit.

Unsubstantiated:

A CPS case finding indicating that there is insufficient evidence to determine that abuse, neglect or dependency occurred. A finding of unsubstantiated means that the DCFS CPS worker was unable to make a positive determination that the allegation was actually without merit.