
Child Abuse

308.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Montgomery County Sheriff's Office members are required to notify the county department of social services of suspected child abuse.

308.2 POLICY

The Montgomery County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the county department of social services is notified as required by law.

308.3 MANDATORY NOTIFICATION

Deputies of the Montgomery County Sheriff's Office shall notify the county department of social services where a child resides or is found when the deputy has cause to suspect a child is abused, neglected or dependent, or has died as the result of maltreatment by a parent, guardian, custodian or caretaker.

For the purpose of notification, abuse includes the infliction of serious physical injury, cruelty, sex offenses, or creating or allowing a substantial risk of serious injury to the child.

308.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows:

- (a) The notification may be made orally, by telephone or in writing.
 1. Documentation should be made of the name of the person information is reported to and the date and time of reporting
- (b) The notification shall include the following information, if known:
 1. The name and address of the child
 2. The name and address of the child's parent, guardian or caretaker
 3. The age of the child
 4. The names and ages of other children in the home
 5. The present whereabouts of the child if not at the home address
 6. The nature and extent of any injury or condition resulting from abuse, neglect or dependency
 7. Any other information believed to be helpful in establishing the need for temporary services or court intervention

A record should be made of the date, time and name of the person receiving the information.

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308.4 INVESTIGATORS

Investigators should be available for child abuse and neglect investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse and neglect to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.
- (g) Cooperate with the Department of Health and Human Services, the county department of social services and the medical community to ensure that reports of child abuse or neglect in child care facilities are properly investigated.

308.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse and neglect an investigation will be initiated without delay and a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

The office shall immediately, but not later than 48 hours after receipt of a report of child abuse from the director of social services, initiate and coordinate a criminal investigation with the protective services assessment being conducted by the county department of social services.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim is contacted.
- (b) The exigent circumstances that exist if deputies interview the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child is taken into temporary custody, the reasons, the name and title of the person making the decision and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

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- (f) Whether the child victim is transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse or neglect, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it is a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

308.6 TEMPORARY CUSTODY

Before taking any child into temporary custody, the deputy should make attempts to contact the county department of social services. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into temporary custody, the deputy should take reasonable steps to transfer the child to another qualified parent or legal guardian; unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy should attempt to deliver the child to the county department of social services.

The deputy shall inform a supervisor of the circumstances prior to taking a child into temporary custody.

Children may only be removed from a parent or guardian if both of the following conditions are met:

- (a) There are reasonable grounds to believe that the child is abused, neglected or dependent.
- (b) The child would be injured or could not be taken into custody if it were first necessary to obtain a court order.

308.6.1 SAFE HAVEN LAW

Deputies while on-duty or at the sheriff's office shall take into temporary custody an infant under seven days of age who is voluntarily delivered by the infant's parent, who does not express an intent to return for the infant.

Other adults, including office members may, but are not required to, take the same action.

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Any member taking temporary custody of an infant shall:

- (a) Perform any act necessary to protect the physical health and well-being of the infant.
- (b) Immediately notify the county department of social services.
 - 1. Non-sworn members shall also immediately notify a deputy.
- (c) May inquire as to the parents' identities and any relevant medical history, but must advise the parent that he/she is not required to provide the information.

308.7 INTERVIEWS

308.7.1 PRELIMINARY INTERVIEWS

Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

308.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

308.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse or neglect that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor and the department of social services before proceeding. If exigent circumstances do not exist or if State law does not provide for deputies to take the child for a medical examination, the Department of Social Services should consider obtaining a court order for such an examination.

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308.9 DRUG-ENDANGERED CHILDREN

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

308.9.1 SUPERVISOR RESPONSIBILITIES

Criminal Investigations Director should:

- (a) Work with professionals from the appropriate agencies, including the county department of social services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Initiate a report when deputies respond to drug labs or other narcotics crime scenes. The deputies should document the environmental, medical, social and other conditions that may affect the child.

308.9.2 DEPUTY RESPONSIBILITIES

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

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and notify the Department of Social Services.

308.10 STATE MANDATES AND OTHER RELEVANT LAWS

North Carolina requires or permits the following:

308.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to State law and the Records Maintenance and Release Policy.

308.10.2 CHILD FATALITY PREVENTION TEAM

This office shall cooperate fully with Community Child Protection Teams and Child Fatality Prevention Teams established by.

308.11 TRAINING

The Office may provide training as needed on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.

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- (a) Conducting forensic interviews and collection of evidence.
- (b) Availability of therapy services for children and families.
- (c) Availability of specialized forensic medical exams.
- (d) Cultural competence (including interpretive services) related to child abuse investigations.
- (e) Availability of victim advocate or guardian ad litem support.
- (f) Recognizing abuse that requires mandatory notification to another agency.