



Practice Points

June 8, 2015

Parental & Alleged Perpetrator Notification of a Child Abuse/Neglect Report

The purpose of this Practice Point is to clarify the policy regarding leaving documentation or calling before responding to a report of abuse or neglect.

[§210.145.6, RSMo](#) states:

“...If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1)(a) No person is present in the home at the time of the home visit; and
 - (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community....”

If the parents of the child are *not* the alleged perpetrators, a parent of the child *must* be notified *prior* to the child being interviewed by the Children’s Division. If child is in immediate danger, law enforcement must be immediately contacted. The duty to notify a parent holds true regardless of whether the report is an investigation or assessment and regardless of whether the allegations are for abuse or neglect. The term "parent" with regard to the statute includes a mother, father, and/or legal guardian. The term “parent” with regard to the statute does not include a step-mother, step-father, paramour, grandparent, or other relative, or a person with power of attorney, unless that person has documented legal custody of the child.

Staff should attempt to notify the custodial parent to fulfill these statutory requirements. However, if the custodial parent cannot be notified, it may be necessary to notify the non-custodial parent in order to assure safety within timeframes. Staff must document all attempts to notify a parent, such as telephone calls, mail correspondence, home visits, etc.

Although not mandatory, it is best practice for staff to notify the custodial parent prior to interviewing the child when the non-custodial parent is the alleged perpetrator.

There may be times when notifying a non-perpetrating parent would jeopardize the child's safety or significantly hinder the investigation or assessment process. Examples include:

- Alleged abuse occurring **at the time** of the call
- Alleged injuries or symptoms of injuries or illness that require **immediate** medical care
- Allegations of a child in need of **immediate** psychiatric care in conjunction with a child abuse or neglect report and,
- Allegations of child sexual abuse in which the alleged perpetrator has access to the child within the next twenty-four (24) hours

Staff should always seek supervisory approval to interview the child without notifying a parent when the alleged perpetrator is not a parent. If the decision is made to interview the child without notification due to an existing or imminent serious safety concern, staff must utilize law enforcement to facilitate contact with the child, pursuant to [§210.145.6](#). These are situations in which, if true, emergency protective custody may be necessary to ensure the safety of the child. Staff should clearly document the reason notification did not occur and document the reasons why an interview took place without notice. If the Children's Service Worker has failed to contact a non-perpetrating custodial parent prior to interviewing the child, the worker is expected to do so as soon as possible after the child is interviewed.

Although the statute does not make it mandatory to obtain the consent of a parent prior to interviewing the child, it is best practice for staff to obtain their permission prior to interviewing the child when they are not the alleged perpetrator. Parents have the right to refuse access to their child. Staff must refrain from the use of coercion to gain access. However, notification to the non-offending, non-custodial parent may be useful when the custodial non-offending parent refuses access to the child. If all attempts to engage parents are unsuccessful *and* safety cannot be assured by any other means, it may be necessary to make a referral to the juvenile office.

Examples of when and who to notify prior to interviewing:

- Dad is the alleged perpetrator and mom resides in the home. No notification is required.
- Dad is the alleged perpetrator and mom has primary custody. Dad does not have visitation with the child until the following week. No notification is required, but it is best practice to notify mom.
- Grandmother is the alleged perpetrator and both parents have custody. Notification of either mom or dad is required.
- Mom's paramour is the alleged perpetrator for sexual abuse. Mom has primary custody. It is best practice to notify mom; however, mom refuses to allow worker access to the child. Worker then notifies dad and interviews the child at school.
- Grandfather is the alleged perpetrator, child is currently visiting him. Child presents at the ER with grandfather with a broken arm. Child states grandfather pushed her down the stairs. Child is ready to be discharged. Mom has primary custody but attempts to contact her have been unsuccessful. No father can be identified. The worker staffs the situation with their supervisor and it is determined to go ahead and interview the child

without parental notification. Worker and law enforcement proceed to the hospital. Worker continues to actively attempt to contact mom until she can be notified.

The alleged perpetrator should not be given notice of the report until safety of the child can be assured. The term 'report' includes investigations and assessments. Notice includes calling prior to a home visit or leaving any documentation of an attempted visit. Once contact is made with the alleged perpetrator, these activities may occur.

It is important for Children's Service Workers to recognize that parents have certain constitutional rights which must be protected. As a reminder, Legal Aspects Training for Investigators is required of all I/A staff. For a refresher, the Legal Aspects of CA/N Camp series is available on DVD located within CD offices or online at <http://dssweb/cs/training/dvd/index.htm>.

Program Development Specialist Contact:

Kara Wilcox-Bauer Kara.B.Wilcox-Bauer@dss.mo.gov