

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF
FROM: DARRELL MISSEY, DIRECTOR
SUBJECT: UPDATED POLICY REGARDING ALLEGED JUVENILE PERPETRATORS

DISCUSSION:

The purpose of this memorandum is to notify team members of updated policy when a juvenile has been named as an alleged perpetrator on an investigation.

Investigations may be received where the perpetrator of abuse and/or neglect was a juvenile at the time of the report. This includes reports where a juvenile perpetrator may have perpetrated abuse and/or neglect toward their biological child or another child.

Staff shall notify the juvenile alleged perpetrator as well as the parent(s) of the juvenile regarding the allegations. Staff must thoroughly explain and provide the alleged juvenile perpetrator and parents with the following:

- Description of the Investigation Process (CS-24) to be given to the alleged juvenile perpetrator's parent/guardian;
- Description of the Investigation Process for Alleged Juvenile Perpetrators (CS-24j) to be given to the alleged juvenile perpetrator;
- Know Your Rights Brochure (CS-132);
- Service Delivery Grievance (CS-131);
- Notice of the Privacy Practices Regarding Your Protected Health Information/HIPAA (MO886-4061)

Any juvenile that is being questioned by law enforcement in connection with an investigation of a delinquent offense must be afforded all rights to which he/she would be entitled if he/she were an adult, including full advice as to constitutional rights in compliance with the Miranda decision and additional statutory requirements.

Before an interview or interrogation begins, a juvenile must be advised of their rights by the juvenile officer. The juvenile officer shall halt or discontinue any questioning by law enforcement upon notice from the juvenile that the juvenile wishes to stop being questioned.

If co-investigating with law enforcement, law enforcement should contact the juvenile office regarding the juvenile and the allegations. If law enforcement fails to inform the juvenile office of their desire to question the juvenile in relation to the allegations, staff should request that law enforcement notify the juvenile office of the investigation and request to question the juvenile. If law enforcement declines to notify the juvenile office after staff requests, staff shall notify the juvenile office of the investigation. Staff must document correspondence regarding notification in FACES.

If law enforcement declines to co-investigate, staff shall notify the juvenile office of the report. If the juvenile office requests to be present while the Children's Division questions the juvenile regarding the allegations, staff will coordinate with the family and juvenile office to set up a time and place for the interview.

If the juvenile office declines to be present, staff may proceed with questioning the juvenile regarding the allegations of the report with parental permission. Staff **MUST** obtain parental permission before questioning the alleged juvenile perpetrator.

A POE finding shall predominantly be reserved for serious physical and/or sexual abuse findings. Serious physical abuse can include excessive bruises or welts, broken bones, burns, internal injuries, loss of consciousness, etc., that requires medical care.

Staff should inquire with the juvenile office on if there is a corresponding delinquency case regarding the allegations when considering if a POE finding should be made. Staff should also take the juvenile's chronological and developmental age into account before making a finding of POE. Finding POE on a juvenile perpetrator should be reserved for relatively egregious incidents, considering that placement on the Central Registry is permanent.

Staff may make a determination that a child was the victim of abuse perpetrated by an alleged juvenile perpetrator, but only after the following:

1. A supervisor agrees that sufficient evidence of a POE finding is present and a Regional Manager or designee is in agreement with a POE finding prior to approval of the conclusion, and;
2. If approved by a Regional Manager or designee, send a referral to the Safety and Prevention Unit Manager for approval of the POE finding prior to the approval of the conclusion, and;
3. Approval of a finding of POE on a juvenile alleged perpetrator by a Regional Manager and the Safety and Prevention Unit is documented in the CPS-1 narrative section.

Staff must explain to the juvenile **and** the parents of the juvenile that a POE finding is being made. Staff should ensure the parents/legal guardian receive a copy of the CS-21

as FACES does not generate a copy to them. Staff shall send a CS-21j to the juvenile office notifying them of the POE finding.

NECESSARY ACTION 1. Review this memorandum with all Children’s Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to:	
PDS CONTACT <u>Cari Pointer</u> Cari.A.Pointer@dss.mo.gov	MANAGER CONTACT <u>Kara Wilcox</u> Kara.B.Wilcox-Bauer@dss.mo.gov
POLICY: <u>5.3.8.3.4 Juvenile Perpetrators</u>	
FORMS AND INSTRUCTIONS Juvenile Perpetrator Disposition Notification Letter (CS-21j) Employee Access Only on E-Forms Description of the Investigative Process for Alleged Juvenile Perpetrators (CS-24j) <u>Description of the investigation Process for Juvenile Perpetrators</u>	
REFERENCE DOCUMENTS AND RESOURCES	
RELATED STATUTE	