

MEMORANDUM

TO: EARLY CARE AND EDUCATION AND SCHOOL AGE CENTER ADMINISTRATORS
FROM: PATRICIA QUINN, ADMINISTRATOR OFFICE OF CHILD CARE LICENSING
LINDA SHANNON, FAMILY SERVICES PROGRAM MANAGER
RE: RESPONSIBILITIES IN REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT
DATE: SEPTEMBER 24, 2007

This communication is to clarify the responsibilities of Early Care and Education and School Age Centers concerning child abuse and neglect investigations.

Early Care and Education and School Age Centers have the opportunity to see thousands of Delaware's children on a regular and sometimes daily basis. Staff at Centers are significant adults in the lives of children and can play a major role in protecting children from harm. Rule # 319 requires that "each child be observed on arrival by a staff member trained in recognizing common signs of communicable disease, physical injury and other evidences of ill health". In part the intent of this Rule is to take note of injuries that may be the result of abuse or neglect that may have occurred during a time when the child was not at the Center. Another intent was to help identify a time frame in which an injury could have occurred either outside of the Center or during the time a child was at the Center.

Recently, representatives of the Division of Family Services have encountered some difficulties in conducting investigations of child abuse and neglect when they have tried to interview a child at a Center. Cooperation in these situations is not a violation of Delaware Rules. Contained within Rule # 373 that prohibits disclosure of information is an exemption. Delaware Rules that address child abuse/neglect issues are cited below.

It is very important for the protection of children that we all work together toward that end.

EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTER RULES

Rule #s 119, 143, 144, 145, 176, 370, and 373 address responsibilities in the area of child abuse/neglect. It is important to read Rule # 373 in its entirety for guidance.

373. A licensee shall not disclose or permit the use of any information pertaining to an individual child or family gained through the Center's records, files, videotaping, tape recording, photographing, assessments or any type of documentation unless a parent/guardian has granted written permission to do so, except in the course of performance of official duties and to employees or representatives of the Office of Child Care Licensing, Division of Family Services or other entities with statutory responsibilities for issues relating to the health, safety and protection of children.

ADDITIONAL GUIDANCE

Making a Report

1. A Center staff member should not interview or probe a child to obtain details about the alleged abuse or neglect. A Staff member should ask questions of the child only to obtain basic information needed to make a report: (a) how the child was allegedly abused or neglected (type such as physical or sexual) or why the child is afraid he or she will be abused or neglected, (b) who

is the alleged perpetrator, and (c) when the alleged abuse/neglect occurred. Also, the child should not be questioned more than once. Questioning the child beyond obtaining basic reporting information or questioning a child more than once could prevent DFS, law enforcement, and the Department of Justice from conducting an effective investigation and hinder potential prosecution.

2. An oral report should be made to the toll free Child Abuse Report Line that operates 24/7 (1-800-292-9582) by the Center Staff person who initially had reason to suspect abuse or neglect. DFS requests that a written report be mailed to the Report Line address on the official DFS reporting form within 72 hours (attached). If necessary, a Center designee may be assigned by the Administrator to make the oral report and complete the written report. DFS may contact any Center Staff personnel who may have additional first-hand information.
3. DFS policy dictates that the source of the report will be divulged only with the reporter's consent. The initial Center reporter or designee, will reserve the right to remain unknown to the family. In the event of Court proceedings, the disclosure of the reporting source may become necessary if ordered by the Court.
4. Center staff shall not contact the parent/guardian of a child who is the alleged subject-victim to advise them that either a report has been made or that a DFS or law enforcement officer is conducting an investigation of an allegation of abuse or neglect.

The Investigation

1. The DFS worker will show agency identification and request to speak to the person in charge. If the report has been made by a Center Staff employee, the worker will request to speak to that person. The Center will direct the worker to a location where the child can be interviewed privately within the Center and arrange for the child to be brought to that location.
2. DFS will discuss the interview process with the Center contact person and the conditions under which the Center personnel could be present if there is a need. DFS will be responsible for interviewing the child. Understand that if a Center staff employee is present during an interview they may be called as a witness.
3. The Division of Family Services (DFS) does not need parental consent to interview a child who is the subject of a child abuse or neglect report. 16 Del. C. § 906 (b)(3) states "...shall conduct and investigation involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody, and control of the child..." In determining how best to respond, 16 Del.C. § 906 (b)(2) mandates that DFS "...shall give priority to ensuring the well-being and safety of the child."
4. Per 16 C. § 906 (b)(3), DFS is required to contact the appropriate law enforcement agency upon receipt of any report that would constitute a criminal violation "against a child by a person responsible for the care, custody, and control of the child." In severe injury cases, DFS may contact the police and request they respond to the Center and conduct a joint investigation.
5. The DFS caseworker or a law enforcement officer may photograph the

child's injuries to document evidence of the injuries for the investigation. Center personnel are not authorized, and have not been trained in the proper procedures, to photograph a child's injuries for evidentiary purposes.

6. If the Center has a nurse on site, DFS may request that he or she assist with a physical assessment of the child. The purpose of the physical assessment is to determine the extent of the injury and need for treatment. The physical assessment shall be limited to an external physical assessment and shall exclude the genital area of a male or female and the chest area of a female. DFS will be sensitive to the age, sex, and special needs of the child. When a child between the ages of 9 and 18 years indicates an unwillingness to be physically assessed at the Center, DFS will pursue a medical examination.

A Center nurse shall not conduct a physical assessment of alleged physical abuse prior to the DFS worker arriving at the Center.

7. Children under the age of 9 must be examined by a physician per DFS policy. DFS has the authority per 16 Del.C. §906 (b) (5) to secure a medical examination of a child without parental consent if the examination is necessary to protect the health and safety of the child and provided that it has been classified as an investigation under 16 Del. C. § 906 (b)(3).

Under no circumstances should Center Staff or DFS staff conduct a physical assessment of a child alleging sexual abuse. DFS and the police will coordinate the medical examination in these cases with the appropriate medical facility.

8. The DFS investigator shall have the authority to take temporary emergency protective custody of a child when it is suspected the child is in imminent danger of suffering serious physical harm or threat to life as a result of abuse or neglect providing the child in question is located at a school, day care facility, or child care facility at the time the authority is initially exercised.
9. Upon the conclusion of the child interview and physical assessment, DFS will inform the Center contact person about the planned course of action for the child.

MEMORANDUM

TO: FAMILY CHILD CARE PROVIDERS
FROM: PATRICIA QUINN, ADMINISTRATOR OFFICE OF CHILD CARE LICENSING
RE: LINDA SHANNON, FAMILY SERVICES PROGRAM MANAGER
RESPONSIBILITIES IN REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT
DATE: April 1, 2008 UPDATED 1/1/09

This communication is to clarify the responsibilities of Family Child Care Providers concerning child abuse and neglect investigations.

Family Child Care Providers have the opportunity to see thousands of Delaware's children on a regular and sometimes daily basis. Family Child Care Providers are significant adults in the lives of children and can play a major role in protecting children from harm. Rule # 319 requires that "each child be observed on arrival by a staff member trained in recognizing common signs of communicable disease, physical injury and other evidences of ill health". In part the intent of this Rule is to take note of injuries that may be the result of abuse or neglect that may have occurred during a time when the child was not in care with the Provider. Another intent was to help identify a time frame in which an injury could have occurred either outside of the Care of the Provider or during the time a child was in care with the Provider.

Recently, representatives of the Division of Family Services have encountered some difficulties in conducting investigations of child abuse and neglect for children in licensed child care, particularly when they sought to interview a child at a licensed facility. Cooperation in these situations is not a violation of Delaware Rules. Contained within Rule # 177 that prohibits disclosure of information is an exemption. Delaware Rules that address child abuse/neglect issues are cited below.

It is very important for the protection of children that we all work together toward that end.

Applicable **DELCARE RULES FOR FAMILY CHILD CARE HOMES** #s 49 D, E, and G set forth circumstances under which a license may be suspended, revoked or denied are relevant and #s 70, 74 and 177 address responsibilities in the area of child abuse/neglect reporting and cooperating with investigations thereof. It is important to read Rule # 177 as it provides the exemption for disclosure of information regarding a child or family.

ADDITIONAL GUIDANCE

Making a Report

1. A Provider should not interview or probe a child to obtain details about the alleged abuse or neglect. A Provider should ask questions of the child only to obtain basic information needed to make a report: (a) how the child was allegedly abused or neglected (type such as physical or sexual) or why the child is afraid he or she will be abused or neglected, (b) who is the alleged perpetrator, and (c) when the alleged abuse/neglect occurred. Also, the child should not be questioned more than once. Questioning the child beyond obtaining basic reporting information or questioning a child more than once could prevent DFS, law enforcement, and the Department of Justice from conducting an effective investigation and hinder potential prosecution.
2. An oral report should be made to the toll free Child Abuse Report Line that operates 24/7 (1-800-292-9582) by the Provider or Substitute Caregiver who initially had reason to suspect abuse or

neglect. DFS requests that a written report be mailed to the Report Line address on the official DFS reporting form within 72 hours (attached).

3. DFS policy dictates that the source of the report will be divulged only with the reporter's consent. The initial Provider or Substitute Caregiver will reserve the right to remain unknown to the family. In the event of Court proceedings, the disclosure of the reporting source may become necessary if ordered by the Court.
4. The Provider or Substitute Caregiver shall not contact the parent/guardian of a child who is the alleged subject-victim to advise them that either a report has been made or that a DFS or law enforcement officer is conducting an investigation of an allegation of abuse or neglect.

The Investigation

1. The DFS worker will show agency identification and request to speak to the Provider. If the report has been made by a FCC Provider or Substitute Caregiver, the worker will request to speak to that person. The Provider will direct the worker to a location where the child can be interviewed privately within the home and provide an atmosphere of calm and support to the child.
2. DFS will discuss the interview process with the Provider or Substitute Caregiver and the conditions under which they could be present if there is a need. DFS will be responsible for interviewing the child. Understand that if a Provider or Substitute Caregiver is present during an interview they may be called as a witness.
3. The Division of Family Services (DFS) does not need parental consent to interview a child who is the subject of a child abuse or neglect report. 16 Del. C. § 906 (b)(3) states "...shall conduct and investigation involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody, and control of the child..." In determining how best to respond, 16 Del.C. § 906 (b)(2) mandates that DFS "...shall give priority to ensuring the well-being and safety of the child."
4. Per 16 C. § 906 (b)(3), DFS is required to contact the appropriate law enforcement agency upon receipt of any report that would constitute a criminal violation "against a child by a person responsible for the care, custody, and control of the child." In severe injury cases, DFS may contact the police and request they respond to the Family Child Care Home and conduct a joint investigation.
5. The DFS caseworker or a law enforcement officer may photograph the child's injuries to document evidence of the injuries for the investigation. Family Child Care Providers and Substitute Caregivers are not authorized, and have not been trained in the proper procedures, to photograph a child's injuries for evidentiary purposes.
7. Children under the age of 9 must be examined by a physician per DFS policy. DFS has the authority per 16 Del.C. §906 (b) (5) to secure a medical examination of a child without parental consent if the examination is necessary to protect the health and safety of the child and provided that it has been classified as an investigation under 16 Del. C. § 906 (b)(3).

Under no circumstances should Family Child Care Provider, Substitute Caregiver or DFS staff conduct a physical assessment of a child alleging sexual abuse. DFS and the police will coordinate the medical examination in these cases with the appropriate medical facility.

8. The DFS investigator shall have the authority to take temporary emergency protective custody of a child when it is suspected the child is in imminent danger of suffering serious physical harm or threat to life as a result of abuse or neglect providing the child in question is located at a school, day care facility, or child care facility at the time the authority is initially exercised.
2. Upon the conclusion of the child interview and physical assessment, DFS will inform the Family Child Care Provider about the planned course of action for the child.

MEMORANDUM

TO: LARGE FAMILY CHILD CARE HOME PROVIDERS
FROM: PATRICIA QUINN, ADMINISTRATOR OFFICE OF CHILD CARE LICENSING
LINDA SHANNON, FAMILY SERVICES PROGRAM MANAGER
RE: RESPONSIBILITIES IN REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT
DATE: April 1, 2008 UPDATED 1/1/09

This communication is to clarify the responsibilities of Large Family Child Care Homes concerning child abuse and neglect investigations.

Large Family Child Care Homes have the opportunity to see thousands of Delaware's children on a regular and sometimes daily basis. Providers and Staff at Large Family Child Care Homes are significant adults in the lives of children and can play a major role in protecting children from harm. Rule # 319 requires that "each child be observed on arrival by a staff member trained in recognizing common signs of communicable disease, physical injury and other evidences of ill health". In part the intent of this Rule is to take note of injuries that may be the result of abuse or neglect that may have occurred during a time when the child was not at the Large Family Child Care Home. Another intent was to help identify a time frame in which an injury could have occurred either outside of the Large Family Child Care Home or during the time a child was at the Large Family Child Care Home.

The Division of Family Services have encountered some difficulties in conducting investigations of child abuse and neglect when they have tried to interview a child at licensed child care facilities. Cooperation in these situations is not a violation of Delaware Rules. Contained within **Rule # 211** that prohibits disclosure of information is an exemption. Delaware Rules that address child abuse/neglect issues are cited below.

It is very important for the protection of children that we all work together toward that end.

DELAWARE RULES FOR LARGE FAMILY CHILD CARE HOMES (#111 D, E, F and #73), set forth circumstances under which a license may be suspended, revoked or denied are relevant and **#s 181-183** address responsibilities in the area of child abuse/neglect in the area of child abuse/neglect reporting and cooperating with investigations thereof. It is important to read **Rule # 211** as it provides the exemption for disclosure of information regarding a child or family.

ADDITIONAL GUIDANCE

Making a Report

1. A Large Family Child Care Home Provider or staff member should not interview or probe a child to obtain details about the alleged abuse or neglect. A Large Family Child Care Home Provider or staff member should ask questions of the child only to obtain basic information needed to make a report: (a) how the child was allegedly abused or neglected (type such as physical or sexual) or why the child is afraid he or she will be abused or neglected, (b) who is the alleged perpetrator, and (c) when the alleged abuse/neglect occurred. Also, the child should not be questioned more than once. Questioning the child beyond obtaining basic reporting information or questioning a child more than once could prevent DFS, law enforcement, and the Department of Justice from conducting an effective investigation and hinder potential prosecution.

2. An oral report should be made to the toll free Child Abuse Report Line that operates 24/7 (1-800-292-9582) by the Large Family Child Care Home Provider or staff member who initially had reason to suspect abuse or neglect. DFS requests that a written report be mailed to the Report Line address on the official DFS reporting form within 72 hours (attached). If necessary, a Large Family Child Care Home Provider designee may be assigned by the Provider to make the oral report and complete the written report. DFS may contact any Large Family Child Care Home Provider or staff member who may have additional first-hand information.
3. DFS policy dictates that the source of the report will be divulged only with the reporter's consent. The initial Large Family Child Care Home Provider or designee, will reserve the right to remain unknown to the family. In the event of Court proceedings, the disclosure of the reporting source may become necessary if ordered by the Court.
4. Large Family Child Care Home Provider or staff members shall not contact the parent/guardian of a child who is the alleged subject-victim to advise them that either a report has been made or that a DFS or law enforcement officer is conducting an investigation of an allegation of abuse or neglect.

The Investigation

1. The DFS worker will show agency identification and request to speak to the person in charge. If the report has been made by a Center Staff employee, the worker will request to speak to that person. The Large Family Child Care Home Provider or staff member will direct the worker to a location where the child can be interviewed privately within the Center and arrange for the child to be brought to that location.
2. DFS will discuss the interview process with the Large Family Child Care Home Provider or staff member and the conditions under which the Large Family Child Care Home Provider or staff member could be present if there is a need. DFS will be responsible for interviewing the child. Understand that if a Large Family Child Care Home Provider or staff member is present during an interview they may be called as a witness.
3. The Division of Family Services (DFS) does not need parental consent to interview a child who is the subject of a child abuse or neglect report. 16 Del. C. § 906 (b)(3) states "...shall conduct and investigation involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody, and control of the child..." In determining how best to respond, 16 Del.C. § 906 (b)(2) mandates that DFS "...shall give priority to ensuring the well-being and safety of the child."
4. Per 16 .C. § 906 (b)(3), DFS is required to contact the appropriate law enforcement agency upon receipt of any report that would constitute a criminal violation "against a child by a person responsible for the care, custody, and control of the child." In severe injury cases, DFS may contact the police and request they respond to the Center and conduct a joint investigation.
5. The DFS caseworker or a law enforcement officer may photograph the child's injuries to document evidence of the injuries for the investigation. Large Family Child Care Home Provider or staff members are not authorized, and have not been trained in the proper procedures, to photograph a child's injuries for evidentiary purposes.
6. Children under the age of 9 must be examined by a physician per DFS policy. DFS has the authority per 16 Del.C. §906 (b) (5) to secure a medical examination of a child without

parental consent if the examination is necessary to protect the health and safety of the child and provided that it has been classified as an investigation under 16 Del. C. § 906 (b)(3).

Under no circumstances should a Large Family Child Care Home Provider or staff member or DFS staff conduct a physical assessment of a child alleging sexual abuse. DFS and the police will coordinate the medical examination in these cases with the appropriate medical facility.

7. The DFS investigator shall have the authority to take temporary emergency protective custody of a child when it is suspected the child is in imminent danger of suffering serious physical harm or threat to life as a result of abuse or neglect providing the child in question is located at a school, day care facility, or child care facility at the time the authority is initially exercised.
8. Upon the conclusion of the child interview and physical assessment, DFS will inform the Large Family Child Care Home Provider or staff member contact person about the planned course of action for the child.