

**Department of Human Resources  
Social Services Administration  
Child Care Administration  
311 West Saratoga Street  
Baltimore, Maryland 21201**

**DATE:** January 1998

**CIRCULAR LETTER:** SSA #98-7  
CCA #98-2

**TO:** Directors, Local Departments of Social Services  
Assistant Directors for Services  
Child Protective Services Staff  
Regional Managers, Licensing Supervisors  
Licensing Specialists  
Maryland State Family Child Care Association  
Maryland Child Care Association  
Maryland Federation of Church Schools

**FROM:** Linda D. Ellard, Executive Director  
Social Services Administration  
Linda Heisner, Executive Director  
Child Care Administration

**RE:** Investigations into Allegations of Child Abuse and Neglect in Child Care Facilities

**PROGRAMS AFFECTED:** Child Protective Services  
Family Day Care Homes and Child Care Centers

**ORIGINATING OFFICE:** Family and Children's Services  
Child Care Licensing

**BACKGROUND:** This circular letter represents a joint effort between the Social Services Administration and the Child Care Administration to improve the coordination and cooperation between the staff of the two agencies following an allegation of child abuse or neglect in a family day care home or child care center.

**ACTION REQUIRED OF:** Child Protective Services Workers and Supervisors and  
Child Care Regional Managers and Licensing Staff

**REQUIRED ACTION:** Compliance with Protocol for Investigations

**ACTION DUE DATE:** Immediately

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## **PURPOSE**

Initiating prompt investigations of allegations of child abuse and neglect in family day care homes and child care centers shall be given priority consideration when making case assignment decisions. Parents trust that their children will be protected when left under the supervision of substitute care givers. Investigating allegations of child maltreatment in child care settings should be conducted jointly between law enforcement, Child Protective Services, and Child Care Licensing. This circular letter outlines a protocol to be followed, including the requirement that memoranda of agreements be developed for investigations at the local level as described in Family Law §5-706e.

### **A. Overview**

The purpose of this protocol is to outline actions to be taken when allegations of child abuse and neglect are received concerning children in a child care facility (family day care home or child care center). As stated in Family Law §5-701, the investigation into allegations of child abuse by the Local Department of Social Services (LDSS) and/or law enforcement shall begin within 24 hours and within five days for neglect allegations. Given that family day care homes and child care centers generally serve multiple children, it is imperative that investigations into allegations concerning possible maltreatment in these settings be given priority consideration for investigation. Additionally, efforts between Child Care Administration (CCA), law enforcement and local department staff must be cooperative and coordinated.

### **B. Referral**

Upon receipt of the report of suspected child maltreatment, information shall be shared between law enforcement, the LDSS's Child Protective Services (CPS) unit and the Regional Child Care office (social services and child care when the allegation is neglect). Information shall be shared between law enforcement and the LDSS as soon as it is received. CCA shall be notified immediately when possible. If the CCA office is not open, the information shall be shared with them as soon as possible on the next working day.

1. If the maltreatment report is made to law enforcement, the LDSS CPS is notified immediately. CPS shall notify CCA's Regional Manager or designee immediately. When CCA is not available, notification shall take place as soon as possible on the next working day.
2. If the maltreatment report is made to CPS and concerns allegations of abuse, CPS will contact law enforcement immediately. When either abuse or neglect allegations are received, CPS shall notify CCA's Regional Manager or designee immediately. When CCA is not available, notification shall take place as soon as possible on the next working day.
3. The purpose of sharing referral information is to begin to plan an appropriate response. Planning for an investigation should be initiated as part of the exchange of information.
4. Referrals to CPS where it is unclear whether the alleged maltreater was a caretaker, household or family member should be accepted for investigation to determine if the alleged maltreater falls within the jurisdiction of Family Law §5-701. In situations in which it is known that the alleged maltreater is not a caretaker, household or family member, but has been allowed access to the children, consideration should be given to accepting the referral for a neglect investigation to assess the level of supervision afforded the

children in the home/facility. (Ex. referrals concerning alleged sexual behavior between the provider's 13 year old son and a 6 year old day care child should be accepted for a suspected neglect investigation.) Cases involving infant or child deaths, where abuse is not suspected, should also be accepted and investigated as possible neglect.

**C. Investigation**

1. The investigation must be initiated within 24 hours of the receipt of an abuse complaint and within 5 days of the receipt of a neglect complaint. Given the vulnerability of children in out-of-home care it is imperative that child abuse and neglect complaints concerning day care homes and child care facilities be investigated immediately.
2. When law enforcement is involved and satisfies the 24 hour requirement in an abuse investigation, it is important that the CPS investigation be initiated within 24 hours (or next working day) of the law enforcement initial contact.
3. A plan for conducting the investigation needs to be developed and shared between law enforcement, CPS, and CCA within 24 hours (or next working day for CCA) of the receipt of the referral. It is realized that some actions may need to be taken before the plan is fully developed.

**D. Multidisciplinary Team**

1. CCA shall convene the Multidisciplinary Team. The team shall be convened as quickly as possible following the disclosure of the alleged abuse or neglect. The team member from CPS will function as chair. A team meeting can be one where individuals meet to discuss a case(s), or a telephone call between two or more team members.
2. When possible, the team shall convene prior to the initial interviews with the alleged victim and perpetrator. When that is not possible, the team shall be convened no later than 72 hours following the receipt of the maltreatment report by CCA.
3. The team will determine the flow of the investigation. If a team meeting or conference call does occur prior to the initial interview, the team shall determine what information needs to be obtained. Other issues for team consideration include:
  - a. Determining the scope of the investigation. Consider when to notify the parents or legal guardians of children who are attending or have attended the child care facility.
  - b. Determining which children, in addition to the child(ren) allegedly abused or neglected, are to be interviewed. Consider whether these children could have witnessed or heard the incident or have attended the facility in the past.
  - c. Interviewing the staff of the child care facility.
  - d. Action to be taken by CCA in regards to the operation of the child care facility.

- e. Likelihood or plan for charging of a suspect or suspects.
- f. Responding to the media. Any response to the media by a Department of Human Resources (DHR) employee needs to be cleared through the Public Relations Office at DHR.

E. Notification of the Family Day Care Provider or Child Care Center Director and Parents

- 1. It is the responsibility of either law enforcement or CPS to notify a family day care provider or day care center director that allegations of child abuse or neglect have been made. The point during the investigation at which notification is made needs to be discussed between CPS and law enforcement. Notification at an inappropriate time can jeopardize a child's safety and the criminal and CPS investigation.
- 2. Parents should always be notified when their child has been interviewed (as alleged victim, witness, or for background). Where possible, parents should be notified in person. It is **good practice** to notify the parent of an alleged victim or witness of the need for the interview (only in out-of-home abuse/neglect) **prior** to the interview. If not possible, CPS and law enforcement have authority to conduct interviews without prior parental notification. Also, it is believed that a parent will influence the statement of a child concerning an event that occurred in a child care facility, the interview should be conducted prior to parental notification.

F. Initial Interview of the Child/Victim

- 1. The law enforcement investigator and the CPS worker shall agree on a case-by-case basis who should be the primary investigator. This determination should be made considering the following factors:
  - a. The agency representative's skill in interviewing a child of that particular age group.
  - b. Characteristics of the interviewer which the child may perceive as threatening or identifiable with the alleged abuser.
  - c. Assessment of a probable criminal aspect of the case.
  - d. Where possible, CPS, law enforcement (if abuse), and CCA should be present during the interviews. Unlike the CCA, CPS and law enforcement have the authority to conduct child maltreatment interviews without prior parental notification. The child's comfort should be the primary basis for determining who should be physically present during the interviews. If the allegation of maltreatment concerns a care provider at a family day care home or child care center, the interview(s) with the suspected victim(s) should be conducted away from the child care setting. When possible, parents of the alleged victim should be notified of the allegations and need for interviews with children prior to the actual interview. Consideration should be given to involving the parent if it is believed that it will increase the child's comfort level.

2. Effort to decrease any trauma experienced by the child when being interviewed should be made. If professionals need to hear or observe the interview with the child, and it has been decided that having multiple individuals present during the actual interview would be problematic, the use of a one-way mirror or videotaping should be considered. The comfort of the child should drive decision-making in this area. When making use of one-way mirrors, the primary interviewer shall contact those observing to make certain that all questions have been addressed to avoid interviewing the child repeatedly.
  - a. Interviews shall be conducted with the alleged victim, alleged perpetrator, and any child or adult who may have witnessed the incident.
  - b. If CCA was not present during the initial visit to the child care facility following the allegation of maltreatment, appropriate CCA staff (and where appropriate, CPS and/or law enforcement personnel) shall inspect the facility to assess policies and actions which may have contributed to the alleged maltreatment. Such an inspection should be discussed with the team prior to its occurrence. As part of the inspection, CCA staff should document any violation of licensing regulations which they observe, prepare a plan to correct any irregularities and address possible enforcement action. CCA shall report their findings and plan to the team. No information concerning the status of the child abuse/neglect investigation should be disclosed to the provider by CCA during the inspection.

**G. Expanding the Scope of the Investigation**

1. It is almost always necessary to interview children other than the child/ren identified in the maltreatment report. When making the decision of who to interview, consider which children the alleged maltreater had access to or may have had access to at the facility, and the characteristics of the alleged victim and any similarities to other children (age, sex, race) in the facility. Be as thorough as possible and interview any children for whom there is concern. Inform the parents of all children interviewed of the purpose of the interviews. Enlist the help of parents by educating them as to what to look for and listen for concerning their children.
2. Interviews with a child not reported to be victimized should be purposefully general in nature as to not alarm or threaten the child. If information suggesting possible maltreatment of other children is uncovered, the interview needs to become more pointed and specific.
3. If the investigation supports the allegations and there is a reason to believe that other children have been similarly harmed, the investigative team shall take steps to arrange interviews with the other children to whom the alleged abuser has had access. Those currently at risk shall be interviewed first, followed by children previously in the care of the alleged abuser. (In making decisions regarding the scope of investigations, consideration shall be given to any emerging patterns of activity, e.g., group activity, serial victims, multiple simultaneous victims.)

H. Notification of Parents of Children Other Than Those Identified as Victims

When it appears that child abuse or neglect has been perpetrated by more than one individual, or there are multiple victims, the investigating agency will give consideration to notifying the parents of other children in the day care facility that the investigation is underway and may seek their assistance in any way deemed appropriate in an attempt to assess the extent and scope of the alleged maltreatment. The investigating agency(s) (CPS, law enforcement) shall notify other members of the team that this action is being considered. It is critical that the confidentiality provisions described in Article 88A§6(b) be followed. Therefore, no case-specific information may be shared when this notification to parents takes place.

Parents may be:

- (1) Told that there is an allegation of maltreatment concerning an individual in the day care facility;
- (2) Told that the confidentiality statute prevents the disclosure of identifying information concerning the alleged maltreater(s) or victim(s);
- (3) Told of the physical, behavioral, and emotional indicators of child abuse/neglect;
- (4) Encouraged to talk to their children about their child care experience;
- (5) Told that the assistance of CCA and CPS is available if parents suspect that their child has been maltreated; and
- (6) Told what to do if their child discloses an incident(s). Parents should be encouraged to be supportive of their children and not to react with alarm if their child reports being maltreated.

I. General Meeting

1. When an investigation in a day care facility progresses so that there is a concern that more than two or three children have been victimized, consideration needs to be given to holding a general meeting with parents of children who attend or have attended the facility.
2. The team shall determine when it is appropriate to hold a general meeting and all members of the team should attend. A general meeting should only be held after all identified victims have been interviewed and their parents notified of the investigation. Only parents or legal guardians of children presently enrolled or previously enrolled at the facility, in addition to representatives of the team, may be present during the general meeting. (As in Section H, it is critical that the confidentiality provisions described in Article 88A§6(b) be followed. Therefore, no case-specific information may be shared during this meeting.)

The purpose of a general meeting of parents is to:

- a. Seek parental assistance in identifying other children who may have been abused/neglected;

- b. Educate parents on the physical and behavioral indicators of child abuse/neglect;
- c. Explain the procedures for investigating reports of suspected maltreatment; and
- d. Inform parents of the procedures for contacting the appropriate team member if they believe a child has been abused/neglected or they wish to provide information regarding the child care facility.

J. Sharing of Information

- 1. The provisions of HB 88 were effective as of October 1, 1996. This legislation amends Article 88A – Section 6(b) to allow for sharing of CPS records and reports with CCA staff. Before October 1, 1996, such sharing could only occur between CCA and CPS as multidisciplinary team members or after CCA obtained the proper court order. HB 88 also allows for sharing of CPS records and reports with the director of a day care facility or child placement agency for the purpose of carrying out appropriate personnel action following an allegation of child abuse or neglect allegedly committed by a current employee on a child who is currently or was under the facility or agency's care.
- 2. The law states CPS records and reports MAY ONLY be shared under certain conditions. Please use discretion when requesting and releasing information. Remember, the information once shared is still covered under the provisions of Article 88A – Section 6(b). Inappropriate disclosure is punishable by fine or imprisonment (see attachment).
- 3. A written report of the findings shall be shared with CCA at the conclusion of the CPS investigation.

K. Completion of Investigation

Case staffings shall be held upon completion of the social services and police investigations and at other appropriate intervals determined by the team members. The participants shall discuss the findings of the investigation, the follow-up actions to be taken by each agency, and any corrective action to be taken by the facility.

L. CCA Action

- 1. CCA is required to do a full inspection of the day care home/facility when there is a complaint of suspected child maltreatment. The findings of the investigation shall be shared with the multidisciplinary team.
- 2. CCA will make a recommendation to the child care facility regarding the continued access/presence of the suspected abuser/neglector at the day care facility. CCA shall also determine the appropriate steps to implement the plan for correcting any licensing violations which are uncovered. It is critical that the immediate protection of both the allegedly victimized children and the other children be ensured as promptly as possible. The facility may be consulted in these decisions and shall be informed of them. CCA will recommend to the facility what actions are necessary to protect the health, safety and welfare of the children in the day care facility.

3. When any licensing action is taken, the CCA shall notify parents of enrolled children and publicly and privately funded referral services of the licensing action.

**M. Immediate Danger Provision**

If, in the course of any visit, the investigator (CPS, law enforcement) perceives that the children are in immediate danger, the investigator shall take actions as necessary to protect the children. If CCA is not involved, the CCA Regional Manager or designee shall be notified of the danger immediately and will assist, as appropriate. Action to suspend or revoke a license can only be initiated by CCA. The licensee shall be notified of any action to remove children and/or suspend a license. Notification of suspension or revocation of a license, registration certificate, or letter of compliance shall be made by CCA.

**N. Memoranda of Agreements**

1. Representatives of CCA, local CPS and Law Enforcement shall develop and implement a memorandum of agreement for conducting investigations into allegations of child abuse and neglect involving child care facilities.
2. The memorandum of agreement shall reflect the time lines spelled out in statute, regulation, and this protocol and the serious nature of an allegation of maltreatment in a child care setting.
3. The memorandum of agreement should stress the need for multidisciplinary cooperation while conducting the investigation and providing any needed follow-up.