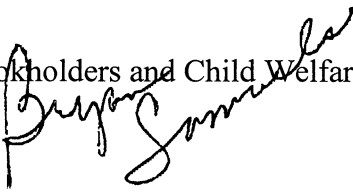


DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: X and Z

POLICY GUIDE 2005.01

FINAL FINDINGS IN CHILD ABUSE AND NEGLECT INVESTIGATIONS

DATE: February 25, 2005
TO: Rules and Procedures Bookholders and Child Welfare Staff
FROM: Bryan Samuels, Director 
EFFECTIVE: **IMMEDIATELY**

I. PURPOSE

Long-standing Department policies have underscored the need for child protection investigators and supervisors to consider all of the evidence, including evidence showing that a person did not abuse or neglect a child, before making a final finding in child abuse and neglect investigations. The purpose of this Policy Guide is to remind DCFS and POS staff of Department policies governing child abuse and neglect investigations and their obligation to follow them.

II. PRIMARY USERS

The primary users of this Policy Guide are DCFS and POS child protection investigators and supervisors and DCFS and POS child welfare workers and supervisors.

III. BACKGROUND

In recent court action, DCFS was enjoined by the court to follow its own rules and procedures in gathering and considering all evidence when investigating reports of child abuse and neglect. The court found that DCFS procedures provide explicit, comprehensive instructions for assessing the reliability of information uncovered during an investigation, including the significance of a witness's professional training and credentials; independent verification of non-professional sources of information; sensitivity to the interest a witness might have and the consistency and plausibility of the witness's statement; consideration of the witness's opportunity to observe; and recognition of the age, developmental stage and susceptibility to influence of any child witness.

The court also directed that a heightened decision-making standard that enforces the Department's rules and procedures be adopted and used during the course of CANTS investigations and further directed that a standard be adopted and maintained that establishes



an imperative for child protection investigators to consider *equally* the following types of evidence:

Inculpatory evidence is the legal term for evidence showing or tending to show a person's involvement in an act or tending to establish guilt; a fact circumstance, or involvement which tends to establish guilt or from which guilt may be inferred. In child abuse and neglect investigations, inculpatory evidence means evidence showing or tending to show that a person abused or neglected a child; and

Exculpatory evidence is a legal term that means evidence tending to establish a person's innocence or evidence that tends to justify or clear a person from alleged fault or guilt. In child abuse and neglect investigations, exculpatory evidence means evidence showing or tending to show that a person did not abuse or neglect a child.

IV. DEPARTMENT RULES AND PROCEDURES

Department Procedures 300.60 (k) sets forth the criteria for weighing the credibility of evidence gathered during the course of a CANTS investigation. DCFS Procedures 300.60 (k) instruct child protection investigators and supervisors that *“the final step in determining whether SCR reports will be indicated or unfounded is to consider **all information** obtained during the investigation and determine which information is relevant to be used as evidence to make a determination. It is of critical importance that all evidence suggesting that an incident of abuse did not occur be given the same consideration as evidence suggesting that an incident of abuse and neglect did occur”*.

It is imperative for child protection staff to evaluate every piece of information gathered during a child abuse and neglect investigation and consider the relevance, credibility and significance of each piece of evidence in proving or disproving the allegations presented. It is the supervisor's responsibility to review each piece of evidence with the investigator to determine whether the evidence is **sufficient to lead a reasonable person to believe** that the incident occurred or that the set of circumstances is or was present.

Equal consideration must be given to evidence that tends to show that the incident did occur and to evidence that tends to show that the incident did not occur.

V. REVISIONS OF PROCEDURES 300

To follow the court's directive for the Department to 'adopt and use a heightened decision-making standard' that enforce the Department's policies, Procedures 300.60 The Formal Investigative Process are being revised. The revised procedures state clearly that a child abuse or neglect investigation requires “consideration of all evidence that an incident of abuse or neglect **did or did not occur**”. The revised procedures will further underscore the imperative for investigators and supervisors to consider exculpatory evidence by requiring the investigator to create a matrix having two columns, one column for recording the

evidence suggesting that abuse or neglect did not occur and the second for recording evidence supporting a finding of abuse or neglect. This matrix is incorporated as a formal report in the investigatory record.

For child protection investigators and supervisors to comply with the Department's requirements when making a final determination, all evidence must be considered and documented, including evidence that the incident did not occur and evidence that the incident did occur.

VI. QUESTIONS

Questions regarding this policy guide should be directed to the Office of Child and Family Policy by e-mail to OCFP on Outlook or fax to 217-557-0692. Persons and agencies not on Outlook can e-mail questions to cfpolicy@idcfs.state.il.us.

VII. FILING INSTRUCTIONS

Please file this policy guide behind Procedures 300.60 The Formal Investigative Process.

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