



# CHILD ABUSE & NEGLECT INVESTIGATIONS

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## **I. CHILD ABUSE**

### **A. General Policy**

The department's response to child abuse or suspected child abuse is not limited to investigation, but includes responsibility for preliminary detection of evidence suggestive of child abuse, as well as aiding in subsequent efforts to effect a satisfactory resolution in the child's and family's best interest. The protection of the child, above any other concern, is the intent of the law and of primary importance to the officer. All reports of suspected child abuse and subsequent investigations will be kept strictly confidential. The law provides that any person reporting suspected child abuse in good faith is immune from civil liability or criminal penalty.

### **B. Child Abuse Defined**

"Abuse" means the physical injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of being significantly harmed; or sexual abuse of a child, whether physical injuries are sustained or not. (For procedures on sexual child abuse, see Section II.) An injury is any bodily damage, ranging from a bruise or bruises, to bone fractures and burns, and is not always readily apparent, as in some internal injuries.

### **C. Evidence Suggestive of Child Abuse**

Officers called to conduct preliminary investigations in cases of suspected child abuse will look for evidence which is suggestive of child abuse. Characteristic injuries of child abuse:

1. Cigarette burns, or scars caused by cigarette or hot liquid burns; burns having a glove or sock like appearance
2. Distended fingers or limbs
3. Swelling or tenderness of extremities
4. Non-accidental bruising patterns such as impressions from instruments, tools, etc.
5. Repeated injuries
6. "Wrap around injuries" which denote the use of a flexible object used to strike the child
7. Evidence of malnutrition if it appears to be the result of deliberate withholding of food by the parent/guardian
8. Unusual behavior of the child
9. Attitude or conduct of the parent(s)/guardian towards the child or toward the situation such as evidence of delay in seeking help, the injury is blamed on a sibling or third party, the parents are reluctant either to give information or to consent to further investigation, or the parents have an inappropriate reaction to the extent of the injury

10. The inability to locate parents after a case of trauma has been brought to the Emergency Room, or the parents(s)/guardian's failure to visit the child following admission
11. Unusual or abnormal parent/guardian child relationship(s)

#### **D. Investigating Officer's Responsibilities**

As required by State law, child abuse investigation is a joint responsibility of the Police Department and the local Department of Social Services. Promptly after receiving a call of suspected abuse, the officer will make a thorough preliminary investigation as follows:

1. The officer will assess the need to remove the child from the home if there is reason to believe that the child could be the victim of further abuse. The officer will also determine if the child is in need of immediate medical attention. It is only in the most EXTREME CIRCUMSTANCES that the officer will remove the child from the home without first contacting the Department of Social Services. If circumstances do require this action, the officer will arrange for the child to be taken into protective custody by the Protective Service Worker. If the parents/guardian are not at home when the child is removed, the officer will ensure that the parents are notified. In the majority of cases where it appears to the officer that there is cause to remove the child from the home there will be time to contact the Department of Social Services so that the Protective Service Worker may take the child into protective custody and arrange for temporary shelter/medical treatment. Whenever possible, the officer will follow the procedure of contacting Social Services when removal of the child appears necessary.
2. The preliminary investigation should include the identification of any physical evidence associated with the alleged child abuse. Such evidence would include instruments and objects which were used to inflict abuse. The officer should also arrange for an Evidence Technician to take photographs if there are any visible signs of physical abuse present on the child.
3. At the conclusion of the preliminary investigation, the officer will prepare a written report which must be completed prior to the end of the tour of duty. It is essential that the report be completed within this prescribed time frame so that the requirements of the law to initiate the investigation within 24 hours will be accomplished.
4. Officers will contact the Department of Social Services (through their answering service if necessary) and the CID *Child & Vulnerable Adult Abuse Squad*. After normal working hours, the supervisor will contact the on-call CID *Major Crimes Section* supervisor if it is determined an investigator is needed to respond. A copy of the completed report will be faxed to both the Department of Social Services and the *Special Crimes Unit*.
5. *All physical child abuse cases should be screened by the Child & Vulnerable Adult Abuse Squad supervisor. The investigating officer may do so by contacting the supervisor via office telephone during normal work hours or by requesting the on-call Major Crimes Section supervisor after hours.*

*During normal working hours, the investigating officer may contact the Child & Vulnerable Adult Abuse Squad supervisor via telephone to obtain a recommendation of action for minor physical abuse cases (bruises, scratches, minor corporal punishment of a teenager) or may fax the completed report to the Special Crimes Unit. After normal working hours, the investigating officer should simply fax the completed report to the Special Crimes Unit.*

*All cases not meeting the criteria for case assignment within the Child & Vulnerable Adult Abuse Squad will be referred back to the investigating officer and his/her supervisor for final disposition. The officer should close the case with a supplement report that documents what action was taken. The copy of the completed supplement report should be sent to the Child & Vulnerable Adult Abuse Squad supervisor via fax or inter-office mail.*

#### **E. Temporary Removal of Child from Home Without Court Approval**

A Department of Social Services representative may enter a household if the representative previously has been denied the right of entry and has probable cause to believe that a child is in serious, immediate danger. At the representative's request, a police officer will accompany the representative and may use reasonable force, if necessary, to gain entry.

## **F. CID Responsibilities**

To the extent possible, a child abuse investigation is to be completed within *sixty (60) days of case assignment*. *If the investigation is still ongoing at that time, the investigator will submit an investigative report documenting the investigation up to that point. The remainder of the investigation should then be completed on a supplement investigative report.*

## **II. SEXUAL CHILD ABUSE**

### **A. Definition & Characteristics**

"Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes: incest, rape, or sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

It is extremely important for officers to be aware of common attitudes toward sexual abuse. The abuser tends to be very secretive about the abuse. If the family as a whole learns of the abuse, secrecy increases, making reports of abuse infrequent and cases difficult to investigate. The abused child, and the family if it knows, feels guilt, shame and embarrassment. If the investigation or rehabilitation efforts are badly handled, the sexually abused child may sustain trauma which will affect the child's adult life. Sexual abuse of a child is regarded as a heinous and repulsive crime. Community over-reaction may result if suspected sexual abuse in a family becomes known to the public. Contrary to prevailing belief, sexual child abuse is not confined to any one segment of society; it crosses all socioeconomic lines.

### **B. Investigation Responsibilities**

An officer who suspects a child is the victim of a sex crime must determine by whom the crime was committed. If the crime was committed by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child, or by any household or family member, then sexual child abuse exists. The officer will contact the Department of Social Services and the *Child & Vulnerable Adult Abuse Squad*. The officer will follow the preliminary investigation procedures outlined in this directive for child abuse. If the crime was not committed by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child, then sexual assault exists. The officer will contact the *Major Crimes Section* and will follow the procedures outlined for sexual offenses.

## **III. CHILD NEGLECT**

"Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm. An officer who encounters a possible case of child neglect will make an oral report, by telephone or direct communication, to the Department of Social Services as soon as possible. The officer will also write a report prior to the end of his/her tour of duty. The content of the report will include:

- A. The name, age, and home address of the child;
- B. The name and home address of the child's parent or other person who is responsible for the child's care;
- C. The whereabouts of the child;
- D. The nature and extent of the neglect of the child, including any evidence or information available concerning possible previous instances of neglect; and
- E. Any other information that would help to determine the cause of the suspected neglect and the identity of any individual responsible for the neglect.

Shift supervisors will ensure that child neglect reports are forwarded directly to the *Child & Vulnerable Adult Abuse Squad*, who will forward the report to the Department of Social Services. State law requires the initial report to be forwarded to the Department of Social Services within 24 hours.

## **IV. UNATTENDED CHILDREN**

A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure or motor vehicle while the person responsible for the child is absent and the child's location is out of his/her sight. Persons responsible for the care of children under the age of 8 years may leave them in the care of a reliable person at least the age of 13 years.

**V. FAMILY PROBLEMS**

In situations where a dispute is occurring but no one is in any danger, and the parents insist the officer remove the child from the home, the officer will contact day or night intake at the Department of Juvenile Services. The on-call worker will then inform the parents of his/her decision as to leaving the juvenile in the home.

In situations involving a **domestic dispute** in which the juvenile is a threat to himself/herself or the family, the officer will contact the Department of Social Services and a Social Services Worker should place the juvenile.

**VI. PARENTAL KIDNAPPING**

The information contained in this subsection is designed to summarize laws regarding parental kidnapping, and in no way will be construed to amend any procedure on missing children.

A. Maryland State parental kidnapping laws are contained in the MD. Code, Family Law, Section 9-301 through 9-307 (Child Abduction) which defines a lawful custodian as "a person who is authorized to have custody of and exercise control over a child who is under the age of 16 (sixteen) years. A lawful custodian includes a person who is authorized to have custody by an order of a court of competent jurisdiction in this State or any other state.

B. If a child is under the age of 16 (sixteen) years, a relative who knows that another person is the lawful custodian of the child may not:

1. Abduct, take, or carry away the child from the lawful custodian to a place within or outside of this State;
2. Having acquired lawful possession of the child, detain the child within or outside of this State for more than 48 hours after the lawful custodian demands that the child be returned;
3. Harbor or hide the child within or outside of this State knowing that possession of the child was obtained by another relative in violation of this section; or
4. Act as an accessory to an act prohibited by this section.

C. Preliminary investigations of parental kidnapping are the responsibility of patrol officers. Follow-up investigations of parental kidnapping are the responsibility of the *District Detective* Units.

**VII. PROPONENT UNIT: *Child & Vulnerable Adult Abuse Squad.***

**VIII. CANCELLATION:** This directive cancels Index Code 1704, dated 12-20-02.