

Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when St. Mary's County Sheriff's Office members are required to notify the local department of social services of suspected child abuse.

313.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code FL § 5-701):

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Department of Social Services/Child Protective Services (CPS): Is the local agency notified via oral and written report of all child abuse and child neglect reports received by the St. Mary's County Sheriff's Office.

Physical Child Abuse: When a child under the age of 18 years sustains a physical injury as a result of cruel or inhumane treatment or as a result of malicious acts by a parent, guardian, other household member or person who has temporary care or custody.

(a) Abuse" means:

1. the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:
 - (a) a parent;
 - (b) a household member or family member;
 - (c) a person who has permanent or temporary care or custody of the child;
 - (d) a person who has responsibility for supervision of the child; or
 - (e) a person who, because of the person's position or occupation, exercises authority over the child; or
2. sexual abuse of a child, whether physical injuries are sustained or not.

(b) "Abuse" does not include the physical injury of a child by accidental means.

Sexual Child Abuse: When a child under the age of 18 years is sexually molested, exploited, or the victim of incest, rape, or other sexual offense committed by a parent, guardian, other household member or person who has temporary care or custody.

Neglect: Failure to give proper care and attention under circumstances that a child's health and/or welfare are significantly harmed or the child is placed at risk of significant harm; or, when a child under eight years old is left unattended or being cared for by a person under the age of thirteen years.

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Investigative Response (IR): This is a DSS classification for a traditional investigation which focuses on forensic assessment and in which a "finding" is made. Unlike an Alternative Response, in an Investigative Response DSS will identify a victim(s) and a maltreater(s).

Alternative Response (AR): This is a DSS classification for an approach to managing low risk reports of child abuse and neglect. Instead of a traditional Investigative Response that requires workers to treat all cases exactly the same way, Alternative Response allows workers to tailor their approach to best serve families.

313.2 POLICY

The St. Mary's County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the local department of social services is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the St. Mary's County Sheriff's Office shall notify the local department of social services when they have reason to believe that a child has been subjected to abuse or neglect (Md. Code FL § 5-704; Md. Code FL § 5-705.1).

For purposes of notification, abuse includes physical or mental injury (or the substantial risk of such injury) inflicted by a parent, household member, family member, or anyone else who may have custody of, be caring for, or have authority over the child. Abuse also includes any sexual abuse or exploitation or labor trafficking of a child. Abuse does not include accidental injuries. Neglect includes the failure of a caregiver to provide proper care to a child to the extent that the child is physically or mentally harmed or at risk of such harm (Md. Code FL § 5-701).

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (COMAR 07.02.07.04; Md. Code FL § 5-704(b)):

- (a) The handling deputy shall:
 - 1. Make an oral report as soon as possible to the local department of social services by telephone or direct communication.
 - 2. Make a written report no later than 48 hours after having reason to believe that a child has been subjected to abuse, and forward a copy to the local department of social services and State's Attorney.
- (b) The notification, insofar as is reasonably possible, shall include:
 - 1. The name, age and home address of the child.
 - 2. The names and ages of other children in the home or in the care of the person alleged to be responsible for the abuse or neglect.
 - 3. The name and home address of the child's parent or other person who is responsible for the child's care.
 - 4. The whereabouts of the child.

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5. The nature and extent of the abuse or neglect of the child, including any evidence or information concerning possible previous instances of abuse or neglect of the child or by the person alleged to be responsible for the abuse or neglect.
 6. Any other information that would help to determine:
 - (a) The cause of the suspected abuse or neglect.
 - (b) The identity of any person responsible for abuse or neglect.
 - (c) The safety of the child and risk of future abuse or neglect.
 7. In the case of suspected child abuse or neglect involving a mental injury:
 - (a) A description of the substantial impairment of the child's mental or psychological ability to function.
 - (b) An explanation of why it is believed the mental injury is attributable to maltreatment or failure to provide proper care and attention.
 - (c) Observations or knowledge about the intent or recklessness of the person alleged to be responsible for causing a mental injury.
- (c) For suspected abuse of a child living out of state and occurring out of state, notification shall be made to any local department of social services in accordance with the requirements of Md. Code FL § 5-705.1.

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.07.22; COMAR 07.02.07.23; Md. Code FL § 5-706(f); Md. Code FL § 5-706(g); Md. Code FL § 5-706.2(b)).

313.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) A thorough and timely investigation and report as required by state law (Md. Code FL § 5-706). This should be done by the investigating deputy in all circumstances where a suspected child abuse victim is contacted.

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- (b) The circumstances that led the deputy to believe that child abuse exists. Relate how the child has been harmed, or state what conditions exist to constitute abuse.
 - 1. State the source of the information, such as personal observation, statements made by the child, parents, or persons outside the immediate family having relevant information.
- (c) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (d) Any relevant statements the child may have made and to whom he/she made the statements.
- (e) If a child is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (f) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (g) Whether the child victim is transported for medical treatment or a medical examination.
- (h) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (i) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (j) Previous addresses of the victim and suspect.
- (k) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (l) Whether within 24 hours after receiving a report of suspected physical or sexual abuse of a child, and within five days after receiving a report of suspected neglect or suspected mental injury of a child, the handling deputy complied with COMAR 07.02.07.08, Md. Code FL § 5-706(c) and Md. Code FL § 5-706.2(c) by:
 - 1. Seeing the child.
 - 2. Attempting to have an on-site interview with the child's caretaker.
 - 3. Deciding on the safety of the child, wherever the child is, and of other children in the household.
 - 4. Deciding on the safety of other children in the care or custody of the alleged abuser.
- (m) Seeking assistance from the local State's Attorney as needed (Md. Code FL § 5-706(d)).
- (n) Completing an investigation as soon as practicable, but not later than the time frames specified by state law (COMAR 07.02.07.09; Md. Code FL § 5-706(h); Md. Code FL § 5-706.2(d)).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

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For procedures related to Investigations and Reporting, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [General](#), [Physical Child Abuse](#), [Sexual Child Abuse](#), [Investigative Protocol](#), [Guidelines for Joint Investigations](#) and [Reporting Procedures](#).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the local department of social services. Generally, the decision to remove a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the local department of social services.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Md. Code CJ § 3-8A-14; Md. Code CJ § 3-814):

- (a) Pursuant to an order of the court.
- (b) By a deputy with probable cause to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection.

Anytime a deputy takes a child into custody, notifications should be made as provided in the Temporary Custody of Juveniles Policy.

313.6.1 SAFE HAVEN LAW

A mother, or a person with the permission of the mother, may relinquish an unharmed newborn within 60 days after birth to a deputy when the mother expresses an interest in abandoning the child. As soon as possible, the deputy shall take the newborn to a designated facility (Md. Code CJ § 5-641).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation.

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When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred. A safe environment could include the victim's school, a law enforcement facility, or the DSS facility.

313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should consult with CPS in regards to scheduling the examination. It is the responsibility of CPS to coordinate and facilitate the medical examination for the victim, however there may be times the investigating deputy may be required to assist.

An examination and emergency medical treatment may be provided for a child without parental consent if a deputy states a belief that the child has been abused or neglected (COMAR 07.02.07.07(f)(3)).

For procedures related to Medical Examinations, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Investigative Protocol](#).

313.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

[See attachment: Drug Endangered Checklist Form](#)

313.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations supervisor should:

- (a) Work with professionals from the appropriate agencies, including the local department of social services, other law enforcement agencies, medical service

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providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- (b) Activate any available interagency response when a deputy notifies the Criminal Investigations supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

313.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

313.10.1 PROCESSING REPORTS AND RECORDS

The handling deputy shall ensure that (COMAR 07.02.07.07; Md. Code FL § 5-706(i)):

- (a) A preliminary report of findings of the investigation is submitted to the local State's Attorney within 10 days after receiving a report of suspected abuse.
- (b) A written report of findings of the investigation is submitted to the local State's Attorney within five business days after the investigation is completed.

313.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse is confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 07.02.07.21; Md. Code FL § 5-707).

313.10.3 CHILD FATALITY REVIEW

This office will cooperate with a local or state child death review team (Md. Code FL § 5-706).

313.10.4 HOUSEHOLD ENTRY

Upon request, a deputy shall accompany a representative of the local department of social services who has been denied entry into a household in which the representative has probable cause to believe that a child is in serious, immediate danger. If necessary, the deputy may use reasonable force to enable the representative to gain entry (Md. Code FL § 5-709(b)).

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313.10.5 FAILURE TO REPORT

A deputy investigating allegations of child abuse who believes that a person has knowingly failed to report suspected abuse or neglect shall file a complaint with the appropriate agency or board (Md. Code FL § 5-705.4).

313.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Attachments

Drug Endangered Checklist Form.pdf

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Drug-Endangered Child/Adult Checklist

Controlled substances and hazardous materials

- Presence of any illegal or controlled substances or hazardous materials
 - Description of location of any controlled substances or hazardous materials
- Drains and sinks checked for contamination or drainage problems
- Measurements relevant to the reach of a child
- Smells that may indicate fume, chemicals, vapors
- Improperly labeled and incompatible chemicals
- Kitchen surfaces and utensils examined, or samples taken (normal cleaning may not remove controlled substances or hazardous materials)
- Presence and location of plastic containers that are indicative of drug manufacture

Living conditions/environment

- Dangerous animals or observations related to animals, such as animal feces and filth
- Inoperable utilities and appliances (gas, electricity)
- Description of beds or sleeping areas
- Available food
- Kitchen and bathroom sanitation
- Unsafe play areas or toys
- Choking hazards
- Fire hazards
 - Combustible materials
 - Inoperable smoke detectors
 - Unsafe heaters
 - Evidence of previous fires

Social factors

- Exposure to pornography or sexual activity
- Whether a child cried or showed emotion when separated from parents
- Social skills and/or peer relations
- Delinquency from school
- Teen pregnancy
- Whether a child exhibited any criminal or violent behavior
- Performance at school

Physical description and health of children

- Height, weight and reach measurement of each child
- Wounds, punctures, bruises (including bottom of feet)
- Possible chemical burns, particularly to eyes, mouth, and nose
- Insect bites
- Known or obvious significant medical conditions, such as cancer, damage to the brain, liver, kidney, spleen, immunologic system, birth defects
- Headache, nausea, dizziness fatigue, shortness of breath or coughing
- Medical exam information, if available
- Indicators of alcohol or drug abuse