

CHAPTER 104
CHILD ABUSE AND NEGLECT CASES

DISCUSSION: The law enforcement agency, by its very nature, is one of the primary agencies for the identification and prosecution of cases concerning abused and/or neglected children in the community. Law enforcement officers may become directly involved in cases of abuse and neglect when they respond to calls for service. By intervention, law enforcement officers begin the process of protecting the affected child.

Child Abuse/Neglect cases can be divided into four categories:

- A. Physical Abuse
- B. Emotional Abuse
- C. Sexual Abuse
- D. Neglect

Officers need to take swift and preventative action to ensure the well-being of the affected child. Due to the increase in reported cases of child abuse and neglect, it has become necessary to establish the guidelines below.

104.1.1 Custody Defined by State (MS 43-21-303)

- A. A Police Officer confronted by a situation requiring any child to be taken into custody will follow the guidelines set forth by the Mississippi Youth Court Act 43-21-303. A Police Officer may take a child into protective custody without the consent of the parents or other person legally responsible for the child's care IF the child is in such circumstances or surroundings as would present an IMMEDIATE DANGER to the child's health or life unless immediate action is taken and enough time does not permit petition for court order.
- B. If a Police Officer removes a child under paragraph A above, the officer:
 - 1. Shall inform the Youth authorities and Department of Human Services as to the situation requiring immediate custody.
 - 2. The officer may take the child to a social worker of the Department of Human Services.
 - 3. When the child is removed from an individual other than a parent or a person legally responsible for the child, every reasonable effort should be made to inform the parent or other person legally responsible for the child's care about the custody.
- C. Any Police Officer or other individual acting in good faith pursuant to this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or

imposed as a result of such removal or placement.

- D. The court shall hold a hearing on the matter within forty-eight (48) hours of taking the child into protective custody, Saturdays, Sundays, and Holidays excluded. Notice shall be given to all parties designated by the petitioner or the court.
- E. If a child is found by the designated County Youth Court and/or Department of Human Services to be in imminent danger in such circumstances or surroundings and where immediate removal appears necessary to protect the child from such imminent danger the social worker shall contact a judge or clerk immediately for an order to remove the child.
- F. Any court having jurisdiction over a child who appears to be neglected or abused and in imminent danger may, upon the request of the Department of Human Services or a Police Officer, issue an order, which may include an order permitting the child to be removed from the home.

104.1.2 Protocols for Investigation of Cases of Child Abuse/Neglect

- A. A report shall be made to the Jurisdictional County Youth Court Department of Human Services when any Police Officer or staff member of a law enforcement agency has reason to believe that a child has been abused or neglected.
- B. Reports will be forwarded by the investigating officer to the County Youth Court and the Department of Human Services and shall include:
 - 1. The name and address of the child suspected of being abused or neglected.
 - 2. The name and address of the parents or guardians of the child.
 - 3. The name and address of the person or persons suspected of causing the abuse or neglect.
 - 4. A description of the nature and extent of any injuries to the child.
 - 5. Whether any immediate danger to the child is perceived which would require removal of the child from the home area.
 - 6. Where the law enforcement staff are conducting an investigation.
 - 7. Any other information which may be pertinent, such as the name of the officer, or staff member to whom County Youth Court and/or Department of Human Services contact in reference to any further information or questions.
- C. If an oral report is made, it will be followed within forty-eight (48) hours by a written report to County Youth Court and the Department of Human Services. The Youth Services officers will be responsible for insuring that officer reports reach these designated agencies.
- D. If the Hattiesburg Police Department will be conducting an on-going criminal

investigation, the Investigating Officer will so inform the County Youth Court and Department of Human Services to indicate the nature and extent of the investigation. In matters requiring strict confidentiality and the need exist to limit the number of officers/agents involved, the Investigating Officer will advise the Youth Services Coordinator who will in turn report the situation directly to the Youth Court Judge. The investigator/officer assigned to the case will make all attempts to advise and coordinate the investigation with the Department of Human Services in order to avoid multiple interviews with the victim.

- E. Copies of the complete set of protocols will be maintained by the Information Management Section, Detective Section Commander, and the Youth Services Coordinator.

104.1.3 Interview Guidelines, Child Abuse and Neglect

- A. An investigator/officer who has been assigned, personally observe, otherwise received a report of potential child abuse or neglect shall conduct an in-depth interview with the victim as well as any potential witnesses in an attempt to substantiate the alleged abuse. The interview with the victim must be conducted in such a way to protect the child from further victimization. To accomplish this, the following should be considered:
 - 1. PLAN the interview; decide in advance what topics must be covered so that the interview will not have to be repeated.
 - 2. Consider the setting - it should be warm and not intimidating.
 - 3. Dress for the interview - if possible be in plain clothes, such as a two piece suit, and without an exposed firearm.
 - 4. Prepare yourself by reviewing the completed casework, i.e.:
 - a. Age and sex of the victim
 - b. Relationship of the victim to the perpetrator
 - c. Type of alleged abuse
 - 5. Use of the appropriate tools during the interview. For example, anatomical dolls, anatomical drawings or have available paper and crayons for the child to draw with
 - 6. Video tape the interview so that it can be reviewed by other social agencies, therefore, eliminating the number of interviews the child must go through.
- B. If child neglect or abuse is substantiated the following considerations would affect the placement of the child. In any case the Department of Human Services should be advised of the circumstances for approval.
 - 1. Is the perpetrator a household member?
 - 2. Is the child going to be protected from the perpetrator?
 - 3. Is the child in danger?

- C. If it is believed that the child's life or health is not in imminent danger, then a child may be left in the home during the continuation of the investigation. However, if it is believed that the child's health or life is in imminent danger if no action is taken, then the procedure outlined in AOM Section 104.1.1 shall be followed.

104.1.4 Master Name Index

- A. At the completion of any investigation involving allegations of child abuse or neglect, the Detective Section Commander shall direct a copy of the completed report as well as a memorandum to the Information Management Section for the purposes of generating a Master Name Index.
- B. The Information Management Section Manager shall insure that the Master Name Index Cards are completed on the following:
 - 1. The victim(s) of the alleged abuse/neglect
 - 2. The accused perpetrator of the alleged abuse/neglect
 - 3. The reporting person (if known) of the alleged offense.
- C. The Information Management Section Manager shall insure that identification numbers are issued for each subject named on the Master Name Index and that all paper work is filed appropriately.