

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 Franklin Community Schools Police Department members are required to notify the Department of Child Services (DCS) of suspected child abuse.

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement.

313.2 POLICY

The Franklin Community Schools Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCS is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Franklin Community Schools Police Department shall notify DCS when there is reason to believe a child may be the victim of abuse or neglect, whether or not there exists an imminent danger to the child's health or welfare (I.C. § 31-33-5-1; I.C. § 31-33-7-7).

For purposes of notification, child abuse or neglect means a child described in I.C. § 31-34-1-1 through I.C. § 31-34-1-5, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court (I.C. § 31-9-2.1-33).

Members of the Franklin Community Schools Police Department shall also notify DCS anytime a suspected child victim of an offense under I.C. § 35-42-3.5-1 through I.C. § 35-42-3.5-1.4 (e.g., human trafficking, sexual trafficking/conduct, forced labor, forced marriage, prostitution), or I.C. § 35-45-4-1 et seq. (e.g., indecent acts, prostitution) is detained and may be a victim of child abuse or neglect (I.C. § 35-42-3.5-4; I.C. § 35-45-4-7).

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as soon as practicable as follows (I.C. § 31-33-5-4):

- (a) Members should make an oral report by calling DCS or its child abuse and neglect hotline. Members may also fax or email reports of abuse or neglect to the appropriate child protective services agency.
- (b) If the child has died, the member shall also call and forward related reports to the appropriate Prosecuting Attorney (I.C. § 31-33-8-4).

Franklin Community Schools Police Department

General Order

Child Abuse

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. Until the Department establishes its own investigator or investigative unit, the Department shall request a detective or investigator from the Franklin Police Department and/or the Johnson County Sheriff's Office Investigations Unit for follow-up child abuse investigations, as appropriate. 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 Prosecuting Attorney for review (I.C. § 31-33-8-10).
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

313.5 INVESTIGATIONS AND REPORTING

Officers shall conduct an immediate on-site assessment with DCS or the applicable child protective services agency whenever there is reason to believe that an offense has been committed, regardless of whether the officers believe there is an imminent danger to the child's health (I.C.

§ 31-33-7-7; I.C. § 31-33-8-2).

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated (I.C. § 31-33-8-8).

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

- (a) The overall basis for the contact. This should be done by the investigating officers in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom the child made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This shall include photographs of such injuries, if practicable.
 - 1. Color photographs should be taken when possible (I.C. § 31-33-8-3).
- (f) Whether the child victim was transported for medical treatment or a medical examination.

Franklin Community Schools Police Department

General Order

Child Abuse

- (g) 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.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Whether an institution, school, facility, organization, or agency knew about the alleged abuse and failed to report it when the alleged abuser is a staff member, youth coach, or volunteer of that entity (I.C. § 31-33-8.5-1).

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).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCS. Generally, removal of a child from his/her 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 (I.C. § 31-33-8-8).

Generally, members of this department should remove a child from his/her 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 officer 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 officer shall ensure that the child is delivered to DCS.

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

Children may only be removed from a parent or guardian:

- (a) Upon a court order or warrant (I.C. § 31-33-8-8; I.C. § 31-21-6-14; I.C. § 31-34-2-1).
- (b) When the member has probable cause to believe the child is in need of services and (I.C. § 31-34-2-3):
 - 1. It appears that the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody.
 - 2. There is no reasonable opportunity to obtain an order of the court.
 - 3. Consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

Franklin Community Schools Police Department

General Order

Child Abuse

Appropriate documentation should be completed and forwarded to DCS as soon as practicable whenever an officer takes a child into custody (I.C. § 31-34-2-6).

313.6.1 SAFE HAVEN LAW

Officers shall take custody of a child who appears to be not more than 60 days old who is voluntarily left with the officer by a parent without an expressed intent to return for the child. Whenever practicable and necessary, an officer who takes custody of a child under such circumstances should take appropriate steps to protect the child's physical health or safety. Any person voluntarily leaving the child is not obligated to disclose the parent's or the person's own name (I.C. § 31-34-2.5-1).

The officer taking custody of the child shall immediately notify DCS or a licensed child-placing agency to assume the care, control, and custody of the child (I.C. § 31-34-2.5-2).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

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

313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer 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 officer should obtain consent for such examination from the appropriate parent, guardian, or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

Franklin Community Schools Police Department

General Order

Child Abuse

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Officers should request and obtain a copy of all photographs and a summary of X-rays and other medical care provided if available (I.C. § 31-33-10-3).

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 (I.C. § 31-34-1-2).

313.9.1 SUPERVISOR RESPONSIBILITIES

The [Chief of Police or the authorized designee](#) should:

- (a) Work with professionals from the appropriate agencies, including DCS, other law enforcement agencies, medical service 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 an officer notifies the [Chief of Police or the authorized designee](#) that the officer 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 officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

313.9.2 OFFICER RESPONSIBILITIES

Officers 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 Chief of Police or the authorized designee so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

This department shall investigate alleged child abuse or neglect in the same manner that the Department conducts any other criminal investigation (I.C. § 31-33-8-2).

Franklin Community Schools Police Department

General Order

Child Abuse

313.10.1 PROCESSING REPORTS AND RECORDS

The Department shall release or forward any information, including copies of reports, to DCS, the appropriate juvenile court, and the appropriate prosecuting attorney, as required by state law (I.C. § 31-33-7-7; I.C. § 31-33-8-11; I.C. § 31-33-8.5-2).

313.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse, or the death of a child, shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (I.C. § 31-33-18-1; I.C. § 31-33-18-2).

313.10.3 CHILD FATALITY REVIEW TEAMS

This department will cooperate with, and provide documents upon request to, a local or state child death review team (I.C. § 16-49-2-1; I.C. § 16-49-2-4; I.C. § 16-49-3-5; I.C. § 16-49-6-4; I.C. § 16-49-5-2).

313.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include (I.C. § 5-2-8-2):

- (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.