

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Louisville Police Department members are required to notify the county department of human or social services of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

BCDHHS - Boulder County Department of Housing and Human Services

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

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 (CRS § 19-3-304; CRS § 19-1-103).

315.2 POLICY

The Louisville Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county department of human or social services is notified as required by law.

The Louisville Police Department follows the Boulder County Child Abuse and Neglect Investigation Guidelines.

[Boulder County Child Abuse and Neglect Investigation Guidelines - 2014 Signed.pdf](#)

315.3 MANDATORY NOTIFICATION

Members of the Louisville Police Department within the course and scope of their duties shall notify the county department of human or social services when (CRS § 19-1-103; CRS § 19-3-304; CRS § 19-3-308):

- a. They have reasonable cause to know or suspect that a child has been subjected to abuse or neglect or is in circumstances or conditions that would reasonably result in abuse or neglect.
- b. They receive a report of a known or suspected incident of interfamilial abuse or neglect.
- c. They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.
- d. They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.

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- e. They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

Officers shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural communities, in determining abuse. Abuse does not include a reasonable exercise of parental discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 19-3-307; CRS § 19-3-308):

- a. Notifications shall be made as soon as practicable, but no later than twenty-four hours after receiving the information to the county department of human or social services.
- b. A written summary of the investigation or case report shall be forwarded without delay to the county department of human or social services upon completion of any investigation undertaken.
- c. Notification, when possible, shall include (CRS § 19-3-307):
 - 1. The name, address, age, sex, and race of the child.
 - 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
 - 3. Any evidence of known domestic violence or intimate partner violence in the child's home, including any evidence of previous cases of known domestic or intimate partner violence in the child's home.
 - 4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
 - 5. The family composition.
 - 6. The source of the report and the name, address, and occupation of the person making the report.
 - 7. Any action taken by the reporting source.
 - 8. Any other information that the person making the report believes may be helpful.
 - 9. The military affiliation of the person suspected of committing the abuse or neglect if the person is a member of the armed forces or is a spouse, significant other, or family member residing in the home of a member of the U.S. armed forces.

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An investigating officer and the officer's supervisor shall notify the school district superintendent when there is a reasonable belief that an incident of abuse or neglect has been committed by a person acting in their official capacity as an employee of the school district (CRS § 19-3-308).

315.4 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. 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.

315.5 INVESTIGATIONS AND REPORTING

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.

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 officer 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 he/she 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 should include photographs of such injuries, if practicable.
- f. Whether the child victim was transported for medical treatment or a medical examination.
- 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.

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- j. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Unless unavailable, the county department of human or social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

This agency shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308).

When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating officer shall coordinate such investigation with any concurrent abuse investigation being conducted by the Department of Education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308).

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).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county department of human or social services. 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.

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 the county department of human or social services.

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 in the following situations (CRS § 19-3-401):

- a. When a court order has been issued authorizing the removal of a child.
- b. Without a court order when the child is seriously endangered in his/her surroundings or seriously endangers others and immediate removal appears to be necessary for the child's protection or the protection of others.
 - 1. A child shall be removed from his/her home and placed in protective custody if an emergency exists because the child is seriously endangered, as described above, the safety or well-

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being of the child is immediately at issue, and there is no other reasonable way to protect the child without removing the child from his/her home.

- c. Without a court order when an arrest warrant has been issued for the child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.
- d. A seriously endangered newborn child (less than 72 hours old) may be detained in a hospital, without a warrant, by an officer upon the recommendation of the county department of human or social services, a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while an order of the court pursuant to CRS § 19-3-405(1) is being pursued. The newborn child must be released if a court order is denied.

315.6.1 COURT ORDERS

Unless already being addressed by the county department of human or social services, an officer should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the officer (CRS § 19-3-405):

- a. Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future.
- b. Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered.

315.6.2 RELATED NOTIFICATIONS

If the county department of human or social services is unable to take custody of a child, officers taking a child into protective custody shall (CRS § 19-3-402):

- a. Deliver the child, without unnecessary delay, directly to the court or to a place designated by the court.
- b. At the earliest opportunity, notify the court that the child has been taken into protective custody.
- c. Promptly file a brief written report with the court and any agency or person so designated by the court stating the facts that led to the child being taken into custody and the reason why the child was not released.

Whenever a child is taken into temporary protective custody, the child's parent, guardian, or legal custodian shall be notified without unnecessary delay (CRS § 19-3-402(1)). The notification shall include information regarding the right to a hearing.

315.6.3 SAFE HAVEN ACT PROVISIONS

A parent is not guilty of child abuse as defined in CRS § 18-6-401 if the parent surrenders his /her newborn infant (72 hours old or younger) to an on-duty firefighter or staff member at a hospital or community clinic emergency center under the safe haven provisions of CRS § 19-3-304.5. A supervisor and the county department of human or social services should be notified without delay.

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315.7 INTERVIEWS

315.7.1 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.

315.7.2 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.

315.8 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.

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.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Section Supervisor should:

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- a. Work with professionals from the appropriate agencies, including the county department of human or social services, 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 Detective Section Supervisor 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 there.
- 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.

315.9.2 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 Detective Section Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

315.10.1 PROCESSING REPORTS AND RECORDS

Members documenting child abuse should make the notation "CHILD VICTIM" on the report or other record of official action and on the file containing such record (CRS § 24-72-304 (4.5)(b))

315.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 19-1-307; CRS § 24-72-304).

315.10.3 CHILD FATALITY PREVENTION REVIEW TEAMS

Local review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

315.10.4 SERVICE OF PROTECTION ORDER

Officers responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall serve the restrained person with a copy of the order (CRS § 19-1-104).

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315.11 TRAINING

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

- 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.

Attachments

er County Child Abuse and Neglect Investigation Guidelines - 2014 Sign

Boulder County

Child Abuse and Neglect Investigation Guidelines

Effective September 30, 2014

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Official Endorsements:

These guidelines are endorsed by the following agencies:


Greg Testa
Chief, Boulder Police Department

09-17-14
Date


Joe Pelle
Sheriff, Boulder County

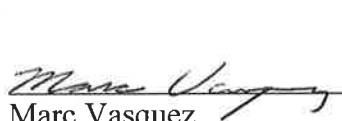
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Rick Bashor
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9/17/2014
Date


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Chief, Louisville Police Department

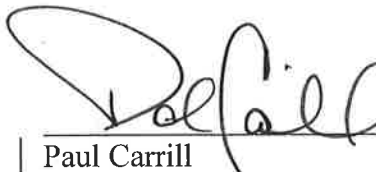
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Date


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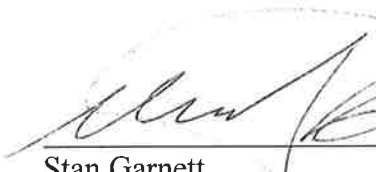
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09/29/2014
Date

CHILD ABUSE AND NEGLECT INVESTIGATION GUIDELINES

September 30, 2014

PREFACE

Cases of child abuse and neglect provoke intense emotion and cause continuing disruption in the daily lives of victims and their families. It is the goal of each agency involved in the creation of these guidelines to hold as our first priority the protection of children in Boulder County. This goal is best accomplished by a coordinated, county-wide effort to serve children and their families. These guidelines also help provide consistency in how investigations into child abuse and neglect cases are handled, providing for more efficient and effective investigations and prosecutions.

These guidelines are general in nature, providing a framework for investigators to follow. It is recognized and accepted that each individual case is different, and may require some variation in how an investigation is handled. Furthermore, the intent of these guidelines is to support and encourage coordination, cooperation, and to establish areas of responsibility for each agency normally involved in the reporting, investigation and treatment of physical and sexual child abuse and neglect cases.

It is the policy of the signatory agencies to this set of guidelines that to the highest extent possible, child welfare actions undertaken by each agency will be cooperative and coordinated in order to better serve the interest of the child and the public.

Specific information such as names of programs and individuals and telephone numbers can be found in the References Table which is included at the end of these Guidelines.

Definitions

Colorado law defines child abuse as:

- Any case in which a child (under the age of 16 in criminal cases, C.R.S. §18-6-401(2); under age 18 for BCDHHS child protective services, C.R.S. §19-1-103(1) and (18)) exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and either: such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence;
- Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution;
- Any case in which a child is in need of services because the child's parents, legal guardian or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take;
- Any case in which a child is emotionally abused.

Intrafamilial physical or sexual abuse is defined as:

- Any case of physical, emotional, or sexual abuse of a child that occurs within a family context by a child's parent, stepparent, sibling or step-sibling, guardian, legal custodian, relative, or a spousal equivalent, domestic partner, or any other person who resides in the child's home or who has access to the child's home for the purpose of exercising care for the child. It does not include a person who is regularly in the home to provide care for a child and is paid and is not related. A spousal equivalent or domestic partner means a person who is in a family-type living arrangement with a parent and who could be a stepparent if married to that parent.

(Regulations of the Colorado Department of Human Services CDHS Staff Manual, Vol. 7, § 7.202.3

Third party abuse is defined as:

- Child abuse that occurs outside the family, when parental neglect is not a factor, and the perpetrator is ten years of age or older.

Institutional abuse is defined as:

- Any case of abuse that occurs in any public or private facility in the state that provides child care out of the home, supervision, or maintenance. Facility includes, but is not limited to, family child care homes, foster care homes, and any other facility subject to the "Colorado Child Care Licensing Act." "Institutional abuse" does not include abuse that occurs in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides extended day services, abuse that occurs while such services are provided shall be institutional abuse. C.R.S. §19-1-103 (66).

Colorado law provides certain responsibilities and protections for Reporters. Mandatory Reporters are defined as:

- Any person who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect and who is in identified medical, education, social work, human services, mental health, clergy, law enforcement and photographic processing positions specified in C.R.S. §19-3-304.
- Individuals who are not required to report child abuse or neglect are also called Reporters under the Children's Code. C.R.S. §19-3-304(3).
- Reporters are entitled to protection of their identities from parents, guardians and legal custodians. C.R.S. §19-1-307(e).

Differential Response Definitions are provided below:

Boulder County implemented a *Differential Response System* to better serve their child welfare families in November 2013. While there are several practice enhancements connected to this that

are woven throughout the Family and Children's Services Division of BCDHHS, for the purposes of this document, the "dual track response" to new reports of child abuse or neglect in the intake division will be addressed. In Differential Response, screened in reports of abuse or neglect may be investigated by a caseworker either as a *Family Assessment Response (FAR)* or as a *High Risk Assessment (HRA)*.

- FAR – this assessment is for low to moderate risk referrals of abuse or neglect and is conducted by a caseworker generally without law enforcement present. Child safety is the focus, partnership with families is a primary goal, collaboration and engagement is communicated from the beginning of the assessment. Colorado law has been amended to allow caseworkers to interview children and their families together when safe and appropriate, and there is no finding determined by DHHS regarding the substantiation of child abuse and neglect. C.R.S. §19-3-308.3 and 12 CCR 2509-3:7.202.52(b) The involvement by DHHS is for the purpose of determining child safety, family strength and need, future risk of harm, and engaging the family in obtaining and utilizing the necessary services and supports to improve their situation.
- HRA- this assessment is for high risk situations and involves a more traditional forensic style child welfare assessment. This is required in all serious bodily injury reports, intra familial sexual abuse reports, child fatalities, near fatalities, and incidents of egregious abuse and neglect. Additionally, this assessment style is required for all reports of institutional abuse. This will be used in joint investigations that fall into the categories described above and will follow typical protocols for interviewing children outside the presence of the person allegedly responsible for the abuse or neglect and will result in a finding by DHHS regarding the substantiation of child abuse or neglect. Similar to FAR the focus is on child safety, and partnership with families is always a goal. The involvement by DHHS is for the purpose of determining child safety, family strength and need, future risk of harm, and engaging the family in obtaining and utilizing the necessary services and supports to improve their situation. Joint investigations under this policy will generally be for HRAs.

Responsibility for Investigations

Child abuse and neglect are community problems requiring a cooperative, complementary response by law enforcement, social services, and many other agencies. Depending on the situation, agencies benefit from the assistance and cooperation of one another. Community notification is critical to discovering, investigating, treating, and prosecuting child abuse. In order to maintain and enhance open communication with the public, agencies may not divulge Reporters' identities. It is the responsibility of all agencies to keep the identity of the Reporter confidential. The exception to this policy is when the District Attorney's Office decides to prosecute a case.

The Boulder County Department of Housing and Human Services (BCDHHS) are primarily responsible for assessing the welfare and risk to the child. BCDHHS is responsible for the coordination of all investigations of all reports of known or suspected incidents of intrafamilial abuse or neglect, and shall conduct the investigations jointly and in coordination with law

enforcement to the extent a joint investigation is possible and deemed appropriate as outlined in these guidelines. In all cases of abuse, BCDHHS is responsible for assessing the abuse involved and the appropriate response to the report, offering social services to the child and his/her family, and notifying law enforcement for investigation of violations of criminal child abuse laws.

In intrafamilial cases, law enforcement is primarily responsible for conducting investigations of alleged criminal offenses and presenting cases for criminal filing to the District Attorney's Office.

The following intrafamilial cases shall, when possible, be investigated jointly by law enforcement and social services:

- Suspicious child death when there are other children living in the home;

- Intrafamilial physical abuse- severe, egregious, near fatal;

- Intrafamilial sexual abuse;

- Severe or repeated neglect, including failure to thrive;

- When there is a need to place a child in protective custody;

- When a risk of danger to BCDHHS investigator by the perpetrator exists;

- When a parent refuses access to a child by BCDHHS or refuses medical examinations;

- Abuse in an institutional setting, foster or group home, or child care home or facility- if something criminal has occurred or other joint investigation criteria apply and exposure to dangerous narcotics or situations including, but not limited to the chemicals used in the manufacturing of controlled substances.

Department of Housing and Human Services are also responsible for the investigation of the following types of cases:

- Child neglect cases that do not meet the statutory elements of abuse;

- Emotional abuse;

- Lack of supervision complaints;

- Sexual abuse complaints when the perpetrator is under ten years of age. If it is determined that the perpetrator, or any other involved child, is also the victim of sexual or physical abuse perpetrated by someone age 10 or over, BCDHHS shall immediately notify law enforcement and the district attorney's office.

Investigating third party abuse when the alleged perpetrator is 10 years of age or older is the responsibility of law enforcement.

General Procedures for Joint Investigations

The agency receiving the report shall notify the other agency that a joint investigation is indicated.

Each agency shall check its agency's records for previous contacts with the family and suspected perpetrator. This includes a check of the local data base and the state automated case management system by Housing and Human Services and NCIC/CCIC by law enforcement. Law enforcement will check DMV and other public records upon an agency request and share that information, to the extent it is permitted by law.

Prior to conducting an investigation, the Housing and Human Services case worker and law enforcement officer who will be conducting the investigation must communicate to share information and plan the investigation.

An investigation plan should be developed, including:

- The preference is for the suspect to be interviewed by law enforcement. This is to be completed in a timely manner. However, it should be clear that under no circumstances shall the BCDHHS wait beyond 45 days to conduct their own interview with the alleged perpetrator.
- where interviews are to be conducted (child advocacy center, home school, etc.);
- the order of interviewing victims, parents, siblings, relatives, teachers, therapists, suspect(s), and any other witnesses;
- who will take the lead in interviewing each person;
- whether to record the interview and how to record the interview (audio tape, DVD, etc.); and
- what interviewing aids are appropriate (such as anatomical dolls, drawings, etc.).

A determination will be made by law enforcement and/or BCDHHS as to whether a medical and/or psychological evaluation should be obtained.

All evidence should be gathered and preserved by law enforcement. This includes:

- recording all observations accurately and in detail;
 - taking of photographs; and
 - gathering all relevant physical evidence such as the instrument that inflicted the injury, rape kit, blood and hair samples from the suspect, etc.
- All reports, including interviews and photographs, shall be made available to BCDHHS.

Law Enforcement Investigation Guidelines

In cases of intrafamilial child abuse in which access by the alleged perpetrator to the child presents immediate safety concerns, law enforcement agencies shall notify Housing and Human Services immediately. In all other cases, a copy of the law enforcement agency's reports shall be

forwarded to Housing and Human Services as soon as possible. When deemed necessary, notification to Housing and Human Services via telephone can be made. It is the responsibility of all agencies to keep the identity of the initial reporter confidential, to the extent of the law.

All law enforcement agencies shall notify the District Attorney's Office and Boulder County Coroner as soon as possible on all child death cases in which death may be the result of suspected non-accidental trauma or severe neglect. When the suspicious death is thought to be related to suspected intrafamilial abuse or neglect, and there are surviving siblings, DHHS must also be notified immediately.

In an effort to collect evidence, protect the welfare of the victim, and to expedite the investigation, all law enforcement agencies shall notify the appropriate medical facility when they are transporting an alleged child abuse victim to the medical facility.

When the investigation involves a suspected perpetrator who was acting in his official capacity as an employee of a school district, law enforcement agencies shall notify the Department of Education or the school district. Law enforcement shall assume the primary responsibility for the coordination and investigation in these cases. Law enforcement shall prioritize these cases and respond and investigate as soon as possible.

When an officer acting in good faith believes that a perpetrator has the potential for contact with other child victims, such as with civic, church or school groups, the officer should consider notifying these entities in an effort to prevent further victimization.

Cross Jurisdiction Cooperation within Boulder County:

Priority shall be to meet the victim's needs. If any part of the offense occurred where it is first reported, that law enforcement agency should take the entire report and share it with the other agencies. If no part of the offense occurred where it is first reported, the law enforcement agency should facilitate the child's report to the appropriate jurisdiction.

Initial Response:

The first priority in a child abuse investigation shall be ensuring the protection of the child.

Upon receiving a report of child abuse, the law enforcement agency shall dispatch a sworn law enforcement officer to make an initial assessment of the facts of the case. In cases involving serious bodily injury to a child, and child sexual assault cases occurring within the past 72 hours, the officer obtains basic initial information, contacts an appropriate investigator, and completes a detailed report. In child sexual assault cases reported 72 hours or later after the occurrence, and which do not involve child protection issues or other emergency circumstances, the officer is encouraged to obtain the relevant information from sources other than the victim and leave the interview of the child to an appropriate investigator. It is the responsibility of all investigators to keep the identity of the initial reporter confidential, to the extent of the law. A detailed report shall also be completed and provided to BCDHHS.

When child abuse is alleged, the officer shall observe the child and may interview the child involved. Primary jurisdictional responsibility should be determined at this point.

Officers should recognize the potential for cross-jurisdictional investigations and make appropriate notifications prior to interviewing the victim(s). The law enforcement officer should also consider whether a medical examination is appropriate.

Factors to consider in evaluating whether or not a child should be interviewed by law enforcement:

- The child's age and maturity;
- The child's ability to relate what has happened;
- The emotional stability and physical needs of the child;
- The possibility of retaliation by a parent against a child who has "told"; and
- The number of times the child has previously been interviewed, the content of the interview(s), and who conducted the prior interview(s).

Observation of and Treatment of Injuries:

Examine the child or children for physical injury and document any injuries. It is recommended that law enforcement officers of the same sex as the victim conduct visual examination for injuries.

In cases involving serious physical injury or suspected sexual abuse, the investigating officer, in cooperation with the social worker (if one is involved), obtains a medical examination, including a sexual assault exam when appropriate, of the child for protection of the child, treatment, and documentation purposes. Visible injuries are photographed.

Parental consent is not required to obtain copies of medical records in abuse cases (C.R.S. §19-3-311).

When a parent will not consent to medical examination, the investigating officers may seek a court order from a district court judge to obtain an examination. The BCDHHS and County Attorney's Office assist when seeking such an order. The officer shall consider placing an endangered child in protective custody while seeking such an order.

Investigators must use extreme care when examining children for signs of physical abuse in intimate areas of the body. Investigators are not relieved of 4th Amendment requirements for conducting searches that do not involve consent or exigent circumstances. Investigators obtain consent from the parent and victim to conduct such a search (a child may be able to give consent without the parent, with consideration given to age, reasoning, and ability to understand what is occurring). These searches are best handled in a medical setting by a nurse or other qualified individual. In any case, investigators have another credible person present during the exam. When the investigator has probable cause to believe a crime was committed, but cannot obtain consent and exigency is not an issue, the investigator seeks a search warrant.

Under Colorado law, parental consent is not required for a sexual assault exam for any child 15 years of age and older.

The following procedures are recommended in examining a child for injuries:

1. Before examining a child for injuries, it is important to explain to the child and parent/guardian what you are going to do. Enlisting the help and support of the parent/guardian is helpful.
2. It may be necessary to remove the child's clothing to observe hidden injuries. When this occurs, a second person should be present for the comfort of the child and the protection of the investigator. At no time should the child be completely undressed.
3. Begin at the head and work down to the bottom of the feet in looking for any signs of abuse and neglect.
4. The location, size, and color of all injuries, including old injuries or scars should be documented.

Criteria for Medical Examination

The following circumstances generally require an examination by a health care professional when there is reason to believe or suspect that the injuries are the result of abuse or neglect:

1. When there is an allegation or reasonable suspicion of sexual abuse involving penetration or intrusion, the child should be examined by an appropriate health care professional who has expertise in the area of sexual abuse. If the abuse occurred within the past seventy-two hours, an examination should be done as soon as possible. In all cases of sexual abuse, an examination should be considered when there is a reasonable likelihood evidence will be discovered;
2. With the exception of minor injuries, any injury to a child under the age of three or any at risk child;
3. Any serious injury to the head or face of a child, or reason to believe an internal head injury may be present, especially when force is involved;
4. Any other injuries not minor in nature, including, but not limited to; fractures, excessive bruising, welts, and injuries with swelling or tenderness;
5. Any 2nd or 3rd degree burn;
6. If a child appears ill (fever, vomiting, open wounds, etc.), or complains of pain or tenderness;

7. When a child is found in a location where a methamphetamine or other drug lab is or has been in operation, immediate medical testing for methamphetamine and/or other drug toxicity and follow-up medical tests, examinations, or health care;
8. If there is a question as to the need for a medical examination, a health care professional should be consulted. If not available, a referral for treatment and/or examination should be made.

Protective Custody:

Police officers have legal authority (C.R.S §19-3-401) to remove a child from a home or dangerous environment without a court order whenever they reasonably believe that a child is abandoned, lost or seriously endangered and immediate removal appears necessary for the child's protection.

- A. The immediate welfare of the child is always paramount to officers investigating these cases, and this legal authority can be exercised whenever deemed appropriate.
- B. Social workers do not have this authority without a court order; therefore, in some cases it is necessary for the officer to take this action.
- C. In any such circumstance, the officer thoroughly documents the facts and circumstances dictating such a decision in a written report. The child is turned over to BCDHHS immediately for placement. The officer makes him/herself available to testify at all temporary protective custody hearings.

Once a law enforcement officer has placed a protective hold on a child, Housing and Human Services will place the child in a licensed placement facility, or in an approved kinship placement at the sole discretion of BCDHHS.

In the event that the law enforcement officer decides not to place a hold and the Housing and Human Services worker decides to request a court ordered hold which is granted, the respective law enforcement agency shall assist in enforcing the court order.

When the officer takes a child into protective custody, the social worker or officer shall serve the parent or guardian with a NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES. The officer shall immediately forward a copy of the notice to Social Services.

In cases of child death, serious physical abuse/neglect, or sexual abuse, the law enforcement officer shall discuss the necessity for a protective hold on other children with the Housing and Human Services worker.

When it appears reasonable and safe to do so, the officer may allow a child to go with a person designated by the parent in lieu of formal placement in protective custody, after consultation with the BCDHHS for background check clearance.

Identify and Interview Potential Witnesses:

These should include where relevant:

The reporting party	Outcry witnesses
Parents	Guardians
Siblings	School Personnel
Counselors	Babysitters
Neighbors	Other relatives

Any organization or group where the perpetrator may have contact with children.

If any of the above were the initial reporting party their identity must be kept confidential.

When interviewing these witnesses it is important to address behavioral indicators of abuse or neglect. The presence of certain behavioral indicators corroborates the child victim's account of abuse or neglect. During the interview of the child victim it is important to observe and document the child's demeanor as well as the content of his/her statements. Observe and record the behavior of the child victim and the suspect toward each other that occurs in your presence. When interviewing outcry witnesses question them about the behavior and demeanor of the child victim during the outcry. Interview witnesses who know the child victim, such as parents, friends, school personnel, etc., concerning any behavioral changes or unusual behavior exhibited by the child victim. Also ask these witnesses to describe the relationship and behavior they have observed between the child victim and the suspect.

All witnesses, including siblings, should be interviewed separately as soon as possible. Consideration should be given to limiting contact with the alleged perpetrator or others who have an interest in influencing the child victim.

Determine the number and identity of other children in the home or the environment being investigated.

If other victims are identified, proceed with the investigation of another criminal episode.

Collecting and Gathering Evidence:

All evidence shall be collected as would be done in any other criminal case. All evidence is considered the property of the law enforcement agency that collects the evidence, and the District Attorney's office.

- This includes an examination of the crime scene.

Law Enforcement agencies follow the law in conducting crime scene searches..

Officers should record their observations accurately and in detail so that they will be able to testify effectively in subsequent criminal or civil proceedings. Note such things as:

- (a) Physical and emotional condition of all children, including their general appearance and any observable injuries or conditions;
- (b) Safety of surroundings (unprotected open windows, exposed wiring, vermin, human or animal waste, exposed weapons, caustic fluids or cleaners, drugs or drug paraphernalia, etc.);
- (c) General condition of the home, including degree of cleanliness and adequacy of sleeping, eating, and washing facilities;
- (d) Availability of food and water; and
- (e) Adequacy of heat, light and space.

Observe and record the behavior of the parents and child(ren) toward each other in the officer's presence.

Photographic and Video Evidence

- All photographic and/or video evidence should be gathered per departmental procedure, and should include photographs taken with and without a scale. If available, a color bar may also be useful.
- Photographs and/or videos of physical injuries should be taken as soon as possible and again when bruising is prominent.
 - (a) Use extreme sensitivity when photographing or videoing injuries on children to prevent alarming the child (ren) any further.
 - (b) Take full body and close-up photos of injured areas.
- Photograph and/or video areas in the environment where the injury occurred.
- Photograph and/or video record the general conditions in a home where such things as soiled bedding, filth, exposed wiring, inadequate plumbing, etc., may exist.
- Properly mark and identify the photographs and or videos.
- Follow-up photos and/or videos (i.e. bite marks, bruises, scratches, etc.)

Interview Evidence

According to C.R.S. §19-3-308.5 of the Colorado Children's Code, an interview of a child may be audiotaped or videotaped. Interview evidence is considered the property of the law enforcement agency involved and the property of the District Attorney. Copies of interviews are provided as a courtesy to BCDHHS, but permission must be granted by the law enforcement agency and the District Attorney's office before the interviews can be copied or viewed by another party. Interviews regarding sexual abuse are strongly encouraged to be video recorded, with consideration given to the age of the child. This interview should be conducted by a trained interviewer.

Video recording of sexual assault interviews should not be conducted when doing so is impractical under the circumstances, or will result in trauma to the child.

Whenever possible, interviews of victims of child abuse or neglect are done in coordination with the BCDHHS.

Physical Evidence

- All physical evidence should be gathered per departmental procedure and documented as to the location of the evidence when recovered.

Depending on the circumstances, physical evidence that may be gathered includes, but not limited to:

- (a) The instrument that inflicted the injury;
 - (b) Pubic hair;
 - (c) Suspected blood on clothing of the victim or suspect;
 - (d) Sexual aids, pornography, and/or photographs, videos;
 - (e) Suspected semen on mouth, genitalia, clothing, or bedding of the victim; and
 - (f) DNA samples from suspects
- In the absence of exigent circumstances, when obtaining non-testimonial evidence from a suspect (i.e. blood, pubic hair, etc.), it may be necessary to obtain a Rule 41.1 Court Order, Rule 16 Court Order, Search Warrant and/or consent from the suspect.

Medical documentation of child abuse/neglect:

- Copies of medical records can be released to the investigating officer, upon the officer signing the appropriate consent for release of medical records.
- Parental consent is not required for release of medical records regarding the allegation. C.R.S. §19-3-311.

Other Investigative Techniques:

- There are other specialized investigative techniques that may be of value in certain cases. Supervisory review should identify such cases.

Interviews of Perpetrators:

It is generally accepted that initial perpetrator interviews will be conducted by the investigating detective in a one on one setting. However, it is suggested that the detective and social worker meet prior to the interview to exchange pertinent information.

It is strongly encouraged that cases that involve serious bodily injury or sexual abuse have interviews conducted by a detective or an appropriately experienced interviewer.

Consideration must be given to the integrity of the case in assessing the timing of the perpetrator interview; however, the overriding factor in determining timing rests in the ability of BCDHHS and law enforcement to assure that the safety of the children and other potential victims has been secured.

There is a statutory requirement that the perpetrator be advised of the allegation and be given a chance to respond. Timing of the notice should be coordinated between law enforcement and BCDHHS. When and how to interview a perpetrator in a criminal investigation typically rests with law enforcement, with the preference being that the suspect is interviewed by law enforcement. However, BCDHHS is subject to regulatory timeframes that require notice by them of the findings of their investigation to the alleged perpetrator by the 60th day of the investigation regardless of the status of the criminal investigation. Therefore, it is incumbent on all parties to give great urgency to joint investigations, and perpetrator interviews in particular, to assure that perpetrator notification is both coordinated and timely. CDHS Staff Manual, Vol. 7, § 7.110.2 Accordingly, under no circumstance shall the BCDHHS wait beyond 45 days to conduct their own interview with the alleged perpetrator.

Outside limitations such as homicide investigations, staffing limitations, etc., are recognized as legitimate interruptions to the investigation but must not diminish the importance and necessity for a prompt perpetrator interview.

Perpetrators or suspects shall not be brought to the child advocacy center.

Documentation of Investigation:

When investigating a reported child abuse/neglect case, the offense report shall be titled as a child abuse or child neglect case as appropriate. The report shall contain all pertinent facts of the investigation.

Documentation shall be completed whether the abuse/neglect is founded or unfounded and forwarded to the Department of Housing and Human Services.

Upon completion of the law enforcement investigation, the law enforcement agency shall forward a copy of the offense report to Boulder County Housing and Human Services. All reports should be emailed to the dedicated email address for the receipt of reports, both complete and new, using sslongmontintake@bouldercounty.org.

When child abuse/neglect is investigated during the course of an investigation of another criminal offense, the law enforcement agency shall contact the Department of Housing and Human Services.

In cases of third party abuse/neglect, a recommendation to Housing and Human Services concerning entry of a confirmed report of abuse or neglect in the Colorado Department of Human Services automated system may be made if there is probable cause. There must be probable cause to believe a child abuse offense occurred and a specific person committed the child abuse offense. A written report should be forwarded to Housing and Human Services for consideration for entry of a confirmed incident of abuse or neglect in the Colorado Department of Human Services automated system.

Charging Guidelines:

–The following guidelines are derived from statutes and have been agreed upon by representatives from law enforcement, the District Attorney’s Office, and BCDHHS. Child abuse, the criminal violation, is found in C.R.S §18-6-401. Additional statutory definitions may be referred to when making charging decisions and are found in C.R.S §19-1-103(1).

A. Abuse: an arrest is made or a summons issued when probable cause and one of the following conditions exist:

1. Skin bruising,
2. Bleeding,
3. Burns,
4. Fractures,
5. Subdural hematoma,
6. Soft tissue swelling, or
7. Death.

B. Neglect: an arrest is made or a summons issued when there is probable cause to believe that a child was permitted to be unreasonably placed in a situation which posed a threat of injury to the child's life or health, or the responsible party engaged in a pattern of conduct which resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries which ultimately resulted in death or serious bodily injury. Children under the age of 12 years are considered at greater risk than older children. These cases may include, but are not limited to:

1. Exposure to illegal drugs, alcohol abuse, or domestic violence, or abuse of animals;
2. Unreasonable exposure to the elements;
3. Abandonment;
4. Failure to supply adequate food, clothing or shelter; and
5. Placement in a dangerous environment.

209-9 Summons v. Arrest

The following guidelines are generally agreed upon to assist the officer with the decision to make a custodial arrest or issue a summons.

A. Arrest. A custodial arrest is made when:

1. After investigation, it is determined that the child is in continued danger of abuse once the officer or social worker leaves;
2. A felony (serious bodily injury) has occurred; or
3. Sexual abuse has occurred.

4. The suspect's prior criminal history, etc. should also be considered.

B. Summons. A summons is issued when:

1. A misdemeanor abuse or neglect has occurred, the parent or suspect is cooperative, and risk of further abuse is minimal; or
2. A third party abuse has occurred and the suspect poses no further threat to the victim, and there is no need for a "no contact" provision of bond.

Housing and Human Services Investigation Guidelines

Housing and Human Services shall notify law enforcement when they reasonably believe that an incident of serious, egregious, near fatal, fatal, or sexual child abuse or neglect has occurred. This notification will be made immediately by phone when there is an indication for a joint investigation, or when there are immediate safety concerns. Any emergent need for law enforcement intervention will be called in to the appropriate police dispatch.

In all other cases when BCDHHS receives a report of child abuse or neglect they will document them immediately in the state automated case management system TRAILS. A copy of all reports will be sent via email to the appropriate law enforcement jurisdiction and the District Attorney's office within three business days of the report being generated.

The Department of Housing and Human Services will have a social worker available on a 24-hour basis. The on call social worker will be available to immediately respond to law enforcement requests for assistance. Notification does not necessarily require a physical response. The officer will initially consult by telephone with the Housing and Human Services screener who will gather the necessary information and consult with the officer and the on call DHHS supervisor to determine if a physical response is necessary. Requests for emergency assistance are appropriate in the following situations:

- emergency placement when no suitable placement is immediately available to law enforcement;
- serious cases of child abuse requiring immediate response;
- sexual abuse cases where the victim is at continued risk from the perpetrator;
- abandoned children or those at risk of serious neglect;
- situations where children are at immediate risk in the home and need to be removed for their protection (protective hold);
- suspicious child death cases, egregious incidents and near fatalities;
- situations where the child or family is likely to flee the jurisdiction.

Initial Screening

Housing and Human Services shall have staff continuously available 24 hours a day to respond to abuse and neglect reports. Continuously available means the assignment of a person to be near an operable telephone, a paging system, or to have such arrangements made through agreements with the local law enforcement agencies.

After initial screening referrals may be accepted for further assessment and or investigation.
CHDS Staff Manual, Vol. 7, 7.103.4

An assessment is made as to the level of risk to any child (ren) involved. Factors to be addressed and documented include: age/vulnerability of the alleged victim; the specified nature and severity of the alleged maltreatment; prior reports; and continuing access of the alleged perpetrator to the victim. The county shall utilize the RED Team Framework and process to determine the appropriate level of BCDHHS response. The Framework shall include:

- Danger/harm
- Complicating /risk factors
- Gray area
- Cultural considerations/race
- Safety
- Strengths/protective factors
- Next steps

CDHS Staff Manual, Vol. 7, §7.103.61

Prioritization of Response

Housing and Human Services shall prioritize the investigation of referrals based upon an initial assessment of risk of further abuse and the current safety of the child. Housing and Human Services shall assign priority in response time using the following guidelines unless there are circumstances that require a different response. In that event, those circumstances shall be documented in the case file.

- **Immediate and/or same day response:** Required when the report indicates that:
 - a. Without immediate response, the **child is in danger of moderate to severe harm**, or
 - b. The **child's vulnerability or factors** such as drug and alcohol abuse, violence, isolation, or risk of flight from one county to another county or state, **increase the need for immediate response**.

If the report is received after regular business hours, response is within eight hours.

- **End of the third calendar day (72 hours)** when the report indicates that:
 - a. Without immediate response within three days, the **child is in danger of moderate to severe harm**, or

b. Factors such as drug and alcohol abuse, violence, isolation, or risk of flight from one county to **another county or state**, **increase** the need for intervention in the near future;

- **Within five (5) working days from the date the report is received** when the report indicates maltreatment or risk of maltreatment to a child and indicates an absence of safety concerns. The five (5) working day response excludes the day that the referral was received. CDHS Staff Manual , Vol. 7; §7.103.61 A (3)

Institutional Abuse Allegations:

The county department conducting the assessment shall assign priority in response time using the criteria set forth on page 20 of this document and as outlined in CDHS Staff Manual 7 7.103.61.

BCDHHS Assessment/Investigative Report:

The assessment/investigation shall determine the nature, extent and cause of the alleged abuse or neglect and the family and Child's need and desire for any additional services or supports that may be provided by the agency or community. The initial focus of the investigation/assessment is on whether the child is safe or unsafe using the Safety Assessment Tool (CDHS Staff Manual, Vol. 7, §7.107.11, and determining future risk of harm using the Colorado Family Risk Assessment Tool 7.107.2.

At a minimum, assessment/investigation of reports shall include the following activities:

- A face-to-face interview with and/or observation of the child.(to be conducted out of the presence of the person alleged to be responsible for the abuse/neglect in High Risk Assessments or may be conducted jointly with family in Family Assessment Response cases)
- An examination of the child to include an assessment of the child's overall current physical, mental or emotional condition.
- A listing of the names and conditions of other children living in the same place
- An interview of the child's parents or other caretakers, siblings, guardians, or custodians, as appropriate.
- A consideration of ethnic, religious and cultural issues. However, such issues may not be accepted when in conflict with the definition of child abuse and neglect.
- In cases of individuals with special needs (i.e., hearing impaired, visually impaired, developmentally impaired, mentally impaired, non-English speaking), the caseworker should seek a legally appropriate person to assist in the interview.
- An attempt to interview any person alleged at any time during the referral or investigation to be responsible for the abuse or neglect- advising them of the report and giving them an opportunity to respond, and request support and assistance

- An assessment may include a visit to the child's place of residence or place of custody if:

(a) home conditions are the subject of the referral

OR

(b) information indicates that assessment of the home environment or of other children in the home is necessary. If access to the home or child is denied, Housing and Human Services may seek a court order or assistance from law enforcement to obtain access.

Assessments/Investigations of reports shall include, in addition to those stated above, the following activities:

- Consideration of the possibility of other forms of abuse or neglect.
- If necessary, arrange a medical evaluation of the child by health professionals. See Criteria for Medical Examination, page 10.
- If necessary, arrange a crisis evaluation of the mental and/or emotional condition of the child by mental health professionals.

Law enforcement assistance and/or an appropriate court order may be sought when one or more of the following criteria exist(s):

- The need for a joint investigation.
- A Housing and Human Services worker is unable to properly investigate a report of suspected child abuse or neglect due to the family's unwillingness to cooperate, or if access to the child or to the home is denied, for purpose of evaluation of the referral.
- The Housing and Human Services investigation indicates the need for removal of the child from the home.
- The family is already under the jurisdiction of the court and a modification is necessary to ensure the child's continued safety.
- It is necessary to restrain an individual from having contact with the child or to exclude an individual from the family home to ensure that the child is protected from physical or emotional harm that would likely result from such contact.

Interviews of Child Victims:

Shall be conducted by BCDHHS in accordance with CDHS Staff Manual Volume 7 7.104.1.

Courtesy Interviews

When requested by an outside agency, due to the location of the child or perpetrator, Housing and Human Services will conduct and coordinate courtesy interviews. Housing and Human Services will request law enforcement assistance when appropriate.

Protective Custody

A child shall not be removed from the home without being taken into police protective custody, or without a court order, or a signed voluntary placement agreement. Refer to page 11, *Protective Custody*, for further information. When a child is taken into police protective custody, a NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES must be provided to the parent or guardian.

Third Party Abuse and Neglect

Law enforcement personnel shall assume the primary responsibility for the coordination and investigation of third party abuse and neglect by persons ten years or older.

If the law enforcement agency notifies Housing and Human Services that the protection and safety of a child is at risk, then BCDHHS may conduct an assessment of those protective issues.

If the law enforcement agency refers to Housing and Human Services a report of third party abuse or neglect in which the alleged perpetrator is age nine and under, the case will be referred to BCDHHS Intake for initial screening as described on page 19. Housing and Human Services may then conduct an assessment to determine if the child is abused, neglected, or needs additional services.

Before an investigation is completed, if a law enforcement agency determines that the assistance of Housing and Human Services is required for the child or the child's family, then BCDHHS may respond in a manner they deem appropriate.

Housing and Human Services shall review investigative reports of law enforcement regarding third party abuse or neglect, and shall determine whether the report is founded/confirmed and should be entered into the Colorado Department of Human Services automated system. Upon such determination, BCDHHS must enter the confirmation of the report in the CDHS automated system within sixty days of receipt.

Assessment of Institutional Abuse

Housing and Human Services shall coordinate the investigation of reports of institutional abuse. Local law enforcement agencies shall be notified by BCDHHS when the investigation warrants law enforcement involvement. Institutional abuse or neglect includes those reports that occur in any private or public facility that provides out-of-home child care including day care homes and centers and 24-hour child care facilities. School settings shall not be viewed as institutional abuse unless the school also provides after school care and the alleged incident occurred after regular school hours. The county Department of Human or Social Services in which the facility named in the report is located shall be responsible for the coordination of the investigation.

Housing and Human Services initial investigation shall assess the need for emergency intervention and evaluate the safety of the child or other children in the institution.

A report of a minor injury resulting from physical restraint shall not, by itself, require a full investigation unless there are surrounding circumstances that would indicate abusive or neglectful behavior by the care provider. Such circumstances include those reports in which someone is specifically alleging the behavior to be abusive or those reports in which there has been a pattern of frequent injuries by the same caretaker or of similar incidents in the same facility.

BCDHHS shall notify the licensing authority or certifying unit of the report within one working day of receipt of the referral. BCDHHS will also notify the CDHS Twenty-Four (24) Hour Monitoring Team. (See References Table for contact information)

District Attorney Procedures

Sexual Assault Review Team

The Sexual Assault Review Team is available to all law enforcement agencies and BCDHHS for consultation and advice regarding any sexual assault case. The Team reviews both juvenile and adult offender cases. The Team meets weekly in the DA's Office to review sexual assault cases prior to arrest and filing of charges. The team consists of sex crimes prosecutors, victim/witness staff, and the law enforcement officers and Housing and Human Services personnel who present cases. The review process involves evaluating the strength of cases and suggestions for additional investigation that may further strengthen the case. Law enforcement personnel are encouraged to bring cases to the team prior to an arrest, except in cases where child safety is a concern (e.g. when the child is in the same home as the perpetrator). The goal of the team is to make filing decisions as soon as practicable, usually within four to six weeks.

Again, timely completion of joint investigations is in everyone's best interest as BCDHHS regulation requires a finding reported to the state automated case management system within 60 days which when filed results in immediate automatic notification of the alleged perpetrator.

Prosecution

Child sexual abuse cases will be prosecuted by specialized deputies in the Sexual Assault/Domestic Violence Unit. Serious child physical abuse cases will be prosecuted by a deputy with specialized training in that area who is available to law enforcement and BCDHHS for advice and consultation.

Investigations Initiated by the District Attorney's Office

In the event that the District Attorney's Office initiates an investigation involving child abuse or neglect, it will notify Housing and Human Services and the appropriate law enforcement agency, and forward reports to the agencies. The DA Office investigators will adhere to law enforcement procedures when conducting such an investigation.

Review of Child Fatalities in Boulder County

There are two teams that review child fatality cases in Boulder County.

The Boulder County Child Fatality Prevention Review Team (CFRT) is a statutorily required team that is facilitated by the office of the Boulder County Coroner. It is required to have specific membership in order to carry out case specific, multi-disciplinary reviews of child deaths (ages 0-17) that occur in the jurisdiction of the local review team. C.R.S. §26-1-139. This team formed in June 2014 and is responsible for reviewing child deaths identified by the Colorado Department of Public Health beginning January 2015. Membership is required from:

Boulder County Public Health; BCDHHS; Law Enforcement Agencies; District Attorney's Office; School Districts; Boulder County Attorney's Office and the Boulder County Coroner's Office.

The number of cases is determined by the number of deaths that occur in the catchment area each year. Local teams are responsible for gathering and sharing records from a variety of sources including, but not limited to:

- Law enforcement
- Coroner
- Hospital records
- Human service records

This local team will follow a prescribed format for case review and use the national web-based data collection system to report case findings and identify recommendations for improvements to local policies and practices to prevent child deaths. The team will use the comprehensive information collected about each death to identify risk factors and prevention opportunities in a systematic way.

Cases are reviewed after all investigation components are complete, cause and manner of death has been determined, and a death certificate has been issued. This is typically between 6-18 months after the child has died. The types of cases reviewed are:

1. Undetermined cause and manner of death
2. Unintentional injury (e.g. drowning, falls, fires)
3. Violence (e.g. homicide, any firearm death)
4. Motor vehicle incidents
5. Child abuse or neglect
6. Sudden unexpected infant death;
7. Suicide

Boulder County's Child Fatality Advisory Team exists to review the facts of a case, examine systemic investigatory issues, and make charging decision and recommendations to improve the investigation of child fatality cases in Boulder County which result from abuse, neglect, or when circumstances are unclear and/or suspicious.

This team is called together quickly during an investigation to assist law enforcement, the BCDHHS, and the District Attorney's Office to determine the best way to move forward together in an active investigation.

The team consists of representatives from the following agencies as needed and appropriate:

- the District Attorney's Office,
- the Boulder County Coroner's Office,
- Law Enforcement,
- the Department of Housing and Human Services,
- a Physician experienced in identification of child abuse , and
- A representative from the County Attorney's Office when there are surviving children in the home.

The Coroner's Office chairs the meeting when the autopsy is complete and will call the meeting at the request of any participating agency.

The following is the protocol for coordinating on child death investigations:

- The Boulder County Coroner's Office is notified of child deaths within the county when a death occurs and in cases when a death is imminent.
- If Law Enforcement or any other team agency becomes aware of an imminent child death meeting the above criteria, she/he notifies the Coroner's Office.
- Records are requested and shared freely in suspicious child abuse or neglect deaths between all law enforcement agencies, the coroner's office, and the BCDHHS.
- The Detective assigned to a case, his Sergeant or Commander, or a BCDHHS caseworker or supervisor through a Family & Children's Services Division Manager or Director, or the District Attorney's office, or Coroner's investigator, may request a meeting by calling the coroner's office, or via email.
- The Coroner's investigator notifies all members of the time and place of the meeting. Cases are presented as follows:
- The Coroner or the Coroner's Designee, the Investigator, the Detective and the assigned caseworker from BCDHHS present the preliminary information on the case to the Team.
- The case presentation includes but not be limited to the following:
 - * case facts,
 - * family background,
 - * medical findings,
 - * medical history,
 - * child safety issues,
 - * interviews conducted, and
 - * alternative theories as to how the injuries occurred.
- Agency representatives give input based on their investigation and experience.

Follow-up meetings of the team are held as dictated by the case investigation.

References Table

Boulder County child advocacy center	Gina Maione Earles Executive Director Blue Sky Bridge 303-444-1388 http://www.blueskybridge.org/
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