

**REPORT OF THE
VIRGINIA DEPARTMENT OF SOCIAL SERVICES ON**

**REPORTING NONCARETAKER
CHILD SEXUAL ABUSE TO LOCAL
LAW ENFORCEMENT**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 52

**COMMONWEALTH OF VIRGINIA
RICHMOND
1995**



COMMONWEALTH of VIRGINIA

Office of the Governor

George Allen
Governor

Kay Coles James
Secretary of Health and Human Resources

February 21, 1995

TO: The Honorable George Allen

and

The General Assembly of Virginia

The report contained herein is pursuant to House Joint Resolution 284, agreed to by the 1994 General Assembly.

This report constitutes the response of the Department of Social Services, working in cooperation with state and local social services agencies and law enforcement staff, to the request to develop a plan requiring the State Child Abuse and Neglect Hotline and local departments of social services to report all cases of suspected child sexual abuse, perpetrated by noncaretakers, to local law-enforcement agencies.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kay Coles James", written over a horizontal line.

Kay Coles James
Secretary of Health and Human Resources

TABLE OF CONTENTS

I. Charge 1

II. Background 1

III. Methodology 1

 Procedures for information gathering and reporting 1

 Identification of law enforcement agency 2

IV. Plan for Implementation 2

Appendix 1: House Joint Resolution No. 284 4

Appendix 2: Proposed Procedures 5

I. Charge

House Joint Resolution 284 requires the Department of Social Services to develop a plan requiring the State Child Abuse and Neglect Hotline and local departments of social services to report all cases of suspected child sexual abuse, believed to be perpetrated by noncaretakers, to local law enforcement agencies. (See Appendix 1 for complete resolution.)

II. Background

Under the provisions of the Code of Virginia, Section 63.1-248, local departments of social services' child protective services (CPS) programs are responsible for the investigation of suspected child abuse and neglect which involves a parent, guardian or person responsible for the care of a child, i.e. a caretaker. Although reports of child sexual abuse perpetrated by someone who is not a caretaker are often called in to CPS, only law enforcement has jurisdiction over these cases. CPS currently refers these callers to law enforcement. No data is available on the volume; however, it is anticipated that some callers do not follow through and make the second telephone call to law enforcement.

The intent of HJR 284 is to ensure that these cases are made known to law enforcement even if the caller does not follow through on the CPS request to report the situation to law enforcement.

III. Methodology

Two areas were addressed to develop a plan to require that social services report these cases directly to local law enforcement: determination of what information should be collected and how and when it should be reported to law enforcement; identification of the correct local law enforcement agency and contact person to whom the report should be directed.

Procedures for information gathering and reporting

In consultation with state and local department of social services staff, Department of Criminal Justice Services representatives and local law enforcement personnel, state Child Protective Services staff developed proposed procedures for information gathering and reporting.

Forty-five respondents (20 local and seven state department of social services staff, 18 law enforcement agencies) were

invited to provide feedback on whether the proposed procedures would effectively accomplish the intent of the resolution and to suggest improvements. A total of seven responded, all offering general support for the proposal. Two endorsed the proposed procedures without change; five suggested various changes. As a result, the procedures were revised to incorporate four additional items of information to be gathered. Other issues addressed were deemed more appropriate for local option or were beyond the scope of this procedure.

The procedures include the minimum information to be obtained by social services, information to be provided to the caller and instructions for making the report to local law enforcement. (See Appendix 2 for a copy of the proposed procedures.)

Identification of law enforcement agency

On the local level, determination of the correct local law enforcement agency to which reports should be made rests with the local department of social services. In most jurisdictions this is the police department; in some it is the sheriff's department. Most social services departments already have sufficient involvement with reports to law enforcement concerning juvenile victims to know where their reports should be directed and have established an appropriate contact person. In the proposed procedures, local social services departments are encouraged to adhere to existing protocols and to consult with law enforcement as needed to ensure effective reporting.

On the state level, there is no existing involvement with local law enforcement agencies. The State Child Abuse and Neglect Hotline will develop a law enforcement directory by requesting each local department of social services to advise the state of their local law enforcement contact for such cases. The directory will be used by the Hotline staff to report to local law enforcement the cases which are brought to their attention. This will ensure that cases are treated the same whether the report is originally directed to the state or the locality.

IV. Plan for Implementation

The Department of Social Services is preparing a directive that, effective January 1, 1995, will ensure that local departments of social services and the state Child Abuse and Neglect Hotline report all complaints of suspected child sexual abuse involving noncaretaker abusers to local law enforcement following the proposed procedures which have been established.

The policy and procedures will be issued to local departments of social services and the State Hotline via policy transmittal for inclusion in the state policy manual. A copy of the procedures will be disseminated to all local law enforcement agencies for information purposes.

This practice will close an important potential gap in communications for these types of child abuse cases by ensuring the transmission of information to the agency of jurisdiction.

APPENDIX 1

GENERAL ASSEMBLY OF VIRGINIA -- 1994 SESSION

HOUSE JOINT RESOLUTION NO. 284

Requesting the Department of Social Services to develop a plan which would provide for and require local departments of social services and the State Department of Social Services to report all cases of suspected child sexual abuse, perpetrated by noncaretakers, to local law-enforcement agencies.

Agreed to by the House of Delegates, February 15, 1994

Agreed to by the Senate, March 8, 1994

WHEREAS, in Virginia the Department of Social Services is charged with administering the receipt and investigation of suspected cases of child abuse and neglect; and

WHEREAS, local departments of social services are responsible for receiving and investigating reports of suspected child abuse and neglect; and

WHEREAS, the Code of Virginia limits the authority and responsibilities of the Department of Social Services and local departments of social services to cases where the suspected abuser is a caretaker of the child; and

WHEREAS, child victims of sexual abuse perpetrated by noncaretakers come to the attention of local departments of social services and to the State Department of Social Services through the State Child Abuse and Neglect Hotline; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Social Services shall develop a plan requiring the State Child Abuse and Neglect Hotline and local departments of social services to report all cases of suspected child sexual abuse, perpetrated by noncaretakers, to local law-enforcement agencies.

All agencies of the Commonwealth shall provide assistance to the Department of Social Services, upon request.

The Department of Social Services shall develop a plan and submit its recommendations regarding the plan to the Governor and the General Assembly prior to the 1995 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

APPENDIX 2

PROPOSED PROCEDURES FOR SOCIAL SERVICES/CHILD PROTECTIVE SERVICES

When a local department of social services or the state Child Abuse and Neglect Hotline determines that a complaint of child sexual abuse cannot be accepted for investigation by Child Protective Services because the alleged abuser is not a caretaker, it is the responsibility of the local or state staff to report the matter directly to the local law enforcement agency. The following procedures must be followed:

1. Information to be Obtained

Staff should attempt to obtain as much of the following information as possible; if all is not available, report what is known:

- Identity of the child - name, date of birth or age, sex, address, school
- Identity of the alleged perpetrator - name, date of birth or age, sex, address
- Brief description of the alleged abuse, date and location
- Current circumstances - whether a child is presently in danger
- Identity of the caller - name, address, telephone number

2. Information Provided to the Caller

At a minimum, these key points should be explained to the caller:

- The Department of Social Services/Child Protective Services is not the agency authorized to investigate a report of this nature when the person believed to have abused the child is not the parent or caretaker of the child.
- By law, the Department is required to report this information directly to law enforcement in the jurisdiction where the abuse occurred.

- Some identifying information about the alleged abuse is needed from the caller so that law enforcement will be able to follow up on this situation.

- If the caller will provide their name and phone number, it will be given to the law enforcement agency so they can be contacted for more information.

- The caller is also encouraged to call the law enforcement agency directly to be available to provide more information. The law enforcement telephone number should be given to the caller.

3. Report to Law Enforcement

- Staff should telephone the information obtained to the local law enforcement agency in the locality in which the abuse is believed to have occurred.

- Local staff should make this report to the local police or sheriff's office in accordance with any local protocol or standard procedures for reporting sex offenses involving juvenile victims. State Hotline staff should consult the law enforcement listing maintained by the Hotline to determine where to make the report.

- If there is any reason to believe a child may be in danger, the report should be made to law enforcement immediately. In all other cases, the report to law enforcement must be made on the same day it is received.

- All information obtained from the caller should be provided to the law enforcement agency.

4. Additional Procedures

The local department of social services or state Hotline may develop additions to these procedures to ensure effective reporting of information and accountability. Local departments are encouraged to consult with their local law enforcement agency to confirm the procedures.