



Out of the Shadows

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THE VOICE by: Laura Edwards

One of the most challenging and rewarding tasks that a prosecutor can undertake is the coordination of a community response to child abuse. A multi-disciplinary approach lessens the trauma of victims and their families, improves investigative procedures and case outcomes, as well as providing a support system for professionals who respond to often frustrating and painful cases. Establishing interagency communication is critical to effective child abuse investigations.

Child Protective Services is the agency with statutory responsibility for protecting children and investigating complaints of child abuse and neglect. The CPS worker often has first contact with a child following a report of suspected abuse. The information gathered by the worker can have major implications on the success of any subsequent prosecution.

If CPS is involved in your case, be sure to obtain their records early on in the investigation. The records may indicate that there has been a pattern of abuse or neglect or may contain other vital evidence to your case. The North Carolina Administrative Code (T10A: 70A.0113), requires the county director of DSS to allow a prosecutor access to the case record that results from a report of confirmed abuse or the director's decision not to file a petition. It is not necessary to file a court order to obtain these records. Notes in the file of DSS are not discoverable under N.C.G.S. 15A-903(a)(1) because DSS is generally not a prosecutorial agency. *State v. Pendleton*, ___ N.C. App. ___, 622 S.E.2d 708 (20 December 2005). However as soon as the records are given to the prosecutor and become part of the prosecutor's file, they become automatically discoverable.

For good cause, a prosecutor may seek a discovery protective order under N.C.G.S. 15A-908. Discovery may be restricted, denied, or deferred upon a finding of substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment. When possible, seek a discovery protective order to preserve the confidentiality of DSS records and protect the victim.

Please visit our website at www.ncdistrictattorney.org/childabuse/index.htm to find more information about child abuse and neglect prosecution. In addition contact me at laura.k.edwards@nccourts.org or call at (919) 733-3484 if you have any child abuse legal questions or concerns.

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THE NEW FACE OF CHILD PROTECTIVE SERVICES: THE MULTIPLE RESPONSE SYSTEM

By: Holly McNeill and Terri Reichert

North Carolina is in the midst of a reform of the entire child welfare system that has brought us national recognition as a leader in system reform, and now places the state in the position of being a role model for other states. The foundation of MRS is family-centered practice with an emphasis on collaboration between child welfare, Work First, law enforcement and other community partners.

In 2001 North Carolina began the process of developing and implementing an alternative response system to reports of child abuse and neglect. As of January 2006, all counties have adopted the new Multiple Response System. MRS is a new, family-centered approach to child welfare which recognizes that each family has unique issues and strengths. MRS works to ensure children have safe, permanent, nurturing homes while improving the lives of their families.

FACTS:

- 20,394 of the 111,581 children reported to NC Child Protective Services in fiscal year 2004-2005 were substantiated. (Source: NC Department of Health and Human Services)
- Currently, about 47 out of every 1000 children nationally are reported as victims of child maltreatment. (Source: Prevent Child Abuse North Carolina)

MRS is working. A study by the Duke Center for Child and Family Policy found that the Multiple Response System results in less chance of repeat abuse from families and less of a chance of removing a child from a home when staying really is the best choice for them.

This reform encompasses all aspects of family support and child welfare from child protective services (CPS) intake through CPS assessment, in-home services, foster care, and adoptions through case closure, including collaboration with Work First employment and economic

economic independence services.

There are seven strategies of MRS:

- coordination between law enforcement agencies and CPS for the investigative assessment approach,
- collaboration between Work First and child welfare programs,
- implementation of a strengths-based, structured intake process,
- a choice of two approaches to reports of child abuse, neglect or dependency,
- a redesign of in-home services,
- team-decision making in Child and Family Team meetings,
- shared parenting meetings when a child is placed out of their home.

MRS allows for a choice of two responses to allegations of abuse, neglect and dependency. All cases of abuse and certain cases of neglect are assigned to the "investigative (forensic) assessment" response. The alternative response, called "family assessment," is for cases of neglect and dependency, with approximately 87 percent of reports taken by county Department of Social Services falling into this category.

Upon receipt of a suspected child abuse or neglect report, county departments of social services utilize structured intake tools. The structured intake form assists social workers in determining if a report is accepted and whether an investigative or family assessment is used.

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When the social worker receives a family assessment, the first contact is most often with the parent. The children will not be interviewed without the parent's knowledge, providing that their safety is not compromised. This response emphasizes a broad assessment of the family's needs. The family assessment builds a working relationship with families and community partners, while resolving the underlying issues that prompted the concern to be reported. When an area of concern has been identified, depending on the severity of the needs, services are offered to the family often early on in the assessment process. Through the use of Child and Family Team Meetings and the provision of CPS in-home services, families are afforded the opportunity to remain in control. This is crucial in domestic violence cases, as accountability plays a role in ensuring the adult victim's and children's safety. The use of Child and Family Team meetings provides us the capacity to provide child protective services while keeping the children safe without penalizing the non-offending parent/adult victim and without escalating the alleged perpetrator's violent behavior. Accepting accountability will also aide criminal prosecution when needed. Should safety necessitate the children being removed from the home, families are able to participate in arranging for a safe place for the children to stay until they can safely return home. Each stage of the family assessment brings the family into the decision-making process.

All cases of abuse and cases of neglect that involve immediate safety issues receive the more traditional investigative (forensic) assessments. This process stresses the collaboration among law enforcement, district attorneys, medical personnel and social services for these cases. That could mean joint initiation of investigative assessments between law enforcement and social services, where there is one interview of the victim done by a trained person in an appropriate setting. Joint planning to build better cases for criminal proceedings enhances successful prosecution of people who harm children. The use of family-centered practice while conducting an investigative assessment increases the likelihood that children will remain safely with their family when appropriate.

County DSSs collaborate with community partners with the use of Memoranda of Agreement (MOA). For example, G.S. 7B-307 requires each county to develop an Interagency Task Force to investigate allegations of child sexual abuse in child care settings. The Task Force should be comprised of a CPS social worker, a local law enforcement officer, a child abuse/neglect consultant from the Division of Child Development, and a special agent with the State Bureau of Investigation. Other members of the task force may include staff from the Child Medical Evaluation Program (CMEP), other medical personnel, other law enforcement officers, SBI lab personnel, the District Attorney's office, the Attorney General's office, or other health care related professionals. The local task force is designed to ensure that assessments of suspected child sexual abuse occurring in child care settings are done in an expedient manner and are coordinated among the responsible agencies.

Training Opportunities

Beyond Finding Words: Emerging Issues in Forensic Interviewing NDAA-APRI

Dates: March 6-9, 2006

Location: Tunica, Mississippi

http://www.ndaa-apri.org/education/ndaa/child_abuse_training_schedule

22nd National Symposium on Child Abuse

Dates: March 14-17, 2006

Location: Huntsville, AL

<http://www.nationalcac.org>

Prevent Child Abuse NC 25th Statewide Conference on Child Abuse

Dates: March 21-22, 2006

Location: Sheraton Imperial Hotel,

Research Triangle Park, NC

<http://www.preventchildabusenc.org>

To help these collaborations, protocols surrounding investigative assessments of child sexual abuse in child care settings, responding to allegations of clandestine methamphetamine labs, and a task force regarding domestic violence have been established. Regarding meth labs, local protocols unique to each community are also being developed in each county to address drug-endangered children.

The reformation of Family Support and Child Welfare has also placed an emphasis on providing family centered practice training to social workers. The additional training covers the legal, medical, child development, and the effects of separation and loss on attachment. For social workers conducting Investigative (Forensic) Assessments, a specialized curriculum provides additional knowledge and skills. The additional training ensures that social workers are more adept at conducting forensic interviews, eliciting additional information that is suitable for law enforcement and district attorney's in criminal cases.

Multiple response asks more from caseworkers in how intensively they work with families. It asks more of foster families in how they work with birth families. It enlists the cooperation with law enforcement to ensure cases are handled appropriately when prosecution is likely. And multiple response asks more from the families themselves. The end result is that MRS makes families stronger and protects children better.

More information can be found at <http://www.dhhs.state.nc.us/dss/mrs/index.htm>

About the Authors

Holly McNeill has worked in Child Protective Services for 16 years in both IL and NC. She spent 5 years as a supervisor in Caldwell County, one of the 10 pilot counties for MRS, before taking a position as the MRS Policy Consultant for the Division of Social Services in July of 2005.

Terri Reichert has worked in Child Protective Services for 7 years in both Harnett and Wake Counties conducting Investigations. Terri has experience conducting MRS assessments in Wake County. Terri began working as a CPS Consultant for the Division of Social Services in May of 2005.

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