

## 10. CHILD ABUSE, CHILD NEGLECT, & VULNERABLE ADULTS

(May 2006)

### I. POLICY

Officers shall investigate reports of child abuse and neglect, and similar allegations involving vulnerable adults. They shall coordinate their efforts with the Department of Social Services. Protection of the child or vulnerable adult is the primary goal in these cases.

In accordance with Maryland's Infant Safe Haven Law, it is the policy of the Department to provide a safe haven for newborn infants that have been abandoned. The Department shall involve and cooperate fully with the Department of Social Services to protect these children.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Abandoned Child:** An individual under the age of 18 years of age that has been intentionally or unintentionally left by his or her parent(s), guardian, or custodian and lacks the proper care and attention required

**Adult Protective Services (APS):** The division of the Department of Social Services that is responsible for assisting vulnerable adults by providing services to protect their health, safety, and welfare

**Child Protective Services (CPS):** The division of the Department of Social Services that is responsible for protecting children that appear to have been abused or neglected and assisting parents/guardians in providing proper care and attention to their

children; CPS has the authority to remove a child from the home and place them in foster care

**Developmental Disability:** A chronic disability that is attributable to a physical or mental impairment as opposed to mental illness; for the purposes of this General Order, the disability must result in an inability to live independently

**Designated Facility:** *Per Maryland's Infant Safe Haven Law* – a hospital, State Police Barracks, or local police department

**Exploitation:** Any action that involves the misuse of the victim's funds, property, or person

**Family Member:** A relative by blood, adoption, or marriage

**Household Member:** A person who lives with or is a regular presence in the home at the time of the abuse

**Mental Retardation:** A developmental disability evidenced by significantly reduced intellectual functioning and impairment in the behavior of a person

**Neglect:** Willful deprivation of food, clothing, medical treatment, rehabilitative therapy, shelter, or supervision

**Newborn:** *Per Maryland's Infant Safe Haven Law* – an infant that is less than 72 hours old

**Physical Abuse:** The sustaining of physical injuries as the result of cruel or inhumane treatment or a malicious act

**Responsible Adult:** *Per Maryland's Infant Safe Haven Law* – an individual, 18 years of age or older, who may reasonably be

expected to provide proper care to a newborn left in his or her custody and who is willing and able to immediately take the newborn to a designated facility

**Self-Neglect:** The inability of a vulnerable adult to provide for his or her physical and mental health

**Unharmed:** *Per Maryland's Infant Safe Haven Law* – when there is no evidence of physical injury or failure to provide proper care and attention to a newborn

**Vulnerable Adult:** An adult, 18 years of age or older, who lacks the physical or mental capacity to provide for his or her daily needs

#### IV. FORMS

- ❑ Incident Report (PGC Form #3529)
- ❑ Commander's Information Report (PGC Form #1545)

#### V. PROCEDURES

##### 1. Child Neglect Cases

Child neglect cases involve children in need of assistance or supervision when the parent/guardian is unable or unwilling to care for the child. Child neglect includes when a child is:

- ❑ Abandoned or unattended
- ❑ Without adequate supervision
- ❑ Suffering from malnutrition
- ❑ Without proper shelter
- ❑ Unlawfully kept out of school
- ❑ A chronic runaway or truant
- ❑ Emotionally disturbed due to domestic or mental health issues in the home

Juveniles who are runaways or truants may be victims of neglect. Under certain

circumstances, neglect cases may rise to the level of criminal child abuse. Officers can obtain guidance concerning these matters from the Child and Vulnerable Adult Abuse Unit (CVAA).

##### *Officer's Responsibilities*

Officers responding to reports of child neglect shall:

- ❑ Notify and brief their supervisor prior to leaving the scene
- ❑ Notify Child Protective Services (CPS)
- ❑ Complete an Incident Report

Officers shall document the following in the report:

- ❑ The circumstances and conditions constituting neglect
- ❑ The source of the information, such as personal observations or statements made by the child, parent, or others
- ❑ The name of the CPS worker contacted and the date and time of the notification

The officer shall write "CPS" and "CVAA" in the COPY TO block of the Incident Report.

In cases involving abandoned/unattended children or children without adequate supervision, the officer shall contact CPS concerning placement of the child. The officer shall not place the child in the care or custody of individuals identifying themselves as neighbors, friends, or relatives unless authorized to do so by CPS.

Supervisors shall carefully review all cases involving children to ensure that CPS has been notified.

## 2. Child Abuse Cases

To classify an incident as child abuse, an injury must have occurred to the child. As these injuries may not be visible, guidance should be sought from CVAA.

In all cases, the officer shall:

- ❑ Notify and brief his or her supervisor prior to leaving the scene
- ❑ Determine if the situation warrants the immediate removal of the child; if removal of the child is necessary, reasonable force may be used
- ❑ Notify CPS
- ❑ Notify CVAA
- ❑ Complete an Incident Report

When completing the Incident Report, the officer shall:

- ❑ Write “CHILD ABUSE” in the TYPE OF INCIDENT block, and specify whether the abuse is sexual or physical
- ❑ Write “CPS” and “CVAA” in the COPY TO block of the Incident Report
- ❑ Document the date and time of the notifications to CVAA and CPS and the name of the individuals notified

### *Authority for Taking a Child into Custody*

A child may be taken into custody:

- ❑ Pursuant to court order
- ❑ By a law enforcement officer pursuant to an arrest
- ❑ By a law enforcement officer who has reasonable grounds to believe that the child is in immediate danger from his or her surroundings and removal is necessary for his or her protection
- ❑ By a law enforcement officer who has reasonable grounds to believe that the

child has run away from his or her parents, guardian, or legal custodian

### *Assisting CPS with the Removal of a Child*

CPS workers have legal authority to enter households and take custody of abused or neglected children. They may act before the issuance of any court orders. Normally, CPS does not require police assistance.

In cases when household occupants deny entry or when violence or physical resistance is anticipated, CPS may request police assistance. A supervisor shall authorize the assistance.

In most cases, the officer shall limit his or her actions to providing protection for the CPS workers as they perform their duties.

In cases where CPS requests an officer to force entry, he or she may do so if there is probable cause to believe that the child is in immediate danger, and entry has been or is being denied by household occupants.

An officer who forces entry under these circumstances shall notify his or her supervisor, and document his or her actions on an Incident Report. The circumstances that led the officer to force entry and the name of the CPS worker shall be included in the report. The officer shall write “ASSIST CPS” in the TYPE OF INCIDENT block and “CVAA” in the COPY TO block. **See: VOLUME II, CHAPTER 28. FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS** for additional procedures.

An officer shall not assume custody of a child nor direct the CPS investigation.

### 3. Abandoned Children

An officer responding to the scene of an abandoned child shall:

- ❑ Ensure that the child is transported to a medical facility for evaluation and treatment
- ❑ Notify the sector supervisor
- ❑ Complete an Incident Report prior to the end of watch; place “CPS” and “CVAA” in the COPY TO block
- ❑ Notify CVAA and document the notification on the Incident Report
- ❑ Notify CPS and document the notification on the Incident Report

The officer shall fax a copy of the Incident Report to CVAA prior to the end of watch.

#### ***Maryland’s Infant Safe Haven Law***

Maryland’s Infant Safe Haven Law provides the mother of a newborn the opportunity to safely abandon her child within 72 hours of birth. A mother who does not express an intent to reclaim the newborn shall be protected from criminal prosecution and civil liability as long as she takes the child to a designated facility or leaves the child with a responsible adult who is willing to accept the child. The child must be unharmed at the time of abandonment.

The responsible adult receiving a newborn must take the child to a designated facility as soon as possible.

Upon receiving an abandoned newborn, the designated facility is required to confirm that the individual abandoning the child is either the mother of the child or has the mother’s authorization to relinquish the child.

Within 24 hours of receiving an abandoned newborn, the designated facility shall contact the Department of Social Services. The Department of Social Services is responsible for the long-term care of the child.

#### ***Newborn Brought to PGPD Facility***

Employees shall take custody of any newborn brought to a PGPD facility to be relinquished in accordance with the Infant Safe Haven Law.

The newborn shall be closely examined to ensure the infant appears to be unharmed. An ambulance shall be requested to respond and transport the newborn to a medical facility.

The employee shall make immediate notification to the following:

- ❑ Sector Supervisor
- ❑ CVAA
- ❑ CPS

#### ***Reporting Requirements***

The individual relinquishing the newborn is not required to answer any questions. However, the receiving employee shall make every effort to determine if the individual relinquishing the newborn is the child’s mother or has the mother’s authorization to relinquish the child. The employee shall also attempt to obtain information regarding the newborn’s medical history or any known risk factors.

An Incident Report shall be completed when a child is relinquished under the Infant Safe Haven Law. The employee shall include the following information, if available:

## VOLUME II, CHAPTER 10. CHILD ABUSE, CHILD NEGLECT, & VULNERABLE ADULTS

- ❑ The identity of the individual relinquishing the child and his or her relationship to the child
- ❑ The identity of the child's parents
- ❑ The newborn's date of birth or age
- ❑ The newborn's place of birth
- ❑ Any known medical history
- ❑ The reason that the newborn is being abandoned

If possible, photographs shall be taken of the child and attached to the Incident Report

A Commander's Information Report shall be completed for abandoned child cases. Copies of both the Incident Report and the CIR shall be forwarded to CVAA and the Youth and Family Services Division via fax prior to the end of watch. If fax equipment is inoperable, the copies may be sent via Departmental mail.

### **4. Vulnerable Adult Abuse Cases**

Allegations of vulnerable adult abuse shall be investigated, and the investigations shall be coordinated with Adult Protective Services (APS). An officer responding to a report of vulnerable adult abuse shall notify CVAA and APS.

The officer shall complete an Incident Report to include the following:

- ❑ The name and address of the person responsible for the care of the vulnerable adult
- ❑ The caregiver's relationship to the vulnerable adult
- ❑ The whereabouts of the vulnerable adult
- ❑ The nature of the vulnerable adult's incapacity
- ❑ A description of the abuse, neglect, self-neglect, or exploitation
- ❑ The name of the APS worker contacted and the date and time of the notification

- ❑ The name of the CVAA investigator contacted and the date and time of the notification

The officer shall write "CPS" and "CVAA" in the COPY TO block of the Incident Report.

The officer shall determine if the immediate removal of the vulnerable adult is necessary due to conditions that present a substantial risk of death or serious physical harm to the individual. If removal is necessary, the officer shall contact APS for assistance and placement of the vulnerable adult. CVAA may be contacted for guidance when dealing with these incidents.

### ***Assisting Protective Services with the Removal of a Vulnerable Adult***

If a representative of APS believes that the immediate removal of the vulnerable adult is necessary, he or she may request assistance from the Department. A supervisor shall authorize the assistance.

In most cases, the officer shall limit his or her actions to providing protection for the APS workers as they perform their duties.

In cases where APS requests an officer to force entry, he or she may do so if there is probable cause to believe that the vulnerable adult is in immediate danger, and entry has been or is being denied by household occupants.

An officer who forces entry under these circumstances shall notify their supervisor, and document their actions on an Incident Report. The circumstances that led the officer to force entry and the name of the APS worker shall be included in the report. The officer shall write "ASSIST APS" in the TYPE OF INCIDENT block and "CVAA"

in the COPY TO block. *See:* VOLUME II, CHAPTER 28. FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS for additional procedures.

### **5. Child & Vulnerable Adult Abuse Unit**

The Child and Vulnerable Adult Abuse Unit investigates the following:

- ❑ All physical and sexual abuse and exploitation where the victim is less than 18 years of age, and the suspect is a household or family member, *or* a custodial relationship exists between the suspect and victim
- ❑ All cases involving the physical or sexual abuse of vulnerable adults
- ❑ All cases of parental abduction and custody disputes that rise to the level of a criminal offense
- ❑ All cases of child abandonment

When a child dies or is likely to die as a result of suspected abuse, the Homicide Unit is responsible for the investigation. An officer responding to any child death (except traffic fatalities) shall contact the Homicide Unit immediately.

All sexual and physical assaults committed against children by household or family members or custodians shall be investigated by CID. Third and fourth degree sexual assaults committed by individuals other than those mentioned above will be investigated at the District level.

## **VI. GOVERNING LEGISLATION & REFERENCE**

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 12.1.4, 41.2.6, 41.2.7, 55.1.3

Governing Legislation:

- ❑ Courts and Judicial Proceedings Article, § 5-641
- ❑ Code of Maryland Regulations (COMAR) 07.02.27.01, 07.02.27.02, and 07.02.27.03
- ❑ 42 USC 629a