**Licensing Policy and Procedures**

**Handbook Revision \_\_**

This revision of the Licensing Policy and Procedures Handbook was published on \_\_\_\_. Summaries of new or revised items are provided below.

Initiation and Interviewing Alleged Victims (PATS 9832)

This revision affects reviewing an alleged victim's history, initiation methods, and observing and interviewing alleged victims.

Display of Revisions with Changes Highlighted (Word Document)

See:

6342.3 Reviewing the Alleged Victim's Investigation History

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**6355 Requesting Assistance from CPS Special Investigators (RC Only)**

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~~6411 Consulting With the Supervisor Before Initiating an Investigation Involving Serious Physical or Sexual Abuse~~

**6411** ~~6412~~ Defining What Constitutes an Initiation

**6412** ~~6413~~ Methods of Initiation

**6412.1** ~~6413.4 Initiation of~~ **Initiating** an Investigation Involving **Abuse or Neglect** ~~a Child With Serious Injuries~~

**6412.11 Exceptions to Initiating by Contact With Alleged Victim**

~~6413.2 Initiation Methods for Priority 3 Investigations That Require Supervisory Approval~~

~~6413.3 Initiation Methods for Priority 1 and Priority 2 Investigations That Require Additional Approval~~

**6412.2** ~~6413.1 Initiation Methods That Do Not Require Supervisory Approval~~ **Initiating an Investigation Not Involving Abuse or Neglect**

**6412.3** ~~6413.5 Initiation of~~ **Initiating** an Investigation Assigned a Priority 5

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6421.1 Observing and Interviewing Alleged Victims (Abuse or Neglect Only)

**6421.11 Interview Takes Place Before Receipt of Intake Report**

**6421.12 When to Refer an Interview to a Children’s Advocacy Center**

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##### 6342.3 Reviewing the Alleged Victim’s Investigation History

LPPH ~~December 2012~~ DRAFT 9832-CCL

Procedure

For investigations of abuse or neglect, the investigator views the alleged victim’s investigation history in IMPACT to understand the child's history of trauma. The investigator reviews all previous and open CCL investigations in which the alleged victim is listed as an alleged victim of abuse or neglect.

The investigator reviews the investigations to determine:

a. whether the child has been involved in investigations involving similar allegations;

b. the outcome of previous investigations; and

c. the status of open investigations.

If the investigator determines that there is a pattern of similar allegations or that the current investigation may interfere with an open investigation, the investigator discusses this information with a supervisor to determine the next step to take. If the alleged victim is in the conservatorship of CPS, the investigator may also need to review the child’s CPS investigation history.

A person search must be conducted and all person merges completed before reviewing the alleged perpetrator’s history. See [Operating Policy OP-7100](http://intranet.dfps.txnet.state.tx.us/Operating_Policies/COO/IRM/OP-7100.asp) Managing Person Information in IMPACT.

#### 6355 Requesting Assistance from CPS Special Investigators (Residential Care Only)

LPPH DRAFT 9832-CCL (new item)

Note: contents previously included in Section 6411

Policy

An investigator or supervisor may request assistance from a CPS special investigator if the investigation meets one or more of the following criteria:

a. The child dies or is at risk of death, and the death is not related to known, ongoing medical issues.

b. A principal in the investigation is arrested or there is significant involvement by law enforcement.

c. There is widespread or significant media interest in the investigation, or the potential of such.

d. The investigation involves an allegation of physical or sexual abuse by a person who has previously been investigated for similar allegations.

Procedure

An investigator must receive supervisory approval to request assistance from a CPS special investigator. If the supervisor determines that special assistance is warranted, the supervisor discusses the request with the regional manager before initiating a formal request with CPS.

All decisions regarding the request for assistance from a CPS special investigator must be documented as a contact on the *Investigation Conclusion* page in CLASS.

#### 6412 Methods of Initiation

##### 6412.1 Initiating an Investigation Involving Abuse or Neglect

LPPH ~~December 2012~~ DRAFT 9832-CCL (NUM, TTL; currently 6413.4)

Policy

Unless an exception exists, the investigator initiates the investigation by making a face-to-face contact with the alleged victim as soon as possible, but no later than:

• 24 hours after the receipt of a Priority 1 intake report; or

• 72 hours after the receipt of a Priority 2 intake report.

A forensic interview with a children's advocacy center satisfies the initiation of an investigation, provided that the interview occurs within the appropriate time frame above.

###### 6412.11 Exceptions to Initiating by Contact With Alleged Victim

LPPH DRAFT 9832-CCL (new item)

Note: Much of the information incorporated in this new section was what was in Section 6421.1

Policy

The investigator is exempt from initiating the investigation by making face-to-face contact with the alleged victim if:

a. the alleged victim's whereabouts are unknown;

b. the alleged victim is deceased;

c. the alleged victim no longer lives in Texas;

d. CPS, law enforcement, or a children's advocacy center has already interviewed the alleged victim about the allegation before CCL receives the intake report (see [6421.11](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6421_11) Interview Takes Place Before Receipt of Intake Report);

e. the alleged victim is scheduled for a forensic interview with a children's advocacy center or CCL staff needs to refer the alleged victim to a children's advocacy center for a forensic interview and the interview cannot take place within the initiation time frame (See [6421.12](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6421_12) When to Refer an Interview to a Children’s Advocacy Center); or

f. other circumstances beyond the investigator's control prevent the interview or observation from taking place within the initiation time frame.

Procedure

When the investigator is unable to initiate the investigation by making face-to-face contact with an alleged victim, the investigator must consult with the supervisor to request an exception and:

a. develop an alternative plan to initiate the investigation;

b. arrange for an interview or observation to take place within:

• 5 days of the receipt of a Priority 1 intake report;

• 7 days of the receipt of a Priority 2 intake report; or

• as soon as circumstances allow, if ever, and

c. document in a contact in CLASS:

• the circumstances that prevented the investigator from initiating the investigation by making contact with the alleged victim;

• that an exception was granted by the supervisor; and

• the approved method of initiation.

See:

[6421.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6421_1) Observing and Interviewing Alleged Victims (Abuse or Neglect Only)

[Appendix 6000-1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_6000.asp#LPPH_apx6000_1): Time Frames for Investigations

##### 6412.2 Initiating an Investigation Not Involving Abuse or Neglect

LPPH ~~December 2012~~ DRAFT 9832-CCL (NUM & TTL; currently 6413.1)

Policy

For investigations that are assigned a Priority 1, 2, or 3, but do not involve abuse or neglect, the investigator may initiate an investigation by making:

a. face-to-face contact with a child involved in the allegation;

b. face-to-face contact with an adult involved in the allegation;

c. face-to-face contact with a significant collateral source; or

d. an unannounced inspection.

The investigator must receive supervisory approval to initiate the investigation by any other manner. The approved method of initiation must be documented.

##### 6412.3 Initiating an Investigation Assigned a Priority 5

LPPH ~~June 2014~~ DRAFT 9832-CCL CCL (NUM & TTL; currently 6413.5)

Policy

For investigations assigned a *Priority 5: Desk Review*, the investigator may initiate the investigation with a phone call or email to the operation.

For investigations assigned a *Priority 5: CPA Internal Investigation*, the investigator initiates the investigation according to the procedures in [6542.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6542_1) Receiving and Assigning the Report.

For investigations assigned a *Priority 5: Illegal Operations* with no other allegations (day care only), the investigator initiates the investigation according to the procedures in [6563](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6563) Initiating the Investigation of an Illegal Operation.

##### 6421.1 Observing and Interviewing Alleged Victims (Abuse or Neglect Only)

LPPH ~~May 2013~~ DRAFT 9832-CCL

During the interview with the alleged victim, the investigator makes a reasonable effort to obtain the following:

a. Full legal name

b. Date of birth

c. Ethnicity

d. Social Security number

e. Home address

f. Home telephone number

g. Photographs of the child's injuries (or lack of injuries)

If the child is unable to provide the above information, the investigator may request the operation’s enrollment records to obtain the information or may request the information from the child’s parent.

If the investigator is unable to photograph the injuries in a timely manner, the investigator must notify the supervisor and develop and implement a follow-up plan, with the supervisor's approval. The investigator documents the reason the injuries could not be photographed in a timely fashion as a contact on the *Investigation Conclusion* page in CLASS.

A forensic interview with a children's advocacy center is an appropriate substitution for a face-to-face interview with the investigator.

See:

[6412.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6412_1) Initiation of an Investigation Involving Abuse or Neglect

[1422](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1422) Photographs and Video of Children

[1422.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1422_1) Taking Sensitive Photographs

###### 6421.11 Interview Takes Place Before Receipt of Intake Report

LPPH ~~May 2013~~ DRAFT 9832-CCL (new item; currently a subheading under 6421.1)

If another professional, including a CPS investigator, a worker from a children’s advocacy center, or a law enforcement officer, has already interviewed the alleged victim about the same allegations by the time the intake report is received, the investigator must:

a. request a copy of the recording, a transcript, or detailed documentation of the interview;

b. review the interview recording or notes to assess whether all of the allegations were addressed in the interview; and

c. document a contact in CLASS, including a summary of the interview and a statement explaining who conducted the interview.

If the investigator determines that the interview conducted by the other entity did not sufficiently address all of the allegations in the intake report, the investigator:

• consults with the supervisor to determine whether another interview should be conducted; and

• if the supervisor agrees that another interview is warranted, determines whether there is an active criminal investigation and coordinates with the investigating law enforcement agency before proceeding with the interview.

###### 6421.12 When to Refer an Interview to a Children’s Advocacy Center

LPPH ~~May 2013~~ DRAFT 9832-CCL (new item; currently a subheading under 6421.1)

The investigator must refer all victims of sexually aggressive behavior by another child, physical abuse, or sexual abuse to the local children’s advocacy center (CAC) for a forensic interview. If the CAC accepts the referral, the investigator:

a. works with law enforcement and the local CAC to schedule an interview with the alleged victim within the time frames outlined in [6412.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6412_1) Initiating an Investigation Involving Abuse or Neglect, if possible;

b. attends and observes the forensic interview (or has a designee attend);

c. requests a copy of the interview recording or transcript; and

d. documents a contact in CLASS, including a summary of the interview and a statement explaining who conducted the interview.

The investigator must also document:

• the referral to the CAC;

• whether the CAC accepted or declined the referral; and

• the investigator’s reason for missing the forensic interview, if he or she is unable to attend.