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Investigations

Policy & Procedure



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Section 1: Overview

1.1 Authority to Investigate Reports

The Mississippi Department of Child Protection Services is charged with the duty to investigate all reports of child abuse and neglect.¹

1.2 Failure to Comply

Failure by an employee to comply with the policies and procedures contained herein may result in disciplinary action, up to and including termination.

1.3 Mandatory Referrals to Youth Court

MDCPS is required to immediately refer all reports of abuse or neglect to the youth court intake unit via the Mississippi Youth Court Information Delivery System (MYCIDS).² Workers have twenty-four (24) hours from the time a case is assigned to them for investigation to make this referral to the youth court.

1.4 Indian Child Welfare Act Compliance

Workers must resolve the issue of Indian heritage as soon as possible after contact is made with the family, either through a report of abuse/neglect or a referral for services. This must be documented as an ICWA Contact narrative in MACWIS.

Section 2: Required Notifications

2.1 Required Report Information.

- A. Youth Court Referrals: Information required by the youth court is contained in the MYCIDS Court Case Information Form (see Appendix B).
- B. Report Information for Law Enforcement and District Attorneys
 - 1. This referral must be sent within twenty-four (24) hours of assignment and must be documented in MACWIS as an investigation staffing narrative. The narrative must include the person to whom the referral was sent and the information provided.

¹ Miss. Code Ann. §§ 43-26-1, 43-21-353, 43-21-357.

² Miss. Code Ann. §§ 43-21-353, 43-21-351, 9-21-9(d).



2. MDCPS must include the following information in the law enforcement and district attorney referral:
 - a. The name and address of the child;
 - b. The name and addresses of the parents;
 - c. The name and address of the suspected perpetrator;
 - d. The names and addresses of all witnesses, including the reporting party if the reporter is a material witness to the abuse;
 - e. A brief statement of the facts indicating the child has been abused, including whether the child experienced commercial sexual exploitation or human trafficking, and any other information from Agency files or known to the investigating social worker, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and
 - f. What, if any, action is being taken by MDCPS.³

2.2 Notifications to the Youth Court

A. Overview

1. MDCPS is required to make a referral to the youth court within twenty-four (24) hours of a child being assigned to the local MDCPS social worker for investigation.
 - a. If the allegations require immediate removal, MDCPS may remove the child and immediately notify the judge or his or her designee.⁴
2. In the twenty-two (22) counties which have county courts, the county court judge also serves as the youth court judge. In counties that do not have a county court, the chancery court judge may hear youth court matters, or the chancery judge may appoint a lawyer to act in a judicial capacity as Youth Court Referee.⁵
 - a. Find a list of all State Youth Court Contacts [here](#).
 - b. Find a list of all Youth Court Prosecutors [here](#).

³ Miss Code Ann. § 43-21-353(5).

⁴ Miss. Code Ann. § 43-121-303 (probable cause to believe the child is in immediate danger of personal harm).

⁵ [State of Mississippi Judiciary Administrative Office of Courts](#)



3. Reports must be completed on every individual child's matter that may come before the youth court.⁶
 - a. An individual child's matter is defined as all reasons for referral or allegations against an individual child coming before the youth court at intake at one particular time.⁷
 - b. Subsequent referrals or allegations must be referred separately.
4. MDCPS must provide updates to the youth court when information becomes available that would be pertinent to the youth court prosecutor's decision to file a petition.⁸

B. Caseworker Duties:

1. Prior to initiating an investigation, the worker and the Intake Supervisor must conduct a thorough review of prior MDCPS involvement with the family. This must be documented as an investigation staffing narrative in MACWIS.
2. The Court Case Information Sheet must be completed and electronically sent to the appropriate youth court through MYCIDS within twenty-four (24) hours of the child being removed from the home or within twenty-four (24) hours of the child being assigned to the local MDCPS social worker for investigation.⁹
3. While all information may not be available to the worker within twenty-four (24) hours, as much as is known must be completed on the Court Case Information Sheet, including
 - a. Findings;
 - b. Referrals made to law enforcement or other courts; and
 - c. All reasonable efforts made to prevent removal or that reasonable efforts are not required and the reason such efforts are not required.

2.3 Notifications to Law Enforcement and District Attorneys

A. Law Enforcement

1. Upon receiving a report that a child has been sexually abused, burned, tortured, mutilated, or otherwise physically abused in such a manner as to cause serious bodily

⁶ Miss. Sup. Ct. [Special Order No. 47](#), December 20, 1996

⁷ Miss. Sup. Ct. [Special Order No. 46](#) and [Special Order No. 47](#).

⁸ Miss. AG Op. No. 98-0318, June 19, 1988.

⁹ Miss. Code Ann. § 9-21-9(d-f).



harm, or of abuse that would be a felony under state or federal law, MDCPS must immediately notify the appropriate local law enforcement agency.

2. MDCPS has a duty to provide law enforcement with all the names and facts known at the time of the report and to provide new or additional facts as they become available.¹⁰

B. District Attorneys

1. After receiving a report that a child has been sexually abused, burned, tortured, mutilated, or otherwise physically abused in such a manner as to cause serious bodily harm, or of abuse that would be a felony under state or federal law, MDCPS must notify the appropriate prosecutor's office within twenty-four (24) hours of receiving the report.
2. MDCPS must investigate and make a preliminary report to the appropriate prosecutor's office within twenty-four (24) hours of initiating the investigation.¹¹
3. MDCPS has a duty to provide new or additional information and evidence to the prosecutor's office as it becomes available.
 - a. "New or additional" information consists of any new information related to the information required in the initial referral to the DA (see Section **2.1B2 a-f**) which is imparted to CPS after the initial report is made. Additional information which would be pertinent to the prosecution of the case or to a law enforcement investigation that becomes available to the department after the investigation has been completed should also be provided.¹²

2.4 Final Reports to the District Attorney, Law Enforcement, or County Prosecutor

- A. When an investigation is completed, the investigating worker must submit the completed report in MACWIS to the supervisor for approval.
- B. The approved investigation report, along with the concluding DA and/or LE reports, must be mailed or hand-delivered to the DA, LE or County Prosecutor (when applicable) by the supervisor. The date and time of delivery as well as to whom the report was delivered must be documented in a MACWIS narrative.

¹⁰ Miss. Code Ann. § 43-21-353.

¹¹ Miss. Code Ann. § 43-21-353.

¹² Miss. AG Op. No. 98-0318, June 19, 1988.



- C. Information submitted to the DA, LE or County Prosecutor must be included in the court report and summary.

Section 3: Investigations

3.1 Levels of Reports

MDCPS screens incoming reports made to Mississippi Centralized Intake (MCI) and assigns one of three levels as follows.

3.2 Level One Reports

- A. These reports do not meet statutory criteria for a child abuse and neglect investigation and are screened out and may be referred for information or services to the appropriate county.
- B. No investigation by CPS is required on these reports, but other actions may be required, such as referral to another agency.

3.3 Level Two Reports

- A. These reports meet statutory criteria for a child abuse and neglect investigation but do not meet one of the level three criteria. These reports are screened in and assigned to the appropriate county and worker.
- B. The investigation for level two reports must be initiated within seventy-two (72) hours of the first intake report date and time.

3.4 Level Three Reports

- A. These reports meet statutory criteria for abuse, neglect, or exploitation, **AND** at least one of the level three criteria. Level three reports are screened in and assigned to the appropriate county for immediate investigation.
- B. These investigations must be initiated immediately,¹³ but no later than twenty-four (24) hours from the first intake report date and time.
- C. A level three criterion is:
 - 1. Any prior ANE report within the past twelve (12) months or multiple ANE reports regarding the alleged victim.

¹³ Miss. Code Ann. § 43-21-353.



2. Any allegation involving a child:
 - a. Who is in an imminent risk of harm requiring an immediate response by the assigned worker;
 - b. Who is five (5) years of age or younger;
 - c. Who has a disability or special need(s) including, but not limited to, the known or suspected presence of a medical condition or physical, mental, and/or emotional disability; or
 - d. Who is in the legal custody of MDCPS.
 3. Any allegation of:
 - a. Felonious child abuse under state or federal law; or
 - b. Sexual abuse.
- D. Level Three reports require notification to law enforcement and prosecutors. See Rule 2.9 of this manual.

3.5 Initiation of Investigation

- A. All investigations of reports of abuse and neglect received by the youth court intake unit must be promptly initiated by MDCPS.¹⁴
- B. An investigation is considered “initiated” when face-to-face contact or attempted face-to-face contact is made with the alleged victim(s).
 1. If a family cannot be located after two attempted contacts within twenty-four (24) hours, the worker must conduct a diligent search. A diligent search includes:
 - a. Contacting all known previous addresses of the child’s parents;
 - b. Calling all previous telephone numbers listed in the case file;
 - c. Contacting the county clerk in charge of motor vehicle registration;
 - d. Requesting a law-enforcement records check;
 - e. Contacting the State Department of Labor;

¹⁴ Miss. Code Ann. § 43-21-357.



- f. Contacting the Department of Corrections;
 - g. Contacting state hospitals;
 - h. Contacting all known relatives, friends, and previous employers;
 - i. Checking the telephone directory;
 - j. Contacting utility and telephone companies;
 - k. Contacting Child Support Enforcement;
 - l. Accessing Location Services through the post office;
 - m. Checking MAVERICS and METSS; and
 - n. Utilizing Social Media.
2. The worker must document all efforts to locate the family in a MACWIS narrative.
- C. When a worker makes face-to-face contact, MDCPS must inform the individual of the specific complaints or allegations against them.¹⁵

3.6 Face-to-Face Contact

- A. Attempted face-to-face contact for the initiation of an investigation is considered met when two (2) or more locations have been checked including the child's identified home and one of the following:
1. Nearby relatives;
 2. Known family friends;
 3. Neighbors;
 4. School; or
 5. Daycare.
- B. Failure to establish face-to-face contact:
1. Attempted face-to-face contact with the child, parent, guardian, custodian, or caretaker and efforts to locate the child does not end the investigation.

¹⁵ Miss. Code Ann. § 43-21-353.



2. Law enforcement will be requested to assist in locating the child and family.

C. Worker Responsibilities

1. Successful face-to-face contact must be documented in MACWIS including:
 - a. Location;
 - b. Date;
 - c. Time; and
 - d. Persons present.
2. If the worker cannot make face-to-face contact or locate the family, the worker must immediately notify their supervisor after each failed attempt.
3. Unsuccessful face-to-face contacts must be documented in MACWIS including:
 - a. Location of attempted contact;
 - b. Date;
 - c. Time; and
 - d. Measures taken to establish contact, such as speaking to neighbors or leaving a note.
4. Concerted efforts to locate the child or children must continue daily, including on weekends, until contact is made or the investigation is closed.
5. After the second unsuccessful home visit, the worker should leave a business card with a note requesting the family contact the worker. The note or letter on should not indicate the purpose of the visit.

3.7 Time to Complete Investigation

- A. Once an investigation is assigned, the investigator shall confirm all alleged victim(s) in MACWIS as soon as sufficient information is available to do so. In no event, shall the confirmation occur more than twenty-four (24) hours after the first face-to-face contact with the alleged victim(s).



- B. The worker has seven (7) calendar days to initiate the safety and risk assessment in MACWIS and twenty-five (25) calendar days from initial intake “report date and time” by MCI to complete the investigation and submit to the supervisor.
- C. The supervisor has five (5) calendar days to approve the investigation.

3.8 Home Visits

- A. All MDCPS employees are required to adhere to the following rules when initiating an investigation or visiting families and clients at their home.
- B. The worker must make a home visit within ten (10) days of investigation initiation. A physical home environment narrative must be entered in MACWIS within forty-eight (48) hours of the visit.
 - 1. When initiating an investigation and visiting a family’s home, MDCPS employees are expected, and required, to be professional. Families may display a range of emotions, including frustration, fear, or anger, and it is important for agency employees to keep their composure and treat the family with respect at all times.
- C. MDCPS employees must always ask permission before entering a family’s home. Employees may only enter the home when the family invites them in and must never make rude or disrespectful comments about the family or their home.
- D. When employees visit a family’s home, they must:
 - 1. Introduce themselves;
 - 2. Present an official agency issued identification badge; and
 - 3. Explain the circumstances that brought them there.
- E. Employees may take photos of the home if the family gives permission but should never remove anything from the home as evidence.

3.9 Law Enforcement Accompaniments

- A. Employees may ask law enforcement to accompany them to initiate an investigation, keeping in mind that law enforcement is there to ensure the safety of agency employees not to intimidate the family.



- B. Employees should follow all directives given by law enforcement. Employees may ask questions of law enforcement but may not give any directives and should always be respectful.
- C. Under no circumstances should an MDCPS employee direct a law enforcement officer to destroy a family's property or act in any other manner inconsistent with the law.

3.10 Denial of Entry

- A. If a family does not invite the employee into the home or asks the employee to leave in the middle of the visit, the employee must do so without argument. Employees must leave immediately if asked.
 - 1. Agency employees must never force their way into a family's home, as these actions put the agency and employee at risk of legal liability.
- B. If employees are asked to leave without first checking on the children, the employee must follow the family's directive and then contact the youth court in the county in which the family is located. The employee should explain the situation to the youth court, which may take other action to ensure the safety of the children.
- C. If the employee has reason to believe the children are in imminent danger from harm, the employee must also immediately call law enforcement.

Section 4: Interviews

4.1 Interviews Generally

- A. The worker must interview the following individuals:
 - 1. The reporter;
 - a. This interview should be conducted prior to contact with the children, if possible.
 - 2. The alleged victim(s);
 - 3. Parent, guardian, or caretaker;
 - 4. Alleged perpetrator, unless otherwise instructed by law enforcement;
 - 5. Siblings who reside in the home;
 - 6. All other children and household members;



7. At least two (2) collateral contacts.
 - a. Two (2) collateral contacts must be made on all investigations. One must be a professional contact and the other must be a non-professional contact.
 - b. Collateral contacts must never be the reporter or household member.
 - c. Professional collateral contacts may include the following:
 - i. Teacher;
 - ii. Medical professional;
 - iii. Service agencies; and
 - iv. Law enforcement;
 - d. Non-Professional Collateral Contacts may include, but are not limited to:
 - i. Relatives;
 - A. If a relative is used as a collateral contact, the second collateral contact must be a professional.
 - b. Neighbors; or
 - c. Others who may have information concerning the health and welfare of the child.

4.2 Interviewing the Reporter

- A. If contact information is provided for the reporter, the assigned worker should contact the reporter before interviewing the children.
- B. If the reporter cannot be contacted, the worker should proceed with the investigation and attempt to contact the reporter later. Inability to contact the reporter should not delay the investigation.

4.3 Interviewing in a School Setting

- A. Workers should strongly consider interviewing teachers and other school staff about their observations of a child. If a worker visits a school to conduct an interview, they should notify an administrator of their arrival and show an agency-issued identification.



- B. If the principal or other school official insists on being present when a child is interviewed, the worker must advise school official(s) they may be subpoenaed to testify and have each person sign a confidentiality statement.

4.4 Interviewing a Parent, Guardian, Custodian, or Caretaker

- A. The worker must interview the parent, guardian, custodian, or caretaker, as well as the alleged perpetrator face-to-face, separately, and privately.
- B. The worker must document in MACWIS the details, time, location, and reason for each meeting.
- C. The interviewee must be given a copy of the Client's Rights and Responsibilities and MDCPS's Grievance Procedures.
 - 1. These must be discussed with the parent or caretaker to ensure understanding.
 - 2. The parent or caretaker must sign the Clients Rights and Responsibilities form. A signed copy must be filed and maintained in the case record.
 - 3. If the parent or caretaker refuses to sign, the worker should document on the form that the parent refused to sign and ask the parent to initial this acknowledgement.
- D. ICWA must be addressed during the interview and documented in MACWIS.

4.5 Interviewing an Alleged Perpetrator

- A. Social Workers are not required to give an alleged perpetrator a Miranda warning.¹⁶
- B. In circumstances where the alleged perpetrator has been charged or arrested for a child abuse crime, the worker only needs to interview the alleged perpetrator if:
 - 1. Law enforcement gives consent; and
 - 2. Information related to medical history, potential placements, or other pertinent information is needed to determine the safety of the child(ren) or risk of harm.
- C. If the parent, guardian, custodian, caretaker, or alleged perpetrator has not been charged or arrested, and law enforcement, the district attorney, or other appropriate official requests

¹⁶ *Hennington v. State*, 702 So. 2d 403, 409 (Miss. 1997) holding “the mere investigation by a social worker in a non-custodial setting does not require an alleged abuser to be advised of his Miranda rights.”



the worker not interview the person, the worker must inform their supervisor and the appropriate youth court. The worker must also document the request in MACWIS.

1. If the alleged perpetrator is not interviewed, the worker must document the reasons why an interview did not occur.
2. A copy of law enforcement's interview with the alleged perpetrator should be obtained for MDCPS's records.

4.6 Interviewing Child Victims

- A. Before interviewing child(ren), the worker must attempt to notify the parent, guardian, custodian, or caretaker unless notification would endanger the child or impede the investigation.
- B. Interviews with the child(ren) must be conducted alone and in private.
- C. If not notified prior to interviewing child(ren), the parent or caretaker should be notified immediately following the interview unless notification would endanger the child(ren).
- D. Each child must be interviewed privately.
 1. Time and location of the interview should be documented in a MACWIS narrative.
 2. In extenuating circumstances, the child may be interviewed with another person present. The extenuating circumstances and the name of the person(s) present should be documented in the narrative. The person sitting in on the interview must sign a confidentiality statement and be advised they may be subpoenaed to testify.

4.7 Child Victim's Statement

- A. If the allegations meet the Multi-Disciplinary Team (MDT) protocol for referral to a Children's Advocacy Center (CAC), it is best practice to ask minimal fact questions and make a referral to the CAC within the time frame outlined in the MDT protocol.
- B. Unless law enforcement requests otherwise, a child-victim's statement must be taken when the child states abuse occurred and identifies the perpetrator(s).
- C. The following elements are typical of sexually abusive situations and should be considered in assessing the weight given to a child's statement where sexual abuse is alleged.
 1. Does the child's explanation corroborate the medical findings or physiological indicators as to how the injury was sustained?



2. Who does the child(ren) say hurt them?
 3. Did anyone else know it was going on?
 4. Has this type of injury ever happened before?
- D. The child's statement should be weighed against any medical evidence and/or physiological indicators.

4.8 Statement Elements

Every investigation where the allegations of abuse are considered a felony (see Appendix A) must be referred to the CAC.

A. History/Multiple Incidents over Time

1. Did the child indicate more than one incident occurred?
2. This situation is most common where the alleged perpetrator is a relative, friend or caregiver to the victim.

B. Progression of Abuse

1. Did the abuse progress from less severe to more serious? Does the child describe transitional activities which appear acceptable at first but become more extreme over time?
2. This is the most common where the abuse occurs in the context of a long-standing relationship.

C. Details

1. Explicit Knowledge of Sexual Activity

- a. Did the child give explicit details of the sexual experience?
- b. Were these details beyond the knowledge typical of a child this age?

2. Richness of Detail

- a. When age and developmentally appropriate, could the child give the time and location of the incident even though specific dates were not given?
- b. Did the child tell anyone else, and if so, whom? Can the child give any details of the environment?



- c. As a child's developmental age increases, more detail may be expected. For instance, such details by a preschool age child are not expected.

D. Consistency

1. If the child was interviewed more than once, were the responses consistent from one interview to the next?
2. Were any parts of the child's story corroborated by others or by physical evidence?

E. Secrecy

1. Does the child indicate she or he was instructed to keep the abuse secret?
2. Did it occur in a private setting?

F. Coercion

1. Each of the following criteria must be evaluated separately to determine the status of the case.
2. The following questions must be phrased in age-appropriate language that is not leading. These elements are typical of many child sexual abuse cases, yet the absence of information in some areas does not necessarily mean the case is unsubstantiated.
 - a. How did the perpetrator get the child to engage in the activity?
 - b. What are the elements of coercion or persuasion?
 - c. What does the child think will happen now that they have told the story?
 - d. Are they afraid of anything?

4.9 Photographs

- A. The investigating worker must take photographs of the child and the child's home or location where the child was residing when the abuse or neglect occurred, to document any physical evidence of abuse or neglect, or the lack thereof. (proving that there are no injuries is as important as proving that there are injuries).
 1. If the child's parents do not cooperate or refuse to consent, the worker must immediately seek youth court or law enforcement intervention.



2. A parent, another MDCPS worker, or another adult must always be present as a second party when photographs are taken of a child. MDCPS employees must never take photographs of a child's genitals (more about this in Section 5).

B. Procedure

1. Identifying information should be written on the back of the photograph or attached to it. Identifying information includes but may not be limited to:
 - a. Name of the victim,
 - b. Date photograph was taken;
 - c. Time; and
 - d. Location.
2. Each photograph must have a visible body landmark to distinguish the identity of the child, actual location, and extent of the area of injury. More than one photograph of the injury may be required to show landmark and still obtain a clear close-up of the abuse.
3. Photographs must be filed in the case record.

Section 5: Assessments

5.1 Physical Assessment of a Child Victim

A. Policy

1. All victims of alleged or suspected physical abuse must be thoroughly examined for evidence of abuse, e.g.;
 - a. Bruises;
 - b. Bites;
 - c. Burns;
 - d. Welts;
 - e. Etc.
2. Victims of alleged or suspected neglect should be thoroughly examined if there are reasons to suspect neglect manifesting as physical abuse or there are observable signs of neglect, e.g.;



- a. Malnutrition;
 - b. Untreated accidental injuries;
 - c. Infestations;
 - d. Bug bites.
3. If there are visible injuries to a child, a medical exam is required.

B. Practice

1. A parent, caretaker or another adult witness must be present when a child is examined.
2. When possible, a worker of the same sex as the child will examine him or her.
3. The procedure should be explained in a non-threatening, comforting way.
4. The worker should request that the parent or caretaker remove the child's clothes if the child is not old enough to do it himself. The worker should be sensitive to the child's feelings of undressing in front of a stranger.
5. If there is reason to examine the genital area of any child or the breasts of a female over the age of six (6), arrangements must be made for examination by a medical professional. Under no circumstances may an MDCPS employee photograph or conduct an examination of a child's genital area or the breasts of a female over the age of six (6).
6. If a child or parent refuses to cooperate, the worker should immediately seek youth court intervention.

5.2 Medial and Mental Health Examinations

- A. Medical examinations should occur when there are specific allegations of an injury which can be corroborated and verified by an examination and the initial phases of the investigation reveal information indicating a medical examination is necessary and warranted to determine if there is evidence to substantiate harm or maltreatment.
1. If there are visible injuries to the child, the worker must take the child to the doctor for an exam.
 2. Medical examinations may be needed to confirm or rule out abuse/neglect and/or to prevent removal.



3. If there is an allegation of sexual abuse, MDCPS must consult the MDT protocol and arrange for a medical exam if required.
- B. The worker will assist the parent or caretaker with arranging an examination.
1. The parent's own physical or mental health professional may be used.
 2. If the parent or caretaker is unwilling or unable to pay for the examination, Medicaid or other MDCPS resources will be utilized.
 3. If the child in question is already in MDCPS custody, he or she will have immediate eligibility for Medicaid.¹⁷
- C. If a parent or caretaker refuses to cooperate, the worker must consult with their supervisor and court intervention may be sought.
1. When a court orders a medical or mental health examination, the worker must attend the examination. If the parents are uncooperative, the worker must take the child for the examination.
 2. The court order must have language granting MDCPS the authority to take the child for examination.

5.3 Drug and Alcohol Screenings

- A. MDCPS workers may request a drug and alcohol screen any time there is suspicion of illicit drug use or prescription drug or alcohol abuse by a parent or guardian.
- B. MDCPS workers may not administer drug or alcohol tests of any type to clients.
- C. MDCPS workers must facilitate drug and alcohol testing of clients when ordered by the court by:
1. Sending client(s) to a certified drug testing facility when the client can pay for the test and has transportation;
 2. If necessary, transporting the client to a drug testing facility or arranging for MDCPS to pay the fee;
 3. Arranging for a drug testing company worker to come to the court; or

¹⁷ See MDCPS E-Bulletin Issue 87, November 27, 2017.



4. Requesting Court personnel perform the drug test.

D. MDCPS will determine who is responsible for payment and transportation after engaging with the client and assessing their resources. The worker should have a discussion and make a plan, including how long the client has to complete the screening.

5.4 Home Assessment

A. A Safety Checklist¹⁸ must be completed at the time of the initial home visit. The Safety Checklist must be signed by the parent or caretaker, and the worker, at the time of completion, and a copy must be provided to the parent or caretaker.

B. A Safe Sleep Program and SIDS Risk Reduction Education Checklist must be completed for all children eighteen (18) months or younger.

C. The worker must document the home visit in a Physical Home Environment Narrative in MACWIS.

5.5 Safety Assessment

A. The Safety Assessment aims to measure the need for action based on an immediate threat to the child.

B. The Safety Assessment addresses the following areas:

1. Physical harm or injury;
2. Neglect of basic needs;
3. Family strengths and needs;
4. Prior history of abuse, neglect, exploitation, or domestic violence; and
5. Protective capacity of parent or caregiver.

C. The Safety Assessment process must be initiated upon the first contact with the child(ren), and documentation must be initiated within MACWIS within seven (7) calendar days.

D. The Safety Assessment is completed in all situations where the report is assigned a Level Two (2) or Level Three (3) investigation.

¹⁸ The current Safety Checklist can be found on the MDCPS SharePoint site.



1. Documentation of the Safety Assessment tool in MACWIS must be completed and submitted to the supervisor within twenty-five (25) days of the report date and time.
2. Documentation should include results of the safety assessment and address any safety, environmental, or health issues and protective capacities of the parent or caregiver.

5.6 Risk Assessment

- A. The Risk Assessment must be addressed simultaneously with the Safety Assessment.
- B. The Risk Assessment is used to assess the overall well-being of the child and any risk factors for abuse and neglect. The results of the Risk Assessment, along with the report findings, will be used to determine if a case should be opened for services.
- C. The Risk Assessment must be initiated in MACWIS within seven (7) calendar days and completed within twenty-five (25) calendar days of initial intake report date and time. It must be submitted with the completed investigation via MACWIS to the supervisor for approval. The supervisor has five (5) calendar days to approve the findings.

5.7 Safety Plan

- A. Overview
 1. A Safety Plan is an agreement between the parent/caregiver and the worker, with supervisory approval. Once agreed upon and signed, a Safety Plan cannot be changed or amended without further discussion and consent of the parent/caretaker, unless ordered by the Court.
 2. MDCPS must notify the court of any Safety Plan prior to implementation.
 3. If adverse safety and risk factors are identified during the investigative phase, the worker must hold a Family Team Meeting to determine if there are family members or extended family who can assist the parent or caretaker in making an appropriate safety plan that is in the child's best interest.
 4. Safety planning is an integral part of MDCPS making reasonable efforts to maintain children with family. Success is dependent on the relationship developed with the family.



5. A safety plan must be in place to prevent removal and allow a child to remain with his or her family.¹⁹
6. Safety plans should last no more than thirty (30) days.
7. Safety plans should be developed only when a decision of “unsafe” has been determined and the worker(s), with supervisory approval, assesses that without the plan the child(ren) cannot remain safely in the home.

B. Process

1. Safety planning is a process in which the family and the worker jointly develop a plan for the purpose of assuring the safety of the child and the preservation of the family that:
 - a. Identifies issues and safety risks; and
 - b. Analyzes all issues and safety risks while also considering the strengths and protective capacities of the family.
2. In circumstances where safety issues are identified, a Safety Plan will be developed and implemented immediately.
3. The worker must fully explain the parent or caretaker’s responsibility to complete specific components of the plan assigned to them.
4. The Safety Plan must be monitored by the worker throughout the duration of the investigation.
5. If there is a continued need for a Safety Plan at the close of the investigation, the Agency can continue the plan for an additional thirty (30) calendar days. At the end of sixty (60) days, the Agency must evaluate whether the child needs to be removed and whether a case should be opened.

C. Documentation

1. The Safety Plan must be documented in MACWIS, printed and signed by the parent or caretaker, the worker, and the worker’s supervisor.
2. A copy must be given to parent or caregiver.

¹⁹ Required by Title IV-E.



3. The original must be placed in the case file and documented in MACWIS.
4. A copy of the Safety plan must be provided to the youth court.

D. The Safety Plan must contain the following:

1. Specific serious harm or the threat of serious harm identified in the Safety Assessment;
2. Identification and explanation of actions that have been or will be taken to protect each child in relation to the current safety concern;
3. Whether the plan will involve In-Home Services or an alternative caregiver;
 - a. If an alternative caregiver is used, a background check must be completed on all household members over fourteen (14) years of age before placement by the frontline worker.
4. Who is responsible for implementing the plan;
5. How the plan be monitored and evaluated and who will do the monitoring and evaluation;
6. Time frames imposed by the plan; and
7. Conditions that will terminate the Safety Plan.

Section 6: Findings

6.1 Completed Investigations

- A. When the worker completes an investigation, a finding must be made to support the disposition of the report. This determination is made based upon the following:
 1. Substantiation criteria;
 2. Home Assessment;
 3. Safety Assessment;
 4. Risk Assessment;
 5. Information gathered and entered in MACWIS;
 6. Direct observation; and
 7. Medical or Psychological information.



- B. The investigating worker is responsible for completing a finding on all allegations in MACWIS and submitting it to their supervisor for approval.
- C. The investigation is not officially closed until the supervisor approves the investigation in MACWIS. Once the investigation is approved, the supervisor or designee must notify the family in writing about the findings.
- D. The worker may provide information concerning the investigation to a professional reporter—without a court order—if the reporter has a continuing professional relationship with the child and a need for such information to protect or treat the child.²⁰

6.2 Types of Findings

Reports may be:

- A. Substantiated;
- B. Unsubstantiated; or
- C. Closed Without Findings.

6.3 Substantiated Reports

In investigations where there is observed and documented evidence of abuse or neglect, the worker must document and substantiate the initial findings. The findings must meet the statutory criteria for abuse and neglect (See Appendix A).

6.4 Unsubstantiated Reports

Reports are unsubstantiated where there is insufficient evidence for the caseworker to conclude a child was abused or neglected or the conduct reported does not meet the legal definition of child abuse or neglect.

6.5 Closed Without Findings²¹

- A. This disposition is used when an investigation could not be completed. This should be rare.
- B. Reasons to use “Closed Without Findings” include:

²⁰ Miss. Code Ann. § 43-21-261(6).

²¹ This is consistent with MACWIS Technical Bulletin Issue Number 24. MDCPS implemented a practice change effective June 13, 2015, to allow investigations to be closed with a disposition of “Closed without a Finding.”



1. The family moved out of the jurisdiction; or
 2. The family could not be located.
- C. Closed Without Findings cannot be used until the 25th day of an investigation. A diligent search must have been conducted, and all attempts to locate the family must have been exhausted before an investigation can be “closed without findings. A diligent search includes, but is not limited to:
1. Contacting all known previous addresses of the child’s parents;
 2. Calling all previous telephone numbers listed in the case file;
 3. Sending letters to General Delivery in a town or city where the worker believes the parent to be residing but has no specific address;
 4. Contacting the County Clerk in charge of motor vehicle registration;
 5. Requesting a law enforcement records check;
 6. Contacting the State Department of Labor;
 7. Contacting the Department of Corrections;
 8. Contacting state hospitals;
 9. Contacting all known relatives, friends, and previous employers;
 10. Checking the telephone directory;
 11. Contacting utility and telephone companies;
 12. Contacting child support enforcement;
 13. Requesting a diligent search through Trans Union;
 14. Accessing location services through the post office; and
 15. Utilizing social media.

6.6 Basis of Findings

- A. The worker must base their findings on the totality of the evidence.
- B. The investigative finding of substantiated or unsubstantiated must reflect a careful weighing of all facts.



- C. If a determination is made that a child is unsafe, the worker must develop a Safety Plan or contact the youth court for removal.
- D. If it is determined that the child is not in immediate danger and no case will be opened, the worker must let the family know so they will have closure on the matter.
- E. If it is determined that a child is not in immediate danger but services are needed, a case may be opened to provide services.
- F. It is not necessary to open a case if a report is unsubstantiated and a referral is made to In-Circle.

6.7 Documentation of Substantiation Criteria

A. Overview

1. The worker must clearly document in MACWIS all evidence used to support the substantiated or unsubstantiated finding.
2. Required documentation includes, but is not limited to,:
 - a. Home Assessment;
 - b. Safety Assessment;
 - c. Risk Assessment;
 - d. Documentation of all required interviews;
 - e. Medical, psychological, and CAC records;
 - f. Credible victim statement;
 - g. Admission by the perpetrator; and
 - h. Photographs.
3. Proof of one or more of the following factors, may constitute "substantial and material evidence."

B. Medical

1. This may take the form of medical documentation that a child was abused. Examples include evidence of sexual penetration of a young child or spiral fractures of long



bones, or evidence which verifies the child sustained severe injuries which are medically inconsistent with the caregiver's explanation.

2. In cases where medical evidence is inconclusive and the perpetrator denies the abuse, the worker must examine the constellation of all factors in reaching the decision. In these cases, something might be lacking from the child's statement, or the witnesses may be in conflict and may be biased.

C. Psychological

1. Psychological information which reveals a predisposition to abusive behavior on the part of the alleged perpetrator or otherwise corroborates evidence related to abuse.
2. This might include an admission by the perpetrator or caregiver who acknowledges she or he knowingly failed to protect the child.

D. Sexual Abuse

1. Genital, anal, or oral bruises or bleeding;
2. Swollen or red cervix, vulva or perineum;
3. Abnormal dilation of the urethra, vagina, or rectal openings;
4. Semen on genitals, around mouth, or clothing;
5. Sexually transmitted diseases; or
6. Pregnancy.

- E. Behavioral indicators or circumstantial evidence may only be used to further corroborate other forms of evidence.

6.8 Statement of Credible Witness

- A. The investigator must carefully evaluate the credibility and potential bias of any witness.
- B. The investigator must also consider the credibility of any witnesses who refute the allegations or otherwise diminish the strength of other evidence. For example:
 1. Parents or relatives who are involved in a custody dispute should not be considered fully reliable witnesses either in support of or in disagreement with the allegations.



2. A reliable witness who states the alleged offender was elsewhere at the time of the alleged abuse should be corroborated by at least one other person.

6.9 Diligent Searches

- A. The worker must conduct a diligent search to locate families before an investigation can be Closed Without Findings.
- B. The Diligent Search Request form can be found on the MDCPS Connection under Foster Care Forms.
- C. What constitutes a diligent search is outlined in Section 6.5(C) of this policy.
- D. A diligent search for missing parents be completed within thirty days of a child entering custody.²²

Section 7: Removals

7.1 Removals Due to Substantiated Investigation

- A. If a worker at any time suggests, discusses, or recommends removal of a child from their home and placement in MDCPS custody, the worker must contact the ASWS and youth court judge for approval.
- B. Removals require:
 1. ASWS involvement in making the decision to remove.
 2. Authorization from the youth court must be obtained for all removals and placements into foster care. The court may order a child into care even if MDCPS does not recommend or agree with removal.
 3. Extensive justification regarding the safety and risk issues involved and efforts made to prevent removal are required.
 4. Workers and supervisors who participate in the removal of a child should be mindful of the trauma removal brings even when it is in the best interest of the child.
- C. Under no circumstances, including emergencies, may a foster child be taken to the home of an MDCPS employee or stay overnight at an MDCPS office.²³

²² 2nd MSA § 6.1.c.

²³ 2nd MSA § 4.8.



7.2 Reasonable Efforts

- A. To justify a recommendation for removal, workers must be able to report to the court that:²⁴
1. Removal is in the best interest of the child; AND
 2. Continuation in the home would be contrary to the welfare of the child; and
 - a. Reasonable efforts were made to prevent removal but there is no reasonable alternative to custody; or
 - b. Due to an emergency situation, no reasonable efforts were made to prevent removal and there is no reasonable alternative to custody; or
 - c. The court determines reasonable efforts are not required.²⁵
- B. The worker and MDCPS must work diligently and concertedly with the family to prevent removal of the child(ren) if possible.
- C. If it is not possible to safely maintain the child in the home, MDCPS must use reasonable efforts to reunify the family as soon as safety is reasonably assured.
- D. The worker must develop and initiate active efforts toward the achievement of an alternative permanency plan in case the child cannot be returned home.
- E. Decisions to remove are based on issues of:
1. Safety;
 2. Risk;
 3. Protective capacities of the parent(s) or caregiver(s); and
 4. The ability or inability to implement plans that will assure the safety of the child(ren).
- F. A finding of substantiated abuse or neglect does not, in and of itself, constitute grounds for removal.

²⁴ Title IV-E, 42 U.S.C. § 671, Miss. Code Ann 43-21-301.

²⁵ 42 U.S.C § 671, Miss. Code Ann. 43-21-301



7.3 Removals Due to Court Order Without Investigation

- A. If MDCPS is ordered by the court to remove a child from their home without an investigation and assessment of maltreatment allegations, the worker must document the following information in MACWIS:
1. Name of contact person from the court;
 2. Time and date request is received;
 3. By what means request is received, i.e. verbal, fax, email or telephone; and
 4. Copy of the court order for removal.
 - a. If the court issues a verbal order, the worker should log on to MYCIDS and download a certified copy.
 - b. If the verbal ordered has not been entered into MYCIDS within 48 hours, the worker should contact the appropriate Youth Court Intake Officer.

7.4 Facilitating Removals

- A. Before the child is removed, the worker must complete the foster child face sheet to keep on file and provide to the placement provider (see appendix C).
- B. The worker should devote as much time as necessary to help the child and parents understand the reason for removal and what to expect from placement in MDCPS custody.
- C. The worker should help parents assume as much responsibility as possible for preparing the child for placement.
- D. Whenever possible, parents should be the first to discuss placement with the child.
1. If the child feels the parents concur in the plan, placement will be easier for him or her to understand and accept.
 2. Not only does the child need preparation for the placement, but the worker may need to assist parents in working through their conflict about placement and feelings about separation from the child.
- E. Before a child is removed, the worker must gather the following information on the child:
1. Daily routine;



2. Preferred foods and activities;
 3. Needed therapeutic or medical care;
 4. Allergies and other medical needs;
 5. Cultural practices; and
 6. Educational information.
- F. The child should be given an opportunity to collect things from home that are meaningful to them, such as a favorite toy or a picture album.
- G. The worker must explain the following to the child:
1. Why they are in care;
 2. The worker's role in the process;
 3. Placements for siblings if siblings have separate placements; and
 4. Feelings of separation and loss.

Section 8: Expanded Investigations in Extraordinary Circumstances

8.1 Medical Neglect of Handicapped Infants

- A. MDCPS will investigate all allegations of medical neglect of a handicapped infant. Once a report of medical neglect of a handicapped infant is received by MCI it will be screened in for the county where the child/family resides.
- B. Supervisor Duties
1. Assign the report for investigation immediately.
 2. Immediately notify the designated contact person at the health care facility/hospital if applicable and the facility's Social Services Department if applicable.
 3. If the child is in a health care facility/hospital the worker must conduct interviews with the following:
 - a. Designated contact person;
 - b. Family;
 - c. Infant Care Review Committee (ICRC) if applicable; and



d. Others involved with the infant

C. Worker Duties

1. Obtain an independent assessment from a medical consultant if necessary to assure an appropriate resolution of the report. If the parents or facility do not cooperate, contact the youth court for a court order
2. Review infant's medical records if necessary with the assistance of the designated contact person. If the parents or facility do not cooperate, contact the youth court for a court order.

D. When there are findings of medical neglect, the supervisor must do the following:

1. Contact the youth court and request an order that requires the parents seek appropriate medical care or places the child in MDCPS custody.
2. Document request to youth court in MACWIS.
3. Assign case to a worker.
4. Notify the RD of the findings at the conclusion of the investigation and that the findings are available for viewing in MACWIS, including:
 - a. Names of the child, parents, alleged perpetrator, designated contact person and attending physician;
 - a. Circumstances surrounding allegations of medical neglect;
 - b. Identities of persons interviewed;
 - c. Investigation and assessment information;
 - d. Case disposition;
 - e. Action taken.
5. Share the report with the worker assigned to the case.
6. Send a letter to the facility administrator explaining the disposition.

8.2 Investigating Human Trafficking Reports

All reports of human trafficking received by MDCPS will be investigated. Please see the MDCPS Human Trafficking Policies and Procedures for additional information.



8.3 Investigations of Alleged Meth Labs

A. Policy

1. No MDCPS worker may knowingly enter an active or inactive meth lab for any reason.
2. All reports of children currently residing in active or inactive meth labs must be "screened in" for investigation.
3. The appropriate local law enforcement and the regional Mississippi Bureau of Narcotics office must be contacted and requested to assist the investigating worker on any suspected meth lab investigation.
4. If local law enforcement is unable or unwilling to assist, the administrative chain of command should be followed in seeking advice as to how the matter should be handled.

B. Procedure

1. Unless instructed otherwise by law enforcement, the investigating worker should remain outside, at least one hundred feet from the meth lab, while law enforcement officers remove the child(ren).
2. The child(ren) must be decontaminated by law enforcement or medical staff at the scene or at a medical facility.
 - a. If the child must be transported, transportation must be done by law enforcement or EMT.
 - b. If decontamination occurs on the scene, the worker must advocate that the procedure be performed in such a way which does not further traumatize the child.
3. The worker may not place the child into their vehicle without the decontamination process having been conducted.
4. The worker should request copies of any photographs taken by law enforcement at the scene and follow-up to ensure this information is received and placed in the MDCPS files.
5. If the victim is taken to a medical facility, the worker should request the results of any examinations or tests performed on the child, and follow-up to ensure this information is received and placed in the MDCPS file.



- C. If it is determined that a child is residing in a setting where an active meth lab exists, a court order for removal should be obtained. If it is determined a child is residing where an inactive meth lab exists, the child must be taken to a safe location while the investigation continues.
 - 1. In these cases, a Family Team Meeting must be held, and a Safety Plan developed immediately.
 - 2. In cases involving meth labs, a child must be removed from the setting where the meth lab is/was, but removal does not necessarily equal custody with the Agency.

8.4 Reports Involving More than One County

- A. When a report is screened to the child's county of residence but the incident happened in another county, the responsibility of the counties are as follows:
- B. Responsibilities of County of Residence
 - 1. Accept report;
 - 2. Initiate legal action as needed for the child's protection;
 - 3. Coordinate ongoing legal/court intervention;
 - 4. Coordinate investigation with county where incident occurred;
 - 5. Arrange treatment services for child and family as appropriate in county of residence;
 - 6. Notify law enforcement in the county where the allegations occurred if needed;
 - 7. Complete investigation in MACWIS;
 - 8. Contact alleged perpetrator's county of residence to coordinate interviews;
 - 9. Coordinate interviews on a child who may be visiting in another county.
- C. If a child is receiving services at a hospital or medical facility in a county other than their county of residence when a report is received, the county worker where the child is located shall assist in any way, including initiating contact and assessing the safety of the child(ren). The worker in the county where the child is located must assist with coordination of services if needed and conduct the following interviews:



8.5 Protective Services Alerts (PSA)

A. Generally

1. PSAs from other states will be forwarded from the Protection Unit to each county office via electronic mail.
2. When a county office needs to send a PSA to other counties in Mississippi, the county office should send the alert to the Protection Unit which will forward it to the necessary counties via electronic mail.
3. When a county office needs to send a PSA to a child welfare office in another state, the county office should send the alert to the Protection Unit which will forward it to the appropriate state's office via electronic mail.

B. A PSA must be sent if a family moves to another county or state while a child fatality case is under investigation and siblings to the deceased child move with the family. The PSA should be sent by the assigned worker or supervisor.

C. Family Leaves State

1. If a family moves out of state during an investigation, and their new address can be obtained, the assigned worker must send a letter to the state's child welfare agency. The letter should inform the state there was a report of abuse or neglect made in Mississippi.
2. If the report indicated the child(ren) may be in imminent danger of harm or threatened harm, the assigned worker must immediately make a protective service referral via telephone to the other state's child welfare agency. The oral report should be followed by a written report as soon as it is possible to do so.

Section 9: Special Investigations Unit

9.1 SIU Overview

- A. The Special Investigations Unit (SIU) is responsible for investigating ALL allegations of maltreatment of children in MDCPS custody and reports of child fatalities that meet statutory investigation criteria or that occur in an open MDCPS case.
- B. The SIU is composed of:
1. Investigation Specialists who are the frontline worker equivalent for the SIU. They are responsible for performing maltreatment-in-care investigations.



2. Bureau Directors who serve as supervisors to the Investigation Specialists. They are responsible for supervising and approving investigations and providing feedback and counsel to the Investigation Specialists.
3. The Director of Special Investigations who manages the entire SIU.

9.2 SIU Reports to MCI

- A. Any individual who suspects a child in custody is being abused, neglected, or exploited, should make a report to MCI.
- B. MDCPS employees are mandated reporters and are required by law to report any suspicion of child abuse or neglect, including allegations of maltreatment in care, to MCI.
- C. Failure to make a report to MCI will result in disciplinary action.

9.3 MCI Responsibilities for Entering SIU Reports

- A. MCI staff will accept and enter ANE reports on children in custody.
- B. As with general reports, MCI staff shall elicit as much information as possible from the reporter regarding the maltreatment in care allegations, including the names of the alleged victim and alleged perpetrator, incident date, and the relationship of the alleged perpetrator to the alleged victim.
- C. Once MCI confirms the alleged victim is a child in custody, MCI staff will enter the report into MACWIS using the following guidelines:
 1. If the report concerns allegations of maltreatment by a resource parent or facility staff, the report should be entered as a Resource Report and assigned to the SIU supervisor in the county where the home is located.
 2. If the report concerns allegations of corporal punishment of a child in foster care, with no report or indication of injury, the report will be entered for the county where the child resides and investigated as a licensure and policy violation.
 3. If the maltreatment occurred outside of the resource parent's home or facility setting, the report will be entered as an ANE with the appropriate alleged perpetrator identified and assigned to the SIU supervisor over the county where the child resides.



9.4 Screening the Report

- A. When MCI receives a report that meets the statutory requirement for maltreatment and the identified victim is confirmed to be a child in MDCPS custody, the report will be screened in as a Level Three Report.²⁶ All reports of maltreatment wherein alleged victim is a child in MDCPS custody will be screened to the SIU Supervisor over the county where the child is currently placed.
- B. If insufficient information is available at intake to confirm the alleged victim is a child in MDCPS custody, the report will be screened to the county.
 - 1. If the assigned investigator later determines the alleged victim is in MDCPS custody, the child shall be immediately confirmed in MACWIS and the investigation will be immediately reassigned to SIU upon confirmation of the victim in MACWIS. In no event shall the confirmation occur more than 24 hours after the first face-to-face contact with the alleged victim(s).

9.5 Investigating the Report

- A. All allegations of maltreatment of a child in custody shall be investigated by a worker who has received training on intake and investigations processes, policies, and investigation techniques and has no ongoing connection to the foster care case. All general investigation practices should be followed, in addition to the following steps:
 - 1. The Investigation Specialist will initiate the maltreatment in care investigation within 24 hours of the date and time MCI received the call.
 - 2. The Investigation Specialist will notify the child's COR and COS (if applicable) worker, as well as the assigned Resource Specialist and ASWS regarding the allegations of maltreatment.
 - 3. The assigned Resource Specialist shall accompany the assigned Investigation Specialist to the home to assess possible policy and or licensure violations.
 - 4. During the investigation, the Investigation Specialist shall:
 - a. Follow all normal investigative procedures during the course of the investigation;
 - b. Interview:

²⁶ A Level Three is a report that meets Miss. Code Ann. § 43-21-353 criteria for abuse, neglect, or exploitation, which includes a child in the legal custody of Mississippi Department of Child Protection Services (MDCPS).



- i. The alleged victim(s) alone, if possible;
- ii. All MDCPS children placed in the home;
- iii. If the child is placed in a facility, all MDCPS children with potential knowledge of the maltreatment;
- iv. The assigned MDCPS caseworker(s);
- v. The assigned Resource Specialist;
- vi. Former MDCPS staff, as appropriate;
- vii. Children formerly in the home, as appropriate;
- viii. All household members;
- c. Review the case history of the alleged victim;
- d. Review the resource family's history;
- e. Complete the Safety and Risk Assessment for resource reports;
- f. Staff the intake report and initial findings with their SIU Supervisor within three days of the initiation of the investigation;
- g. Provide information regarding the investigation to the county frontline and licensure workers, ASWS, and Regional Director;
- h. Assist county staff in making a determination as to whether it is safe for the identified victim and other children to remain in the home until the investigation is complete;
- i. Work with the Licensure Specialist to ensure that the home is closed to new placements during the pendency of the investigation;
- j. In the case of a child fatality:
 - i. The Investigation Specialist will coordinate the investigation with law enforcement;
 - ii. Request a verbal and final autopsy from the coroner or the state medical examiner.



5. The Investigation Specialist has twenty-five (25) days to submit their completed investigation report to the SIU Supervisor, who then has five (5) calendar days to approve the investigation.
6. The Investigation Specialist will provide a written notice of investigation findings to the county.
 - a. A copy of the approved final investigation report, as well as any recommendations or corrective actions, shall be filed in the foster child's case record, the resource or adoptive parents' record (with a copy of the findings letter), and in the MDCPS State Office. If the investigation involved a facility, then a copy of the findings letter will be sent to the provider and the staff person(s) who were substantiated perpetrators of maltreatment.
7. MDCPS will provide a copy of the final investigation report, as well as any recommendations or corrective actions, to the youth court judge with Jurisdiction over the child, and with the Guardian Ad Litem.

9.6 Facilities

- A. If the report of child maltreatment occurred in an MDCPS licensed group home, emergency shelter, or child placing agency resource home, the Investigation Specialist will follow regular SIU and investigation protocol, in addition to the following steps:
 1. Speak with the director or staff member in charge upon arrival at the facility to notify them of the report;
 2. Notify the child's parents or guardian after the child is interviewed, or immediately if the child needs medical treatment;
 3. Refer the child to a physician or other appropriate professional to assist in the investigation;
 4. Interview facility personnel and other MDCPS foster children currently in the facility;
 5. Interview the alleged perpetrator if law enforcement is not involved;
 6. Review and obtain a copy of facility policy and procedures;
 7. Obtain documents or records related to the incident. If access is denied, the Investigation Specialist will contact the youth court for assistance.



9.7 Law Enforcement Notification

Within 48 hours of finding evidence that a child in custody has been abused, neglected, or exploited, the Investigation Specialist will provide written notice of the investigation findings to the District Attorney.

9.8 Child Fatalities

- A. The Special Investigations Unit will investigate reports of child fatalities that meet the statutory requirement for investigation or occur in an open MDCPS foster care or service case.
- B. Reports of child fatalities can be made by the public or by MDCPS staff. MDCPS staff who learns of a fatality and suspects abuse or neglect, or if the fatality occurs in an open case, are required to report the fatality to MCI.
- C. When MCI staff receives a report of a child fatality, MCI shall follow standard intake protocol, in addition to the following procedures:
 - 1. Notify the Regional Director over the county where the fatality occurred, the Deputy Commissioner of Child Safety, Deputy Commissioner of Child Welfare, the Director of Special Investigations, the Deputy Director and the Bureau Director for Special Investigations;
- D. The following notifications are made by the Investigation Specialist:
 - 1. Notify the District attorney or county prosecutor, (if applicable);
 - 2. Notify Law enforcement;
 - 3. Notify the coroner.



Appendix A

Statutory Definitions

Felony Child Abuse

Mississippi Code Annotated § 97-5-39:

- A. Any person shall be guilty of felonious child abuse in the following circumstances:
1. Whether bodily harm results or not, if the person shall intentionally, knowingly, or recklessly:
 - a. Burn any child;
 - b. Physically torture any child;
 - c. Strangle, choke, smother or in any way interfere with any child's breathing;
 - d. Poison a child;
 - e. Starve a child of nourishments needed to sustain life or growth;
 - f. Use any time of deadly weapon upon any child.
 2. If some bodily harm to any child actually occurs, and if the person shall intentionally, knowingly, or recklessly;
 - a. Throw, kick, bite, or cut any child;
 - b. Strike a child under the age of fourteen (14) about the face or head with a closed fist;
 - c. Strike a child under the age of five (5) in the face or head;
 - d. Kick, bite, cut or strike a child's genitals.
 3. If serious bodily harm to any child actually occurs, and if the person shall intentionally, knowingly, or recklessly;
 - a. Strike any child on the face or head;
 - b. Disfigure or scar any child;
 - c. Whip, strike, or otherwise abuse any child.
- B. Bodily Harm means any bodily injury to a child and includes, but is not limited to, bruising, bleeding, lacerations, soft tissue swelling, and external or internal swelling of any body organ.
- C. Serious Bodily Harm means any serious bodily injury to a child and includes, but is not limited to, the fracture of a bone, permanent disfigurement, permanent scarring, or any internal bleeding or internal trauma to any organ, any brain damage, any injury to the eye or each of a child or other vital organ, and impairment of any bodily function.

Abused Child

Mississippi Code Annotated § 43-21-105(m):



- A. An abused child means a child whose parent, guardian, or custodian, or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused, upon the child, sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury, or other maltreatment.
- B. Physical discipline, including spanking, performed on a child by a parent, guardian, or custodian in a reasonable manner shall not be deemed abuse under this specific section of Mississippi law.
- C. Children who have been trafficked within the meaning of the Mississippi Human Trafficking Act, by any person, without regard to the relationship of the person to the child, are also considered to be an abused child.

Neglected Child

Mississippi Code Annotated § 43-21-105(1):

- A. A neglected child means a child;
 - 1. Whose parent, guardian, or custodian, or any person responsible for his care or support, neglects or refuses, when able to do so, to provide for him proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his well-being;
 - 2. Who is otherwise without proper care, custody, supervision, or support; or
 - 3. Who for any reason lacks the special care made necessary for him by reason of his mental condition, whether the mental condition is having mental illness or having an intellectual disability; or
 - 4. Who, for any reason, lacks the care necessary for his health, morals, or well-being.
- B. A parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under this specific chapter of Mississippi law.



Appendix B
Court Case Information Form

Court Case Information Form

Page 1 of 2

Child Information

Social Security #		DHS #	
Last Name			
First Name			
Middle Name			
Suffix			
Home Phone	Work Phone	Cell Phone	
Address			
City		State	Zip
County of Residence		<input type="checkbox"/> 1 st District or <input type="checkbox"/> 2 nd District	
Current School Enrollment			
School Name			
Grade Levels Completed		Current Grade Level	
Living Arrangement			
Marital Status of Natural Parents			
Residence Length			
Family receiving assistance?		YES NO	
Child Support Ordered? (This means previously)		YES NO	
Support Paid by?			
Payments Current?		YES NO	
Date of Birth			
Birth City	Birth State	Birth Country	
Race	Sex	Eye Color	Hair Color
Height	Weight		
Immediate Medical Needs			
Immediate Psychological Needs			
Medical Insurance Company Name			
Policy #			

Court Case Information Form

Referral Information

Reason for Referral			
Description EX: Parents abused child by...			
Offense Date		Referral Date	

Parent Information (Mother)

Mother's Name				
Home Phone		Cell Phone		
Address (No PO Box, must be physical)				
City		State		Zip
Place of Employment				
Address of Employment				

Parent Information (Father)

Father's Name				
Home Phone		Cell Phone		
Address (No PO Box, must be physical)				
City		State		Zip
Place of Employment				
Address of Employment				

Be sure to include the following items:

- Names and addresses of any witnesses you want subpoenaed
ex: Law Enforcement, Relatives, etc...
- Copy of current Individual Service Plans
- Copy of Permanent and Concurrent Plans including Reasonable Efforts notes

NOTE: If more than one child, please fill out an additional form for each child.

Social Worker Information	
Name:	_____
Phone:	_____
Date:	_____



Appendix C
Foster Child Face Sheet

MDCPS Form #
Revised: Sept. 2019



Foster Child Information

Information provided in this document is confidential.

Child's name: _____ DOB: _____

Preferred name: _____

Date of placement: _____

Name of Home/Facility: _____

The following information is being provided at the time of placement and any other relevant information not available at this time will be provided within fifteen (15) calendar days of placement.

ORIGINAL PLACEMENT REASON/Allegation(s):

- | | |
|--|---|
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> Drug Abuse- Parent |
| <input type="checkbox"/> Alcohol Abuse- Child | <input type="checkbox"/> Inadequate Housing |
| <input type="checkbox"/> Alcohol Abuse- Parent | <input type="checkbox"/> Incarceration of Parent(s) |
| <input type="checkbox"/> Caretaker Inability to Cope | <input type="checkbox"/> Neglect |
| <input type="checkbox"/> Child Behavior Problems | <input type="checkbox"/> Physical Abuse |
| <input type="checkbox"/> Child Disability | <input type="checkbox"/> Relinquishment |
| <input type="checkbox"/> Death of Parent(s) | <input type="checkbox"/> Sexual Abuse |
| <input type="checkbox"/> Drug Abuse- Child | |

Scheduled appointments (visit, medical, forensic interview, court) and location of each. If the caregiver is needed to provide transportation for appointments, please make arrangements with them now.

If the child requires car seat or baby bed, was that provided? _____

If the child is less than 18 months, has safe sleep been discussed? _____

DO NOT LEAVE CHILD IN PLACEMENT UNLESS THE ABOVE IS COMPLETED!!!!!!!!!!!!!!!!!!!!

School name and grade: _____

IEP ruling: _____

Learning Disabilities: _____

Insurance/Medicaid information: _____