

Department of Public Health and Human Services
Child and Family Services Division
(DPHHS-CFSD)

Policy and Procedure Related to Cross-Reporting of Suspected Child Abuse/Neglect to Law Enforcement

Policy: (The following is taken directly from the DPHHS-CFSD Policy Manual Section 202-3 p. 1-2; Effective 1/2012)

If the Child Protection Specialist is assigned a report of child abuse or neglect for investigation/assessment, and the Child Protection Specialist believes that there is reasonable cause to suspect any of the following has occurred:

- Death of a child as a result of child abuse or neglect;
- Sexual abuse of a child;
- Child on child abuse or neglect;
- Severe physical abuse and/or serious bodily injury to a child;
- Exposure of a child to severe domestic violence; or
- Exposure of a child to the manufacture or distribution of dangerous drugs;

The Child Protection Specialist shall promptly refer these matters to law enforcement for concurrent investigation. If there is an agreement in place, pursuant to Mont. Code Ann. § 52-2-211, for a County Interdisciplinary Child Information Team in that county, cases of suspected child abuse or neglect shall also be referred to this team, in accordance with the local protocols defining which types of cases the team may review.

Under Mont. Code Ann. § 41-3-201, professionals who are mandated to report when they know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, must report the information to Centralized Intake. Centralized Intake will assess the report and, if sufficient facts exist to make it reasonable to suspect child abuse or neglect has occurred by a person who is not a person responsible for the welfare of a child, as defined above, then the report shall be entered into CAPS as a CFS 8 and sent to the appropriate CPS Supervisor or designee for further referral to the appropriate investigating agency.

Although Centralized Intake is legally mandated to receive calls from mandatory reporters who know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, the Division does not have legal authority to investigate alleged abuse or neglect when the alleged perpetrator of the abuse or neglect is not a person responsible for the welfare of the child who is the subject of the alleged abuse or neglect. In regards to reports of abuse or neglect by persons not responsible for the welfare of the child(ren), the appropriate investigating agency may be law enforcement, the school district, or the Office of Public Instruction depending on the facts set forth in the report.

Upon receipt of this type of report, the CPS Supervisor or designee shall promptly make a referral to the appropriate investigating agency to ensure that an investigation may be completed at the discretion of the appropriate investigating agency.

Procedure:

Procedures used to make these referrals, as described above, include faxing reports directly to law enforcement, calling the reports in to 911 call centers, or providing the referral according to any other specific protocol that may be requested and adopted by a law enforcement agency or school district. The date of the referral is then documented in the DPHHS-CFSD automated CAPS (Child Adult Protective Services) system.