

Child and Family Services Policy Manual: Investigation Reports of Abuse and Neglect

Source of Reports Anyone **may** report a suspected incident of child abuse or neglect.

Mandatory Reporters Professionals and officials **required** to report suspected abuse or neglect are:

- a physician, resident, intern or member of a hospital's staff engaged in the admission, examination, care or treatment of persons;*
- a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;*

***Note:** A professional listed above involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug.

- religious healers;
- school teachers, other school officials, and employees who work during regular school hours;
- a child protection specialist, operator or employee of any registered or licensed day care or substitute care facility, staff of a resource and referral grant program or a child and adult food care program, or any other operator or employee of a child care facility;
- a foster care, residential or institutional worker;
- a peace officer or other law enforcement official;
- a member of the clergy, as defined in 15-6-201(2)(a); unless information came through confession and the communication is required to be kept confidential by canon, law, church doctrine, or established church practice and the person did not consent to the disclosure;
- a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged child abuse or neglect; or
- an employee of an entity that contracts with the

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Department to provide direct services to children.

When a Mandatory Reporter Must Report

A mandatory reporter must report suspected child abuse, neglect, or abandonment when s/he knows or has reasonable cause to suspect, as a result of information s/he receives in his/her official or professional capacity, that a child is being abused or neglected.

Mandatory reporters are only mandatory reporters when they are on the job. When they are not acting in their “official or professional capacity”, they are no different than any other person, and are not required to report child abuse or neglect which they suspect or become aware through means other than their official capacity.

This also applies to employees of entities which contract with the Department to provide services directly to children. Employees of these entities are mandatory reporters when they become aware of suspected child abuse/neglect as part of their official duties provided under the terms of the contract with the Division. The same employees are not mandatory reporters of suspected or known child abuse or neglect of which they become aware through any other means, including employment activities which are not connected to a Department contract.

Anonymous Reporters

An initial investigation of alleged abuse or neglect may be conducted when an anonymous report is received. However, the investigation must within 48 hours result in the development of independent, corroborative, and attributable information in order for the investigation to continue. Without the development of independent, corroborative, and attributable information, a child may not be removed from the home. The 48 hours begins at the time that the Child Protection Specialist initiates the investigation according to the response time assigned by Centralized Intake. The 48 hours excludes holidays and weekends.

CAPS

All reports of suspected child abuse and neglect must be made to Centralized Intake to be entered on the CAPS system. Entry of the initial intake information should begin immediately with updates made as information is gathered. Determinations must be completed within 60 days, and CAPS screens need to be completed as soon as the determination is completed. All related documentation, assessment forms, substantiation letters, etc., need to be attached to text and must be in the case

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record. Instructions for completing the Report and Request screens are found in this manual at Section 202-2, Taking A Report/Referral.

Confidentiality of Reporters

The identity of the reporter and the identity of any person who provided information on the alleged child abuse or neglect incident must not be revealed to the parent, guardian or other person responsible for the welfare of the child who is the subject of the complaint unless a court requests the information (e.g., in a hearing or by court order).

Information Sharing With Reporters

The department shall, upon request from any reporter of alleged child abuse or neglect, verify whether the report has been received, describe the level of response and timeframe for action that the department has assigned to the report, and confirm that it is being acted upon.

Information Sharing with Mandatory Reporters

When a professional or official required to report under Montana Code Annotated § 41-3-201 makes a report, the department may share information with:

- That professional or official; or
- Other individuals with whom the professional or official works in an official capacity if the individuals are part of a team that responds to matters involving the child or the person about whom the report was made and the professional or official has asked that the information be shared with the individuals.

The department shall, upon request from any mandatory reporter of alleged child abuse or neglect, verify whether the report has been received, describe the level of response and timeframe for action that the department has assigned to the report, and confirm that it is being acted upon.

The department may also share information about the investigation, limited to its outcome and any subsequent action that will be taken on behalf of the child who is the subject of the report.

Individuals who receive information pursuant to this subsection shall maintain the confidentiality of the information as required by 41-3-205. All reports of suspected abuse or neglect must be responded to in accordance with Section 202-3, Investigation of the Report.

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Information Sharing with Immediate Family

The department shall, upon request from any grandparent, aunt, uncle, brother, or sister who is a reporter of alleged child abuse or neglect, verify whether the report has been received, describe the level of response and timeframe for action that the department has assigned to the report, and confirm that it is being acted upon.

Furthermore, the department may verbally share information with the extended family members for placement and case planning process

Any additional information regarding the child or children shall only be shared with grandparents, aunts, uncles, brothers, and sisters of the child or children upon confirmation of the person's relationship to the child and after a determination that sharing such information would not be harmful or detrimental to the child(ren).

References

Mont. Code Ann. § § 41-3-201 through 41-3-208.
Mont. Admin. R. 37-47-315
Mont. Admin. R. 37-47-602, et. seq.

Rev. 10/03
Rev. 10/04
Rev. 10/07
Rev. 11/15