

**Cuyahoga County Division of Children and Family Services
(CCDCFS)
Policy Statement**

Policy Chapter: Intake & Investigations
Policy Number: 2.03.03
Policy Name: Investigative Dispositions:
Other Forms of Confirmation; Isolated Indicators

Original Effective Date: 08/08/2007
Revision Date(s): 05/01/2015
Current Revision Date: 05/01/2015
Approved By: Tamara Chapman-Wagner (Interim Administrator)

PURPOSE: To establish a uniform policy for caseworkers conducting child abuse and neglect investigations that identifies other forms of confirmation which may be used to substantiate a finding of abuse or neglect; and identifies other isolated indicators of child abuse or neglect lacking confirmation for an indicated finding.

SCOPE: This policy applies to all Cuyahoga County Division of Children and Family Services (CCDCFS) caseworkers conducting child abuse and neglect investigations in accordance with the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) sections governing child abuse and neglect.

POLICY

- I. At the conclusion of an investigation, a determination is made by the caseworker as to whether or not the child has been abused or neglected. The OAC sets forth the following report dispositions in the determination of whether abuse or neglect has occurred or is occurring specific to an alleged child victim:
- Substantiated
 - Indicated
 - Unsubstantiated
 - Family Moved—Unable to complete assessment/investigation
 - Family Moved Out of County—Refer to appropriate PCSA
 - Unable to Locate

PROCEDURES

I. Report Dispositions:

- A. A “Substantiated report” means the report disposition in which:
- there is an admission of child abuse or neglect by the person(s) responsible;
 - an adjudication of child abuse or neglect;
 - OR other forms of confirmation deemed valid by the PCSA.
- OAC 5101:2-1-01 (B) (297)**

The disposition for a “Substantiated report” includes in its definition the ability of a PCSA to determine “other forms of confirmation” it deems valid for making a substantiated finding. CCDCFS deems the following forms of confirmation to be valid for purposes of substantiating a disposition:

- there is a conviction, adjudication, or admission by the alleged perpetrator; or
- there is medical evidence of a non-accidental injury as determined by a medical professional; or
- the child discloses and there is corroborative evidence; or
- there is a **credible** witness with corroborative evidence supporting the allegation; or
- there is validation through the presence of significant evidence that establishes a clear factual foundation for the determination of “substantiated.”

B. An “Indicated report” means the report disposition in which:

- there are circumstantial, or other isolated indicators of child abuse or neglect lacking confirmation; or
- a determination by the caseworker that the child has been abused or neglected based upon completion of an assessment/investigation.

OAC 5101:2-1-01 (B) (149)

CCDCFS deems the following isolated indicators to be valid for purposes of making an “indicated report” disposition.

- there are medical and/or other indicators of child abuse or neglect but confirmation is lacking at the time of the investigative assessment process; or
- there is an injury inconsistent or at variance with the history given; or
- there is a suspicious injury with no explanation; or
- there is **credible, consistent** disclosure by the child, but corroborative evidence is lacking.

C. An “Unsubstantiated report” means the report disposition in which:

- the investigation determined no occurrence of child abuse or neglect.

OAC 5101:2-1-01(B) (330)

CCDCFS adds the following considerations for purposes of making an “unsubstantiated report” disposition:

- there is no evidence of abuse or neglect; or
- there is no conclusive medical finding of abuse, and no other indicators of abuse or neglect; or
- the investigation has been initiated; the family has been located, but the parents or legal guardians/custodians refuse to cooperate with the investigation or provide access to the child and/or records necessary to conduct the investigation/assessment; the Legal Consult process has been followed; and there is no collateral information to provide a basis for a finding of an indicated or substantiated report; or
- there are facts that indicate that the report is erroneous or otherwise unfounded.

D. An “Unable to locate” report means the report disposition in which:

- the assessment / investigation was not completed due to the inability to make contact with the family.

OAC 5101:2-1-01(B) (327)

E. A “Family moved—unable to complete assessment/investigation” means the report disposition when:

- a PCSA cannot confirm or deny child abuse or neglect allegations based upon a full assessment /investigation because the family moved after the PCSA made contact with the family, but the family’s current whereabouts are unknown or the family now lives out of state and a referral was made to the child services agency where the family currently resides.

OAC 5101:2-1-01 (B) (113)

F. A “Family moved out of county—refer to appropriate PCSA” means the report disposition when:

- a PCSA cannot confirm or deny child abuse or neglect allegations based upon a full assessment/investigation because the family moved out of the county after the PCSA made contact with the family but prior to completion of the assessment/investigation, the family’s current whereabouts are know, and the PCSA has made a child abuse or neglect referral to the PCSA in the county where the family is currently residing.

OAC 5101:2-1-01 (B) (113)

II. Sex Abuse Cases:

In addition to the foregoing considerations for making a report disposition, staff involved in investigating allegations of sexual abuse, apply criteria developed by Suzanne Sgroi to determine the likelihood that child sexual abuse occurred. Based upon the investigation, the worker is to include in their documentation a discussion of the following criteria:

- The access over time of the alleged perpetrator to the alleged child victim and multiple opportunities for abuse to occur;
- Whether the identified strategy for enticement or force used by the alleged perpetrator matched the pattern of sexual abuse described by the child;
- Secrecy;
- The explicit detail of the act has been given by the child; and the social context the child provided for the act to occur.

III. Evidence Standard:

When considering the appropriate report disposition, the finding shall be supported by a preponderance of the evidence. Preponderance of evidence means greater weight of evidence, which is more credible and convincing to the mind.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

IV. Credibility of Witnesses:

The following factors should be considered in all investigations when judging the credibility of a witness:

- Whether the witness's statements are logical, internally consistent, and consistent with other credible statements and known facts from other witnesses, collateral and other sources (e.g., does the witness appear to leave out or not know about information that he/she should know about?); or does the witness provide a significant amount of tangential and irrelevant information?
- Whether the witness was in a position to hear or see what is claimed; does the witness have first hand knowledge of the events described?
- Whether the witness has a history of being reliable and honest when reporting incidents or making statements regarding incidents; (similar to bullet (5) below).
- Whether the witness has a special interest or motive for making a false statement (e.g., is there a possible bias of the witness?); For example, is a relative attempting to wrongfully obtain custody or is a teen-aged child trying to inappropriately manipulate the custody determination? In addition, if the parents have a conflicted relationship then there may be a motive to hurt the other.
- The witness's relevant disciplinary history such as involvement in similar past allegations.
- The witness's demeanor during the interview (e.g., did the witness appear evasive or not forthcoming?). This could include assessment of body language.
- Whether the witness gave a factually rich description by providing a detailed description of events.
- Length of time between incident and report, for instance is there a significant or unreasonable delay between the alleged incident and the reporting of the incident?
- Who is the source of information? For example, if the witness is a professional or mandated reporter, then their opinion is highly respected. How old is the witness? Does the witness have cognitive or mental health deficits?

SEE ALSO:

Ohio Administrative Code Section: 5101:2-1-01

FORMS:

E-Request for Legal Consults—Family Refused Access
(Updated 10-03-11)