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# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT

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SUBJECT: ASSISTANCE TO ABUSED OR NEGLECTED CHILDREN	NUMBER: 603.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

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### I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for the handling of juveniles believed to be abused or neglected.

### II. POLICY

The safety and welfare of the children of Fairfax County are matters of the highest concern. This responsibility must be met with an awareness of the necessity for coordination between the Department and other agencies, primarily the Department of Family Services and the Juvenile and Domestic Relations Court. The Department recognizes that the Department of Family Services, Child Protective Services (CPS), functions as the focus for all activity related to investigating child abuse or neglect and protecting children from further harm. Prompt beneficial assistance to children in jeopardy will be the purpose of this General Order.

### III. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status.

Abused or Neglected Child: Occurs when a parent(s), or other person(s) responsible for a child's care creates, inflicts, threatens, or allows another to create, inflict or threaten said child with a physical or mental injury, other than by accident, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, or:

- When those responsible fail to provide necessary health care for a child, or
- When a child is abandoned, or
- When those responsible commit or allow a sexual act to be committed upon a child, or
- When a child is without care or guardianship caused by unreasonable

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absence, or the mental or physical incapacity of the child's parent, legal guardian, etc.

IV. DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS PROCEDURE

Reports of alleged child abuse or neglect received by the Department of Public Safety Communications (DPSC) shall be screened to determine if a patrol officer should be dispatched or the matter should be referred to the Child Protective Services (CPS) section of the Department of Family Services.

- A. A patrol officer shall be dispatched in any circumstance where the information indicates that a child's life or health may be in imminent danger, a child is abandoned, or a criminal offense has been reported.
- B. In circumstances involving no imminent danger or abandonment of a child, DPSC personnel shall record the complainant's name, address, telephone number and other pertinent information concerning the alleged abuse or neglect. The information shall be transmitted immediately to the CPS Hotline and they shall determine the proper course of action.
  - During the hours 0800 - 1600, Monday through Friday, contact the CPS Hotline at 703-324-7400.
  - After hours, the toll free number for receiving reports statewide: is 800-552-7096.
- C. A request to DPSC by a CPS worker for assistance from a police officer in an investigation of alleged child abuse or neglect shall be handled on a priority basis, as required by Section 63.2-1507, *Code of Virginia*.

V. INVESTIGATING OFFICER PROCEDURE

An officer who is dispatched to the scene of a reported child abuse or neglect, or an officer who discovers child abuse or neglect during the course of an investigation shall proceed in the following manner:

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A. The following are examples of cases requiring notification to CPS, but notifications are not limited to these examples:

- Child is the victim of violence by a possible caregiver (i.e., family member, guardian, teacher, babysitter, coach)
- Child abandoned or left alone in a car or residence
- Drugs present in a home with child present
- Child witnesses a domestic assault
- Child is a victim of sexual abuse

Officers shall contact the CPS Hotline or DPSC, if requesting the on call CPS social worker, from the scene.

B. Suspected child abuse or neglect where there is no imminent danger to the child shall be reported directly to the CPS Hotline at 703-324-7400 during regular business hours or after hours by calling the statewide toll free number at 800-552-7096.

C. If an officer finds a child in a situation which presents an imminent danger to the child's life or health, the officer may take the child into custody without prior approval of the parents or guardian if a court order is not immediately available from the Juvenile and Domestic Relations Court. Protective custody is authorized under § 63.2-1517, *Code of Virginia*, when a child is abused or neglected as defined by § 63.2-100.

Protective custody is more appropriately utilized in situations where a child is abandoned or where there is immediate risk to the child. Otherwise, the officer should immediately contact a CPS worker as noted before and have an assessment given by the worker of whether or not the child should be removed from the home. This allows the CPS worker to comply with the court ordered criteria for removal of a child, if custody is necessary.

D. Criteria for immediate removal and custody of a child from a home.

1. The child has an imminent threat to life or health to the extent that a delay would likely result in severe or irreparable injury.
2. There is no alternative less drastic than removal which would adequately protect the child's life or health pending an advisory hearing.

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3. If removal takes place, preference should be given to placement in the home of the nearest kin or personal friend of the child's parent or legal guardian.
- E. If an officer must take immediate custody of a child, the officer shall immediately contact the CPS worker.

The patrol officer shall remain at the scene, or another safe location, if necessary to leave the scene, such as a police station or hospital, until the CPS worker arrives and shall remain to assist the CPS worker as long as necessary to ensure that the investigation proceeds without interference.

F. Medical Attention

All victims should be offered treatment for their injuries. If the child is in need of immediate/emergency medical attention, rescue should be requested and the victim should be transported to the nearest medical facility for treatment. If at all feasible, transportation should be made to Fairfax Hospital. The preliminary officer should accompany/follow the victim to the hospital. If there is a crime scene, it should be preserved by a second officer until the arrival of the Crime Scene Section detective. Should the case involve suspected sexual abuse with no need for other medical treatment, CIB and/or Child Protective Services should be contacted as soon as possible.

G. Interviewing a Juvenile Victim

In cases involving children who are suspected to be the victims of sexual or physical abuse, it is imperative that the responding officer understand that the facts and circumstances of the case do not have to be obtained from the child victim. It is preferred that the information be taken from a third party complainant. At this point in the investigation, "HEARSAY IS OKAY." Interviewing children for detailed information is very specialized and requires certain steps to be followed to ensure the gathering of accurate information that will be used in court. This is best left to the detective investigating the case, as well as a Child Protective Service worker if they become involved.

Should it become necessary for the preliminary investigating officer to interview the victim, the child should not be questioned in depth. At no time

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should the preliminary officer attempt to utilize objects such as toys to obtain a description from the child of what actually occurred. The preliminary officer should take all information pertaining to the case from the reporting party. All information should be forwarded to the CIB detective.

All of the elements of a specific violation may not be known or given at the time of the preliminary report. It will be the responsibility of the CIB detective to gather the facts from the child.

- H. A copy of the incident report in child abuse or neglect cases shall be forwarded to the Department of Family Services and the Major Crimes Division. Officers that handle cases involving suspected or actual abuse and neglect of a child **shall** forward a copy of their incident report to CPS at DFSCPSPoliceReports@fairfaxcounty.gov or fax a copy to 703-324-2267. Officers will indicate in their incident report if a copy was forwarded to CPS. This does not replace the officer's responsibility to notify CPS from the scene.
- I. Contact CPS if a parent or guardian is arrested and a child is without proper supervision and care.

VI. MAJOR CRIMES DIVISION RESPONSIBILITIES

A. Child abuse or neglect.

The Major Crimes Division shall assist the Department of Family Services upon request when it is necessary to conduct an investigation for criminal conduct resulting from child abuse or neglect. If a detective is not available, a patrol officer may be requested to process and preserve evidence. The Major Crimes Division Child Abuse Squad shall be responsible for handling any cases of sexual abuse or physical abuse that results in serious and/or life-threatening injury (fractures/burns/severe bruising, etc.). Cases that appear to be domestic violence, or do not meet the above criteria, shall be handled by the responding patrol officers or a domestic violence detective.

B. Runaway.

During an investigation concerning a juvenile who is a runaway, a detective may discover conditions in the child's home environment which indicate child

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abuse or neglect. The action required to assist the child shall be guided by the criteria previously outlined.

If a child repeatedly runs away from home or an investigation reveals a condition in the home, other than abuse or neglect, which would persuade a child to run away, the officer may seek a petition from the Juvenile and Domestic Relations Court. This may be done, for the best interest of the child, without agreement of the parent or guardian.

VII. THE FOLLOWING DO NOT REQUIRE NOTIFICATION TO DEPARTMENT OF FAMILY SERVICES

- A. Abuse or neglect of a child committed by an adult who is not the parent, guardian, babysitter, or other person responsible for the care of the child.
- B. Delinquency.
- C. Truancy, unless due to parental neglect.

VIII. INFORMATION COPIES TO BE SENT TO THE DEPARTMENT OF FAMILY SERVICES

- A. Any case of suspected child abuse.
- B. Conflict arising between a parent and child, with no indication of abuse.
- C. Domestic conflict that is confined to the parents and no abuse or neglect is directed to the child.

IX. LEGAL REFERENCES

*Code of Virginia*

63.2-100      63.2-1509  
63.2-1507      63.2-1517

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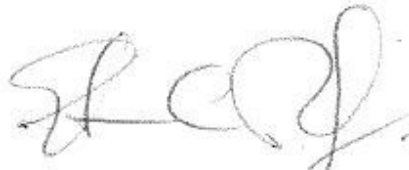
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X. ACCREDITATION STANDARDS REFERENCE


VLEPSC  
ADM.            OPR.  
14.01           04.01

This General Order becomes effective April 1, 2013, and rescinds all previous rules and regulations pertaining to this subject.

ISSUED BY:

  
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Chief of Police

APPROVED BY:

  
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County Executive