If you have questions that are not answered by this pamphlet, you can reach your Child Protective Services worker at the following number:

Child Protective Services Worker

Telephone Number Agency

MARYLAND DEPARTMENT OF HUMAN RESOURCES

Social Services Administration

In-Home Services/Child Protective Services
311 W. Saratoga Street
Baltimore, MD 21201

MARYLAND

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PROTECTIVE SERVICES FOR CHILDREN

DHR
Maryland's Human Services Agency

WHAT IS CHILD PROTECTIVE SERVICES?

Child Protective Services is the unit of a local department of social services charged with protecting children while helping parents or guardians to become better caregivers. Each local department of social services has the legal responsibility to respond to all credible reports of child abuse, neglect, and mental injury caused by the action or inaction of a parent or guardian, other adults responsible for the child's care, or by any household or family member.

WHO IS RESPONSIBLE FOR REPORTING ABUSE/NEGLECT?

In Maryland, the law requires that health practitioners (doctors, nurses, etc.), police officers, educators, and human services workers who have reason to believe that a child has been subjected to abuse, neglect or mental injury, report such concerns to the local department or appropriate law enforcement agency. All others who have reason to believe that a child has been subjected to abuse, neglect, or mental injury, are also required to make reports.

CAN I FIND OUT WHO MADE THE REPORT?

The local departments of social services are not permitted to release the names of people who make reports unless a court has ordered them to do so. In most cases, reports are made by professionals and other people who believe the child and family are truly in need of help.

WHAT WILL THE CHILD PROTECTIVE SERVICES WORKER DO?

Generally, a Child Protective Services worker, sometimes working with law enforcement, will determine whether a child has been mistreated and how to best help the family. The Child Protective Services worker will conduct a safety assessment for every child in the household.

Sometimes, children will need to be medically evaluated or interviewed in more depth to determine what has happened. Family members will be asked questions to help complete the assessment. If court involvement becomes necessary, any information the worker has may be presented to the court. Law enforcement may be involved to determine if a crime has been committed.

The Child Protective Services worker is also responsible for determining whether a child is at risk of further abuse or neglect. If a child is at risk, the worker will identify factors that contribute to risk or affect the safety of a child. A worker may visit a home regularly to help family members work to reduce the risk factors. A worker may also suggest services such as counseling for the family.

WHAT RIGHT DOES CHILD PROTECTIVE SERVICES HAVE TO GO TO A HOME TO INVESTIGATE?

The law regarding child abuse and neglect (Family Law § 706 of the Maryland Annotated Code) requires that a Child Protective Services worker make a prompt investigation of allegations of alleged child abuse, neglect, and mental injury.

WHAT RIGHT DOES CHILD PROTECTIVE SERVICES HAVE TO REQUIRE A MEDICAL EXAMINATION?

In some situations when a parent refuses to agree to necessary emergency medical treatment for the child, the worker or law enforcement officer may take the child to a doctor, hospital or clinic for examination and treatment without parental consent. This may also occur when a parent is unavailable to give consent.

WHAT HAPPENS IF, AFTER AN INVESTIGATION, CHILD PROTECTIVE SERVICES FINDS NO ABUSE, NEGLECT, OR MENTAL INJURY?

If Child Protective Services conducts an investigation and finds no abuse, neglect, or mental injury, it will close the case. All information collected during the investigation will be destroyed if no new allegations are made. The worker may recommend the family receives additional services if the assessments suggest other services are needed to promote safe care of the child.

WHAT HAPPENS IF, AFTER AN INVESTIGATION, CHILD PROTECTIVE SERVICES FINDS THAT CHILD ABUSE, NEGLECT, OR MENTAL INJURY HAS OR MAY HAVE OCCURRED?

If, based on information obtained during the investigation, Child Protective Services determines that abuse, neglect, or mental injury has or may have occurred, or that a child is at risk of future harm, the family will either be transferred to the In-Home Services unit or be recommended to receive services in the community to address the issues that place the child at risk of harm. If the family is going to work with In-Home Services, the worker and family will jointly develop a Service Plan to document what issues need to be addressed and how it will be accomplished.

ARE CHILDREN ALWAYS REMOVED?

No. In response to a report, the Child Protective Services worker or law enforcement officer must make a decision about the safety of a child. If there is a threat of immediate danger or issues that are too serious to resolve with the child remaining in the home, the worker and family may agree on a Safety Plan that could involve the alleged maltreator leaving the home or the child staying with an appropriate adult for a period of time.

If the parent or guardian is unable or unwilling to enter into a Safety Plan and the child appears to be in serious immediate danger, the worker may take the child into custody and arrange for the child to stay with a family member or in a licensed foster home. If the worker removes a child from the home, without prior court permission, a court will review the worker's decision on the next day the court is in session. Parents will receive notice of this hearing. Parents have the right to have an attorney at this and all other court hearings and may tell the judge why the child should not have been removed from the home. Children are provided with their own attorney.

Child Protective Services workers do not want to remove children from their parents and will try to keep children at home whenever that is possible. If a child has to live elsewhere for a while, the parent will be told the reasons why and the worker will help the parent or guardian develop a plan of what must be done to have the child safely return to the home.

WHAT WILL HAPPEN IF THE FAMILY IS RECEIVING TCA, FOOD STAMPS, OR MEDICAL ASSISTANCE?

Child Protective Services workers are not the same workers who decide eligibility for TCA, food stamps, or a medical card. However, if a child is taken out of the home as a result of an investigation, eligibility for food stamps, TCA, or a medical card for the child can be affected. The parent and the Child Protective Services worker are required to advise the eligibility worker if a child is living outside the home for any period of time.

WHAT HAPPENS IF THE PARENT OR GUARDIAN DISAGREES THAT AN INVESTIGATION IS NECESSARY?

If the Child Protective Services Worker and the family are unable to reach an agreement about the direction of a Child Protective Services investigation, the Department may refer the matter to a juvenile court to decide what should be done. The judge may order a parent or guardian to work with the local department of social services to remedy the identified problems.

HOW ARE COMPLAINTS HANDLED?

Whenever someone has a complaint or problem with Child Protective Services, the first person to talk to is the Child Protective Services worker. An open discussion will often resolve the matter. If this does not settle the issue, the Child Protective Services worker's supervisor may be able to resolve the issue.

CHILD ABUSE AND NEGLECT HEARINGS

At the close of a Child Protective Services investigation, the local department will send written notice to the person alleged to have abused or neglected a child as to whether the finding is "ruled out," unsubstantiated," or "indicated." This person has a right to a hearing when he or she:

- Disagrees with the finding of "indicated" or "unsubstantiated" child abuse or neglect; or

- Disagrees with the finding that he or she was responsible for the abuse or neglect.

The notification about the finding will contain detailed instructions for requesting a hearing.

If the finding was "unsubstantiated" child abuse or neglect, the person alleged to have abused or neglected the child will be offered a conference with a local department supervisor to discuss the finding and whether any information should be added to or changed in the local department's file. If the person is not satisfied with the outcome of the conference, he or she may ask for a hearing at the Office of Administrative Hearings.

If the finding is "indicated" child abuse or neglect, the person alleged to have abused or neglected a child will be offered a hearing with an administrative law judge from the Office of Administrative Hearings.

The local department will provide forms and information about the appropriate fee, which are to be sent to the Office of Administrative Hearings to begin the appeals process.