

INTRODUCTION

This brochure has been prepared to help parents understand what to expect if they are involved in a child protective service case. **The Child Protective Services (CPS) agency is required by Wisconsin state law to investigate reports of suspected child abuse and neglect. The purpose is to protect children, to prevent further abuse and neglect and to preserve families whenever possible. The agency's job is to keep children safe in their own homes or place them in out-of-home care when they cannot safely stay with their parents. Anyone can report suspected child abuse or neglect to the local County Department of Social Services or to the police. The CPS social worker will investigate the report and, where needed, work with you and your family to provide needed services.**

WHY HAS CHILD PROTECTIVE SERVICES CONTACTED ME?

A social worker has contacted you because the child welfare agency received information that your child may have been abused or neglected, or may be at risk of being abused or neglected. Wisconsin law requires the agency to review each referral and decide if the report warrants an investigation to find if a child is in need of protection or services. The social worker will meet with you and your family to talk about the information reported.

WHAT IS CHILD ABUSE OR NEGLECT?

PHYSICAL ABUSE: Causing serious physical harm and injury by other than accidental means.

SEXUAL ABUSE: Sexual intercourse or sexual touching of a child; forced viewing of sexual activity, child prostitution, sexual exploitation.

EMOTIONAL DAMAGE: Serious harm to a child's psychological or intellectual functioning when parents don't provide the needed treatment.

NEGLECT: Seriously endangering the physical health of the child by not providing needed food, clothing, shelter, medical or dental care or supervision.

WHAT HAPPENS DURING A CPS INVESTIGATION?

The social worker's job is to:

- Talk with your child
- Talk with parents, siblings and other household members
- Learn about your family and help you provide safety for your children
- Gather information about the suspected abuse or neglect
- Ask questions about your family strengths and needs
- Observe the family home
- Speak with other persons who have information about your family concerning the safety of your children
- Write a report that explains what was done and the information gathered

WHO FILED THE REPORT?

The law does not allow the agency to release the name of the person who reported the abuse and neglect concerns. The judge in a court hearing may order the release of this information; however, this is rare.

Federal and State law requires some professionals (Mandated Reporters) to report suspected abuse or neglect of any child seen in the course of their job. People from the community may also report concerns of child abuse but they are not required by law to report.

WHAT RIGHT DOES CPS HAVE TO TALK WITH MY CHILD?

Your child can be interviewed without asking for parental permission as long as this is outside your home and in a public place. The first contact is often with your child at school. The social worker contacts parents as soon as possible after this interview.

DO I HAVE TO TALK TO THE CPS WORKER?

Parents do not have to talk with the social worker or allow the social worker into the home. However, this is a chance to give important information about your child and your family situation and the social worker must try to get this information. The social worker must also try to meet with everyone who lives in the home. If the social worker believes there is immediate danger to a child, the social worker will request a court order to enter your home and see or talk to your child without your permission. If the social worker finds the child is in immediate danger, the child can be removed from the home.

WHAT HAPPENS AFTER THE CPS INVESTIGATION?

- Within 60 days of beginning the case, the social worker must decide if abuse or neglect has happened or is likely to happen. The social worker must also decide if your family needs services.
- The social worker may also name the person who has abused or neglected the child in their report
- If the social worker finds that children are safe, the case is closed. Your family may be referred for other services.
- If the social worker finds that children are unsafe, services may be provided with a parent's request or by court order.

WILL MY CHILD BE TAKEN AWAY?

If the social worker finds your child to be unsafe, the social worker will try to make a plan so that the home is safe. If a safety plan can't be made, the social worker will talk with your family to:

- Find a temporary safe place for your child to stay; with relatives or in foster care
- Arrange for you to see your child
- Arrange services for your child and family

In an emergency, your child may be placed outside your home without your permission. A court hearing must be held within 48 hours (excluding weekends and holidays) of the time when the decision was made

to remove your child from your home. At this Temporary Physical Custody (TPC) hearing, the court decides whether your child should remain living outside your home. You will be told of when and where the hearing will be. You should attend the hearing to tell the court how you see the situation. A lawyer may represent you in court. If you cannot afford a lawyer, you may ask the judge to arrange for one. The judge may arrange for a lawyer if there is need and if you can't pay legal services. There may be a lawyer who attends to represent your child.

WHO CAN SEE MY FAMILY'S RECORDS?

By Wisconsin law, Child Protective Service reports are confidential. The information can be shared with: a person accused of abusing a child, the child who may have been abused or neglected and the child's parent(s). Information that would identify the person who reported the suspected abuse or neglect can not be given. There are others who can get these records, for example: police, the judge, the District Attorney, your lawyer and the child's lawyer.

DOES THE AGENCY FILE CRIMINAL CHARGES?

The District Attorney's office decides on whether to charge criminally. This decision is made by reviewing the social work and police report. The social service agency does not file criminal charges. The social worker may work with police as child abuse is against the law.

WHAT IF I DO NOT WANT SERVICES?

If you do not want services for your family but your child is unsafe, the social worker may ask the court to order that you take part in services. It is very important for you to be involved in the discussion with the social worker. You should ask questions and share concerns with the social worker about what services you think would be helpful to your family.

WHAT DO THE CASE DECISIONS MEAN?

By Wisconsin law, the social worker must decide if your child has been or is likely to be abused or neglected.

- If the social worker decides that child abuse or neglect did not occur, the report is "**unsubstantiated**"
- If the social worker decides that abuse or neglect has occurred, the report is "**substantiated**"
- The social worker may decide your child is safe or unsafe or at risk of abuse or neglect in the future
- The social worker will decide if your child is in need of protection or services
- The social worker will review what changes need to happen for your child to be safe at home

WHAT IF I DISAGREE WITH THE CASE DECISION?

There is an appeal process for cases where child abuse or neglect is substantiated *and* a specific person is named as the maltreater. That person can appeal the decision and have the decision reviewed.

The agency must give written notice to anyone who has been named as a maltreater in a substantiated case of child abuse or neglect. This notice includes how to appeal the decision. The person has 30 days from the date on the letter to ask for a review of the decision.

This review may be done as part of the criminal case or as part of another court action regarding the child.

WHAT IF I DON'T AGREE WITH HOW MY CASE WAS HANDLED?

If you believe that the agency has not done what it is required to do or feel that you have been treated unfairly, you may file a complaint with the agency. The grievance process is there to help you.

FOR MORE INFORMATION ABOUT CHILD PROTECTIVE SERVICES:

Call (715) 261-7500 Marathon County Department of Social Services or www.dhfs.wisconsin.gov

PARENT'S GUIDE TO CHILD PROTECTIVE SERVICE (CPS) ASSESSMENTS

MARATHON COUNTY DEPARTMENT OF SOCIAL SERVICES



Endorsed by the
Marathon County Citizen Review Panel