

# **Guidelines for Called Workers Dealing with a Child Abuse Investigation**

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*by Ruth Peikert*

It may happen that you, your congregation and/or your school may become involved in a child abuse investigation. The investigation may be a result of your own reporting or the report of a known or anonymous reporter.

More than likely this will be unfamiliar territory for you. Your first reaction may be to panic.

The following are some practical suggestions to guide you as you go through the process:

1. Remember no mandated reporter enjoys making reports.
2. Remember that the primary purpose of the investigation and report is to keep children safe or return them to safety. A secondary purpose is to break the cycle of abuse, thus preventing abuse of additional victims and bringing justice and help to the perpetrator.
3. Be sure to document your reporting. Include the date, the name and title of the person you spoke to, and a brief summary of your conversation. Add any other relevant or official communication regarding the situation to this file. It is extremely important to keep track of chronology, who said what, etc.
4. If the investigators (usually the state's Division of Child and Family Services, DCFS) believe that there is any continuing abuse or child endangerment, or if they believe there has been significant abuse, the perpetrator would be charged and possibly immediately be removed. Or a restraining order would be issued prohibiting further contact with the child(ren).
5. DCFS will begin their investigation in an order based on the assessed current level of danger to the child. As many departments are flooded with reports, and they are often under-staffed, they need to prioritize their investigations.
6. Basically the investigation will result in one of two findings:
  - a. Unfounded: no credible evidence had been found by DCFS to bring charges against the accused.
  - b. Indicated: credible evidence of abuse was found.
7. In most instances the designated investigator will inform you as a mandated reporter (by phone or mail) of their findings. (This is required by law in Wisconsin.) The notification may simply indicate if the charges were indicated or unfounded.
8. If the charges were indicated, the state's attorney may press charges or bargain for court-mandated counseling.

9. If a person “confesses” to you that they have abused a child, this does not excuse you from reporting the incident. An investigation and report are still necessary. In making your report you may emphasize the person’s honesty, sincerity of repentance, and willingness to seek help.
10. Don’t do internal investigations yourself unless it is to find out if a report should be made. They often backfire!
  - a. It looks to others like a cover up.
  - b. Teachers and school boards do not have the same privileged communication or confidentiality afforded by law to the state’s investigators. Things may be revealed to a teacher that may incriminate an innocent person, such as a fellow teacher had been suspected before or had themselves been a victim.
  - c. No matter how one tries, one cannot be impartial; everyone is too emotionally involved in the situation.
11. If you need to report a situation, it is best to inform the accused that you are reporting them. But remember that perpetrators threaten their victims to silence. Inform the perpetrator in advance only if you can guarantee that there will be no association by that person with the child(ren) before the investigation begins and you are fairly certain that the suspected perpetrator won’t run.
12. From start to finish, keep an open mind. Don’t judge guilt prematurely. Also, don’t say that it could not have happened. Remember these crimes are done in secret by a person who has power over the child, including the power to threaten the child to silence. The child often doesn’t come forward to report what’s going on based on feelings of fear, shame, and guilt. The perpetrators know this and count on it.
13. Step aside and let the investigators do their job so evidence (or lack of it) can surface.
14. If the school or staff have been accused and are being investigated, contact your attorney immediately. Consult with your attorney before you do or say anything. It is normal to become defensive, argumentative, or anxious.
15. During the investigation tell the least number of people necessary. Lots of talk and lots of meetings only complicate the investigation. (Recommend that the principal, pastor, president of the board of education, and president of the congregation are informed.) The congregation president may be in the best position to contact the liability insurance carrier.
16. If the investigation results in a determination of “unfounded,” each congregation needs to decide whom to tell beyond those already informed. It may be nobody but you may feel a need to clear someone’s name from the rumor mill.
17. If the case is “indicated,” disseminate information further with the advice of your attorney. If the press picks up the story, determine who your spokesperson will be; the attorney may be the best choice.

18. If you are subpoenaed to testify in court, whether it is an action against you or against a family in your school, ask to have your attorney prepare you for the court process. Here are some general rules to follow:
- a. Listen carefully to each question, and answer only what you are being asked, never anything more. If more information is required, it will be requested.
  - b. Don't speculate or use hearsay. Only answer what your eyes saw and your ears heard and not information you received secondhand. (Expert witnesses are asked to speculate. Unless you are asked to present your credentials to the court for both attorneys to accept, you are not considered an expert witness.)