

Texas Department of Family and Protective Services

# *Joint Investigations*

## *Guidelines*



## Joint Investigations Guidelines



# Joint Investigations Guidelines



## Table of Contents

- Introduction . . . . . 2**
- The Multidisciplinary Team Approach . . . . . 2**
  - ☞ Required Joint Investigations ♦♦
  - ☞ Joint Investigations Protocol and Training ♦
- Memorandum of Understanding . . . . . 4**
- Content Of MDT Protocol . . . . . 4**
  - ☞ Mission Statement of Multidisciplinary Team (MDT)
  - ☞ Makeup of Multidisciplinary Team (MDT)
  - ☞ Roles and Responsibilities of MDT Members ♦
    - \* Sexual and Physical Abuse Cases
    - \* Drug Endangered Child Cases
  - ☞ Training ♦
  - ☞ Forensic Methods ♦
  - ☞ Joint Investigations ♦♦
  - ☞ MDT Meetings/Case Reviews
  - ☞ Victim Assistance
  - ☞ Record Retention
  - ☞ Confidentiality
  - ☞ Conflict Resolution
  - ☞ Distribution to Members
- Special Investigations . . . . . 8**
- Tips for Developing MDT Protocols . . . . . 13**
- Sample Multi-disciplinary Team Members Roles and Responsibilities . . . . . 10-12**
- Sample Memorandum of Understanding . . . . . 14-15**
- Sample Confidentiality Agreement . . . . . 16**
- Resources for Multidisciplinary Teams . . . . . 17**

♦ Denotes Texas Family Code required components  
 ♦ Denotes Texas Code of Criminal Procedure required components

## Joint Investigations Guidelines



*State law requires DFPS and law enforcement to develop protocols for joint investigations.*

### *Law Enforcement and Texas Department of Family and Protective Services (DFPS) Joint Investigations Guidelines*

#### **Introduction**

These guidelines were developed through a collaborative effort of Texas Department of Family and Protective Services (Child Protective Services and Child Care Licensing), law enforcement agencies, and Children's Advocacy Centers of Texas. They will guide local multidisciplinary teams as they develop their own investigation protocols as required by Texas Family Code, Section 261.3011.

This guide is intentionally general to demonstrate the best practice for achieving successful, efficient investigations that are proven to lead to stronger criminal and civil cases. Your investigation protocols should reflect the preferences of local prosecutors and courts, as well as DFPS and law enforcement policy. Your protocols must also take local needs and resources into consideration. It is imperative that teams do not simply copy this document and call it their own, but rather discuss the roles and responsibilities of the parties and draft a protocol that the parties will be willing and able to follow.

**The information contained in this guide is intended to assist in developing multidisciplinary teams and protocols to investigate child abuse and neglect.**

#### **Multidisciplinary Team (MDT) Approach**

The multidisciplinary team (MDT) approach to investigating child abuse brings together the various professions involved in a child abuse case. It allows professionals from different entities to develop strategies

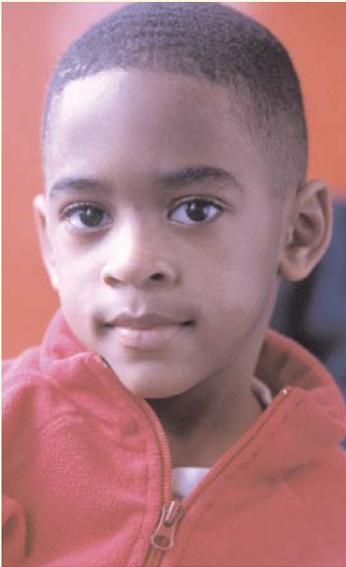
for working together to meet their specific obligations while reducing the amount of trauma felt by the child victim. The benefits of the MDT approach are more credible evidence, stronger criminal cases, stronger civil cases, faster prosecution, and better assessment of children's needs.

The ideal MDT would consist of DFPS, law enforcement, prosecutors, medical professional, mental health professionals, and victim advocates. In addition, your team may choose to have representatives from area schools or juvenile probation. At a minimum, teams should conduct joint investigations in sexual abuse, serious physical abuse, and drug endangered child cases.

The MDT approach to child abuse investigations enables teams to build stronger criminal and civil cases that assist in prosecuting those who abuse children. However, a thorough investigation may also quickly exonerate those who are innocent of the allegations.

Teams may choose to formally declare their intent to investigate child abuse/neglect cases as a multidisciplinary team by signing a memorandum of understanding (MOU). A MOU is simply an agreement among members and is a good first step in formalizing the teams intent and commitment. See an example of a memorandum of understanding on page 14-15.

## Joint Investigations Guidelines



### State law requires DFPS and law enforcement to conduct joint investigations

#### Required Joint Investigations ♦ ♦

Texas Family Code, Section 261.301 (f) and Texas Code of Criminal Procedure, Section 2.27 (a) require joint investigations when:

**There is a report that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense; and that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child.**

Joint investigations are best achieved when working as a multidisciplinary team through a children's advocacy center. However, because that is not currently possible in all areas of Texas, DFPS and law enforcement must begin to coordinate investigations and work within a multidisciplinary team approach even in areas without children's Advocacy Centers.

#### Joint Investigation Protocols and Training

Texas Family Code, Section 261.3011 mandates that DFPS, in consultation with the appropriate law enforcement agencies, develop guidelines and protocols for joint investigations. It also requires DFPS and law enforcement to provide training for investigators.

The guidelines and protocols must:

1. clarify the respective roles of DFPS and the law enforcement agency in conducting the investigation;
2. require that mutual DFPS and law enforcement training and agreements

be implemented by both entities to ensure the integrity and best outcomes of joint investigations; and

3. incorporate the use of forensic methods in determining the occurrence of child abuse and neglect.

Texas Family Code, Section 261.3011(b) requires DFPS to collaborate with law enforcement agencies to provide to DFPS investigators and law enforcement officers responsible for investigating reports of abuse and neglect joint training relating to methods to effectively conduct joint investigations under Section 261.301. The training must include information on:

- ☞ interviewing techniques;
- ☞ evidence gathering;
- ☞ testifying in court for criminal investigations; and
- ☞ instruction on rights provided by the Fourth Amendment to the United States Constitution.

These guidelines are not intended to replace any working protocols currently in place. If you are already conducting joint investigations through a children's advocacy center you should refer to the protocols written through your team leaders. Children's advocacy center multidisciplinary teams should review current protocols and make any updates necessary to comply with Texas Family Code Section 261.3011.

## Joint Investigations Guidelines



**A MOU captures member agencies commitment to conduct joint investigations**

### Memorandum Of Understanding (MOU)

A memorandum of understanding (MOU) is a written document that captures the members' agreement and commitment to conduct joint investigations. It can be as general or specific as the team desires, but should be agreed upon and signed by all member agencies. A MOU is a good way of beginning the formal process of forming your MDT. It should briefly spell out why it is important for your community to form an MDT and make a commitment to conduct joint investigations. You may want to cite philosophical reasons and/or you may choose to quote the Texas Family Code requirements.

The MOU should contain a place for the heads of each member agency to affix their signatures, thereby reflecting their commitment and their agencies' commitment to the MDT and joint investigation approach to child abuse/neglect investigations.

An example of a MOU is located in the back of this guide on page 14-15 for your convenience.

### Content of MDT Protocol

- ☞ Mission Statement of Multidisciplinary Team (MDT)
- ☞ Makeup of Multidisciplinary Team (MDT)
- ☞ Roles and Responsibilities of MDT Members ♦
- ☞ Sexual and Physical Abuse Cases
- ☞ Drug Endangered Child Cases
- ☞ Training ♦
- ☞ Forensic Methods ♦
- ☞ Joint Investigations ♦♦
- ☞ MDT Meetings/Case Reviews
- ☞ Victim Assistance

- ☞ Record Retention
- ☞ Confidentiality
- ☞ Conflict Resolution
- ☞ Distribution to Members
- ☞ Special Investigations

### Mission of Multidisciplinary Team (MDT)

Your team members should discuss and agree upon the mission of the multidisciplinary team. The mission statement should clearly describe why your team exists and what the team intends to accomplish.

#### Examples of mission statements:

The mission of the \_\_\_\_\_ County multidisciplinary team is to reduce the trauma of child victims of abuse and neglect through joint efforts of law enforcement, child protective services, and prosecutors to thoroughly investigate allegations of abuse and neglect and reach a quick disposition of cases.

The mission of the \_\_\_\_\_ County multidisciplinary team is to cooperate in a collaborative approach to cases involving child victims in order to facilitate strong case development and reduce the amount of trauma to the child victim.

The mission of the \_\_\_\_\_ County multidisciplinary team is to bring together various professionals involved in child abuse cases to coordinate investigations and victim services.

### Makeup of Multidisciplinary Team (MDT)

Many teams list the names of the agencies or entities that make up their team. At a minimum, the various disciplines represented on the team should be listed. The makeup of the multidisciplinary team will differ

## Joint Investigations Guidelines



*The multidisciplinary team should meet on a predetermined regular basis.*

from place to place, however at a minimum it should consist of law enforcement, DFPS, and prosecution.

Other entities that may be considered are medical professionals including sexual assault nurses examiners, school districts, military officials or federal law enforcement if appropriate, juvenile or adult probation, mental health professionals, and victim advocates.

### *Roles And Responsibilities of Each Discipline*

Texas Family Code 261.3011(a)(1) requires teams to establish protocols that clarify the respective roles of DFPS and law enforcement in conducting child abuse investigations. Below are examples of roles and responsibilities for DFPS and law enforcement in conducting sexual and physical abuse investigations and drug endangered child investigations. These are simply examples and are intended to guide your team as you discuss your own roles and responsibilities. Each discipline will be expected to follow the protocols, therefore it is imperative that they be willing and able to meet the responsibilities stated. We have only listed roles and responsibilities for DFPS and law enforcement, however, you should have roles and responsibilities for all disciplines on your team

### *Training* ♦

Texas Family Code, Section 261.3011(a)(2) requires your protocols to include mutual DFPS and law enforcement training. It also requires both entities to implement agreements to ensure the integrity and best outcomes of joint investigations.

A training committee may be the best way for local multidisciplinary teams to pool resources and develop training ideas. Teams may want to use the training resources at the back of this guide or look for local resources of expertise in a particular disci-

pline. Some teams may choose to take turns training one another. The training your MDT agrees upon should promote joint investigations and improving investigations skills.

Texas Family Code, Section 261.3011(b) requires that DFPS and law enforcement provide training relating to methods to effectively conduct joint investigations of child abuse and neglect. The statute also states the training must specifically address interviewing techniques, evidence gathering, testifying in court for criminal investigations, and instruction on rights provided by the Fourth Amendment to the United States Constitution.

### *Forensic Methods* ♦

Texas Family Code, Section 261.3011(a)(3) requires your protocols to include the use of forensic methods in determining the occurrence of child abuse and neglect.

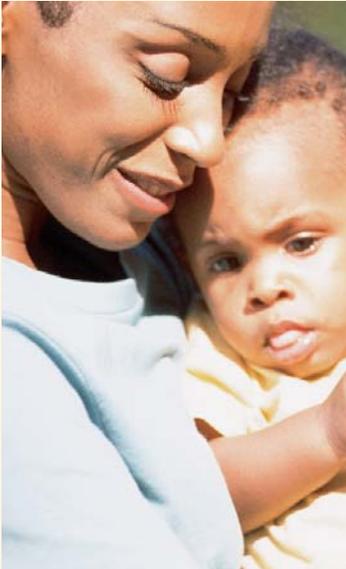
#### *Forensic methods refers to:*

Sound methods and techniques of evidence gathering that lead to reliable and credible evidence; and then conducting an analysis of the evidence as it applies to the facts of the case in order to reach an objective conclusion.

#### *Some examples of forensic methods are:*

- ☞ forensic interview of a child victim;
- ☞ medical exam of child;
- ☞ critical analysis of a child's injuries and the explanation of those injuries;
- ☞ DNA evidence that corroborates the victim's outcry;
- ☞ SANE exam;
- ☞ suspect/perpetrator statements;
- ☞ witness statements;
- ☞ photograph of crime scene; and
- ☞ photograph of injury

## Joint Investigations Guidelines



*State law requires protocols to include the use of forensic methods in child abuse and neglect cases.*

### Joint Investigations ♦ ♦

Texas Family Code, Section 261.301 and Texas Code of Criminal Procedure, Section 2.27 require joint investigations when a report alleges a child has been or may be the victim of conduct constituting a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm. Teams should agree on a process for evaluating whether a report meets the criteria of a joint investigation, as well as a process for quick notification of other team members of such a report. Protocols may include the following:

- ☞ criteria for determination of need for joint investigation;
- ☞ procedures for notifying other agencies of intakes;
- ☞ procedures for investigation strategy;
- ☞ procedures for sharing information between agencies; and
- ☞ procedures for making referrals to other disciplines within the team.

### MDT Meetings/Case Review

The multidisciplinary team (MDT) should meet on a predetermined regular basis to discuss cases that have been the subject of a joint investigation. Many teams find that their meetings are more organized if it is the responsibility of one person to organize and facilitate them.

These meetings are very beneficial for resolving barriers in the investigation, discussing concerns for the safety of children involved, and updating team members on the progress of the case. The meetings can also help for coordinating the investigations between law enforcement and DFPS or coordinating efforts between DFPS, victim advocates, and prosecutors. The team wants to make sure that each entity knows what the other is doing so that the victim is safe and the case is progressing as quickly as possible toward resolution.

Teams need to discuss how and when cases will be reviewed after an investigation is complete. For example, will cases be reviewed upon certain milestones such as when presented to a grand jury or upon indictment, or every 3 months? Teams should determine who should be involved in these reviews. Some examples include DFPS family based safety services staff, therapists, prosecutor. Protocols may include the following:

- ☞ a regularly scheduled time and place (such as the first Monday of every month);
- ☞ the person responsible for organizing the meetings;
- ☞ the person who will facilitate the meeting;
- ☞ a list of which team members who are expected to be present
- ☞ a list of which cases will be reviewed (for example, some MDTs review all cases, other MDTs review all new cases and other cases as requested);
- ☞ a process for reviewing cases after an investigation is complete; and
- ☞ a process for placing a case on the agenda that falls outside the standard criteria for review.

### Victim Assistance

MDTs are formed in large part to lessen the trauma to the victim. Therefore, one of the priorities for the MDT should be assisting the victim and those who care for the victim.

A children's advocacy center will usually handle the victim advocacy component of an MDT and keep in contact with the victim's family even after the criminal and civil investigations are complete. In areas that have no children's advocacy center, the MDT needs to determine which entity will accept this role. Perhaps the victim

## Joint Investigations Guidelines



*Teams should agree on which cases will be investigated jointly.*

advocate from a police department or district attorney's office is already doing this job.

Victim assistance is a critical component of successful investigations and prosecution. Regular contact with the victim's support system will allow members to recognize problems such as recanting or perpetrators having contact with the victim. These problems can be addressed prior to trial or before the child recants. It is important to be aware of resources the child or support system may be in need of. A family who was financially dependent on or easily intimidated and controlled by a perpetrator is very likely to weaken under pressure. The more support they receive from the outside, the less dependent they will be on the perpetrator.

Victim assistance can benefit both civil and criminal cases as those victims and caregivers who receive the necessary support will be more likely to cooperate with law enforcement, DFPS, and prosecution. Ensuring that they are receiving the proper help will lessen the need for DFPS involvement in the current case and in the future. The proper follow-up care for victim and caregivers will help victims heal and reduce the likelihood that they will be victimized again.

When developing the victim assistance component of protocols, teams should consider the following:

- ☞ what services are victims and caregivers likely to need;
- ☞ what services are available;
- ☞ what is the procedure for making a referral;
- ☞ who will make referrals;
- ☞ who will assist the victim with crime victim's compensation information; and
- ☞ who will notify the victim of case progress.

### Record Retention

MDT members should be aware of their own agency record retention policy when drafting this component. MDT members should discuss and agree on the procedure for copying video and audio tapes for other team members use, as well as how those tapes will be delivered to other team members. When developing the video and audio tape component of protocols, teams should consider the following:

- ☞ how many copies of a forensic interview are made;
- ☞ who receives a copy of the forensic interview;
- ☞ who obtains a copy of a DFPS taped interview of a child; and
- ☞ who may view the tapes and under what circumstances (for example, perpetrators/defendants are not allowed to view tapes, however their attorneys may do so upon agreement of the district attorney's office);

### Confidentiality

In order for parties to share information freely, all MDT members should sign confidentiality agreements. Members must understand that much of the case-related information is confidential and should not be discussed outside the team. Texas Human Resources Code, Section 40.0524 allows members of multidisciplinary teams to exchange information relating to a report of child abuse or neglect as necessary to facilitate a thorough investigation.

In addition to each team member signing confidentiality agreements, visitors to a MDT case review should sign a confidentiality agreement and must understand and agree to the team's requirement for confidentiality. See an example of a confidentiality agreement on page 16.

## Joint Investigations Guidelines



*Case related confidential information should not be discussed outside of the team meetings.*

### **Conflict Resolution**

Situations may arise in a case where members do not agree. Usually members are able to work beyond disagreements, however if conflicts are not resolved, this could lead to a division in your team that damages its effectiveness.

Before a conflict arises, the MDT should discuss how to resolve conflict. In the event a conflict arises over an investigation or for any other reason, having a pre-determined conflict resolution plan helps the team find a quick resolution and move beyond the conflict.

### **Distribution To Members**

All MDT members must be familiar with the protocols and understand they are responsible for following them. The team should discuss how to distribute copies of the protocols to all members. The team may also want to choose a time to discuss the roles and responsibilities with all members. The team should develop a plan for sharing the protocols with new members of the MDT as they join.

### **Special Investigations**

Listed below are situations that are rare but when they occur may require a joint investigation between DFPS and law enforcement. Teams may want to consider how these cases will be handled in the event an investigation is needed.

#### **Baby Moses**

Texas Family Code, Section 262.302 defines a "Baby Moses" case as one involving an infant, who appears to be 60 days old or younger who is voluntarily delivered to a Designated Emergency Infant Care Provider (DEIC) by the child's parent who does not express an intent to return for the child. Parents who voluntarily deliver a child to a Designated Emergency Infant Care Provider as described in the statute may remain anonymous and are protected from prosecution for abandonment

or endangering a child under Texas Penal Code 22.041(h).

#### **Designated Emergency Infant Care Provider (DEIC):**

*A DEIC taking possession of a child may not detain or pursue the parent if the child appears to be free from abuse or neglect. The provider must notify DFPS who will then assume care, control, and custody of the child.*

#### **DFPS:**

Immediately after assuming custody of the child DFPS must report the child to the appropriate law enforcement agency as a potential missing child.

#### **Law Enforcement:**

A law enforcement agency that receives a report in a Baby Moses case shall investigate whether the child is reported as missing.

#### **Child Death**

The MDT should consider when to jointly investigate child death cases. Teams may also discuss the local child fatality review team process/protocol and whether they need to coordinate with that team.

#### **DFPS:**

Investigates all child deaths excluding those that result from a motor vehicle accident or a death that was expected and due to a congenital or neoplastic disease.

#### **Law Enforcement:**

Investigates all child deaths that appear to be the result of a criminal offense.

#### **School Investigations**

##### **Law Enforcement:**

The appropriate law enforcement agency investigates allegations of a criminal offense committed in a public or private school. The appropriate agency may be a school district law enforcement agency or municipal law enforcement agency.

## Joint Investigations Guidelines



*State law requires DFPS and law enforcement to establish protocols and clarify roles.*

### **DFPS:**

Texas Family Code, Section 261.406 requires DFPS to investigate allegations of abuse or neglect of a child in a public or private school under the jurisdiction of the Texas Education Agency.

### **Child Pornography / Cyber Crimes**

Child pornography is defined in Texas Penal Code, Section 43.26. An allegation of child pornography or other cyber crime may be the original allegation or it may arise during the course of an investigation. MDT members should be aware of this issue and the team should be prepared to pursue an allegation of child pornography or cyber crime if one does arise. Law enforcement should consult forensic computer experts regarding collection of computer evidence.

### **DFPS:**

The agency investigates cases involving child pornography or cyber crime when a child is at risk of abuse or neglect by the alleged perpetrator. If the perpetrator does not have access to a child and there is no allegation of abuse or neglect of a specific child, DFPS does not investigate and will refer these cases to law enforcement.

### **Law Enforcement:**

Child pornography cases may be investigated by local law enforcement, the attorney general's office, an Internet Crimes Against Children taskforce, or other state or federal law enforcement agency.

### **Sensitive Cases**

A multidisciplinary team should consider its procedure for investigating cases that involve a member of the MDT either as a suspect/perpetrator or as a victim or family member of a victim.

### **Child Abduction**

Teams should discuss cases of child abduction that involve parents and custody issues as well as other situations of abduction and

determine when child abduction will require joint investigations.

### **Child/Juvenile Offender**

Teams should discuss agency policies regarding child on child abuse cases and other cases that involve a child or juvenile offender. Teams should be aware that child or juvenile offenders may also be victims and protocols should be in place to deal with them accordingly.

### **Child Witness**

Teams may decide to develop protocols for conducting forensic interviews of child witnesses to violent crimes such as domestic violence or murder. This reduces trauma to the child witness by limiting the number of interviews and taking the child's statement in a child friendly way, in a manner that benefits all investigating agencies.

### **Military**

Teams serving areas with a military base or military personnel may consider developing protocols with the military establishment. Teams should be aware that an existing MOU may be in place and should be taken into consideration when developing protocols.

### **Indian Reservation**

Teams located in areas containing an Indian reservation may want to consider any special requirements that may be involved when conducting an investigation that involves tribal members.

### **High Profile/High Media**

Any child abuse investigation has the potential of becoming high profile. The team may want to discuss the various policies of member agencies regarding disclosing information. The team may want to determine what information should not be disclosed in order to protect a victim's privacy and dignity as well as preserve evidence.

## Joint Investigations Guidelines

### *Sample* **Multidisciplinary Team Members Roles and Responsibilities**

#### Sexual and Physical Abuse

##### *Department of Family and Protective Services*

###### **Role:**

- ☞ DFPS investigates allegations of abuse or neglect of children by people responsible for their care, custody, or welfare and assesses whether children are at risk of future abuse or neglect.

###### **Responsibilities:**

- ☞ DFPS investigator will immediately notify the appropriate law enforcement agency upon receipt of a report of abuse or neglect that requires joint investigations. Texas Family Code, Section 261.301 (h).
- ☞ DFPS and law enforcement will coordinate victim interview.
- ☞ DFPS and law enforcement will coordinate interview of alleged perpetrator.
- ☞ Child victims will be interviewed at a child advocacy center if possible, or by DFPS.
- ☞ DFPS will be present for child victim interviews.
- ☞ DFPS will keep law enforcement informed of developments in the DFPS case.
- ☞ DFPS will provide law enforcement with narrative or other documentation as requested.
- ☞ DFPS and law enforcement will coordinate further investigations after the victim interview including but not limited to:
  - \* Sexual Assault Nurse Examiner (SANE) exam
  - \* Safety plan, voluntary placement or removal
  - \* Interviews of other children/  
witnesses, parent, perpetrator
  - \* Referral to therapist

##### *Law Enforcement*

###### **Role:**

- ☞ Investigate allegations of child abuse and determine whether a crime has been committed.

###### **Responsibilities:**

- ☞ Law enforcement will immediately report to DFPS upon receipt of a report of abuse or neglect of a child by a person responsible for the care, custody or welfare of a child. Texas Family Code, Section 261.105
- ☞ Law enforcement will contact the local DFPS office to coordinate investigations.
- ☞ Law enforcement and DFPS will coordinate victim interview.

## Joint Investigations Guidelines

- ☞ Law enforcement and DFPS will coordinate interview of suspect.
- ☞ Child victims will be interviewed at a child advocacy center if possible, or by DFPS.
- ☞ Law enforcement will be present for child victim interviews.
- ☞ Law enforcement will keep DFPS informed of developments and important information.
- ☞ Law enforcement will provide DFPS with reports and documentation as requested.
- ☞ Law enforcement and DFPS will coordinate further investigation after the victim interview including but not limited to:
  - \* Sexual Assault Nurse Examiner (SANE) exam
  - \* Search Warrant
  - \* One party consent phone call
  - \* Interviews of other children/witnesses, parent, suspect

### Drug Endangered Child (DEC) Cases

#### *Department of Family and Protective Services*

##### **Role:**

- ☞ DFPS investigates allegations of abuse or neglect of children and assesses whether children are at risk of future abuse or neglect.

##### **Responsibilities:**

- ☞ DFPS will respond to the scene as requested by law enforcement upon report of Drug Endangered Child (DEC) case.
- ☞ DFPS will take control of the child/children while on the scene.
- ☞ DFPS will arrange for decontamination of the child unless done by law enforcement.
- ☞ DFPS will ensure immediate and follow-up medical care is provided for each child.
- ☞ Child victims will be interviewed at a child advocacy center if possible, or by DFPS.
- ☞ DFPS will facilitate placement of the child.
- ☞ DFPS will determine safety and risk of future abuse or neglect of the child.
- ☞ DFPS will take appropriate steps to prevent future abuse or neglect of child.
- ☞ DFPS will maintain liaison with law enforcement to coordinate sharing of information that may be critical to criminal or civil investigation.
- ☞ DFPS will provide law enforcement with narrative or other documentation as requested.
- ☞ Additionally, if during an investigation DFPS discovers a drug endangered child:
  - \* DFPS will report to law enforcement if drugs are located in the home.
  - \* If during a home visit a DFPS worker observes what appears to be a methamphetamine lab or the ingredients to manufacture a controlled substance such as methamphetamine, the worker will immediately leave the home without alerting perpetrators and immediately contact law enforcement with the information and coordinate further investigation.

## Joint Investigations Guidelines

### Law Enforcement

#### Role:

- ☞ Investigate child endangerment as it relates to possession or manufacturing of controlled substances.

#### Responsibilities:

- ☞ Upon discovering a drug-endangered child, law enforcement will notify DFPS and coordinate investigations.
  - \* Law enforcement may, when appropriate, by-pass statewide intake and contact the local DFPS office or designated worker and request DFPS presence at the scene.
  - \* When possible law enforcement will notify DFPS in advance of a planned raid. DFPS will be invited to and attend any scheduled operational briefings.
- ☞ Take measurements comparing the height and reach of the child in relation to the location of drugs and/or lab items.
- ☞ Document and video or photograph the scene for evidence of child endangerment and risk factors as they relate to drug endangered children:
  - \* Children's accessibility to drugs, chemicals, syringes and drug paraphernalia
  - \* Proximity of hazards to children's play and sleep areas
  - \* Non-drug hazards and other indicators of neglect
  - \* Access to pornography
  - \* Access to weapons
  - \* Food quantity or quality
  - \* Sleeping conditions
  - \* Sanitary conditions
  - \* Injuries
  - \* Cleanliness and dress
  - \* Signs of neglect
- ☞ Child victims will be interviewed at a child advocacy center if possible, or by DFPS
- ☞ Law enforcement will be present to observe interviews of child victims, as available
- ☞ Law enforcement will maintain liaison with DFPS to coordinate sharing of information that may be critical to criminal and/or civil investigation
- ☞ Law enforcement will provide DFPS with reports and documentation as requested
- ☞ Law enforcement will evaluate the evidence for a child endangerment charge and pursue criminal charges as appropriate

## Joint Investigations Guidelines

### *Tips For Developing Multidisciplinary Team Protocols*

- ☞ Form a committee comprised of at least one representative from each partner agency.
- ☞ Committee members must have the authority to speak and make decisions on behalf of their agency.
- ☞ Committee should establish a meeting schedule and completion date.
- ☞ Upon completing protocols, schedule a signing ceremony. The heads of each partner agency should sign the protocols.
- ☞ Committee should develop a plan to distribute the protocols to all members and discuss the different roles and responsibilities.

#### Sample Committee Meeting Schedule

##### **Meeting #1**

- ☞ Mission of the MDT
- ☞ Make-up of MDT
- ☞ Target Population

##### **Meeting #2**

- ☞ Roles and Responsibilities
- ☞ Joint Investigations

##### **Meeting #3**

- ☞ MDT Meeting/Case Review
- ☞ Victim Assistance

##### **Meeting #4**

- ☞ Records Retention
- ☞ Confidentiality
- ☞ Conflict Resolution

##### **Meeting #5**

- ☞ Discuss areas of concern
- ☞ Review final draft and make corrections
- ☞ Establish a plan for review in 6-9 months
- ☞ Make plans for signing ceremony, invite media

# Joint Investigations Guidelines

## MEMORANDUM OF UNDERSTANDING

between

(list agencies)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Purpose:** This Memorandum of Understanding is entered into by the (agency names) to advance the formation of a multidisciplinary team that will investigate allegations of child abuse and neglect in \_\_\_\_\_ County.

**Joint Investigations:** Texas Family Code, Section 261.301 and Texas Code of Criminal Procedure, Section 2.27 require joint investigations by law enforcement and Child Protective Services when a report alleges a child has been or may be the victim of conduct constituting a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child.

Texas Family Code, Section 261.3011 mandates that DFPS, in consultation with the appropriate law enforcement agencies, develop guidelines and protocols for joint investigations by DFPS and the appropriate law enforcement agency. Texas Family Code, Section 261.3011(a) requires the guidelines and protocols to contain the following:

1. clarify the respective roles of DFPS and the law enforcement agency in conducting the investigation;
2. require that mutual DFPS and law enforcement training and agreements be implemented by both entities to ensure the integrity and best outcomes of joint investigations; and
3. incorporate the use of forensic methods in determining the occurrence of child abuse and neglect.

**Mission:** To establish specific protocols for \_\_\_\_\_ (agency names) \_\_\_\_\_ to follow when conducting joint investigations. To establish and maintain an ongoing dialogue between the agencies in regards to best practice, awareness, safety, and new trends in working joint investigations.

### Multidisciplinary Team Composition

- Texas Department of Family and Protective Services (DFPS)
- Law Enforcement Agencies - all involved
- District and/or County Attorney's office

## Joint Investigations Guidelines

**Duration:** This agreement is entered into and is understood by all parties to be voluntary in nature. This agreement is in effect upon signature of all parties and will renew automatically on a yearly basis. Any party, by giving 30 days written notice to all other parties, may withdraw from this agreement. This agreement may be amended in writing, only by mutual agreement of all parties. Any notice required or permitted under this agreement shall be directed to the respective parties at the addresses shown below and shall be deemed given: 1) when delivered in hand and a receipt granted; 2) when received if sent by certified mail, return receipt requested; 3) when received if sent by confirmed facsimile:

\_\_\_\_\_  
Title of person signing                      Date signed  
\_\_\_\_\_  
County District Attorney's Office

SAMPLE

\_\_\_\_\_  
Title of person signing                      Date signed  
Texas Department of Family and Protective Services

\_\_\_\_\_  
Title of person signing                      Date signed  
\_\_\_\_\_  
County Sheriff's Office  
Address

## Joint Investigations Guidelines

### CONFIDENTIALITY AGREEMENT

Texas Family Code, Section 261.301 and Texas Code of Criminal Procedure, Section 2.27 requires local law enforcement and Department of Family and Protective Services to conduct joint child abuse investigations. The \_\_\_\_\_ County Multidisciplinary Team was formed in an effort to improve joint child abuse investigations. A prompt and thorough joint investigation requires the \_\_\_\_\_ County Multidisciplinary Team members to share confidential case information.

To coordinate investigation efforts between agencies, the \_\_\_\_\_ County Multidisciplinary Team meets regularly to discuss cases, develop strategies for investigation and prosecution, and ensuring child safety. In the course of the multidisciplinary team meetings, it is essential that team members share confidential case information.

As a member of the \_\_\_\_\_ County Multidisciplinary Team, I agree to adhere to confidentiality standards. I will not share information discussed at team meetings or in the course of conducting a joint investigation, publicly or with people who are not on the multidisciplinary team, unless that person has a legitimate, legal interest in the information.

\_\_\_\_\_  
Title of person signing                      Date signed  
\_\_\_\_\_  
County District Attorney's Office

\_\_\_\_\_  
Title of person signing                      Date signed  
Texas Department of Family and Protective Services

\_\_\_\_\_  
Title of person signing                      Date signed  
\_\_\_\_\_  
County Sheriff's Office

## *Resources For Multidisciplinary Teams*

Office of the Attorney General [www.oag.state.tx.us](http://www.oag.state.tx.us)

Law enforcement reimbursement for the cost of sexual assault exams

Grants for Victim Advocate

Training and Information about Sexual Assault Nurse Examiner Program(SANE)

Information about Sexual Assault Response Teams

Children's Advocacy Centers of Texas [www.cactx.org](http://www.cactx.org). 1-800-255-2574

For information on starting a CAC in your community

Provides training for children's advocacy center forensic interviewing

Provides training to MDTs about children's advocacy center

Provides child abuse related training

National Center for Missing and Exploited Children (MCMEC) [www.missingkids.com](http://www.missingkids.com)

Training opportunities for Law Enforcement and Prosecutors

Texas Alliance for Drug Endangered Children [www.dectexas.org](http://www.dectexas.org)

Training for law enforcement, DFPS and MDT

Texas Association Against Sexual Assault (TAASA) [www.taasa.org](http://www.taasa.org)

Training for law enforcement, DFPS and MDT

Shaken Baby Alliance [www.shakenbaby.com](http://www.shakenbaby.com) Toll Free 1-877-6-END-SBS

In Texas, please dial 1-817-882-8686.

Training for law enforcement, DFPS and MDT

For information related to serious physical abuse

For information related to medical experts in serious physical child abuse





Texas Department of Family and Protective Services

