

To Report Child Abuse or Neglect
Call 1-800-452-1999 or
Deaf/Hard of Hearing
TTY: 1-800-963-9490

What are my child's rights?

All children have the need and right to be nurtured and live safely in their homes. They have the right to:

- safety and supervision.
- food, clothing, and shelter.
- protection from physical, sexual, and emotional abuse or neglect.
- diagnosis and treatment of medical and emotional conditions.

Children who are the subject of a court order related to child protection have additional rights. These rights include:

- To visit or be visited by parents and/or brothers and sisters, if the child is in foster care and if the visits are in the child's best interest.
- To have a person called a *guardian ad litem* appointed by the court to look after the child's best interest.

What are my rights?

If you are a parent or caregiver in a child protection assessment, you have the right to know:

- the nature of the reported child abuse or neglect.
- how the assessment will be done and how long it will take.
- the suspected harm or risk of harm to the child.
- what the social worker has found regarding the reported child abuse or neglect.
- what could happen as result of the assessment.
- what action Child Protective Services may take, if any.
- that the Indian Child Welfare Act may apply to you or your child, if you or your child has Native American heritage.

Additional rights of parents and caregivers:

- to review your record.
- to add a statement to your record, to review any response by our staff and, to review and comment on the response.
- to have relatives given priority consideration as temporary caregivers.
- to request an in-house review of your care, treatment, and service plan.
- to have your cultural background and heritage respected.
- to express and practice your religious and spiritual beliefs.
- to request this information in your native language or in Braille, or to request an interpreter in your native language or in American Sign Language.
- to receive communication assistance if you have special needs and have difficulty making your service needs known, including help with reading and writing.
- to refuse any service, treatment, or medications, unless mandated by law or court order, and to be informed about the consequences of such refusal.
- to be informed prior to your sharing confidential or private information, about unusual circumstances when the agency may be legally or ethically required to release such information.

We ask that you, as a parent or caregiver:

- provide relevant, accurate, timely information to the social worker to help connect you with appropriate services.
- participate in all service decisions.
- give informed consent to help expedite your assessment.

When Child Protective Services seeks custody of a child through court action, parents have the right to:

- have an attorney represent them in court.
- be told about any legal action involving their child.
- be offered services for the problems of child abuse and neglect.
- have a clear, written plan for services to help stop the abuse and neglect.
- visit with their child as long as the visits are in the child's best interest.

Concerns, Issues, Need More Information – Who Can I Talk With?

Social worker's name _____

Social worker's phone number _____

Social worker's supervisor _____

Supervisor's phone number _____

The Child Welfare Program Administrator where I live is:

With this pamphlet you should get a copy of the *Child Welfare Services Practice Model*, which guides your social worker's actions with children and their families.

You also should get a copy of *The Child Welfare Ombudsman Program*. The Ombudsman Program provides a trained person to look into complaints when you have not been able to resolve an issue with Child Protective Services/Department of Health & Human Services. The Ombudsman Program is independent of Child Protective Services/Department of Health & Human Services.

If you do not get a copy of the Ombudsman pamphlet, please ask your social worker for one, or call (207)-624-7900 and ask for one to be mailed to you. Or, you can find information about the Ombudsman Program under the Concerns or Complaints heading on our website.

Maine Department of Health & Human Services

<http://www.me.gov/dhhs/bcfs/index.htm>

Non-Discrimination Notice

In accordance with state and federal Civil Rights laws, the Maine Department of Health & Human Services does not discriminate because of race, color, religious creed, sex, national origin, ancestry, age, physical handicap or mental handicap or sexual orientation. In admission or access to or treatment or employment in its programs and activities. Inquiries concerning the application of these regulations and the grievance procedures for resolution of complaints alleging discrimination may be referred to the Affirmative Action Coordinator at 221 State Street, Augusta, Maine 04333, (207) 287-3488 (voice) or 1-800-606-0215 (TTY), or the Assistant Secretary of the Office of Civil Rights, Washington, D.C.

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MAINE CARES ABOUT CHILDREN AND THEIR FAMILIES



A GUIDE TO CHILD PROTECTIVE SERVICES



*Department of Health
 and Human Services*

*Maine People Living
 Safe, Healthy and Productive Lives*

Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Each year, 18,000 Maine children are reported to Child Protective Services (CPS) because of suspected child abuse or neglect. Our department is required by law to:

- respond to valid reports
- assess child safety
- support and preserve families, when possible
- prevent the occurrence or reoccurrence of child abuse or neglect.

We hope this information helps parents and caregivers understand what happens after a report. Please ask your CPS social worker about questions not answered here.

Why has a Child Protective Services (CPS) social worker contacted me?

You have been contacted because Child Protective Services in the Department of Health & Human Services got a report of possible abuse or neglect of your child(ren) or a child in your care.

What is child abuse and neglect?

In Maine law, abuse or neglect is a threat to the child's health and welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child.

Why would someone make a report?

As soon as possible, reports are made to identify children who might be abused or neglected so their safety is ensured. Some signs that people notice and may report:

- a child who has questionable injuries
- a young child who is left alone
- a child who has unattended health care problems or medical needs

Who made the report?

Anyone may make a report. Some professionals are required to make a report when they know or have reasonable cause to suspect that a child has been or is likely to be abused or neglected.

A reporter may ask that his or her name not be shared. When reports of suspected child abuse or neglect are made in good faith, reporters are immune from liability.

What happens after a report is made?

Not every call to the Child Protective Intake line (1-800-452-1999) leads to a social worker's visit. For example, some calls are not about child abuse or neglect. When the call is about suspected child abuse or neglect, it is sent to an office near where the family lives.

You most likely have this information as part of an initial visit with a social worker. The social worker gathers information to find out whether safety concerns exist. This is called a Child Protection Assessment. Here is what to expect in a Child Protection Assessment:

Child Protection Assessment

Social workers will:

- Notify the parents of their intent to interview children when required by law.
- Give parents an opportunity to ask questions and get information. The parent or caregiver may choose not to speak with the social worker.
- Contact community professionals and others, even when parents choose not to meet with or speak to the social worker.
- Decide at end of the Child Protection Assessment whether the reported abuse or neglect is "unsubstantiated," "indicated", or "substantiated". "Unsubstantiated" means that it is more likely than not that no abuse or neglect happened. "Indicated" means that it is more likely than not that low/moderate severity abuse or neglect did happen. "Substantiated" means that it is more likely than not that high severity abuse or neglect did happen.

Unsubstantiated Reports. What happens?

- Social worker tells parents in a letter that report of abuse or neglect is unsubstantiated.
- Child Protective Services keeps unsubstantiated record for 18 months.
- If no new reports are received during those 18 months, Child Protective Services destroys the unsubstantiated report and assessment of that report.

Indicated Reports. What happens?

Information. Social worker tells parents in a letter that the report of abuse or neglect has been indicated. The letter also must notify parents of their right to ask for a review of that decision and how to request that review.

Ongoing needs. Social worker may continue working with the family to provide services needed to help make the child safe, or may refer the family for community based service. This may involve a Family Team Meeting of the social worker and parents, along with their supports, to make a Family Plan.

Substantiated Reports. What happens?

Information. Social worker tells parents in writing that the report of abuse or neglect has been substantiated. The letter also must notify parents of their right to ask for a review of that decision and how to request that review.

Safety Plan. If the child is unsafe, parents and social worker develop a safety plan together. The social worker reviews the completed plan with the parents, to make sure it will keep the child safe. The social worker also may seek services that help the family with their safety plan.

Ongoing Needs. After the safety plan is in place, the social worker will continue working with the family to provide services needed in a family to help make the child safe. This will involve a Family Team Meeting of the social worker and parents, along with their supports, to make a Family Plan.

Potential Court Action. When a safety plan is not enough to protect a child from risk of serious harm, or if a parent chooses not to follow a safety plan, the social worker will consider what other actions are needed to make a child safe. This can include court intervention. Under Maine law, only the courts may order removal of a child from parental care.

What if I don't want any type of investigation or assessment done?

Most families meet and talk with the Child Protective Services social worker during a Child Protection Assessment. Meeting with the social worker gives the family a chance to share their views, identify family needs, ask questions, and get feedback.

If parents or caregivers choose not to speak with a social worker or refuse a social worker entry into their home, the assessment may continue as required by law. If the child is considered to be at risk of serious harm, the Child Protective Services social worker may consider contacting the police for help or asking the court to require a family's cooperation.

Will my child be taken away?

The Child Protective Services social worker will assist your family in providing for the safety of your child(ren) within your home, whenever possible. If for the child's safety, it becomes necessary for the court to separate the family, then the person alleged to be responsible for the abuse or neglect may need to temporarily leave the home, or the child may need to live with relatives or in foster care, until it is safe for the child to return home.

What kinds of services are provided when child abuse or neglect is happening?

Among the individualized services that have helped families are Child Protection Assessment, Family Team Meetings, day care, counseling for parents and children, homemakers, substance abuse treatment, family violence programs, temporary shelters for teens, crisis services, parenting education, public health nursing, help with housing and living expenses, and transportation.