

**To Report Child Abuse or Neglect
Call 1-800-452-1999 or**

TTY Users: Dial 711 (Maine Relay)

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 investigation, you have the right to know:

- The nature of the reported child abuse or neglect.
- How the investigation will be done and how long it will take.
- The suspected harm or risk of harm to the child.
- What the caseworker has found regarding the reported child abuse or neglect.
- What could happen as result of the investigation.
- 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 within law and policy.
- 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 case 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.
- Information 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?

Caseworker's name _____

Caseworker's phone number _____

Caseworker'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 caseworker'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 caseworker 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.

DHHS Non-Discrimination Notice

The Department of Health and Human Services (DHHS) does not discriminate on the basis of disability, race, color, creed, gender, sexual orientation, age, or national origin, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and the Maine Human Rights Act and Executive Order Regarding State of Maine Contracts for Services. Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to DHHS' ADA Compliance/EEO Coordinators, 11 State House Station – 221 State Street, Augusta, Maine 04333, 207-287-4289 (V), 207-287-3488 (V), TTY users call Maine relay 711. Individuals who need auxiliary aids for effective communication in program and services of DHHS are invited to make their needs and preferences known to the ADA Compliance/EEO Coordinators. This notice is available in alternate formats, upon request.

MAINE CARES ABOUT CHILDREN AND THEIR FAMILIES



A GUIDE TO CHILD PROTECTIVE SERVICES



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 case 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 caseworker'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 caseworker. The caseworker gathers information to find out whether safety concerns exist. This is called a Child Protection Investigation. Here is what to expect in a Child Protection Investigation

Child Protection Investigation

Caseworkers 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 caseworker.
- Decide at end of the Child Protection Investigation 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?

- Caseworker tells parents in a letter that report of abuse or neglect is unsubstantiated.
- Ongoing needs: Caseworker will work with the family to identify any services the family can participate in to enhance the family's skills and knowledge around parenting practices. These services may include referrals to community agencies that specialize in working with children and families.
- Child Protective Services keeps an unsubstantiated record for 5 years.
- If no new reports are received during those 5 years, Child Protective Services destroys the unsubstantiated report and assessment of that report.

Indicated Reports. What happens?

Information. Caseworker 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. Caseworker 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 Caseworker and parents, along with their supports, to make a Family Plan.

Substantiated Reports. What happens?

Information. Caseworker tells the 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 caseworkers may work together with at least one other safe, supportive adult to develop a safety plan that allows the children to remain in the care of a parent.

Ongoing Needs. After the safety plan is in place, the caseworker will continue working with the family to provide services needed in a family to help keep the child safe. This will involve a Family Team Meeting of the caseworker and parents, along with their supports, to develop 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 caseworker 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 case worker during a Child Protection Investigation. Meeting with the caseworker 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 caseworker or refuse a caseworker entry into their home, the investigation may continue as required by law. If the child is considered to be at risk of serious harm, the Child Protective Services caseworker 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 caseworker 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 Investigation, Family Team Meetings, day care, counseling for parents and children, homemakers, substance abuse treatment, family violence programs, crisis services, parenting education, public health nursing, help with housing and living expenses, and transportation.