

## Child Abuse

### 316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Marquette University Police Department members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim

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as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide necessary care, food and clothing so as to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

#### **316.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Wis. Stat. § 48.981):

- (a) The handling officer should immediately make the notification to the appropriate county department or licensed child welfare agency by telephone or in person but in all cases before completing his/her shift and no later than 12 hours, exclusive of Saturdays, Sundays or legal holidays.
- (b) Notification, when possible, shall contain at a minimum:
  - 1. The name, address, age, sex and race of the child.
  - 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
  - 3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
  - 4. The family composition.
  - 5. The source of the report and the name, address and occupation of the person making the report.
  - 6. Any action taken by the reporting source.
  - 7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.
- (c) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate Medical Examiner shall also be notified (Wis. Stat. § 48.981(5)).

#### **316.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be utilized for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

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of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the appropriate county department or licensed child welfare agency intake worker (Wis. Stat. § 48.981).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Wis. Stat. § 48.19):

- (a) A court has ordered the removal of the child.
- (b) An officer believes on reasonable grounds that any of the following conditions exist:
  - 1. A court has ordered the removal of the child.
  - 2. The child is suffering from illness or injury or is in immediate danger from the child's surroundings and removal from those surroundings is necessary.
  - 3. The child has been abandoned (Wis. Stat. § 48.13(2)).

Officers are required to take children into custody in the circumstances described above (Wis. Stat. § 48.981(3)).

#### 316.6.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

An officer who has taken a child into protective custody shall attempt to deliver the child to an intake worker and immediately notify the parent, guardian, legal custodian and Indian custodian of the child by the most practical means. The officer shall continue such attempts until the parent, guardian, legal custodian and Indian custodian of the child is notified or the child is delivered to an intake worker, whichever occurs first (Wis. Stat. § 48.19; Wis. Stat. § 48.20; Wis. Stat. § 48.981).

#### 316.6.2 SAFE HAVEN LAW

A parent may relinquish a newborn infant less than 72 hours old or younger to an officer when the parent does not express an intent to return for the child. The officer shall take any action necessary to protect the health and safety of the child and attempt to deliver the child to the custody of an intake worker under the provisions of Wis. Stat. § 48.20 (Wis. Stat. § 48.195).

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Department members shall not induce or coerce or attempt to induce or coerce a parent or person assisting a

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### **316.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### **316.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Lieutenant should:

- (a) Work with professionals from the appropriate agencies, including the Wisconsin Alliance for Drug Endangered Children, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Lieutenant that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

#### **316.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social, and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Lieutenant so an interagency response can begin.

### **316.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Wisconsin requires or permits the following:

#### **316.10.1 CRIMINAL PROSECUTION**

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#### 316.10.3 COURT ORDERS

Employees may assist or provide information to the child abuse victim's parent, guardian or custodian on how to obtain a restraining order or injunction issued by the court for the protection of the victim. Officers shall arrest for violations of child abuse restraining orders as mandated by Wis. Stat. § 813.122(10)).

#### 316.10.4 MANDATORY COORDINATION

An officer investigating a report of child abuse or threatened child abuse should coordinate the planning and execution of the investigation with the appropriate county department or licensed child welfare agency. This coordination is mandatory when the abuse or threatened abuse involves an allegation of a sex-related offense (Wis. Stat. § 48.981(3)).

#### 316.10.5 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD

An adult expectant mother of an unborn child may be taken into temporary custody as authorized in Wis. Stat. § 48.193 and delivered to an intake worker, but only with a court order. The release of Ma /F4(of(7)]4364 (of(a)ECTANT MT12.vof56 ET2exi34 /F5.10COUR3RT ORDEP76 icip -65.0i72mantidiscipl )