



**MISSOURI SCHOOL
BOARDS' ASSOCIATION**
HELPING SCHOOL BOARDS ENSURE ALL STUDENTS SUCCEED



Missouri Office of
Prosecution Services

Child Protection Protocol for Cases of Suspected Abuse or Neglect

“The safety and welfare of children is paramount”¹

Missouri law provides: “The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect.”² Special precautions and protocols are called for in this very sensitive area of the law providing for both protecting children and investigating incidents with an eye toward prosecuting offenders against children. When children disclose direct abuse and/or neglect, or disclose knowledge of abuse and/or neglect while at any K-12 school in Missouri, the disclosure should be handled by school officials in a way that protects the child as well as aids the legal investigation.

The safety and welfare of children is paramount in the school community as well. School officials who report an incident of child abuse and/or neglect are still charged with the school’s custodial role for the victim and the other children in the school, depending on the situation surrounding the alleged abuse and/or neglect. Because of this custodial role, schools continue to need prompt and sufficient information from Children’s Division, law enforcement, juvenile officers, and other affected agencies about the presence of alleged perpetrators (adults), alleged child initiators (minors), or other risks inside the school community in order to maintain that safety and welfare. Included in this need is the requirement to give due process when necessary to remove students or employees from the school environment.

The Missouri Child Abuse and Neglect Hotline (“Hotline”) is a key tool to fulfill the children’s safety and welfare policy. Maintaining children’s security and safety should be the school official’s primary concern during the opening steps of the protocols below. Law enforcement may be called upon to assist in this objective.

Schools are required to contact the Hotline for “any abuse” by “any person.”³ Sorting those reports is left to Children’s Division. A “care, custody or control” relationship between the child and a reported perpetrator or alleged child initiator is broadly defined by law and may be present in the dynamics or details of any incident where a child was abused or neglected. Children’s Division determines if that relationship exists, which will also determine Children’s Division’s response.

¹ RSMo § 210.112.1(1)

² RSMo § 210.109.2

³ RSMo § 210.115

Generally: Why Preserve Safety and Wait?

By Missouri law, “[n]o internal investigation shall be initiated until such a report has been made.”⁴ Children’s Division staff are specifically trained to take the child’s statements. The child’s own words may be the best, or often only, evidence of a crime, if one has occurred. In addition, children should not be required to unnecessarily revisit their traumatic experiences through repeatedly having to give statements or interviews, even for the best-intentioned purposes.

The integrity of child victims’ statements requires refraining from an independent school-based interview about the alleged child abuse and/or neglect, or other separate investigation prior to the arrival of the Children’s Division official. Multiple interviews with different people for different purposes could lead to the unconscious introduction of inconsistencies or the appearance of coaching the child on what to say, all of which can be exploited in a potential future criminal case.

A pre-Hotline school investigatory response could also affect the preservation of criminal evidence. It may alert a perpetrator or alleged child initiator to the existence of an investigation. Evidence could be destroyed or manipulated if the perpetrator or alleged child initiator has notice of a pending investigation. Access to the child prior to the Children’s Division interview, for example, may permit the perpetrator or alleged child initiator to sway the child’s willingness or capability to give an accurate statement.

The same concerns about adversely affecting the preservation of evidence also apply to law enforcement’s investigation of an incident, as many times law enforcement is co-investigating with Children’s Division.

Protocol in Reportable Cases

When a student discloses alleged abuse and/or neglect by any person to a school official, including student-on-student abuse, the following guidelines should apply:

A. Cases Taken for an Investigation by Children’s Division

- The person to whom the disclosure was made should listen to the child and provide comfort, but refrain from questioning the child about the potential abuse or neglect. The person shall immediately make a report to the Hotline, and, when appropriate, law enforcement.
 - The person to whom the disclosure was made should document what the child disclosed. See attachment for a sample hotline log.
 - The Child Abuse and Neglect Hotline Unit will classify the report as promptly as possible. If no investigation will be begin based on the report, the Unit will advise the school district’s liaison or reporter so that the school’s own response, including any referral for law enforcement, may commence under Section B of this Protocol.

⁴ RSMo § 210.115.1

- If the report is taken as a Children’s Division investigation, the Child Abuse and Neglect Hotline Unit will, as promptly as possible, inform the reporting school official that Children’s Division is responding to the report.
- School officials should contact law enforcement if they need a more immediate response than is obtainable from Children’s Division.
- The child disclosing alleged abuse and/or neglect should not be asked by school officials to write a statement or sign a statement regarding their disclosure, until and unless Children’s Division informs the reporting school official that the report will not be taken by Children’s Division as an investigation.
- If Children’s Division classifies a student-on-student report as “abuse or neglect” and requests any delay in the school’s investigation, then Children’s Division and law enforcement will as promptly as possible, and throughout the case as needed, provide school officials with information needed by the school to provide due process to the alleged child initiator for measures taken by school officials to maintain the safety and welfare of the child victim and all other children in the alleged child initiator’s school.
- Because the safety and welfare of children is paramount under Missouri Law, law enforcement and/or Children’s Division should be contacted prior to school officials notifying the child’s parent and/or legal guardian of the disclosure of alleged abuse or neglect, at least until Children’s Division advises that the report is not being investigated by their agency. Law enforcement and/or Children’s Division will communicate with the parents/guardians that a report involving the child exists, inform the parents that Children’s Division and/or law enforcement directed the school not to contact the parents/guardians first, and provide further directions as soon as possible.
 - This is to ensure the safety of the child and preserve the integrity of the child’s disclosure.
 - If school officials have an immediate concern for the safety of the child or other children and Children’s Division has not yet responded, school officials should contact the Children’s Division office of the county in which the school district sits, speak with a Circuit Manager or local Children’s Division staff member about the hotline call and the safety concern. County office contact information can be found at the below link.
 - <https://dss.mo.gov/cd/office/>
 - If the Circuit Manager or local Children’s Division staff member at the school’s local Children’s Division office is unavailable, school officials should contact law enforcement in the county where the school is located to ask for guidance on safety planning, and whether law enforcement should take protective custody of the child.
- To preserve evidence, it is ideal that the school coordinate with Children’s Division and/or law enforcement before informing an alleged perpetrator who is an employee or volunteer at the school that an allegation has been made. This is to ensure the integrity of the investigation and any evidence that is available to be collected.

- Children’s Division investigators and law enforcement responding to a hotline report should be allowed prompt access to the child disclosing alleged abuse or neglect at the school after coordinating with school officials in order to minimize disruption to the child’s educational environment, unless the abuse or neglect is alleged to have occurred in that building. Children’s Division will hold the interview at a location other than the child’s school if the incident happened in that school.⁵
- When possible, law enforcement officials, Children’s Division officials, and the school district will work together to arrange a time when the student can be interviewed with the least amount of disruption to the student and to the educational environment.
- Children have the option to speak to the Children’s Division official without a school official present, if requested. The child’s own words in conversation with Children’s Division personnel who are trained to speak with the child can be a key piece of evidence in a potential criminal case. Only one school official (at most) should be in the room with investigators while these conversations with the victim are taking place, unless the victim requests more than one official’s presence or Children’s Division/law enforcement determines otherwise.
- The school official, if present in the room during these conversations, should not speak for the child or correct the child while the child is speaking.
- No school representative should further question the child victim directly regarding the child’s disclosure after Children’s Division/law enforcement has spoken with the child. In a student-on-student case, the school may otherwise proceed to investigate the incident, including interviewing the alleged perpetrating student and relying upon representations from Children’s Division and law enforcement, witness statements, and all other available evidence of a breach of school rules in the course of providing due process for a disciplinary response concerning the alleged perpetrator or alleged child initiator.
- If the incident involves sexual harassment or sexual misconduct occurring within the school’s scope of responsibility under Title IX for sex discrimination in the school’s program or activity, the school’s Title IX Coordinator must be notified and shall commence the school’s mandatory response under Title IX. The school’s Title IX response will first be focused on preserving students’ access to the school’s program and activity and other supportive services for those involved, at least until informed otherwise by Children’s Division or law enforcement. Formal school investigations for a Title IX incident, complaint, grievance, or discipline based on the conduct may be stayed for good cause pending any Children’s Division/ law enforcement forensic investigations, prosecutions or juvenile proceedings concerning the matter.
- Where Children’s Division or law enforcement ask the school not to investigate pending proceedings, the school is especially dependent upon Children’s Division’s or law enforcement’s input on the nature and scope of appropriate supportive services to maintain the child’s access and participation in the school’s program and activity. The safety and welfare of children being paramount, Children’s Division and law enforcement should provide the

⁵ RSMo § 510.145.8

school district liaison or other contact relevant information so that the school district or school can make an informed decision on whether the alleged perpetrator or alleged child initiator should be on school campus or in contact with other children and, when necessary, to provide appropriate due process.

- In addition to the Title IX response efforts, the multidisciplinary team for the alleged abuse or neglect incident should include or remain in regular consultation with the public school district liaison or other designated contact regarding the general status of the case to the extent the child's schooling may be affected by developments in the child's case or status after a report, and will coordinate with the district to ensure that the child is receiving the appropriate supportive services through the school in light of the child's situation.

B. Cases Not Taken as an Investigation by Children's Division

- An incident may be a crime but not be taken as an abuse or neglect investigation by Children's Division.
- An effective law enforcement investigation may still turn on time-sensitive concerns about the safety of the victim, other people, and the preservation of evidence of crime.
- Law enforcement interviews at school for the purpose of investigating the matter as a crime is per usual district policy on such access.
- If the incident involves sexual harassment or sexual misconduct occurring within the school's sphere of control, the school's Title IX Coordinator must be notified and shall commence the school's mandatory response under Title IX. However, upon law enforcement choosing to investigate, the school's Title IX response will first be focused on preserving students' access to the school's program and activity and other supportive services for those involved, at least until informed otherwise by law enforcement. Formal school investigations for a Title IX incident, complaint, grievance, or discipline based on the conduct may be stayed for good cause pending any law enforcement forensic investigations, prosecutions or juvenile proceedings concerning the matter.

