

AVOIDING AND DEFENDING AGAINST ALLEGATIONS OF CHILD MALTREATMENT

I. What are Allegations of Child Maltreatment

- a. What are allegations of child maltreatment?
- b. Relationship of agency/government foster home-foster parent regulations to allegations of child maltreatment,
- c. Relationship of regulatory restraints on discipline, such as prohibition of corporal punishment, to allegations of child maltreatment

II. Why Must Allegations of Child Maltreatment be Taken Seriously

- a. An allegation of child maltreatment can result in removal of a foster child.
- b. An allegation can lead to civil proceedings for child abuse or neglect
- c. An allegation can lead to civil child abuse proceedings or criminal prosecution
- d. Even if fabricated or not proven the foster parent's name can be placed on a "child protection registry.

III. Possible Consequences of Allegations of Child Maltreatment

- a. Removal of child, either temporarily or permanently
- b. Delay in or prevention of adoption of foster child
- c. Revocation of or refusal to renew foster parent permit/license
- d. Other consequences; civil action for damages, occupation

IV. Avoiding Allegations

- a. There is no way to totally insulate oneself from allegations
- b. Document examples of or patterns of lying or fabrications by foster child
- c. Request information on child's history of alleging child maltreatment by adults/foster parents

V. The Allegation Process

- a. Reporting of child maltreatment
- b. Investigation
- c. Findings The meanings of such term as: founded, unfounded, substantiated, unsubstantial, inconclusive, ruled out
- d. Administrative Hearings and Judicial Appeals
 - i. Burdens of proof
 - ii. Advocacy strategies and techniques
- e. Expunging and purging names from the child protection registry

VI. What to do if Subjected to An Allegation

- a. When to get an attorney.
- b. What can the placing agency do for you.
- c. What is the investigation like? Do you talk to the investigators?
- d. What are your obligations to the placing agency?
- e. Insurance, indemnification and the payment of legal fees.

VII. Questions