

Avoiding and Defending Against Allegations of Child Maltreatment

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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.
- d. Disclosures to foster parents about previous foster parents by foster children and mandatory reporting.

II. Possible Consequences of Allegations of Child Maltreatment

- a. Removal, temporarily or permanently, of a foster child.
- b. Civil proceedings for child abuse or neglect.
- c. Criminal prosecution.
- d. Even if fabricated or not proven, the foster parent's name can be placed on a "child protection registry".
- e. Delay in, or prevention of, adoption of, foster child or any child.
- f. Revocation of or refusal to renew foster parent license.
- g. Civil action for damages.
- h. Effect on occupational licensing.

III. 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
- d. Request information on the child's past behavioral patterns and emotional well being
- e. Report unusual incidents
- f. The importance of contemporaneous notes

IV. The Civil Allegation Process-Child Protection Registry

- a. Reporting child maltreatment
- b. Are you required to report yourself?
- c. The investigation
 - ii. Questioning the child
 - iii. Cooperate or not?
 - iv. Search warrants & foster home status
 - v. Get a lawyer? Don't get a lawyer?
 - vi. "What are they looking for"?
 - vii. Closure to the investigation
- d. Findings: The meanings of such term as: founded, unfounded, substantiated, unsubstantial, inconclusive, ruled out
- e. Informal and mandatory meetings
- f. Administrative Hearings
 - i. Burdens of proof
 - ii. Advocacy strategies and techniques
 - iii. Discovery
 - iv. Settlement
 - iv. Expert witnesses
 - v. Sources of law
- e. Expunging and purging names from the child protection registry

V. Child Abuse and Neglect Proceedings

- d. The investigation
- e. Papering the case
- f. Initial Hearing
- g. Trial: Findings and Conclusions
- h. Disposition

VI. Criminal Proceedings

- a. The investigation
- b. A "right" not to be framed: The *Devereaux* Case
- c. Arrest
- d. Trial
- e. Pardons and expunging convictions

VII. What to do if You are the Subject of 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.

VIII. Conclusion/Questions