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Investigation of Child Abuse

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Investigation of Child Abuse Cases

Any person who has knowledge that a child has been the victim of child abuse has a duty to report the abuse to the appropriate agency or official, which includes the sheriff of the county where the child resides. T.C.A. § 37-1-403(a). If the sheriff becomes aware of known or suspected child abuse through personal knowledge, receipt of a report, or otherwise, the sheriff has a duty to immediately report such information to the Department of Children's Services. In appropriate cases, the child protective team must be notified to investigate the report. Further criminal investigation by the sheriff shall be conducted in coordination with the child protective team or the Department of Children's Services to the maximum extent possible. T.C.A. § 37-1-403(c)). If the sheriff has reasonable cause to suspect that a child has died as a result of child abuse, the sheriff has a duty to report such suspicion to the appropriate medical examiner. The medical examiner must accept the report for investigation and must report the medical examiner's findings, in writing, to the local law enforcement agency, the appropriate district attorney general, and the Department of Children's Services. T.C.A. § 37-1-403(d)).

All child abuse cases reported to the sheriff's office must be referred immediately to the local director of the county office of the Department of Children's Services for investigation. The sheriff must also give notice of the report to the judge having juvenile jurisdiction where the child resides. If the court or the sheriff finds that there are reasonable grounds to believe that the child is suffering from an illness or injury or is in immediate danger from the child's surroundings and that the child's removal is necessary, appropriate protective action must be taken under Title 37, Chapter 1, Part 1 (regarding the juvenile court). Whenever there are multiple investigations, the Department of Children's Services, the district attorney general, the sheriff's office, and, where applicable, the child protection team, must coordinate their investigations to the maximum extent possible so that interviews with the victimized child will be kept to an absolute minimum. Reference to the audio or videotape or tapes made by the child protection team or department should be used whenever possible to avoid additional questioning of the child. T.C.A. § 37-1-405.

Investigation of Child Sexual Abuse Cases

Any person who knows or has reasonable cause to suspect that a child has been sexually abused has a duty to report such knowledge or suspicion to the Department of Children's Services. T.C.A. § 37-1-605(a). Pursuant to T.C.A. § 37-1-605(b)(1), reports of known or suspected child sexual abuse must be made immediately to the local office of the Department of Children's Services, which is responsible for the investigation of such reports, or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides. Each report of known or suspected child sexual abuse occurring in a facility licensed by the Department of Mental Health and Developmental Disabilities or any hospital must also be made to the local law enforcement agency in the jurisdiction where the alleged offense occurred.

If the sheriff becomes aware of known or suspected child sexual abuse through personal knowledge, receipt of a report or otherwise, the sheriff must immediately report such information to the Department of Children's Services. In addition, for the protection of the child, the child protective team must be notified to investigate the report. Further criminal investigation by the sheriff's office must be conducted appropriately. T.C.A. § 37-1-605(b)(2). If the sheriff has reasonable cause to suspect that a child died as a result of child sexual abuse, the sheriff must report such suspicion to the appropriate medical examiner. The medical examiner must accept the report for investigation and must report the medical examiner's findings, in writing, to the local law enforcement agency, the appropriate district attorney general, and the Department of Children's Services. T.C.A. § 37-1-605(c).

Through legislation, the General Assembly has encouraged each sheriff to establish a child sex crime investigation unit within the sheriff's office for the purpose of investigating crimes involving the sexual abuse of children. T.C.A. § 37-1-603(b)(4)(A)(v). To further this end, as part of the annual in-service training requirement, the sheriff and every deputy must receive training in the investigation of cases involving child sexual abuse, including police response to and treatment of victims of such crimes. T.C.A. § 37-1-603(b)(4)(A)(ii).

The legislature has mandated that at least one child protective team shall be organized in each county. The Department of Children's Services is responsible for coordinating the services of these teams. T.C.A. § 37-1-607(a)(1). Each team must be composed of one person from the Department of Children's Services, one representative from the office of the district attorney general, one juvenile court officer or investigator

from a court of competent jurisdiction, and one properly trained law enforcement officer with countywide jurisdiction (i.e., a sheriff's deputy) from the county where the child resides or where the alleged offense occurred. It is in the best interest of the child that, whenever possible, an initial investigation shall not be commenced unless all four disciplines are represented. An initial investigation may, however, be commenced if at least two of the team members are present at the initial investigation. The team may also include a representative from one of the mental health disciplines. Furthermore, in those geographical areas in which a child advocacy center meets the requirements of T.C.A. § 9-4-213(a) or (b), child advocacy center directors or their designees shall be members of the team for the purposes of providing services and functions established by T.C.A. § 9-4-213 or delegated pursuant to that section. T.C.A. § 37-1-607(a)(2).

It is the intent of the General Assembly that child protective team investigations be conducted by team members in a manner that not only protects the child but that also preserves any evidence for future criminal prosecutions. It is essential, therefore, that all phases of the child protective investigation be conducted appropriately and that further investigations, as appropriate, be conducted and coordinated properly. T.C.A. § 37-1-607(a)(3). All state, county and local agencies must give the team access to records in their custody pertaining to the child and shall otherwise cooperate fully with the investigation. T.C.A. § 37-1-406(c).

Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that child sexual abuse has occurred, or an observable injury or medically diagnosed internal injury occurred as a result of the sexual abuse, the Department of Children's Services must orally notify the child protective team, the appropriate district attorney general and the appropriate law enforcement agency. Criminal investigations conducted by a law enforcement agency must be coordinated, whenever possible, with the child protective team investigation. If independent criminal investigations are made, interviews with the victimized child must be kept to an absolute minimum and, whenever possible, the videotape or tapes made by the child protective teams should be used. T.C.A. § 37-1-607(b)(3).

The sheriff may take a child into custody if there are reasonable grounds to believe that the child is a neglected, dependent or abused child, and there is an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm. The sheriff may also take a child into custody if there are reasonable grounds to believe that the child may abscond or be removed from the jurisdiction of the court, and in either case, there is no less drastic alternative to removing the child from the custody of the child's parent, guardian or legal custodian available that would reasonably and adequately protect the child's health or safety or prevent the child's removal from the jurisdiction of the court pending a hearing. T.C.A. §§ 37-1-608(a), 37-1-113(a)(3), and 37-1-114(a)(2).

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