

How Do Laws and Policies for Investigating Reports of Child Maltreatment Vary Across States?

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Federal law is the foundation of the child welfare system, but states determine much of the structure of their own systems. The Child Abuse Prevention and Treatment Act (CAPTA), as amended in 2010, identifies certain acts or behaviors as child maltreatment. States must comply with the broader CAPTA definitions (see 42 U.S.C.A. § 5106g), but within those parameters, states have their own legal definitions of child abuse and neglect, and they have various policies for reporting and responding to child maltreatment.

CAPTA (42 U.S.C.A. § 5106g) defines child abuse and neglect as: “Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation”; or “An act or failure to act which presents an imminent risk of serious harm.”

This fact sheet summarizes states’ laws and policies for investigating reports of child maltreatment, including required activities, staff, and level of evidence required to substantiate or confirm that child maltreatment occurred.

This fact sheet uses newly available data to describe how policies for screening reports of child maltreatment vary across all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (referred to throughout as “states”). Child welfare agencies investigate reports of child maltreatment to determine whether the alleged child abuse or neglect occurred and meets the state’s definition of child maltreatment. The State Child Abuse and Neglect (SCAN) Policies Database compiles these data on state policies as of 2019. This fact sheet is part of a series that describes key aspects of states’ definitions of child maltreatment and policies for reporting, screening, and investigating child abuse and neglect.

The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children’s Bureau in the Administration for Children and Families at the U.S. Department of Health and Human Services. The project team is led by Mathematica in partnership with Child Trends. The SCAN Policies Database is available at <https://www.scanpoliciesdatabase.com> or the National Data Archive on Child Abuse and Neglect at <https://www.ndacan.acf.hhs.gov/>. The states contributing to each finding in the fact sheet are listed in the Technical Appendix at <https://www.scanpoliciesdatabase.com/>.

Source: Weigensberg, E., Islam, N., Knab, J., Grider, M., Page, J., & Bardin, S. (2021). State Child Abuse and Neglect (SCAN) Policies Database [Dataset]. National Data Archive on Child Abuse and Neglect. <https://doi.org/10.34681/14t8-8730>.



All states require certain activities as part of the investigation of child maltreatment.

States require different activities when investigating child maltreatment reports

100%

- Interview or observe of the child identified as the child maltreatment victim in the report
- Interview the child’s parents, caregivers, or other adults residing in the child’s home
- Conduct a risk or safety assessment

94%

- Interview or observe of other children living in the child victim’s home

92%

- Review agency records of the child or parent’s prior involvement with child protective services

90%

- Interview or visit in-person with the alleged perpetrator

88%

- Visit the child’s home
- Interview the person who made the child maltreatment report or others who might provide information about the alleged maltreatment

83%

- Check child welfare agency records or a central registry for prior child maltreatment allegations of the perpetrator or other adults in the home

75%

- Conduct an evaluation of the home environment or a home study

71%

- Obtain a medical evaluation

69%

- Other required activity, such as coordination with a law enforcement agency or other child welfare agencies

63%

- Check criminal records of the alleged perpetrator or other adults in the home

42%

- Obtain a mental health evaluation for the child or caregiver



States vary in the types of staff that can investigate child maltreatment reports.

States vary in regard to who conducts investigations of child maltreatment reports

Staff role

88%

- Caseworkers, social workers, or other frontline staff

69%

- Law enforcement

65%

- Staff from specialized units or staff roles, such as intake workers and hotline staff

42%

- Supervisors or case managers

31%

- Other staff, such as medical examiners

Required staff qualifications

Education

88%

- Bachelor’s degree

27%

- Master’s degree

Other requirements

69%

- Prior training

50%

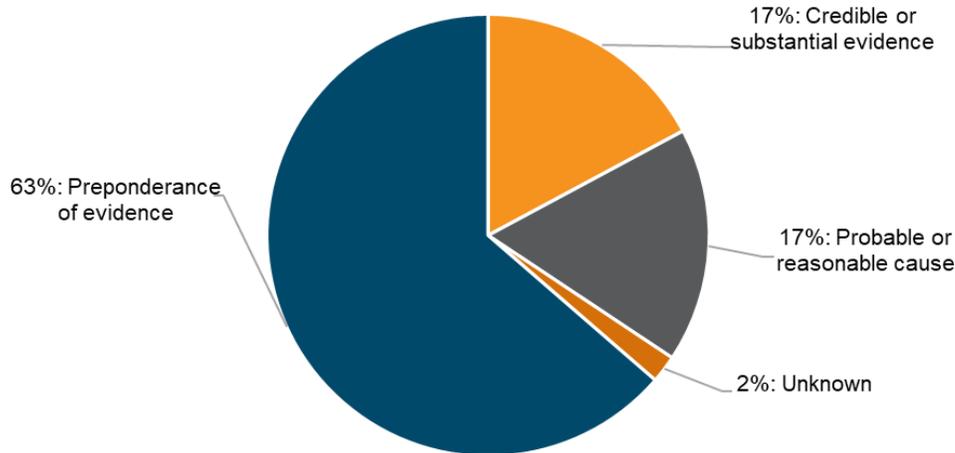
- Prior experience

* States could choose multiple staff roles and other requirements for staff qualifications, so percentages of states do not sum to 100.



Most states require a preponderance of evidence to substantiate a child maltreatment report.¹

Percentage of states requiring different levels of evidence for substantiation of child maltreatment



98% of states have laws specifying that substantiated child maltreatment investigations can lead to criminal penalties.

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¹ In general, preponderance requires a determination based on weighing all evidence to find whether an allegation is “more likely than not.” Probable cause could allow an investigator to consider only evidence for the allegation in determining whether an allegation is likely. A credible or substantial evidence standard is similar to probable cause in that an investigator could consider only whether there is adequate credible evidence in favor of an allegation. More details on standards of proof can be found in: Kahn, Nicholas, Josh Gupta-Kagan, and Mary Eschelbach Hansen. “The Standard of Proof in the Substantiation of Child Abuse and Neglect.” *Journal of Empirical Legal Studies*, 2016.