

STATE OF MAINE



INVESTIGATION OF OUT OF HOME CHILD ABUSE AND NEGLECT A Guide for Providers and Parents/Guardians

Statement of Purpose: The Out of Home Investigation Team (OOH) is established in accordance with Maine law to investigate reports of suspected child abuse and neglect that may have occurred in a facility or by a person subject to licensure, approval, or funded by the Department of Health and Human Services (DHHS), the Department of Education, or the Department of Corrections or in a facility operated by any of these Departments.

How Complaints Develop: When a report of suspected out of home child abuse or neglect is made to the Department's Child Protective Intake hotline it is forwarded to OOH and a Supervisor or designee determines if the Report will be assigned to an OOH Investigator. Reports that are not assigned are referred to the licensing authority or Department with oversight.

Child Abuse and Neglect Defined: Maine law defines abuse and neglect as a threat to the child's health and welfare by physical, mental, or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child.

Who Made the Report? Anyone may make a report. Some professionals are required to make a report when they know or have reasonable cause to suspect that a child has been or is likely to be abused or neglected. This includes providers making a self-report on their facility or program. A reporter may ask that his or her name be confidential. When reports of suspected child abuse or neglect are made in good faith, reporters are immune from liability.

What Happens After a Report is Made? Once a report is made the OOH Supervisor or designee decides if the report will be assigned to OOH. If the report is assigned, the referent will be contacted by the assigned Investigator to start the investigative process.

The Investigative Process: The OOH Investigator will begin the process of contacting relevant individuals and will coordinate efforts with the licensing entity, law enforcement and/or Child Protective Services, when applicable. The OOH Investigator will interview all relevant individuals which may include, but is not limited to, interviews with children, staff members, parents/guardians, owners, administrators, medical professionals, and law enforcement.

Child interviews are always conducted in a manner that is in the best interest of the child. Children will be interviewed in a safe environment that provides confidentiality for the child to talk freely. OOH Investigators have the legal authority to conduct child interviews with parental notification, interviews will be audio recorded in accordance with Maine law.

The OOH Investigator will interview adults individually and may audio record the interviews. This allows each adult to talk freely without interruption by another person and ensures confidentiality.

The Investigator will review all relevant documentation as part of the investigative process. Department licensing regulations require cooperation with the investigative process, and this includes, but is not limited to, providing pertinent records and documents upon request.

Documents reviewed and considered may include prior Department involvement, law enforcement reports, medical reports, pictures, and other pertinent information provided. Individuals under investigation may provide the Investigator with documents for consideration.

Length of Investigation: Maine law allows ninety (90) days from the date that the investigation was initiated, except in circumstances when the information necessary to complete the investigation is unavailable to the Investigation Team.

Close of Investigation: At the conclusion of the Investigation, the OOH Supervisor will approve the Investigation Findings Report. This report will contain a decision regarding a finding of child abuse and/or neglect and licensing rule violations when identified. The report will be provided to the licensing entity or Department with oversight for review and appropriate action.

Findings of Child Abuse and/or Neglect: Abuse and Neglect findings are specific to Physical Abuse, Emotional Abuse, Sexual Abuse, and Neglect. After an OOH Investigation, the Department may make one or more of the following determinations with regard to a person:

Unsubstantiated finding means that facts and evidence gathered during an investigation support a decision that a “person responsible for a child” has not, by preponderance, subjected that child to specific abuse and/or neglect.

Indicated finding means that facts and evidence gathered during an investigation support a decision that a “person responsible for a child” has, by preponderance, subjected that child to low or moderate severity abuse and/or neglect.

Substantiated finding means that facts and evidence gathered during an investigation support a decision that a “person responsible for a child” has, by preponderance, subjected that child to specific high severity abuse and/or neglect thus causing the child to be in danger.

Right to Appeal Findings: There are procedures that govern the substantiation and indication process. When there is a finding of child abuse or neglect the individual will receive a notice by certified mail outlining the right to appeal and the process for requesting an appeal.

The Department views facilities and individuals subject to an Out of Home Investigation as valuable resources for Maine children. When an OOH Investigation is necessary to ensure the health and safety of children, the investigation will be conducted with confidentiality and respect for all individuals involved.

Department of Health and Human Services
Office of Child and Family Services
Children’s Licensing and Investigation Services
2 Anthony Ave.
Augusta, ME 04333--0011
Office: 207-287-5020
Fax: 207-287-9304
Toll Free: (800) 680-5866
TTY: Maine Relay 711