 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>66</h1>
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Approved:	Cynthia K. Walcott, Deputy Commissioner	Effective: Interim 8/23/07
Supersedes:		

Purpose

To give staff guidance on interviewing children in the custody of the Commissioner of the Department for Children and Families when it is alleged that these children have committed an act that could potentially lead to either substantiation and/or delinquent/criminal charges.

Policy

There are times when the division receives information that indicates that a youth in the custody of the Commissioner of the Department for Children and Families (DCF) may have engaged in abusive or delinquent/criminal behavior. As the child’s legal custodian, the division has the responsibility to explore these allegations to ensure the physical safety of those involved and to ensure that the treatment needs of the child are being met.


Examples of situations that are covered under this policy include:

- allegations that a child (under age 10) in DCF custody has sexually abused another child
- allegations that a child (over age 10) in DCF custody has sexually or physically abused another child
- allegations that a child (over age 10) has engaged in delinquent/criminal behavior that may result in a charge in either juvenile or adult court

Joint Investigations

Vermont law requires DCF to report and request assistance from law enforcement in the following situations:

- (1) Investigations of child sexual abuse by an alleged perpetrator age 10 or older.
- (2) Investigations of serious physical abuse or neglect likely to result in criminal charges or requiring emergency medical care.

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(3) Situations potentially dangerous to the child or department worker.

In cases where the alleged perpetrator is in the custody of DCF, the DCF worker should refer any law enforcement officer who wants to interview the child to the child’s attorney. Before a child may be interviewed in a custodial setting by law enforcement, the child must be given the opportunity to speak privately with an adult who is interested in the child’s welfare and who is independent of the prosecution.

The juvenile’s attorney satisfies these requirements. If the attorney grants permission for the child to be interviewed, then the investigation into the allegations of child sexual abuse should proceed as outlined in Family Services Policy No. 52 Investigating Reports of Child Abuse and Neglect.


However, if law enforcement is not granted permission to interview the child, DCF (as the child’s custodian) has the obligation to interview the child for the purpose of determining any treatment needs, appropriately planning for the child and families needs and to ensure the physical safety of any other child that may be residing in the same home. In cases where law enforcement is not granted permission to proceed with interviewing, DCF will interview the child to complete the Department’s Chapter 49 investigation.

Upon request, DCF will make the interview available to law enforcement in the same manner that other information is shared in a joint investigation.

Other Law Enforcement Investigations

In cases where a child is alleged to have committed another type of delinquent act or criminal behavior, the DCF worker should refer any law enforcement who wants to interview the child to the child’s attorney. Before a child may be interviewed in a custodial setting by law enforcement, the child must be given the opportunity to speak privately with an adult who is interested in the child’s welfare and who is independent of the prosecution.

The juvenile’s attorney satisfies these requirements. If permission is granted by the attorney, the DCF worker will cooperate with law enforcement and make efforts to accommodate their need to interview the child. The DCF worker assigned to the child’s case will explore the issues raised by the child’s behavior with the child to determine appropriate case planning and treatment.

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Law enforcement requests for information should be referred to the Assistant Attorney General assigned to DCF.