

LEGAL UPDATE ON CHILD ABUSE INVESTIGATIONS

A recent Ninth Circuit case, Greene v. Camreta (9th Cir. 2009) 588 F.3d 1011, held that it was illegal for a CPS worker and law enforcement officer to jointly conduct an in-school interview of a suspected victim of child abuse without a warrant, court order, parental consent or exigent circumstances. Based on this case, the District has adopted a new protocol that you shall use when a CPS worker and/or a police officer seek to interview a child as part of their investigation into allegations of child abuse or neglect.

New Protocol: In order to interview the student about allegations of child abuse or neglect, the CPS worker or police officer must fill out the form, check one of the applicable boxes (court order or warrant, parental consent, or exigent circumstances), and must sign and date the form. Please keep a record of the form in a separate file. Do not place the form in the student's cum folder.

FREQUENTLY ASKED QUESTIONS

Does the school fill out the Investigation Form?

No. The CPS worker or police officer must fill out the form, selecting at least one of the three boxes, and must sign and date the form.

Does the school need to see and/or maintain a copy of the court order or written proof of parental consent or exigent circumstances?

No. The purpose of the form is for the CPS worker or police officer to verify in writing that s/he has completed the necessary procedures to interview the student, which may include a court order or warrant, parental consent or exigent circumstances. The CPS worker or officer must select at least one of these boxes and sign and date the form before s/he can interview the student. The school does not need to see or keep a copy of a written document.

Does the school need to determine whether the CPS worker or officer has exigent circumstances?

No. The school does not need to assess whether the officer or CPS worker has "exigent circumstances." The purpose of the form is to require the CPS worker or police officer to verify in writing that they have one of these 3 things (court order, parental consent, or exigent circumstances). It is not the school's responsibility to judge whether their circumstances are truly exigent—this is something that the CPS worker or officer must determine, based on the results of their confidential investigation.

If the school filed the CPS report, do we still require the CPS worker or police officer to fill out the form?

Yes. The form is required regardless of who made the CPS report.

Where do I keep the form?

The administrator should keep the form in a separate file for information about child abuse reports and/or investigations. This file should be stored in a secure location that is only accessible to the principal. Information about child abuse reports or investigation forms should not be placed in the student's cum.

Is this form required for all interviews of students by police?

No. This form is used when a CPS worker or police officer seeks to interview a student to investigate potential child abuse or neglect. Other interviews by police must comply with the process outlined in the Safe Schools Resolution adopted by the Board of Education. The Safe Schools Resolution requires the school to call the parent/guardian (on all numbers listed on the emergency card) before an officer interviews a student. The school must also give the parent/guardian a reasonable opportunity to come to the school to be present for the interview.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT
555 Franklin Street
San Francisco, CA 94102

**FORM FOR CHILD ABUSE INVESTIGATION INTERVIEWS
BY CHILD WELFARE OR
LAW ENFORCEMENT AGENCY**

In response to the decision of the United States Ninth Circuit Court of Appeals in Greene v. Camreta, the San Francisco Unified School District would appreciate your cooperation in filling out this form when interviewing students as part of a child abuse or neglect investigation. Your cooperation is greatly appreciated.

Please indicate by checking the box below the authority upon which this student interview is based:

- Parental Consent
- Court Order or Warrant
- Exigent Circumstances

Name of Interviewer and Badge Number

Student's Name

Signature of Interviewer

Date of Interview

Name of Interviewer's Agency

Name of School Official Receiving Form

NOTE:

If a social worker is seeking to meet with a student and it **DOES NOT** involve an investigation of child abuse or neglect, they do not need to fill out the information above. Have the social worker check the box below, sign and date.

- I am a Human Services Agency social worker conducting a routine visit with a dependent student who is on my caseload. My visit does not involve an investigation of child abuse or neglect.

Social Worker Signature

Print Name

Date

Questions? Contact SFUSD Legal Office (415) 241-6054