

Frequently Asked Questions: Child Abuse/Neglect Fatality or Near-Fatality

- **How can I get information about a child abuse or neglect fatality or near-fatality?**

If you would like information about a child abuse case involving a fatality or near-fatality, you will need to submit a formal request by letter or email to the Department of Social Services **Director of Communications**. You should include in your request the name of the alleged victim and any other details that might be helpful in locating the pertinent records. Requests sent by mail should be addressed to Communications Director, Department of Social Services, P.O. Box 1527, Jefferson City, MO 65102. Please note that the Department Director may release information only after deciding the release will not harm the surviving child and/or siblings.

- **In the case of a fatality or near-fatality, why can't the Department immediately respond to questions?**

Until the Department Director has made a decision to release a record, **state and federal** law keep records related to child abuse and neglect investigations and services provided to families by the Children's Division confidential from the general public. For this reason, no one in the Department is at liberty to provide information regarding a child fatality or near-fatality until this decision is made.

- **How long will it take to get the director's response about the release of a child fatality/near-fatality record?**

The Department Director will make a decision regarding a request for a record only after the investigation has closed, and the record has been gathered and reviewed for release in the manner prescribed by law.

- **If a record is unavailable now, does that mean it will never be available?**

Not necessarily. The response for a record request is based upon the circumstances and welfare of the surviving child/sibling(s) at the time of the request. As time passes, certain circumstances may change and allow the Department Director to release a previously unreleased record. For instance, since a record request is based upon the child's prognosis/diagnosis at the time of request, it is possible that a child who was not initially diagnosed as critical could become critical at a later date. It is also possible that as the surviving child/sibling(s) get older, they may move from the area, or they may be less harmed by publication of information regarding the abuse or neglect fatality or near-fatality.

- **How long would it take to receive multiple records I request at one time?**

Each request is an individual review process. For a request with multiple individual victims, it may take months for the Department Director to respond to all portions of the record request. The Department Director's response on a multiple case record request will be provided after all cases have been reviewed and decisions rendered. Reporters may prioritize the record list and/or ask for the response to each request as it is rendered by the Department Director.

- What records are not included?**

Information that is protected by state and/or federal law is redacted from the case record prior to its release. **Information that is required to be redacted** includes, but is not limited to, personal identification numbers, social security numbers, protected health information, welfare cases of identifiable individuals, unrelated child welfare records, and information concerning unrelated legal matters.
- What may prohibit the release of a record?**

If the Department Director determines that releasing the record could cause further harm to the surviving child/siblings, then he/she may choose not to release the records at the time of request.
- What may impact the time it will take to obtain a record?**

If the request for record involves an open investigation, the request can only be considered once the child abuse and neglect investigation is closed and the record has been gathered and reviewed for release in the manner prescribed by law. Investigation records are often detailed and lengthy and require time to complete and review. If the request for record involves a case that has been closed, the record will be gathered and reviewed, and the request will be considered for release as soon as possible. If the request for record involves a case that has been previously released to another individual/reporter, the new request for record will be considered and the record will be released if the Department Director determines it is still appropriate to do so. In cases where the Department receives multiple requests for the same record, requestors may receive quicker response; however, the process for releasing the records remains the same.
- Where can I find statistics and information on child fatalities in Missouri?**

The Missouri Child Fatality Review Program Annual Report offers statistical information about Missouri's Child Fatality Review Program (CFRP) and the State Technical Assistance Team (STAT). The statistical data include county-level and statewide information. The Missouri Child Fatality Review Program Annual Report for all available years can be found at <http://dss.mo.gov/re/cfrar.htm>. Additionally, the Missouri Child Abuse and Neglect Annual Report provides data and statistics on substantiated child abuse and neglect fatalities in Missouri. The Missouri Child Abuse and Neglect Annual Report for all available years can be found at <http://dss.mo.gov/re/canar.htm>.
- I would like all reports of abuse and neglect relating to a family. Am I entitled to them?**

It depends. The Department Director is allowed to release findings and information **about cases that result in a fatality or near-fatality**. In some cases, we may have investigations or interactions with a family that are not related to the victim child who died or suffered a near-fatality event; for example, we may have records from an investigation before the victim child was born. Those records would not be released. In addition, the Director is required by law in all cases to consider the potential harm that releasing the information may have on the surviving child(ren) within the immediate family.
- If there are surviving siblings in the home, what does the Children's Division do to protect them?**

Following a report to the Child Abuse/Neglect Hotline Unit, including in cases involving a child fatality or near-fatality, Children's Division staff makes contact with all of the children in the home to ensure child safety. Depending on the circumstances, a safety plan may be implemented or Children's Division staff will coordinate with other agencies as appropriate to take action to protect the child(ren.)

The Department of Social Services does not have the authority under **state law** to take a child into custody. Under Missouri law, the final decision to remove a child from the parent's custody can only be made by a juvenile court judge. If there is a concern that a child may be in imminent danger, then a **law enforcement officer, a physician, and a juvenile officer** have the authority to place a child in temporary protective custody.