

14.10, Special Investigations Unit Child Protective Services Investigations

Application: To All Department of Children's Services Child Protective Services Special Investigations Employees

Authority: TCA 37-5-105 (3), 37-5-106, 37-1-401 *et seq*, 37-1-601 *et seq*, 39-15-210

Standards: PA-CFS 5.08-5.10; PA-CFS 5.12;
PREA: 115.322, 115.351, 115.371

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Glossary:

- ◆ Sexual Harassment:
 - Includes:
 - (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee or resident directed toward another; and
 - (2) Repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Policy Statement:

The Department of Children's Services (DCS) Special Investigations Unit (SIU) conducts investigations on allegations of child abuse and neglect which occur while a child is in DCS custody, when the case involves non-custodial children where the alleged perpetrator (AP) is acting in an official employment, volunteer, or foster care capacity or the AP is another youth in a facility. The SIU conducts investigations where the allegations would affect the employment or volunteer status of those working with children.

Purpose:

To provide DCS SIU employees with additional guidelines for conducting timely and effective investigations.

Procedures:

A. SIU Case Criteria

1. SIU is responsible for conducting investigations when the abuse or neglect occurred while the child was in custody.

2. SIU is responsible for conducting investigations when the abuse or neglect involves children who are not in the legal custody of DCS, but they are under the supervision or care of an individual(s) functioning in an official employment or volunteer capacity within the following but not limited to:
 - ◆ Detention facilities
 - ◆ Licensed foster homes
 - ◆ Licensed day care/childcare agencies
 - ◆ Unlicensed daycare facilities with more than four (4) children not including children related to the unlicensed daycare provider
 - ◆ Schools
 - ◆ Religious organizations
 - ◆ Youth groups
3. SIU investigates allegations of abuse and/or neglect where the DCS employee is named as the alleged perpetrator, or the alleged perpetrator resides in the home of the DCS employee. At the discretion of the Child Protective Services Director (CPSD) and the General Counsel, or their designees, a SIU Case Manager and legal counsel may be used from another region to conduct the investigation.
4. SIU investigates sexual abuse and sexual harassment in congregate care settings where youth are placed.

NOTE: Regional staff may request assistance from SIU on macro cases or mega family investigations through the CPSD or designee.

NOTE: SIU investigates allegations of sexual abuse and sexual harassment when the allegation meets the definition in [Protocol for CPS Categories and Definitions of Abuse/Neglect](#) . Sexual abuse and sexual harassment investigations are not terminated solely because the victim and/or the source of the allegation recants.

NOTE: Sexual Harassment Classification: If the alleged perpetrator is a person under the age of nineteen (19) living in a residential congregate care setting with the child, and there is sufficient evidence that the harassment occurred, then the allegation will be classified as substantiated for the purposes of PREA, but the perpetrator will be classified as unsubstantiated since it does not constitute an act of abuse or neglect as defined by Tennessee code.

NOTE: For exceptions to these criteria, refer to DCS Policy [14.2, Screening, Priority Response, and Assignment of Child Protective Services Cases](#).

B. Case Record Composition

SIU case file documentation and organization is conducted as outlined in DCS Policy [14.11, Child Protective Services Case File Organization, Documentation and Disposition](#) and [OCS Quality Documentation Guide](#).

- ◆ **Exception:** SIU cases are identified in the Electronic Records System under the child's name.

Forms:

[CS-0826, CPS SIU Notification of Case Initiation and Closure](#)

[CS-4258, Initial Notification of Sexual Abuse and/or Sexual Harassment Allegation for PREA Facilities](#)

[CS-4232, Investigation Outcome of Allegations of Sexual Abuse/Harassment](#)

Collateral Documents:

[Protocol for CPS Categories and Definitions of Abuse/Neglect](#)

[Foster Parent Bill of Rights, page 34](#)

[DHS/DOE Memorandum of Understanding](#)

[Protocol for Completion of the Family Advocacy and Support Tool \(FAST\)](#)

[Protocol for Foster Home Quality Team](#)

[Protocol for DCS Foster Home Quality Team \(FHQT\) Suspended Admissions during a Special Investigations Unit \(SIU\) Investigation](#)

[Provider Quality Protocol](#)

[Work Aid 4: Special Child Protective Services Investigative Tasks and Activities](#)

[14.2, Screening, Priority Response, and Assignment of Child Protective Services Cases](#)

[14.6, Child Protective Services Case Tasks and Responsibilities](#)

[14.7, Multi-Disciplinary Team: Child Protective Investigative Team](#)

[14.11, Child Protective Services Case File Organization, Documentation and Disposition](#)

[14.12, Family Permanency Planning for CPS Non-Custodial Cases](#)

[14.13, Non-Custodial Immediate Protection Agreement](#)

[14.14, Removal: Safety and Permanency Considerations](#)

[*Child Protective Services Tasks Guide*](#)

[*16.3, Desired Characteristics of Foster Parents*](#)

[*16.8, Responsibilities of Approved Foster Homes*](#)

[*16.27, Notice of Removal from a Foster Home*](#)

[*18.8 Zero-Tolerance Standards and Guidelines for Sexual Abuse and Sexual Harassment Incidents and Prison Rape Elimination Act \(PREA\)*](#)

[*Child and Family Team Meeting Guide*](#)

[*OCS Quality Documentation Guide*](#)