

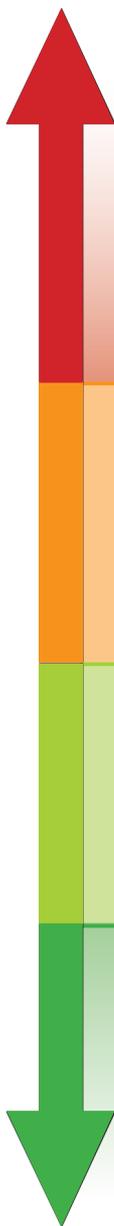
FOUR TIER

A NEW SYSTEM OF INVESTIGATIVE FINDINGS

Information for DCF Licensed Entities and Providers of Services to Children



FOUR TIER



Substantiated

A preponderance of the evidence establishes that a child is an abused or neglected child as defined by statute; and either the investigation indicates the existence of any of the **absolute** conditions; or substantiation is warranted based on consideration of the **aggravating** and **mitigating** factors.

Substantiated findings are disclosed for a Child Abuse Record Information (CARI) check.

Established

A preponderance of the evidence establishes that a child is an abused or neglected child as defined by statute; but the act or acts committed or omitted do not warrant a finding of substantiation upon consideration of **aggravating** and **mitigating** factors.

Established findings are not disclosed upon a CARI request but are maintained in agency records.

Not Established

There is not a preponderance of the evidence that the child is an abused or neglected child as defined by statute, but evidence indicates that the child was harmed or placed at risk of harm.

Not Established findings are not disclosed upon a CARI request but are maintained in agency records.

Unfounded

There is not a preponderance of the evidence indicating that a child is an abused or neglected child as defined by statute, and the evidence indicates that a child was not harmed or placed at risk of harm.

Unfounded findings are not disclosed upon a CARI request and are eligible to be expunged if certain criteria are met.

FOUR TIER

On April 1, 2013, new regulations took effect modifying DCF's findings following child abuse and neglect investigations. Previously, the Department of Children and Families' had two categories, Unfounded and Substantiated.

This new system is designed to allow DCF more specific findings categories to more appropriately reflect the particular circumstances present in each investigation, allowing for better partnership with families and better outcomes for children. This change also provides fairness in the operation of the Child Abuse Record Information system and allows DCF to better protect children by requiring the maintenance of all records where children were harmed or exposed to risk of harm, even where the statutory definition of child abuse or neglect could not be met.

The Institutional Abuse Investigation Unit (IAIU) will continue to issue letters to entities which serve children regarding outcomes of related and appropriate child abuse and neglect investigations; however, for investigations commenced on or after April 1, 2013, those letters will reference the new four tier findings system. Should an entity have any questions regarding a finding in a specific matter, they should direct their questions to the assigned IAIU investigator.

Absolutely Substantiating Circumstances

- The death or near death of a child as a result of abuse or neglect;
- Subjecting a child to sexual activity or exposure to inappropriate sexual activity or materials;
- The infliction of injury or creation of a condition requiring a child to be hospitalized or to receive significant medical attention;
- Repeated instances of physical abuse committed by the perpetrator against any child;
- Failure to take reasonable action to protect a child from sexual abuse or repeated instances of physical abuse under circumstances where the parent or guardian knew or should have known that such abuse was occurring; or
- Depriving a child of necessary care which either caused serious harm or created a substantial risk of serious harm.

Aggravating Factors

- Institutional abuse or neglect;
- The perpetrator's failure to comply with court orders or clearly established or agreed-upon conditions designed to ensure the child's safety, such as a child safety plan or case plan;
- The tender age, delayed developmental status or other vulnerability of the child;
- Any significant or lasting physical, psychological, or emotional impact on the child;
- An attempt to inflict any significant or lasting physical, psychological, or emotional harm on the child;
- Evidence suggesting a repetition or pattern of abuse or neglect, including multiple instances in which abuse or neglect was substantiated or established; and
- The child's safety requires separation of the child from the perpetrator.

Mitigating Factors

- Remedial actions taken by the alleged perpetrator before the investigation was concluded;
- Extraordinary, situational, or temporary stressors that caused the parent or guardian to act in an uncharacteristic abusive or neglectful manner;
- The isolated or aberrational nature of the abuse or neglect; and
- The limited, minor, or negligible physical, psychological, or emotional impact of the abuse or neglect on the child.