



# Summary of a DCF Investigation

The Department of Children and Families (“DCF”) will immediately open a case and begin an investigation into allegations of child abuse or neglect reported to it. This summary of the DCF process is meant to provide basic guidance to members. The process can be scary because of the seriousness of the allegations, the lack of definitive timelines, and the secrecy of it.

Nevertheless, one thing remains certain:

## **DO NOT EVER MAKE A STATEMENT WITHOUT YOUR ATTORNEY**

**The administration, DCF, and LE (law enforcement) will all pressure you to make a statement. But you do not have to make a statement; you are under no obligation to make a statement without your attorney. Your statement, oral or written, will never help and will most likely only hurt. Anything you say can be taken out of context and used against you. Speak only with your attorney.**

## **I. ALLEGATIONS OF ABUSE/NEGLECT**

**The most common allegations against teachers are:**

1. Abuse: an intentional “touching” of some kind.
2. Neglect: leaving a student unattended; allowing a student to leave without following the proper procedures; or failure to supervise.

**When an allegation of abuse/neglect is made against you:**

1. DCF and LE will be notified immediately.
2. A DCF investigator and a LE officer will come to the school to gather information.
3. You will be asked to make an oral or written statement. **Don’t do it.** Say: “I am not providing any information without my attorney.”
4. Contact your local union representative to fill out a Form A for FEA Legal Services to assign an attorney to you.
5. You should not submit to an interview in which the District and either LE or DCF is present.

## **II. DCF STATEMENT OR INTERVIEW**

You can give a statement to DCF or submit to an interview with DCF **only** if your attorney recommends doing so.

1. If your attorney does not recommend that you provide a statement or submit to an interview, there will be no interview. The DCF investigator will just write the final report without any information from you.

The reasons for this recommendation may be that the attorney is concerned about locking your story into one version of events; or that district, certification, or criminal sanctions may follow. At this stage in an investigation, no one knows all of the facts. You don’t want an incorrect perception to become an inconsistency in your story, as it may be difficult to correct later. You also don’t want what you say to form the basis of further action against you. The best part about remaining silent is that it cannot be used against you later by anyone. “Silence can never be misquoted.” Calvin Coolidge.

2. If your attorney does recommend that you provide a statement or submit to an interview, your attorney will arrange it and be present with you. Your attorney will also likely meet with you beforehand to discuss potential questions and learn what your responses will be.

The interview will most likely be conducted at the DCF office in a conference room. If you or your attorney wish to end the interview for any reason, the interview will conclude. It can be rescheduled if necessary. Interviews typically last from 30 minutes to 1 hour.

### **III. DCF INVESTIGATION**

**The DCF investigator will do the following during the investigation:**

1. Interview the alleged victim and other witnesses that may include: students, other teachers, staff, the alleged victim's parent or guardian, and administration. The investigator will also try to interview you. Refer to your attorney if this happens;
2. Gather any medical records (if injury occurred); and
3. View any photographs or video of the alleged incident.

### **IV. DCF REPORT**

Upon completion of the investigation, the DCF investigator will write a report finding that either:

1. There is no indication of abuse or neglect; or
2. There is an indication of abuse or neglect.

If there is **no** indication of abuse or neglect the case will be closed without further action by DCF. A copy of the report will be sent to your school. You can request a copy of the report from administration or DCF, but it is often easiest to get a copy from your school.

If there **is** an indication of abuse or neglect a copy of the report will be forwarded to a variety of agencies involved with the protection of children, including: local LE; the State Attorney's Office; the school where the incident took place; the Department of Education; and the District investigator.

The DCF report has little influence on any LE investigation. LE may decide to issue an arrest warrant or send the case to the State Attorney's Office for review before the DCF investigator even issues a report. There is no mandate that a criminal case must arise out of a positive finding by DCF. When a DCF investigation is opened, however, your District may temporarily reassign you from the classroom.

