

COUNTY CASE FINDING DETERMINATIONS

Case Name:
 Worker Name:
 Date:

The case finding terminology which shall be used for allegations that abuse or neglect has occurred is the following:

Substantiated

There is a preponderance of the evidence that abuse or neglect has occurred.

Substantiated / Mutual Sexual Activity

There is a preponderance of the evidence that sexual contact or sexual intercourse occurred which was mutual and has no aspects of assault, coercion, or exploitation.

Unsubstantiated

There is not a preponderance of the evidence that abuse or neglect has occurred or evidence gathered lends weight to the belief that abuse or neglect did not occur.

Critical sources of information not accessible – Unsubstantiated

Critical sources of information necessary for establishing a preponderance of evidence cannot be found or accessed.

Abuse or neglect is likely to occur

There is a preponderance of the evidence that justifies a belief that abuse or neglect is likely to occur.

Type of alleged maltreatment:

- Physical abuse Sexual abuse Emotional abuse Neglect

Determination:

- Substantiated Unsubstantiated Unsubstantiated, but likely to occur Unsubstantiated, not likely to occur

NOTE: Staff should use caution in utilizing their own values and beliefs as a basis for decision making. Criteria for a substantiation or unsubstantiation decision should be met prior to making a formal decision.

A. PHYSICAL ABUSE

Physical abuse is defined in s. 48.02(1)(a), Stats., as "Physical injury inflicted on a child by other than accidental means." "Physical injury includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm as defined under s. 939.20(1)." (Ref. s. 48.02(14g), Stats.)

Substantiation of physical abuse.

The following criteria should be met.

- Yes No The child involved is under the age of 18.
- AND**
- Yes No The child has (or had an injury).
- AND**
- Yes No The injury was inflicted on the child by other than accidental means.
- AND**
- Yes No The injury the child has or had falls within the definition in s. 48.02(14g), Stats. (See definition above.)
- AND**
- Yes No The determination that abuse has occurred is **not** based solely on the fact that the child's parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child." (Ref. s. 48.981(3)(c)4., Stats.)

Rationale for substantiation or unsubstantiation.

B. NEGLECT

Neglect is defined in s. 48.981(1)(d), Stats., as "failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child."

Substantiation of neglect.

The following criteria should be met.

- Yes No The child is under the age of 18.
 - AND**
 - Yes No The child is not receiving care, food, clothing, medical **or** dental care **or** shelter.
 - AND**
 - Yes No This care which the child is **not** receiving is necessary.
 - AND**
 - Yes No This lack of care seriously endangers the physical health of the child.
 - AND**
 - Yes No This care to the child is not being provided as a result of failure, refusal, or inability, and lack of care is not due to poverty.
 - AND**
 - Yes No The parent, guardian, legal custodian, or other person exercising temporary or permanent control is not providing this care to the child.
 - AND**
 - Yes No The determination of neglect is not made "based solely on the fact that the child's parent, guardian, or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child." (Ref. 48.981(3)(c)4., Stats.)
- Ration[redacted] for subs[redacted]tiation or unsubstantiation.

C. SEXUAL ABUSE

1. SEXUAL INTERCOURSE/ CONTACT

Sexual abuse is defined in s. 48.02(1), Stats., as:

"[redacted]ual inter[redacted]rse or sexual contact under s. 940.225, 948.02 or 948.025."

(Ref. s. 48.02(1)(b), Stats.) Section 940.225, Stats., addresses sexual assault of any person. Section 948.02, Stats., addresses sexual assault of a child, aged 15 years or less. Section 948.025 addresses "engaging in repeated acts of sexual assault of the same child", aged 15 years or less. "Sexual intercourse includes the meaning assigned under s. 939.22(36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required." (Ref. s. 940.225(5)(c), Stats.)

Substantiation that sexual intercourse OR contact constituting abuse occurred.

The following criteria should be met.

One of the following two needs to be met.

- Yes No The child involved is 15 years old or less.
- OR**
- Yes No The child involved was 16 or 17 years old and did not or could not freely give consent.

AND

One of the following two needs to be met.

- Yes No That sexual intercourse, as described above, occurred with another person.
- OR**
- Yes No That sexual contact, as described above, occurred with another person and that it was done for the purpose of: (If sexual contact occurred, one or more of the following need to be met.)

- Yes No Sexually degrading the complainant.

OR

- Yes No Sexually humiliating the complainant.
- OR**
- Yes No Sexually arousing or gratifying the defendant.
- OR**
- Yes No That sexual contact (touching) contained elements of actual or attempted battery (causing or attempting to cause bodily harm to another person with that intent, without their permission, s. 940.19(1)).

Rationale for substantiation or unsubstantiation.

2. SEXUAL EXPLOITATION

Sexual exploitation of a child (s. 948.05) is substantiated if the following criteria is met.

- Yes No child is under the age of 18.

AND

One of the following two criteria.

- Yes No The child was persuaded, induced, employed, used, enticed or coerced by another person to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying the conduct in any way.

OR

- Yes No The child was photographed, filmed, or videotaped engaged in sexually explicit conduct or the sounds of that conduct recorded or the conduct displayed in any other way.

Rationale for substantiation or unsubstantiation.

3. PROSTITUTION

Permitting, allowing or encouraging a child to violate s. 944.30 (prostitution) is substantiated if the following criteria is met.

- Yes No The child involved is under the age of 18.

AND

- Yes No The child was permitted, allowed or encouraged by another person to engage in prostitution.

Rationale for substantiation or unsubstantiation.

4. EXPOSURE TO EXPLICIT CONTENT

A violation of s. 948.055 (intentionally causing a child to view or listen to sexually explicit conduct) is substantiated if the following criteria is met.

- Yes No The child involved is under the age of 18.

AND

- Yes No Another person intentionally caused the child to view or listen to sexually explicit conduct.

AND

- Yes No The person did so for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child.

Rationale for substantiation or unsubstantiation.

5. EXPOSURE TO GENITALS OR PUBIC AREA

A violation of s. 948.10 (exposing genitals or pubic area to a child or causing a child to expose genitals or pubic area) is substantiated if the following criteria is met.

- Yes No The child involved is under the age of 18.

AND

- Yes No Another person caused the child to expose genitals or pubic area or exposed genitals or pubic area to the child.
- AND**
- Yes No The person did so for the purpose of sexual arousal or sexual gratification.
- AND**
- Yes No The child was not the defendant's spouse.

Rationale for substantiation or unsubstantiation.

6. MUTUAL SEXUAL ACTIVITY

Sexual activity involving a child is substantiated / mutual sexual activity if the following criteria is met.

- Yes No The sexual contact or sexual intercourse which occurred was within the bounds of normal behavior for the child's developmental stage.
- AND**
- Yes No The behavior was mutual.
- AND**
- Yes No The behavior contained no elements of assault, coercion or exploitation.

Rationale for substantiation or unsubstantiation.

D. EMOTIONAL DAMAGE

Substantiation of emotional damage if the following criteria is met.

- Yes No The child involved is under the age of 18.
- AND**
- Yes No The child has suffered harm to his / her psychological or intellectual functioning.
- AND**
- Yes No The harm is evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety; depression; withdrawal; outward aggressive behavior; or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.
- AND**
- Yes No The child's parent, guardian, or legal custodian has neglected, refused or been unable, for reasons other than poverty, to obtain necessary treatment or to take steps to ameliorate the symptoms.
- Yes No Due regard to the culture of the subjects must be given. (Ref. s. 48.981(3)(c)4., Stats.)

Rationale for substantiation or unsubstantiation.

E. WORKER CONCLUSION

The worker should conclude that abuse or neglect is likely to occur in the following situations.

- Yes No The child is determined to be unsafe as a result of the investigation / initial assessment.
- Yes No The alleged maltreater committed an act against the child that placed the child at substantial risk of harm; i.e., an act that a reasonable person could conclude would logically result in injury or other abuse or neglect to the child, regardless of the actual outcome.
- Yes No The alleged maltreater made a credible threat that he or she intended to injure the child or otherwise abuse or neglect the child.

Rationale

SIGNATURES

SIGNATURE - Worker

Date Signed

SIGNATURE - Supervisor

Date Signed