

# Child Protective Services: Investigation

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[←←BACK](#)

[CONTENTS](#)

[FORWARD⇒⇒](#)

## 2104.20 Family Refuses to Cooperate

### Discussion

Some families, because they do not want the department involved in their lives, will refuse to cooperate or to allow access to children. Because of the department's legal charge to investigate reports of child maltreatment and to determine that children are safe, it is necessary to take whatever steps are required when this happens. A family's refusal to allow the department to be involved may be because of a lack of understanding of the charge CPS has to investigate reports of child maltreatment. Providing a clear explanation to family members, beginning at the first contact, of CPS involvement may help pave the way to better cooperation from the family.

At any time, during investigation or the provision of ongoing services, the case manager is refused access to the home or the children, it becomes necessary to take steps to determine that children are safe.

### Requirement

Take action to see children and to ensure that they are safe in situations where parents are uncooperative, either not allowing the case manager to begin the investigation or to gain access to the home within the required response time frame or not allowing access to children during the provision of ongoing services (See [2102.1](#) and [2102.11](#)).

Discuss with the supervisor the risk to the child, and obtain the supervisor's approval for actions to take when parents do not cooperate. Document in the case record (Form 452) the resulting plan.

**When parents are uncooperative**, (i.e., they refuse to participate and it is unknown whether the child is in danger at investigation or ongoing, but **always on a 24-hour investigation**), **take immediate action to gain access to the child:**

- Inform the parents of the department's intent to involve court/law enforcement unless they immediately cooperate. Establish a short deadline for cooperation and give the parents notice of intent to petition the court if non-cooperation continues and time permits. If the parents fail to comply by the given deadline;
- If time does not permit filing a deprivation complaint (needed for a protective order for cooperation) or parents do not cooperate with the above options, determine with the supervisor whether to contact the agency SAAG and/or the Juvenile Court for immediate legal assistance or to contact law enforcement for immediate assistance (See 2102.10):

# Child Protective Services: Investigation

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- ✓ **Contact SAAG/Juvenile Court:** Provide agency SAAG with necessary information to file a deprivation complaint with the Juvenile Court, requesting an order requiring the parents' cooperation. If the parents do not meet the requirements of a court order, immediately advise the court of their failure to comply with the order; or,
- ✓ **Contact Law Enforcement:** Notify law enforcement and explain the circumstances. Request needed assistance to determine the child's immediate safety (seeing child/securing child). Provide law enforcement with any existing court order for the parents' cooperation.

For a **five-day case** investigation or an ongoing situation where the child does not appear to be in imminent danger, determine, in consultation with the supervisor, what further actions are necessary. These actions might include, but are not limited to:

- Contacting relatives, friends or neighbors who may be of assistance in gaining entry to the home. Use discretion in seeking pertinent information about the child's reported condition, revealing no more information to the person contacted than necessary;
- Contacting the school principal or social worker or a public health nurse to assist. Again, use discretion and give only that information pertinent to the child's reported condition;
- Sending the parent written notification that explains the legal requirement for DFCS to proceed with the provision of ongoing services or an investigation of allegations and that this requirement includes face-to-face contact. Give a time limit for cooperation and explain the next step is to obtain a court order for cooperation; or,
- Obtaining a court order for parent's cooperation.

When a **parent refuses to admit the case manager into the home** and/or orders the case manager to leave before completing the interview, express respect for that decision and leave the premises. Advise the parent that it may be necessary to request the assistance of law enforcement or to obtain a court order for cooperation. Consult with the supervisor to determine a plan of action.

# Child Protective Services: Intake

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- Contacting relatives, friends or neighbors who may be of assistance in gaining entry to the home. Use discretion in seeking pertinent information about the child's reported condition, revealing no more information to the person contacted than necessary;
- Contacting the school principal or social worker or a public health nurse to assist. Again, use discretion and give only that information pertinent to the child's reported condition;
- Sending the parent written notification that explains the legal requirement for DFCS to proceed with an investigation of allegations and that this requirement includes face-to-face contact. Give a time limit for cooperation and explain the next step is to obtain a court order for cooperation; or,
- Obtaining a court order for parents' cooperation.

When a **parent refuses to admit the case manager into the home** and/or orders the case manager to leave before completing the interview, express respect for that decision and leave the premises. Since an investigation is required, advise the parent that it may be necessary to request the assistance of law enforcement or to obtain a court order for cooperation. Consult with the supervisor to determine a plan of action.