

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(5) Investigations	Effective Date:	October 2015
	Policy Title:	Family Refuses to Cooperate During an Investigation		
Policy Number:	5.9	Previous Policy #:	N/A	

CODES/REFERENCES

O.C.G.A. § 19-7-5 Reporting of Child Abuse and Neglect
O.C.G.A. § 49-5-8 Powers and Duties of Department of Human Services
O.C.G.A. §§ 49-5-1 and 49-5-8 Children and Youth Act
O.C.G.A. § 49-5-41 Persons and Agencies Permitted to Access Records
Title IV-E of the Social Security Act Sections 471(a)(9) and 471(a)(15)(F)
45 CFR Parts 1356.21(d), 1356.21(k), 1356.21(b)(4), and 1356.67
Adoptions and Safe Families Act of 1997
Child Abuse Prevention, Adoption and Family Services Act of 1988
Child Abuse Prevention and Treatment Act (CAPTA) as Amended by P.L. 111-320
CAPTA and the Born-Alive Infants Protection Act of 2002
McKinney-Vento Homeless Assistance Act Section 106(b)(2)(F)

REQUIREMENTS

The Division of Family and Children Services shall take immediate action to ensure child safety when caregivers refuse to allow access to a child and/or the home, and it is unknown whether the child is in danger. Such actions include, but are not limited to, the following:

1. Obtain assistance from law enforcement; and/or
2. Seek court intervention.

PROCEDURES

When the family refuses to cooperate, the Social Services Case Manager will:

1. Consult the Social Services Supervisor (SSS) to discuss possible court or law enforcement intervention.
2. If determined to be necessary, inform the caregiver of DFCS' intent to involve court or law enforcement unless the caregiver immediately cooperates. Establish a short deadline for cooperation and give the caregiver notice of intent to petition the court if non-cooperation continues.
3. If time does not permit filing a dependency complaint (required to obtain dependency order for cooperation) or the caregiver does not comply within the deadline, the SSCM should consult with the SSS to discuss the next steps.
 - a. If law enforcement assistance is determined appropriate, notify law enforcement, explaining the circumstances in order to request assistance in interviewing/observing the child or for immediate on site assistance.
 - b. If court intervention is determined appropriate, contact the SAAG for juvenile court intervention if known or suspected present danger situations are determined to be

impacting child safety (see policy [5.8 Investigations: Juvenile Court Intervention During an Investigation](#)).

PRACTICE GUIDANCE

Some families, because they do not want the department involved in their lives, will refuse to cooperate or to allow access to children. DFCS is authorized by state law to investigate reports of child maltreatment and to determine that children are safe; therefore, it is necessary to take appropriate steps when a family refuses to cooperate with an investigation, to ensure child safety.

A family's refusal to allow DFCS to be involved may be due to a lack of understanding of DFCS' legal responsibility to investigate reports of child maltreatment. Therefore, providing a clear explanation to family members beginning at the first contact may help facilitate cooperation.

At any time during investigation or the provision of ongoing services, if the SSCM is refused access to the home or the children, steps must be taken to determine and ensure that the children are safe.

FORMS AND TOOLS

N/A