

Child Welfare Policy Manual

Questions & Answers

2.1H CAPTA, Assurances and Requirements, Notification of Allegations

1. Question: The provision at section 106(b)(2)(B)(xviii) of the Child Abuse Prevention and Treatment Act (CAPTA) requires the State to have provisions or procedures to advise the individual subject to a child abuse or neglect investigation of the complaints or allegations made against him or her at the time of the initial contact. Would a State be out of compliance with CAPTA if it implemented a rule to specify that "initial contact" in the CAPTA provision at section 106(b)(2)(B)(xviii) meant "face-to-face" contact only?

Answer: Yes. The CAPTA provision requires that the State notify the individual of the complaints or allegations made against him or her at the initial time of contact regardless of how that contact is made. There may be Federal confidentiality restrictions for the State to consider when implementing this CAPTA provision.

- **Source/Date:** updated 9/27/11
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) § section 106(b)(2)(B)(xviii)

2. Question: The provision at section 106(b)(2)(B)(xviii) of the Child Abuse Prevention and Treatment Act (CAPTA) requires the State to have provisions or procedures to advise the individual subject to a child abuse or neglect investigation of the complaints or allegations made against him or her at the time of the initial contact. One State employs an alternative response system, which is a non-adversarial approach to assess low- and moderate-risk level reports of child abuse and neglect. Does the Federal requirement at section 106(b)(2)(B)(xviii) of CAPTA apply only to child maltreatment investigations or does it also apply to child maltreatment alternative response assessments?

Answer: The State must advise the individual subject to a child abuse or neglect investigation of the complaint or allegation against him/her whether the State is investigating the complaint through a formal investigation or an alternate response system. The method by which the State assesses the complaint against a person is not the issue. There may be Federal confidentiality restrictions for the State to consider when implementing this CAPTA provision.

- **Source/Date:** updated 9/27/11

- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) - section 106(b)(2)(B)(xviii)

3. Question: The provision at section 106(b)(2)(B)(xviii) of the Child Abuse Prevention and Treatment Act (CAPTA) requires the State to have provisions or procedures to advise the individual subject to a child abuse or neglect investigation of the complaints or allegations made against him or her at the time of the initial contact. Would a State be out of compliance with CAPTA if it provided notification only to parents who have an allegation of child abuse or neglect?

Answer: Yes. The provision requires notification to "an individual subject to a child abuse or neglect investigation" and does not limit this notification to parents only.

- **Source/Date:** updated 9/27/11
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) § section 106(b)(2)(B)(xviii)