Department of Children's Services

POLICY

14.10, Special Investigations Unit	
Application: To All Department of Children's Services Child Protective Services Special Investigations Employees	
Authority: TCA 37-5-105 (3), 37-5-106, 37-1-401 *et seq*, 37-1-601 *et seq*, 39-15-210	**Standards: COA:** CFS 14.11 **PREA:** 115.322, 115.351,115.371
Original Effective Date: 12/1/23 Current Effective Date: 7/24/2025	Supersedes: 3/25/25 Last Review Date: 6/18/25

Glossary:

- Sexual Harassment:
  - Includes:
    - (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee or resident directed toward another; and
    - (2) Repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Policy Statement:

The Department of Children's Services (DCS) Special Investigations Unit (SIU) conducts investigations on allegations of child abuse and neglect which occur while a child is in DCS custody, when the case involves non-custodial children where the alleged perpetrator (AP) is acting in an official employment, volunteer, or foster care capacity or the AP is another youth in a facility. The SIU conducts investigations where the allegations would affect the employment or volunteer status of those working with children.

Purpose:

To provide DCS SIU employees with additional guidelines for conducting timely and effective investigations.

Procedures:

A. SIU Case Criteria

1. SIU is responsible for conducting investigations when the abuse or neglect occurred while the child was in custody.

2. SIU is responsible for conducting investigations when the abuse or neglect involves children who are not in the legal custody of DCS, but they are under the supervision or care of an individual(s) functioning in an official employment or volunteer capacity within the following but not limited to:

   - Detention facilities
   - Licensed foster homes
   - Licensed day care/childcare agencies
   - Unlicensed daycare facilities with more than four (4) children not including children related to the unlicensed daycare provider
   - Schools
   - Religious organizations
   - Youth groups

3. SIU investigates allegations of abuse and/or neglect where the DCS employee is named as the alleged perpetrator, or the alleged perpetrator resides in the home of the DCS employee. At the discretion of the SIU Director and the General Counsel, or their designees, a SIU Case Manager and legal counsel may be used from another region to conduct the investigation.

4. SIU investigates sexual abuse and sexual harassment in congregate care settings where youth are placed.

   NOTE: Regional staff may request assistance from SIU on macro cases or mega family investigations through the CPSD or designee.

   NOTE: SIU investigates allegations of sexual abuse and sexual harassment when the allegation meets the definition in ***Protocol for CPS Categories and Definitions of Abuse/Neglect*** . Sexual abuse and sexual harassment investigations are not terminated solely because the victim and/or the source of the allegation recants.

   NOTE: Sexual Harassment Classification: If the alleged perpetrator is a person under the age of nineteen (19) living in a residential congregate care setting with the child, and there is sufficient evidence that the harassment occurred, then the allegation will be classified as substantiated for the purposes of PREA, but the perpetrator will be classified as unsubstantiated since it does not constitute an act of abuse or neglect as defined by Tennessee code.

   NOTE: For exceptions to these criteria, refer to DCS Policy ***14.2, Screening, Priority***

Response, and Assignment of Child Protective Services Cases.

B. Case Reviews

1. When an employee leaves under the suspicion of gross misconduct, fraud, or falsification, the Internal Affairs Division (IAD) will conduct an investigation in accordance with DCS policy ***1.16, Internal Affairs Investigations***.

C. Case Record Composition

1. SIU case file documentation and organization is conducted as outlined in DCS Policy ***14.11, Child Protective Services Case File Organization, Documentation and Disposition*** and ***OCS Quality Documentation Guide***.
    - **Exception:** SIU cases are identified in the Electronic Records System under the child's name.

Forms:

CS-0826, CPS SIU Notification of Case Initiation and Closure

CS-4258, Initial Notification of Sexual Abuse and/or Sexual Harassment Allegation for PREA Facilities

CS-4232, Investigation Outcome of Allegations of Sexual Abuse/Harassment

Collateral Documents:

Protocol for CPS Categories and Definitions of Abuse/Neglect

Foster Parent Bill of Rights, page 34

DHS/DOE Memorandum of Understanding

Protocol for Completion of the Family Advocacy and Support Tool (FAST)

Protocol for Foster Home Quality Team

Protocol for DCS Foster Home Quality Team (FHQT) Suspended Admissions during a Special Investigations Unit (SIU) Investigation

Provider Quality Protocol

Work Aid 4: Special Child Protective Services Investigative Tasks and Activities

14.2, Screening, Priority Response, and Assignment of Child Protective Services Cases

14.6, Child Protective Services Case Tasks and Responsibilities

14.7, Multi-Disciplinary Team: Child Protective Investigative Team

14.11, Child Protective Services Case File Organization, Documentation and Disposition

14.12, Family Permanency Planning for CPS Non-Custodial Cases

14.13, Non-Custodial Immediate Protection Agreement

14.14, Removal: Safety and Permanency Considerations

Child Protective Services Tasks Guide

16.3, Desired Characteristics of Foster Parents

16.8, Responsibilities of Approved Foster Homes

16.27, Notice of Removal from a Foster Home

18.8 Zero-Tolerance Standards and Guidelines for Sexual Abuse and Sexual Harassment Incidents and Prison Rape Elimination Act (PREA)

Child and Family Team Meeting Guide

OCS Quality Documentation Guide