

Medical Opinions - Forensic Examinations/Interviews and Medical Consultations

(Revised 05/03/24)

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Related Policies

Additional information can be found in the following policies:

- Child Protection Team Meeting
- Child Victim Witness Protocol
- Consultation Fees
- Forensic Interview/Forensic Medical Exam Criteria
- Injuries to Children in Open OCS Cases or Investigations
- Investigative Search Warrants (ISWs)
- Physical Abuse Protocol

Forms

The following form is referenced in this policy:

- 04-130 Authorization for County Payment (CWS/CMS Template).

Definitions

For purposes of this policy, the following definitions apply:

Forensic examinations: Medical exams performed by professionals who specialize in child abuse, when physical or sexual abuse (or medical neglect) of a child is alleged and evidence is required. Forensic exams will not be requested to "rule out" abuse unless there is reason to believe that any abuse has occurred.

Forensic interviews: Interviews conducted by specially trained social workers or other mental health professionals with alleged victims or witnesses of abuse. The interview is recorded (audio and video) and may be admitted into evidence.

Medical consultations: Written or verbal opinions provided by child abuse experts, based on a review of relevant documents.

Medical Consultations

For injuries found or reported on children in an open case or in an open investigation without a physical abuse allegation, SWs will review the Injuries to Children in Open OCS Cases or Investigations policy to assess if a medical consultation is needed to assess for abuse and/or neglect.

The Chadwick Center for Children and Families at Rady Children’s Hospital offers a Forensic and Medical Services Program. During regular business hours (Monday through Friday), Law Enforcement, Office of Child Safety (OCS), physicians and/or families may refer cases of suspected physical abuse, sexual abuse, or medical neglect for evaluation, which can help avoid long emergency room waits when the child’s injuries are non-life-threatening.

The Chadwick Center also provides full physical and sexual abuse forensic examinations and interviews by appointment.

SWs will have a same-day consultation with their PSS on ALL allegations of physical abuse, sexual abuse, and/or medical neglect.

SWs must get a same-day medical opinion (if not an exam) when one or more of the following exists:

- Child under 1 year of age with bruises, burns, breaks, Shaken Baby Syndrome, or suspicious injuries.
- Child under 3 years of age with burns, breaks, or bruising to head, face or torso.
- Suspicious bite marks.
- Developmentally delayed or emotionally/physically challenged child who has suspicious breaks or burns, or injuries that are traumatic enough to require medical attention.
- Any siblings and other children who reside in the home of a child whose death is suspicious or of a non-accidental cause.
- Siblings of a child with documented serious non-accidental injuries.
- Other high-risk factors related to medical and/or physical issues are present.

SWs are not required to obtain parental permission when **consulting** with a medical provider to obtain an expert medical opinion because the provider is only reviewing existing documentation, not interviewing or seeing the child.

The following services are available:

- “Doctor of the Day”
- Videotaped forensic interviews
- Medical evaluations
- Pediatric gynecologic services
- Screening and psychosocial assessments
- Failure to Thrive assessments and interventions
- Health care for dependent children.

The policy requirements for Forensic Interviews and/or a Forensic Medical Exams can be found in full in the Child Victim Witness Protocol. For a table outlining the criteria for Forensic Interviews and/or Forensic Medical Exams for all abuse and neglect allegations, refer to the Forensic Interview and Forensic Medical Exam Criteria resource.

Depending on the severity and recency of the event, SWs may request a medical professional who specializes in detecting child abuse to provide a paper consultation or a second opinion based on a review of existing investigation information and documentation (photographs, medical reports, x-rays etc.)

Medical Consultations (cont.)

NOTE: If the child does not have current injuries, then the child is not normally present, and a paper consult may be requested. However, if the child **does** have current injuries, then the child must be seen by a child abuse expert.

If a child has already been seen by a medical professional who is not considered a child abuse expert, then the SW will contact the on-call CPT physician to discuss whether or not an assessment/examination by a child abuse expert is warranted.

When a child meets one of the above criteria, the SW shall follow these procedures:

Step	Action
1	Consult with PSS on day of discovery.
2	<p>Contact a medical expert and arrange a time to meet. Do not leave a voice mail because the physician might not be available that day.</p> <p>IMPORTANT: Once a consultation has begun with one physician, the SW should continue working with that physician on that case. If the SW has difficulty reaching that physician, contact Chadwick’s administrative staff for assistance.</p>
3	<p>Have appropriate evidence available for the expert, including:</p> <ul style="list-style-type: none"> • photographs of the injuries and location • statements by witnesses • social history • x-rays • other medical information/records. <p>NOTE: If the above documentation is already available at the same facility where the consulting expert is, inform the expert of that fact in advance.</p>
4	<ul style="list-style-type: none"> • Discuss the case with the expert. • Be specific about questions that need to be answered. • Request documentation via a letter or report, if needed for court. • Agree upon a timeframe for completion of consultation and report.
5	<p>Arrange payment if necessary (see Consultation Fees).</p> <p>NOTES: Payment may be required for an expert opinion medical consultation. Medical insurance does not cover payment for paper consultations. Acceptable limits for payment is between \$80 and \$150.</p>

Medical Consultations (cont.)

Step	Action
5	Rady Children’s Hospital, the Chadwick Center for Children and Families, and Palomar Pomerado Health - Forensic Services require prior authorization for payment (04-130 form completed authorizing the exam).

Child abuse physicians are available for consultation either over the phone or for review of copies of medical records, x-rays, photos, etc.

Emergency Department (ED) Referrals

SWs must access the Rady Children’s Hospital Emergency Department (ED) for the following types of injuries:

- Head injuries
- Fractures
- Abdominal injuries
- Other injuries that cannot wait until the following day
- Situations where the evaluation is needed immediately to make a safety decision.

NOTE: If the SW is in the ER and needs a CPT Consultation, call and ask to speak to a CPT Physician. Alert them that their opinion is needed in the ED. At a minimum, the CPT Physician can make a phone consultation with the MD on duty.

CPT’s “Doctor of the Day”

SWs may contact the Child Protection Team (CPT) “Doctor of the Day” to consult regarding whether a child should be seen immediately or can wait until the next business day.

Before calling the CPT Doctor of the Day, the SW will have the following information available:

- Child’s Name
- Date of Birth/Age
- Description of injuries and location
- General information about the child’s current condition/health.

If the CPT Doctor of the Day recommends that the child be seen the next business day or an exam or interview is required per the Forensic Interview/Forensic Medical Exam Criteria resource, the SW will leave a message on the Chadwick Center telephone line that a child will be coming in the next day for a physical or sexual abuse evaluation and include the following information:

- Child’s name
- Child’s date of birth/age
- Child’s location or address
- Caregiver’s name and telephone number
- Suspected injury of the child
- SW’s name and telephone number.

For additional information on CPT, see Child Protection Team Meeting.

CPT's "Doctor of the Day" (cont.)

There is no charge for calling the Doctor of the Day.

Fees are assessed for consultations, evaluations and evidentiary examinations (see Consultation Fees). Rady Children's Hospital and the Chadwick Center for Children and Families require prior authorization for payment.

Payment should be made using the family's health insurance, including Medi-Cal and Tri-Care.

If there is no health insurance, submit an Authorization for County Payment, 04-130.

Consent for Forensic Exams and Interviews

SWs will not prevent parents from being on-site when their children are being interviewed and/or examined, even if a parent is the alleged perpetrator.

FORENSIC MEDICAL EXAMINATIONS

Consent requirements for forensic examinations are strict and can sometimes be confusing. SWs should consult with County Counsel.

Forensic medical exams will not be requested in order to "rule out" abuse where there is little evidence that any abuse has occurred.

W&IC §324.5(a) provides that when a child has come into **protective custody** due to allegations of physical or sexual abuse, LE or OCS may consult with a medical professional who has specialized training in detecting and treating child abuse to determine if a physical exam is appropriate.

NOTE: Criteria for determining if an exam is appropriate can be found in the Child Victim Witness Protocol or the excerpt, Forensic Interview/Forensic Medical Exam Criteria resource.

If such an exam is appropriate, then LE/OCS "shall cause the child to undergo a physical examination performed by a medical practitioner who has specialized training in detecting and treating child abuse injuries and neglect, and, whenever possible, shall ensure that this examination take place within 72 hours of the time the child was taken into protective custody. In the event the allegations are made while the child is in custody, the physical examination shall be performed within 72 hours of the time the allegations were made."

NOTE: Per W&IC 324.5(b), if additional medical examinations are needed to determine child abuse injuries or neglect, the SW will request that they be performed by the same medical practitioner who performed the original examination. If that is not possible, the SW will ensure that the future medical practitioners the child is referred to for ongoing diagnosis and treatment have the same specialized training and that they have access to the child's medical records covering the current and previous incidents of child abuse.

If a child is **NOT** in custody, a forensic medical examination cannot be performed for "investigative purposes" (i.e., only to "rule out" [or "rule in"] a suspicion of abuse without grounds for such an examination) unless there is parental consent or a court order.

If the allegations are of an **acute** nature (i.e., the last incident occurred recently*), law enforcement will typically authorize a forensic medical examination to preserve any evidence. **In acute cases, parental consent is desired, but not required.**

Consent for Forensic Exams and Interviews (cont.)

- * Whether or not the last incident was “recent” is not determined simply by the number of hours that have elapsed. Law enforcement and the medical provider will discuss each case. The victim’s age, injuries, post-incident hygiene (or lack thereof) and other factors must be considered.

Children 12 and older can consent to their own examinations regardless of their parents’ desires.

In non-acute cases, parental consent or a court order is required for children under 12 years old, whether or not the child is in protective custody. Children 12 and older can consent to their own examinations.

If a **non-acute** forensic medical examination is deemed necessary for investigative purposes (i.e., not to preserve evidence or to attend to an urgent medical problem) and a parent or the child (if 12 or older) refuses to give consent, then the SW must get a court order (see Investigative Search Warrants (ISWs)).

If a petition is filed, then the SW must provide the results of the forensic examination to the court and all counsel.

If a child has already been seen by a medical professional who is not considered a child abuse expert, then the SW will contact the on-call CPT physician to discuss whether or not an assessment by a child abuse expert is warranted.

FORENSIC INTERVIEWS

For forensic interviews, parental consent is desired but not required, regardless of whether or not the child is in protective custody. However, while the interview *itself* does not require parental consent or a court order, if the child is not already in custody (s)he cannot be taken to a forensic interview without parental consent, exigency, or a court order.

See the Child Victim Witness Protocol for additional information.

This table summarizes when consent is/is not required, and if so, what kind of consent is necessary.

REMINDER: Consult with County Counsel whenever a situation is not clear.

Is Parental* Consent or a Court Order Required? A signed 04-24 is NOT considered consent for these purposes.			
	Acute (recent) abuse	Non-acute (non-recent) abuse	For investigative purposes only, for a child not in custody
Forensic INTERVIEW	No	No	n/a (forensic interviews not done for this purpose)

Consent for Forensic Exams and Interviews (cont.)

Is Parental* Consent or a Court Order Required? A signed 04-24 is NOT considered consent for these purposes.			
	Acute (recent) abuse	Non-acute (non-recent) abuse	For investigative purposes only, for a child not in custody
Forensic MEDICAL EXAM	No	Yes	Yes
Medical Consult (verbal or written; child not seen by Dr.)	No	No	n/a
OCS staff transporting a non-custody child to a forensic exam/ interview	Yes	Yes	Yes
*or consent of the child, if 12 or older.			

Whenever a parent (or child, if 12 or older) consents, the SW will document in the Contact Notebook what questions were asked and what the consenter’s responses were. The SW will use quotes whenever possible and clearly identify the date and time of the consent.

Types of Forensic Medical Exams

SWs may request the following types of forensic medical exams:

Type of Exam	Description
PHYSICAL ABUSE Forensic physical abuse exam Screening exam	For children with physical injuries that may have been caused by abuse. Requested primarily by pediatrician and/or parents when concerns of abuse exist, but investigative agency is newly involved or is not yet involved.
SEXUAL ABUSE Acute Forensic Exam/SART Non-acute Forensic Exam	For children and/or adolescents in which the incident is believed to have occurred recently, to collect evidence. While OCS can authorize an Acute exam, DNA collection can only be authorized by Law Enforcement. For children who report a history (delayed disclosure) of sexual abuse when penetration is reported, medical symptoms exist, and/or concerns of STDs, pregnancy, etc.

Types of Forensic Medical Exams (cont.)

Type of Exam	Description
<p>SEXUAL ABUSE</p> <p>Sexual Abuse Screening Exam (Chadwick only)</p>	<p>Requested primarily by pediatrician and/or caregiver when concerns of abuse exist (not for investigative purposes)</p>

Who can Authorize

Forensic exams and interviews can be authorized by the following:

- The law enforcement (LE) jurisdiction where the alleged abuse occurred
- OCS Managers
- The District Attorney

Before requesting a forensic medical examination, the assigned SW must contact LE to determine if they will authorize the exam. The agency that authorizes the service is responsible for payment. If OCS will be paying for the exam/ interview, the SW must have the 04-130 form completed and authorized prior to the exam/interview. (The facility can give the SW a cost estimate.)

Contacting Law Enforcement (LE)

Follow these steps to request that a forensic medical exam be authorized by LE:

Step	Action
1	<p>Contact the Child Abuse Detective assigned to the case. If the detective is not available, request authorization from the sergeant of the Child Abuse Unit.</p> <p>NOTES: After 5:00 p.m., the law enforcement dispatcher will call the duty lieutenant who will call the detective.</p> <p>After-hours forensic medical exams are more expensive so LE will often decide to wait until the next day to authorize them unless there’s critical evidence that needs to be preserved immediately. If that happens, call the assigned detective the following day.</p>
2	<p>If the detective or sergeant states they will not authorize a forensic medical exam, but it is being requested by OCS per the Forensic Interview/Forensic Medical Exam Criteria resource, complete the 04-130 to request that OCS authorize and pay for it. (See next section.)</p>

**Scheduling
Forensic Medical
Examinations**

To schedule a forensic medical examination, the SW will:

Step	Action
1	<p>Request permission from one of the parents. Document in the Contact Notebook whether or not the parent consents.</p> <p>Did the parent consent?</p> <p>If yes, then go to Step 2.</p> <p>If no, then STOP. If no parental consent is obtained, AND it is not a medical emergency AND there is no evidence that must be preserved, then a court order is required before any forensic medical examination can be performed.</p>
2	<p>Explore alternate sources of payment such as parent’s insurance or Medi-Cal. (If the parents have insurance, HHSA will only pay for their deductible.)</p>
3	<p>Complete the Authorization for County Payment (04-130) and send it through PSS for OCS Manager’s approval.</p>
4	<p>If approval is obtained, refer the child to the Chadwick Center for Children and Families or Palomar Pomerado Health for the exam (see next section).</p> <p>NOTE: If the OCS Manager has any questions regarding the nature of an “emergency” or the validity of a consent, (s)he should immediately consult with the Chief Deputy at County Counsel (Juvenile Division) prior to signing the 04-130. If the Chief Deputy is not available, then ask for the Duty Manager.</p>
5	<p>Send a copy of the 04-130 to the facility that will be performing the medical exam.</p>

**Providers of
Forensic Exams
and Interviews**

When scheduling forensic services, whoever schedules the exam/interview (OCS or LE) will immediately notify the other entity.

San Diego County has two authorized providers:

1. Chadwick Center for Children and Families, Rady Children’s Hospital
2. Palomar Pomerado Health - Forensic Health Services

NOTE: Polinsky Children’s Center (PCC) does not perform forensic examinations or interviews.

Providers of Forensic Exams and Interviews (cont.)

1. Chadwick Center for Children and Families, Rady Children’s Hospital - Forensic and Medical Services

Component	Age Criteria	Location
Outpatient clinic	Children aged 0-18; developmentally disabled adults (may not apply to child abuse cases)	3665 Kearny Villa Rd. Ste. 500 San Diego, CA 92123
In-Patient and/or Emergency Dept.	Children aged 0-18	Main Hospital 3020 Children’s Way San Diego, CA 92123

To schedule a forensic examination and/or interview at Chadwick:

Type/Time	Call
A Medical Examination, Monday through Friday from 12:00 to 5:00 p.m.	Calling or by submitting the Online Request Form. In addition, Chadwick now requires social workers (SWs) to schedule paper consults using the online form.
A Forensic Interview, Monday through Friday from 8:00 a.m. to 5:00 p.m.	Calling or by submitting the Online Request Form.
An urgent Medical Examination, after hours	(Emergency Department)
A non-urgent Medical Examination, after hours	If unsure if an exam can be delayed until the next business day. Ask the hospital operator to page the CPT on-call physician for a consult.

Providers of Forensic Exams and interviews (cont.)

2. Palomar Health Child Abuse Program - Forensic Health Services

Component	Age Criteria	Location
<p>SART (Sexual Assault Response Team)</p>	<p>Children 14 years and older</p>	<p>1050 Los Vallecitos Boulevard San Marcos, CA 92069 760-739-2150</p> <p>After Hours: 15615 Pomerado Road, Poway, CA 92064 1-888-211-6347</p>
<p>CAP (Child Abuse Program)</p>	<p>Children aged 0-13</p>	<p>1050 Los Vallecitos Boulevard San Marcos, CA 92069 760-739-2150</p> <p>After Hours: 15615 Pomerado Road, Poway, CA 92064 1-888-211-6347</p> <p>NOTE: In the event that a communication problem occurs, call 760-739-3000 to request the answering service.</p>

Transportation

The SW will ensure there is transportation for the child to the forensic interview/exam.

EXCEPTION: OCS staff are prohibited from transporting non-custody children without parental consent (or the child’s consent, if the child is 12 or older) or a court order.

SW Attendance at Forensic Interviews

The assigned SW or PSS should attend all forensic interviews. If neither the SW nor the PSS is able to attend, the SW should try to find another SW in the unit to be there.

If the SW was unable to attend the interview, the SW will contact the Chadwick Center to schedule a time to watch a recording of the interview.

After the interview, the SW will contact the interviewer to request a copy of the forensic interview summary report.

Occasionally, when a forensic interview is authorized (and paid for) by law enforcement and contains information deemed sensitive to the criminal investigation, law enforcement may choose to withhold the written report. But since law enforcement will normally be present at the interview, the SW can discuss any concerns at that time. If the SW believes that not having a copy of the report would hinder the dependency process, the SW will immediately contact County Counsel for direction.

Obtaining Records from Rady Children’s Hospital (including the Chadwick Center)

This table describes how to get medical records from Rady Children’s Hospital (RCH) or the Chadwick Center **when conducting an investigation**:

Step	Who	Action
1	SW	Call RCH Health Information Office.
2	SW	If the request is urgent (e.g., court hearing, possible removal of a child, etc.), ask that the request be expedited.
3	SW	<p>Fax, mail or drop off a request for medical records on County letterhead. Include:</p> <ul style="list-style-type: none"> • the child’s name and DOB • which records are being requested (including dates, if known) • that there is an active OCS investigation. <p>Fax Number: (858) 966-8527</p> <p>Physical Address: 5855 Copley Dr. Suite 100 San Diego, CA 92111</p> <p>Mailing Address: Health Information Mail Code: 5049 3020 Children’s Way San Diego, CA 92123</p> <p>NOTE: If the SW ends up not needing the records after all, the SW must immediately call to cancel the request.</p>
4	Rady’s Health Information Office Staff	<p>Once the request is received, call the SW within 1 to 5 days notifying him/her that the records are ready for pick-up.</p> <p>The SW (or OCS designee) must pick up the records in person (at address in Step 3). The records cannot be faxed or mailed.</p>

Rady Children’s Hospital, including Chadwick Center, will not release confidential records to OCS when there is not an active OCS investigation. If a SW needs records when there’s no active OCS investigation, the SW will consult with CC regarding options.

Alignment with SET

This policy aligns with [SET Value 4](#) by enhancing the coordination with Child Advocacy Center (CAC) partners to provide quality services for youth and families.
