Mitigating/Aggravating Circumstances Checklist

Per DFS Policy 1501, investigation staff may recommend a Child Protection Level that differs from the presumptive level in the Regulations if, after examining mitigating and aggravating factors and the risk of future harm, the totality of the circumstances supports a different level. Consideration of these factors must be documented through use of the Mitigating/Aggravating Circumstances Checklist, which is then forwarded to the DOJ with the Request for Substantiation packet and scanned as an attachment into FOCUS. The Finding event in FOCUS should be completed and/or modified to reflect the actual recommended level.

Mitigating Circumstances

☐ No physical/emotional injury to child OR minor injury to child occurred in caregiver's attempt to protect others in the home

☐ During DV incident with child in the home, child not impacted due to being too young, or child did not see or hear the DV incident (i.e. present but sleeping)

☐ Victim is an older child who can protect him/herself from harm

☐ Significant length of time since caregiver's last child abuse/neglect incident

☐ Caregiver displayed remorse/cooperation/changed behaviors

☐ Protective steps implemented by caregiver that would prevent a future incident

☐ Proximity of age in victims engaging in sexual conduct

☐ Younger child (under age 14) who commits act(s) of sexual abuse

☐ Compliance with DFS case plan or Court-ordered treatment or another Division-approved service

Aggravating Circumstances

☐ Egregious circumstances exist which are likely to result in bodily injury/death (i.e. weapon involved)

☐ Child victim suffered serious physical injury

☐ Caregiver engaged in similar conduct before/after the incident (substantiated DFS history or criminal history)

☐ Unsubstantiated prior DFS history in which caregiver was warned about similar conduct

☐ Long term or untreated substance abuse (assuming abuse/neglect caused by same)

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☐ Treatment of the child victim in a demeaning or degrading manner

☐ Untreated medical or mental health issues that impair caregiver's ability to protect

☐ DV involving physical assaults, stalking, or cruelty to animals, in which child is present

☐ Victim is very young, old, or vulnerable

☐ Victim is a child who is disabled or has special needs

☐ Caregiver is uncooperative with DFS

☐ Caregiver's abuse/neglect of child had a significant impact on the child's emotional well-being (i.e. child is suicidal/homicidal as a result of the abuse/neglect)