

Multidisciplinary Teams and Child Protection Teams

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Definition: Both MDTs and CPTs are a team with representatives from a variety of community agencies which meet to discuss issues dealing with child abuse and neglect cases. The purpose of each type of team is different but the protection of the children in the community is the common goal.

What is a Multidisciplinary Team?

A multidisciplinary team (MDT) is a team with representatives from a variety of disciplines (agencies) which meet to discuss child abuse and neglect cases. The people represented on the team may vary from community to community resulting in many different forms of a MDT. Perhaps the most common question regarding MDTs is, "How is a MDT different from a Child Protection Team (CPT)?"

There can be a variety of definitions of CPTs and MDTs. Typically, a MDT is defined as a **prosecution** based team, focusing on child abuse and neglect cases involved in the legal/judicial system, while a CPT focuses on child **protection**.

A CPT has the responsibility to insure that children who are victims of abuse or neglect are protected from additional maltreatment. Child protection often involves civil action while prosecution is a criminal justice issue. While CPTs and MDTs may share members from the same agencies, there are important differences.

Both CPTs and MDTs have the common goal of developing a coordinated system to respond to child abuse and neglect cases.

MDT/CPT Focus

Common Goal	
Developing a coordinated system to respond to abuse and neglect cases.	
MDT	CPT
Focus – Prosecution Focus	Focus – Protection Focus
Action – Criminal action	Action – Civil action

Benefits of MDT/CPTs

- Development of experience and expertise in case management
- Consultant training
- Liaison and linkage building
- Community-program development
- An understanding of ones own role and that of other professional roles and expertise
- Open communication
- Written protocols, formalized working agreements, policies, and procedures

One of biggest difficulties in child abuse cases is effective criminal prosecution. Only a small percentage of reported cases of child maltreatment are ever criminally prosecuted. The difficulties in successfully prosecuting child abuse cases are well known. These difficulties include lack of witnesses, victim unwillingness to testify and/or retracting their disclosure of the abuse, lack of physical evidence, prosecutorial discomfort with trying child abuse cases, etc. It is often the criminal justice system that is considered a "weak link" because of the limited number of cases that actually go to court.

As communities become aware of the effect of child abuse and neglect, the communities may be disappointed in the limited number of cases that are criminally prosecuted. In response to issues of child abuse and neglect, communities may develop MDTs to make sure that all cases receive adequate prosecutorial review (or attention by the prosecutors office whether tribal, federal or state). To insure that such review takes place, it is vital that the appropriate prosecutor(s) be consistent participants at the MDT meetings.

Establishment of a Multidisciplinary Approach

Establishment of the importance of a multidisciplinary approach can be seen in federal legislation mandating the establishment of MDTs. Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act is one such piece of legislation. Section 3209(e) states that "each multidisciplinary team established under this section shall include, but is not limited to, personnel with a background in 1) law enforcement, 2) child protective services, 3) juvenile counseling and adolescent mental health, and 4) domestic violence."

The 1995 U.S. Attorney General Guidelines for Victim and Witness Assistance also recognizes the importance of MDTs and includes these guidelines; consultation with Multidisciplinary Teams...

- (g) ...provides that the court and the attorney for the government shall work with established multidisciplinary child abuse teams designed to assist child victims and child witnesses, and shall consult with such

multidisciplinary child abuse teams as appropriate.

Membership

MDT is defined as a prosecution-based team which deals with child abuse and/or neglect cases. The composition and role of MDTs can vary from community to community.

Many MDTs focus only on cases of sexual abuse and severe physical abuse since these are the cases that are most likely to result in criminal prosecutions.

A prosecution-based team must have prosecutors as key members. Other key members include:

- law enforcement,
- social services,
- medical,
- mental health personnel, and
- victim advocate.

The U.S. Attorney General's Guidelines (1995) suggest that members of the MDT include:

- medical,
- psychological, and
- psychiatric personnel.

Information pertaining to criminal proceedings can only be discussed on a "need to know basis" so MDT membership must be limited. As with a CPT, additional or secondary professionals can be invited to discuss specific cases when necessary. Educators, public health workers, juvenile corrections personnel, domestic violence program staff, guardian ad litem, family support and child care agency workers, and court-appointed special advocates may also be core or secondary team members.

In Indian Country, it is critical that both the tribal and federal prosecutors attend the MDT meetings. In some federal jurisdictions, a specific Assistant U.S. Attorney is assigned to one or more tribal MDTs. The presence of the prosecutor allows for timely discussion of case progress and a determination of which jurisdiction is the best venue for criminal prosecution of a case. It is vital to have the prosecutor present at every meeting. In some instances, the U.S. or District Attorney may send a Victim Advocate or Victim Witness Coordinator to represent their office at the MDT meeting. A victim services provider is a vital component of a MDT but a Victim Witness Coordinator does not have the knowledge about criminal prosecution that an Assistant U.S. Attorney has.

In most Indian communities both the tribe and the federal government have overlapping jurisdiction over cases of sexual abuse, severe physical abuse, and some types of neglect cases. In cases governed by Public Law 280, the tribe and the state may have overlapping or parallel jurisdiction. When there is concurrent jurisdiction, it is important that the criminal investigations and prosecutorial decisions be coordinated.

Training for MDT/CPT members

It is also important that the professionals on the MDT are highly trained in the dynamics of child abuse and neglect. Physicians who participate on the team are often those who actually perform child abuse examinations. A well-trained physician will be able to educate their peers on the MDT regarding the types of medical procedures which can be utilized in a child abuse examination and what types of information these procedures can yield.

Members of the MDT should be encouraged to attend trainings together. Cross discipline training is vital. Such cross training allows everyone to operate from a common set of principles or a similar understanding. Usually law enforcement personnel go to law enforcement trainings where they learn about issues such as evidence gathering, chain of custody, interviewing suspects, etc., which is different for mental health workers who go to conferences focusing on the treatment of sexually abused children and adolescents, psychological assessment, and post traumatic stress disorder. Therefore, it is important for professionals from differing backgrounds and training to understand and respect each other's work and professional abilities. Cross training assists in building competent and effective teams.

What does a MDT/CPT do?

The prosecution-based team insures that appropriate criminal justice attention is paid to each case. In the past, cases have sometimes "fallen through the cracks" and no criminal prosecution has been pursued. For example, a child sexual abuse case is reported to Social Services and the child is removed from the home and placed with relatives. The Child Protection Worker manages the case to make certain that the child receives all necessary services, including therapy. The parents enter into an informal agreement with Social Services to attend parenting classes and individual therapy.

There still remains the issue of criminal prosecution. What about the alleged offender? Who makes sure that the offender does not have access to the victim? Will there be a criminal prosecution of the offender in tribal and/or federal court? These are the types of issues that are addressed in a MDT meeting.

At a MDT meeting, typically the first order of business is to review all the cases of reported abuse and insure that these cases have been reported to law enforcement. Next is an assessment of the law enforcement status. Where is the case in terms of the criminal investigation? This is law enforcement's opportunity to discuss the status of their case and to identify any assistance other team members can provide to facilitate their investigation. Such discussions highlight another purpose of the MDT: tracking cases from a criminal justice perspective.

The MDT meeting offers the opportunity for professionals to work together. A tribal Criminal Investigator (CI), for example, can update the other members on the status of their investigation of particular cases. If there is not enough evidence the CI may discuss the

case in the MDT meeting and may request additional information from the MDT which may help in the investigation. Perhaps there is certain medical evidence that the Indian Health Service pediatrician could provide, or maybe a letter from the victim's teacher regarding the child's behavior in the presence of the alleged perpetrator would be helpful. The MDT members can discuss which types of evidence are still necessary and how the team members can assist in obtaining this evidence.

Similarly, a prosecutor may have questions about whether there is enough evidence to get a conviction in court. The MDT can discuss a case and suggest types of additional information that could possibly improve the prosecutor's case. Perhaps expert testimony from a psychologist would be helpful for a judge and/or jury to understand the psychological impact of severe abuse and explain why children often do not report abuse for years. Child sexual abuse cases often lack physical evidence so other types of evidence become increasingly important in establishing cause and effect. Typically, expert testimony may be used more in state or federal cases but expert testimony is not often used in tribal courts.

MDT Membership

Membership of MDTs

- MDT is defined as a prosecution-based team which deals with child abuse and/or neglect cases.
- Key members include:
 - prosecutors (tribal, Assistant U.S. Attorney, US or District Attorney)
 - law enforcement, social services, medical, mental health personnel, and a victim advocate
 - medical, psychological, and psychiatric personnel

Secondary professionals can be invited to discuss specific cases when necessary. Educators, public health workers, juvenile corrections personnel, domestic violence program staff, guardians ad litem, family support and child care agency workers, and court-appointed special advocates may also be core or ancillary team members.

Training

Members of the MDT should be encouraged to attend trainings together. Cross discipline training is vital. Such cross training allows everyone to operate from a common set of principles. It is important for professionals from differing backgrounds and training to understand and respect each other's work and professional abilities.

Activities of MDTs and CPTs

MDT	CPT
<ul style="list-style-type: none"> <input type="checkbox"/> Investigation of reported cases <input type="checkbox"/> Advising and consultation for prosecution <input type="checkbox"/> Decisions and treatment planning <input type="checkbox"/> Treatment planning 	<ul style="list-style-type: none"> <input type="checkbox"/> Provision of direct service to victims <input type="checkbox"/> Community education <input type="checkbox"/> Monitoring of case resolution <input type="checkbox"/> Social planning to identify gaps in the service delivery system

Choosing the Appropriate Court

The multiple jurisdictions in Indian Country add another factor to MDT discussions. If both the federal and tribal government have jurisdiction in a case, in which court will the case be tried? MDT meetings provide the opportunity for the U.S. Attorney and the tribal prosecutor to decide how to approach the case. There may be reasons to proceed with a tribal prosecution prior to a federal or state trial. Or, it may make sense to try the case in federal or state court and not in tribal court.

There are many reasons to try cases in tribal court. Often, tribal courts do not have as many cases pending as do other courts. It may be practical to try the case in tribal court while awaiting a decision about prosecution from the U.S. Attorney or District Attorney. Tribal laws and ordinances differ from federal laws so it may be possible to try a case in tribal court which would not be prosecuted in federal court.

Victims and witnesses who are tribal members may feel comfortable testifying in tribal court but feel intimidated if they are forced to appear in federal or state court. Defendants who know that penalties are limited to up to one year in jail and a \$5,000 fine per count in tribal courts may be willing to confess or plead guilty. For victims and prosecutors, federal prosecution may appear to be more desirable because the penalties are more extensive than in tribal court. However, an offender who is willing to plead guilty in tribal court and spend a year in tribal jail may not be willing to plead guilty to federal charges and face several years in a federal penitentiary.

The U.S. Attorney's Office will have to build a case, which may take a lengthy period of time. During that time the alleged perpetrator will be free in the community. Tribal community members may feel the need for protection and proceed with prosecution in tribal court so that the offender is not a threat in their community. The goal of protecting community members may lead to tribal prosecution taking place prior to prosecution in other jurisdictions. When the federal authorities are ready to prosecute, if the perpetrator has been sentenced to time in tribal jail, an agreement between the tribe and the U.S. Attorney's Office can allow the prisoner to be released to federal law enforcement for

prosecution.

In one tribal community they developed a standard form for a motion of tribal court determination for referral for concurrent federal prosecution. In part, the grounds for the motion include the statement that "justice is best served by the exercise of concurrent Tribal and Federal jurisdiction." A tribal court order may be issued which includes a provision for the tribal court to be notified of any federal warrant or arrest or motions to dismiss.

These types of prosecutorial decisions are the issues which are discussed in a MDT meeting. As the U.S. Attorney, District Attorney (or their representative), and the tribal Prosecutor consider the case, they can coordinate the prosecution. Is it better to bring the case in tribal court first and then in federal or state court? Is the U.S. Attorney declining to prosecute due to lack of evidence? Is the District Attorney's Office still investigating and how long will such an investigation take? Other team members can provide input and develop a coordinated approach to the multiple jurisdiction, prosecution, and investigation issues.

As is true with CPTs, there can be various types of MDTs. In many tribal communities, the CPT and MDT share common members. In states with concurrent tribal/federal jurisdiction, representatives of the U.S. Attorney's Office may not be participants in the CPT but they are very important members of the MDT. One community deals with the common membership of the two teams by holding the MDT meeting immediately following the CPT meeting. Representatives from the U.S. Attorney's Office attend the MDT meeting and CPT members who do not have a "need to know" about the criminal prosecution of a case leave after the CPT meeting is concluded.

Issues addressed in a MDT meeting

Issues
<ul style="list-style-type: none"> • What about the alleged perpetrator? • Who makes sure that the perpetrator does not have access to the victim? • Will there be a criminal prosecution of the perpetrator in tribal and/or federal court?
Possible meeting agenda
<ul style="list-style-type: none"> □ confidentiality □ review all the cases of reported abuse □ an assessment of the law enforcement status □ discuss the status of their case □ identify any assistance other team members can provide □ tracking cases from a criminal justice perspective □ discuss which types of evidence are still necessary and how the team members

- | |
|--|
| <ul style="list-style-type: none">□ can assist in obtaining this evidence□ verify next meeting time |
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Attendance

It is difficult to get members to attend MDT meetings when they already have a full schedule. If a person is a member of both the CPT and the MDT they may feel that they do not have enough time to attend two different meetings. By holding the MDT meeting immediately after the CPT meeting, these time concerns may be addressed.

In a small community there may be no need for two different teams. If there are not enough cases to justify a separate MDT, special meetings may be held which include the local prosecutor. There may be regularly scheduled MDT meetings or meetings as needed which may only be called when there is a case to discuss.

In many non-Indian communities, MDTs sometimes do not meet regularly but are called together to deal with specific types of cases. Due to the need to have many community professionals involved in the MDT, the meetings should be planned in advance or held on a regularly scheduled basis.

Other Roles

Dr. Suzanne Sgroi (1982) has enumerated four benefits for a MDT:

1. development of experience and expertise in case management
2. consultant training
3. liaison and linkage building
4. community program development

The National Center on Child Abuse and Neglect identified three common goals for coordination of services to child abuse victims:

1. an understanding of professional roles and expertise in case management
2. open communication
3. written protocols, formalizing working agreements, policies, and procedures.

Team Benefits

All team members will develop expertise in case management through their participation on a multidisciplinary team. The multi-agency nature of the MDT allows people to learn about and respect the work done by representatives of other agencies. This is especially valuable when the team includes representatives from federal or state/county law enforcement and court personnel. There may be strained relationships between the tribe and federal, state, or county personnel. Working together as a part of a team can improve these relationships.

Tasks

Each MDT functions best when certain tasks are complete. The development of written protocols, working agreements, policies, and procedures can be some tasks of a

MDT. If a community has both a CPT and a MDT, it is important that a single team or committee work on these documents. The primary reason for this is that it is more beneficial to the community to have only one protocol defining how child abuse cases will be handled. A task force which includes representatives from agencies not represented on the CPT or MDT, such as the Tribal Council, may be employed to develop written agreements and policies.

Written protocols or Memoranda of Understanding (MOUs) are critical to the effective working of a MDT. The MOU outlines what the guidelines are for members of the CPT or MDT. The coordination of representatives from agencies in different jurisdictions is very complex. A written document which clearly outlines the MDT membership and member responsibilities (including mandatory attendance at meetings), signed by the highest authorities in each agency (U.S. Attorney, Tribal Chair/Governor/President, FBI Supervisory Agent, etc.) is essential. In communities with both a CPT and a MDT, there should be separate MOUs or other written documents for each type of team, outlining the policies and procedures for the team.

Activities

MDTs in the United States report being involved in one or more of the following activities:

- investigation of reported cases
- treatment planning
- provision of direct service to victims
- advising and consultation for prosecution decisions and treatment planning
- community education
- monitoring of case resolution
- social planning to identify gaps in the service delivery system (Kolbo and Strong, 1997).

The most common activities undertaken by MDTs are:

- the investigation of reported cases
- treatment planning
- advising and consultation.

As each community develops its MDT, it is necessary to identify which of these activities the MDT will undertake and which can be the responsibility of the CPT. Communities which have separate CPTs and MDTs will need to clearly separate the activities of the two teams. CPTs often involve treatment planning, community education, identifying gaps in services, and other potential MDT activities. There is no reason to have two different teams undertaking the same activities.

Possible Barriers

There are several possible barriers to effective MDTs. These barriers include confusion regarding the role of the team, lack of participation by key personnel (particularly

law enforcement and prosecutors), and territorial (“turf”) issues.

Role of the Team

Successful teams are often given legitimate status by tribal resolutions which establish the MDT as a tribally recognized entity and which specify the membership of the team. Such a resolution can clearly outline the role of the MDT to help prevent confusion. Other agencies must also affirm the participation of their representatives. An Assistant U.S. Attorney who is assigned to attend tribal MDT meetings can have this assignment codified as a part of their job duties.

Lack of Participation

Lack of participation by representatives can defeat the purpose of a MDT. Several strategies are available to increase participation. One way to insure the participation of the prosecutor is to have the prosecutor host or chair the meetings. It has been suggested that the prosecutor is the natural choice for providing leadership on a MDT (APRI, 1987; Ten Bensel, Arthur, Brown, and Riley, 1986). If the meeting takes place in the prosecutor's office it is difficult for the prosecutor to miss the meeting. Similarly, it may be difficult to get law enforcement personnel to attend MDT meetings. When the prosecutor is the host, law enforcement may be more inclined to participate in meetings.

In some locations, distance increases the length of time it takes to reach a meeting site which may be a barrier to participation. A U.S. Attorney's Office, for example, may be located several hours away from the tribal location where the MDT meeting takes place. Sometimes bad weather can make the trip impossible. It is understandable that occasional non-attendance for a legitimate reason may be unavoidable. However, if a team member cannot attend the meeting, they should make every effort to get information to the team via fax, telephone, e-mail, or some other source. A member's commitment is reflected in their dedication to getting information to their team.

Territorial Issues

“Turf” issues are difficult to overcome. There may be some instances where individuals may be highly suspicious of other agencies and their interest to follow through with responsibility or commitment. A team's success depends on each member's commitment to the MDT process. Eventually a MDT can lessen the burden on professionals dealing with child abuse cases. It takes time before team members will see this benefit and they will have to learn to work together before anyone's workload is diminished. The challenge is for team members to retain their interest and commitment to the MDT until they can see a positive outcome and to not get distracted by “turf” issues.

Carefully constructed MOUs which set out the roles and responsibilities of each agency representative and team leadership can help to prevent turf conflicts. MDTs should increase respect among members of different professions. As people work together and gain an understanding of each other's expertise, turf issues should diminish.

Cross-training which allows team members to participate in training events together can help to increase the feeling of being an integral part of a team. "Team-building" often occurs when representatives from a specific area attend off-site trainings together.

Conclusion

MDTs offer at least a partial solution to the very difficult problems encountered in child abuse and neglect cases. A coordinated approach to child abuse cases by a team of trained professionals who work together to minimize trauma to child victims offers the best hope for effective intervention in these cases.

Each community will develop the type of MDT which best meets the community's needs. Many teams on tribal reservations have been operational for several years and have improved the investigation and prosecution of child abuse and neglect cases. It is important to respect the unique needs of each community as tribes build working relationships with county, state, and federal agencies.