



**COLORADO**

Office of Children,  
Youth & Families

Division of Child Welfare

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## PRACTICE GUIDANCE

### THE USE OF PHOTOGRAPHY DURING THE COURSE OF A CHILD ABUSE AND/OR NEGLECT ASSESSMENT

The purpose of this practice guidance is to advise child welfare workers on the use of photography during the course of a child abuse and/or neglect assessment. It is in response to a request for clarification regarding CDHS' position on the use of photography and provisions in state rule and statute that govern its use.

1. Can I take a picture of a child/home/adult while assessing an allegation of child abuse and/or neglect?

Statute provides immunity to child welfare workers from civil and criminal liability when participating in good faith in the investigation of a report of child abuse and neglect. Per C.R.S. 19-3-309 any person in the facilitation of the investigation cannot be held liable for taking photographs as long as they are not taken as a willful, wanton, and malicious act. If you have a BSW, MSW, or DSW your role is further clarified in C.R.S. 19-3-206 which states a social worker who has in front of them a child believed to be abused or neglected may take color photographs.

2. When should I take photos?

It is important to consider what the photographs will contribute to your assessment. Consult your local county policy regarding taking pictures and talk with your supervisor regarding instances when taking photographs may be beneficial. These may include documenting moderate to severe, marks, burns and bruising or hazardous living conditions. Consider taking a photograph prior to transporting a child if they are at risk for running. Remember, taking a photograph does not replace the documentation of your observations.

3. What if I am a different gender than the child and the area that needs to be photographed is normally clothed?

Consult with local policy regarding the use of photography. Things to be cognizant of are the youth's age, gender and development. The child's parent can be included while the photograph is being taken. Consider having a parent, professional or member of law enforcement present.

4. What if law enforcement wants to take the picture?

Let them! Consult your county memorandum of understanding with law enforcement; you may have access to these photographs if needed. Per Volume 7 Section 202.51 counties are to establish a cooperative agreement regarding joint and separate investigations of child abuse and neglect.

5. Do I need parental consent to take a picture?

Statutes do not require parental consent for photographs. Consult your county policy on notifying parents when a photograph is taken.



6. What do I do with the photos?

Per Vol. 7.202.52 you shall document in the statewide automated case management system that they were taken and add them to the case file. Any specific evidence gathered, such as photographs or videotapes, shall be filed in the case record and referenced in the State automated case management system. Consult with local policy regarding record retention and who is afforded access to copies or originals of the photographs. Personal phones should not be used for photographing youth. If using a work issued phone the device should be password protected and have the ability to be remotely disabled. Once photographs are properly stored, documented, and shared in accordance with statute and local policy they should be removed from individual workers' equipment.

7. What documentation should occur in the Statewide Automated Case Management System when utilizing photography during the course of an assessment?

There are five criteria for distinguishing physical abuse: location, shape, appearance, chronicity and explanation of injuries. Information collected regarding these criteria shall be documented in Trails. It is also advised to document who was present when the photograph was taken. Per Vol 7.202.52 all interactions with the family, as part of the assessment shall be documented in the State automated case management system.

In conclusion, child welfare workers are protected under state statute from civil and criminal liability when participating in good faith in the investigation of a report of child abuse and neglect. If photography is used, document in the Statewide Automated Case Management System that photographs were taken and add them to the case file. Consult your county's policy and memorandum of understanding with law enforcement regarding the use, documentation and sharing of photographs.

Please contact James Connell or Matt Holtman with questions.

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