



## Investigation Allegation Guidelines – Proposed Substantiation for Unsafe Sleep and Drownings

### Unsafe Sleep

The intentional or unintentional act of surface-sharing during sleep with a child is not sufficient evidence to substantiate an allegation of neglect against a parent, guardian, or custodian, even despite their knowledge of the tenants of infant safe sleep.

When investigating allegations of unsafe sleep that resulted in a fatality or near fatality, evidence of the following should be considered in determining whether or not the investigation allegation findings are proposed substantiated:

- History or Pattern of Unsafe Sleep
  - ▶ The parent, guardian, or custodian has had prior reports or incidents of engaging in unsafe sleep practices.
- Substance Use
  - ▶ The parent, guardian, or custodian was under the influence of alcohol or substances, which impaired and adversely affected their ability to safely care for the infant.
  - ▶ Intoxication of the infant or the infant was exposed to a substance(s).
- Supervision
  - ▶ The length of time the infant was left unsupervised or unattended to.
  - ▶ The parent, guardian, or custodian left the infant with a person the parent, guardian, or custodian knew or should have known was incapable of safely caring for the infant.
- Hazardous Environment
  - ▶ The infant was placed to sleep in a hazardous environment or on soft surface such as a water bed or sofa.
  - ▶ Hazardous items were present in the infant's sleep environment that should have been foreseen as a substantial risk of harm to the infant such as several blankets, pillows, or other soft objects.

## Drownings

A parent, guardian, or custodian's knowledge of local ordinances on water safety does not, in and of itself, constitute neglect. When investigating allegations of drownings that resulted in a fatality or near fatality, evidence of the following should be considered in determining whether or not the investigation allegation findings are proposed substantiated:

- History or Pattern of Drowning or Near Drowning
  - ▶ The parent, guardian, or custodian has had prior reports or incidents of a drowning or near drowning.
- Substance Use
  - ▶ The parent, guardian, or custodian was under the influence of alcohol or substances, and their behavior or judgment was severely impaired and adversely affected their ability to safely care for the child.
- Supervision
  - ▶ The length of time and reason that the child was left unsupervised.
  - ▶ The parent, guardian, or custodian did not consider the child's medical or developmental needs.
  - ▶ The parent, guardian, or custodian did not assign a caregiver for the child or left the child with a person the parent, guardian, or custodian knew or should have known was incapable of providing supervision of the child.
  - ▶ Proximity of the supervision
- Hazardous Environment
  - ▶ The parent, guardian, or custodian knew that the pool fence was broken, propped open, or the security latch was broken and did not take steps to remedy the situation or implement an alternative security measure prior to the near fatality/fatality incident.
  - ▶ Knowledge that a child who cannot swim is around an unfenced pool and appropriate safety measures were not taken.