

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CHILDREN’S ADVOCACY CENTER OF LAREDO-WEBB COUNTY  
AND WEBB COUNTY YOUTH VILLAGE**

**I. GENERAL STATEMENT:**

This document constitutes an agreement between the Judge Solomon Casseb, Jr. Webb County Youth Village (herein referred to as "Juvenile Probation") and the Children's Advocacy Center of Laredo - Webb County (herein referred to as "Service Provider").

**II. PURPOSE:**

The purpose of this agreement is to ensure a collaborative effort in providing victims advocates with emotional support services for juveniles detained at the Webb County Youth Village.

The mission of the Children’s Advocacy Center of Laredo-Webb County is to break the cycle of child abuse through community education, training and prevention and to allow the child opportunities for healing through intervention in a child sensitive environment.

The Children’s Advocacy Center provides a child-friendly setting where a skilled team of professionals come together under one roof to investigate serious allegations of child abuse, conduct forensic interviews, aid in the prosecution of offenders, and provide therapy and victim assistance services to the victims – always keeping the best interest of the client in mind.

**III. COMMON VISION:**

The agreed upon common goal of both agencies is for both agencies to form a collaborative task with expected results of joint efforts. The common goal is to provide victims with emotional support services.

**IV. ROLES AND RESPONSIBILITIES:**

The Children's Advocacy Center request the following policy supporting the implementation and operation of the Multidisciplinary Team Enhancement Program of the Children's

Advocacy Center of Laredo-Webb County and the Webb County Youth Village.

Both agencies acknowledge that the multidisciplinary team approach is at the core of the children's advocacy center model, and therefore commit to participation in the Multidisciplinary Team Enhancement Program with the intent to achieve the following goals:

- to proactively strengthen and sustain the Children's Advocacy Center Multidisciplinary Team; to fortify the overall multidisciplinary component within the children's advocacy center to ensure effective communication, coordination, and collaboration at all stages of child abuse cases.
- to ensure timely access to the full array of Children's Advocacy Center/Multidisciplinary Team services for all children within the Children's Advocacy Center's official service area and existing protocol case criteria.

The role of the Children's Advocacy Center is multifaceted: to sustain a timely review of all state wide intake received at the CAC. To maintain appropriate boundaries related to the CAC's role. To facilitate forensic interviews for law enforcement agencies including the Webb County Youth Village. To maintain confidentiality at all times on all information obtained from state wide intake reports, and law enforcement reports. To have comprehensive documentation that effectively tracks all actions and activities related to the CAC's receipt and review of cases. Lastly, to refer cases, and have open communication with partner agencies.

The Children's Advocacy Center of Laredo-Webb County will adhere to SEC.264.408 Use of Information and Records; Confidentiality and Ownership in the Texas Family Code, as stated below:

- a. The files, reports, records, communications, and working papers used or developed in providing services under this chapter are confidential and not subject to public release under Chapter 552, Government Code, and may only be disclosed for purposes

consistent with this chapter. Disclosure may be to:

(1) The department, department employees, law enforcement agencies, prosecuting attorneys, medical professionals, and other state agencies that provide services to children and families; and

(2) The attorney for the child who is the subject of the records and a court-appointed volunteer advocate appointed for the child under Section 107.031.

Information related to the investigation of a report of abuse or neglect under Chapter 261 and services provided as a result of the investigation is confidential as provided by Section 261.201.

c. The Texas Department of Family and Protective Services, law enforcement agencies, prosecuting attorneys may share information that is confidential under Section 261.201 as needed to provide services under this chapter. Confidential information shared with or provided to the CAC remains the property of the agency that shared or provided the information to the CAC.

d. A recorded interview of a child made at the CAC is the property of the prosecuting attorney involved in the criminal prosecution of the case involving the child. If no criminal prosecution

occurs, the recorded interview is the property of the attorney involved in representing the TDFPS-CPS in a civil action alleging child abuse or neglect. If the matter involving the child is not prosecuted, the videotape is the property of the attorney involved representing TDFPS-CPS. If the TDFPS-CPS department is not investigating or has not investigated the matter, the videotape is the property of the agency that referred the matter to the CAC. If the CAC employs a custodian of records for recorded interviews of children, the CAC is responsible for the custody of the videotape. A recorded interview may be shared with other agencies under a written agreement.

e. The TDFPS-CPS department shall be allowed access to the CAC recorded interviews of children.

If a Forensic Interview and further investigation is required, the Webb County Sheriff's Department Investigator will contact the CAC to schedule a forensic interview. Interviews can only be scheduled by the Texas Department of Family and Protective Services or a Law enforcement Agency.

- The CAC will not receive any referrals from another party. Referring agencies must

bring a blank video tape. All interviews will be recorded.

- For a forensic interview, the child must be accompanied by a Juvenile detention officer and law enforcement investigator, or TDFPS-CPS personnel. Non-offending parents or legal guardians may be present.
- All forensic interviews that are brought to the CAC after regular operating hours shall be accompanied by a Juvenile and law enforcement officer along with the case investigator, TDFPS-CPS personnel, and on-call CPS worker.
- All forensic interviews will be conducted by the CAC trained interviewer. The interview may be observed by prosecutors, law enforcement personnel and TDFPS-CPS personnel.
- Defense attorneys will not be allowed to observe an interview at any time.
- The CAC will release the original video tape to the referring agency.
- When necessary, the CAC will schedule a medical/sexual assault exam with the MDT Medical Partner. This medical exam must be requested by the law enforcement agency that is working the criminal case. The law enforcement officer must provide the case number to the CAC staff when requesting the medical examination.
- Alleged perpetrators will not be allowed at the CAC.
- Cases shall be scheduled for case staffing within twenty calendar days of a Multidisciplinary Team Meeting. The law enforcement investigator, and/or TDFPS-CPS personnel shall be present at the scheduled case staffing.
- The CAC shall be notified regarding court proceedings so the child can receive court school training. Final Case disposition will be provided to CAC staff.
- Cases shall follow original policies and procedures as set forth in the original MDT Operations handbook.

### **Non-Discrimination Policy**

The Children's Advocacy Center of Laredo-Webb County maintains a policy of nondiscrimination. All children whose cases fits the criteria listed below shall be granted services provided by the Children's Advocacy Center of Laredo-Webb County without regard to race, color, sex, sexual orientation, religion, national origin, citizenship status, age, or disability status.

## **Standards**

The Children's Advocacy Center of Laredo-Webb County commits to conform to standards established by Children's Advocacy Centers of Texas, Inc. (CACTX) and the National Children's Alliance (NCA).

## **Forensic Interview Services**

CAC forensic interviews perform investigative interviews of children and adults with disabilities in accordance with CAC policy. These interviews are provided onsite, in specially designated locations, as part of the team response. Forensic interviews are legally sound, developmentally appropriate, culturally competent and of a neutral and fact-finding nature. Interviews are coordinated with the multidisciplinary team to avoid duplicative interviewing.

### **Children's Advocacy Center Forensic Interview Program commits to:**

1. Provide quality forensic interviews of children, following the MDT Investigative Protocol procedures.
2. Refer appropriate cases to CAC family advocacy and victim support and mental health services in a timely and coordinated manner.
3. Routinely share information among team members and provide information about case status as needed and as allowed by law.
4. Participate in Peer Review programs internally and regionally.
5. Attend New Team Member Orientation regarding CAC services, the multidisciplinary investigative process, and other relevant cross-discipline trainings.
6. Attend and actively participate in the Multidisciplinary Team (MDT) meetings and special case interviews.
7. Participate in CAC activities, including professional educations, community educational efforts, and team building programs.

8. Provide feedback and suggestions regarding procedures and operations of CAC and the MDT process.
9. Work with the County/49<sup>th</sup> Judicial District Attorney's Office to provide availability of appropriate information and expertise regarding forensic interviews in the legal system.

### **Forensic Interview Services Criteria**

1. Forensic Interviews are conducted at the request of law enforcement;
2. Allegations must involve a criminal offense;
3. The child is under 17 years of age or there is a special request for assistance made by law enforcement; 18 year old's who are enrolled in secondary education may also be interviewed if the alleged perpetrator holds a position of authority where other children may be in a vulnerable position. 18 year old's who are exceedingly fearful to speak to a law enforcement official may also be interviewed.
4. The child demonstrates sufficient verbal skills in order to be interviewed as determined by a prescreening conducted by the forensic interviewer;
5. The child is recognized as one of the following:
  - a. An alleged victim of child abuse,
  - b. An alleged victim of physical abuse,
  - c. Potentially involved in child pornography, child exploitation, or sexual performance and/or
  - d. A witness to a felony case.
6. The investigation parties agree for the case to become part of the CAC database and it tracked through the criminal and civil systems; and
7. The investigating parties agree to be available for the case to undergo case review (i.e. MDT special child death staffing, etc.) as requested.
8. Forensic Interviews are not conducted for cases that involve purely civil matters or are for the sole purpose of providing a second opinion.

The executive Director must approve interviews that are exceptions to the criteria outlined above. In the event the Executive Director is unavailable, any exceptions must be approved by the Program Director or lead Forensic Interviewer.

### **Scheduling of Interviews**

Law enforcement should contact the designated CAC staff member to schedule interviews. In the event immediate contact cannot be made, a CAC forensic interviewer will be available to

schedule appointments. When scheduling appointments, law enforcement should communicate the urgency of the interview, language of the child and accommodations necessary for a successful interview. Any cancellation or re-scheduling of a child's interview should be conveyed immediately to the CAC interviewer assisting the agency.

It is the responsibility of the party scheduling the forensic interview (i.e. law enforcement/DFPS) to notify the family and other investigating team members, when applicable, of the scheduled appointment.

### **Multidisciplinary Enhancement Program Forensic Interview Process**

Forensic Interviews are generally conducted during business hours, Monday-Friday 8:30 a.m. to 5:30 p.m. to schedule an appointment during regular working hours, call (956) 712-1840, and ask for forensics department.

To request CAC services/response after normal working hours, weekends or holidays, an on-call designated CAC staff member is available and can be reached by calling the after hour on call number (956) 508-7945.

The forensic interviewer will discuss and explore the reasons for requesting an emergency interview. The forensic interview will take the following issues into consideration: protection and safety issues, time of day/night, age of alleged victim, alleged crime etc.

Emergency Priority 1 interviews may be conducted after business hours: after 6:00 p.m. and weekends. Priority 1 Defined:

- Emergency case: Law Enforcement
- Priority one Case refers to DFPS definition of Emergency Case
  - a. Child is a victim of a recent sexual assault. The perpetrator is a family member and must live in the home to be considered Emergency/P1.
  - b. Child is a victim of serious physical injury and exhibits serious bruising, cuts or marks, and is under the age of 14.
  - c. Child is an actual witness to a murder or violent crime. (Child age 6, and under to be considered Emergency/P1-as Per CAC)
  - d. Child is a kidnap victim. (Child Age-dependent on the maturity of the child.

Age 6 and under to be considered Emergency/P1-as Per CAC)

- e. Law Enforcement Emergency: After hour forensic interviews. The CAC requires that the investigating officer be present with an advocate from the investigating agency to assist the family. If the Department of Family and Protective Service (DFPS) is involved we request that they be present as well.
- f. Priority 1, DFPS After hour forensic interviews. The CAC requires that the investigating worker be present with an advocate from the investigating agency to assist the family.
- g. Please remember this is an hour interview and the CAC requires that your agency have another person besides you present to assist the family at the center. Emergency Afterhours must include an investigating officer, a police officer, a TDPFS Investigator, and on call TDPFS CPS worker, and Juvenile detention officer.

The Judge Solomon Casseb Jr. Webb County Youth Village will be responsible for the following:

- (a) the agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's to preventing, detecting, and responding to such conduct
- (b) the agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities
- (c) the agency will initiate an investigation and/or report to a law enforcement agency (if necessary)when a child/juvenile does an outcry of sexual abuse or sexual harassment
- (d) the agency will refer the child/juvenile to CAC for services as requested by the victim or by the Webb County Youth Village

**V.CONFIDENTIALITY:**

Service Provider shall maintain strict confidentiality of all information and records relating to juveniles involved in Juvenile Probation, and shall not re-disclose the information except as required to perform the services to be provided pursuant to this Agreement, or as may be required by law.



**VI. CHILD ADVOCACY CENTER CRITERIA (for services):**

The Children's Advocacy Center of Laredo -Webb County will be responsible for the following:

- When a forensic interview is requested from the Webb County Youth Village a forensic interview will be conducted at the Children's Advocacy Center of Laredo-Webb County based on defined case perimeters, i.e. all sexual abuse allegations.
- The forensic interview will be conducted with the juvenile while CPS and Law Enforcement are observing. After the interview, relevant MDT members meet to discuss the next steps. CPS and LE determine witnesses that need to be interviewed, evidence that needs to be collected, and if a medical exam should be scheduled. CPS, LE and CAC Staff determine if additional services are needed for the family, such as referral to local resources and therapy. All parties determine their tasks and timelines.
- A Juvenile Detention officer will transport juveniles to the Children's Advocacy Center and then back to the Juvenile Detention facility.
- Within twenty calendar days of the forensic interview, at the next Multidisciplinary Team Case Review Meeting, the forensic interviewer speaks to what happened in the interview, the CPS and LE discuss what information they have collected since the interview, and CAC Staff talk about the services the family may have accessed. The County Attorney is there to hear all of this information and determine what else is needed before the case is presented to their office. All parties have their tasks and timelines determined after the meeting. If the case is complicated and pieces of the investigation require additional time, i.e. polygraph, DNA, etc., then the case will stay on the case review list until all parties have completed their investigation and the case is ready to be presented to the County Attorney's office.
- Therapy at the Children's Advocacy Center of Laredo-Webb County typically begins once the referral has been made after the forensic interview.
  - a. The role of the therapist at an MDT meeting includes the following:
    1. To be a resource to the team about the dynamics that may affect the investigation/prosecution, i.e. family dynamics, sexual abuse dynamics, etc.
    2. To ensure that therapy referrals have been made for the cases that are discussed.

3. To discuss minimal information about current clients, i.e. whether or not a juvenile is able to testify.

b. The typical role of the therapist at court is to be an expert witness to testify on abuse dynamics.

## **VII. DURATION OF MEMORANDUM OF AGREEMENT:**

The term of this agreement is for twelve (12) months, commencing **September 1, 2018** and ending **August 31, 2019**. It shall be automatically renewed for one year term unless one party notifies the other in writing of its intention to not renew this Agreement, at least thirty (30) days prior to the expiration of said term.

Notice to terminate this agreement shall be in writing and may be mailed, faxed or personally delivered to the contact person listed below:

Melissa Mojica  
Chief Juvenile Probation Officer  
111 Camino Nuevo Road  
Laredo, Texas 78043  
Fax: (361) 586-5083

Dr. Severita Sanchez  
Executive Director  
Children's Advocacy Center of Laredo-Webb County  
Laredo, Texas 78043  
Fax: (56) 712-1844

## **VIII. AMENDMENTS**

Juvenile Probation may amend, modify or alter the terms of this Agreement and specify an effective date thereof. Juvenile Probation will then notify Service Provider in writing, dated subsequent to the date hereof, of such changes and their effective date. Continuation of services after the effective date by Service Provider will signify its acceptance of these changes. If Service Provider declines to accept changes made by Juvenile Probation, Service Provider may terminate this Agreement subject to the conditions herein.

EXECUTED IN DUPLICATE ON FEBRUARY \_\_\_\_\_, 2019, EACH OF WHICH SHALL HAVE THE FULL FORCE OF AN ORIGINAL.

**WEBB COUNTY:**

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Tano E. Tijerina  
Webb County Judge

**ATTESTED:**

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Margie Ramirez-Ibarra  
Webb County Clerk

**APPROVED AS TO FORM:**

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Ramon A. Villafranca, Jr.  
Assistant General Counsel  
Civil Legal Division\*

\*By law, the Civil Legal Division may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).

**Passed and approved by the Webb County Commissioners Court**  
**On January \_\_\_\_\_, 2019; item no \_\_\_\_\_.**