

Topic 13: Confirming Presence of Illegal Drugs in a Child's Body

Link to [Policy](#)

For all allegations of illegal drugs in a child's body, gather and document credible evidence that the following factors are present:

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: An **illegal drug** has been found **in the body** of a child. (See definition of "[illegal drug](#).")

Examples of credible evidence include:

- ◆ Statement of a medical practitioner that an illegal drug is present in the child's body, based upon medical testing.
- ◆ Laboratory report for the child that confirms the presence of an illegal drug in the child's body.

Note: When the alleged exposure took place in utero, and a test fails to find illegal drugs in the body of a newborn child, we cannot confirm for presence of illegal drugs, even though the mother may have admitted using illegal drugs during her pregnancy.

We also cannot confirm for denial of critical care on the mother for failure to provide proper supervision on the premise that the child was placed in a situation that endangered the child's health or life, since the danger occurred in utero.

Factor 4: The presence of the illegal drug is a **direct and foreseeable consequence** of the acts or omissions of the child's caretaker. Credible evidence may include:

- ◆ Statement that the caretaker gave the child or caused the child to ingest the illegal drug which was found in the child's body, or knowingly allowed the child access to an illegal drug which the child then ingested.
- ◆ Statement from a medical practitioner that a newborn child has tested positive for the presence of illegal drugs which were ingested by the mother when the child was in utero.