

POLICY NO: 81-04-24
DATE OF REVISION: 11-04-13

CATEGORY: PROTECTIVE SERVICES/CHILD WELFARE

POLICY NAME: Independent Investigations

Policy statement:

Statute requires that an independent investigation be conducted when DCDHS receives an allegation of child maltreatment involving agents of the county. Investigations must be conducted pursuant to state requirements as set forth in the **CPS Investigation Standards** and in Memo Series DCS-86-45. Rock County Human Services (RCHS) conducts independent investigations for DCDHS and Dane County conducts independent investigations for RCHS. Please refer to interagency agreement along with this policy as needed.

Definition of "agent":

An agent is an individual who acts on behalf of DCDHS.

Employees of DCDHS (including students and volunteers), spouses of DCDHS employees, and foster parents are considered agents in all instances.

Individuals employed by group homes and agencies under contract with DCDHS may or may not be considered agents. Individuals employed by RCC's and state institutions in Dane and other counties will not be considered agents in most situations. Staff should contact the CPS Manager for determinations in these instances.

Children in placement involved in maltreatment against other children in placement are not considered agents. The only exception is if it appears that a lack of supervision and/or complicity by the agent contributed to the maltreatment, in which case the incident should be reported.

When is an independent investigation required?:

Statute requires that an independent investigation be conducted when one or more of the following situations exist:

1. An agent is alleged to be a perpetrator of maltreatment;
2. A victim of maltreatment is the child of a DCDHS employee;

3. Circumstances exist which create a "substantial probability" that DCDHS would not conduct an unbiased investigation of the situation at hand.

Other Circumstances to consider

4. If DCDHS believes that a conflict exists that may compromise the integrity of the assessment, it will be referred to RCHS for their consideration.

Agency roles and responsibilities:

DCDHS (referring agency):

- * assigns an independent investigations supervisor, hereafter referred to as the IIS, to coordinate all independent investigation activities;
- * receives maltreatment referrals involving agents;
- * assesses child safety and acts to protect children as appropriate;
- * involves law enforcement personnel as appropriate;
- * gives the appropriate RCHS supervisor an assignment to the CPS report with documentation of the steps taken to control for safety by DCDHS;
- * cooperates with RCHS during the course of its investigation;
- * considers recommendations by RCHS for any service provision needed.

RCHS (investigating agency):

- * screens referrals involving agents with DCDHS;
- * restricts cases when appropriate or as requested by DCDHS;
- * interviews all household members and necessary collaterals;
- * makes safety determination at the conclusion of the initial assessment;
- * coordinates with DCDHS regarding the development of an in-home or out of home safety plan;
- * sends out mandated reporter letter as necessary;
- * completes CPS initial assessment documentation pursuant to appropriate state assessment standards;
- * makes substantiation decision and sends appeal information as needed;
- * reports perceived licensing issues to DCDHS;
- * conducts appeal hearings as necessary.

STATUTES/MANDATES: WI SS 48.981(3)(d); DHFS Child Protective Services Investigation Standards; DCS Memo Series 86-455
http://dhfs.wisconsin.gov/dcfs_info/num_memos/DCS/1995/1995-29.htm

POLICY CROSS REFERENCE: None

PROCEDURES
CYF Policy #81-04-24: Independent Investigations

I. Cases involving Dane County Department of Human Services employees and/or persons who have a substantial relationship with DCDHS (see II for foster parents)

- All CYF employees or agents, including foster parents, are required to make a report to Central Access (261-5437) regarding any concerns of child maltreatment.
- Central Access receives the CPS referral, completes the CPS Report, and sends the report to the identified DCDHS IIS who is responsible for coordinating Independent Investigations.
- If the report comes in after hours, the on call worker will communicate with the DCDHS supervisor on call and manage for safety as needed. The on call worker and/or the on call supervisor will inform the IIS the following business day regarding the report and any necessary steps taken to secure safety.
- The DCDHS IIS determines the need for an immediate safety assessment/safety intervention. The IIS informs the CPS manager of the report and initial case decisions.

A. Reports Screened In for assessment:

1. The IIS determines the need for an immediate safety assessment. If it is determined that an immediate safety assessment is not required, please proceed to 5.
2. If the nature of the allegation requires that a safety assessment occur immediately, DCDHS IIS will assign a Dane County Initial Assessment (IA) Worker to conduct this function. The IA worker will be assigned from the office area in which the home being assessed is located. Please refer to Safety Assessment Protocol attached to this policy.
3. Within 24 hours of receipt of referral the DCDHS IA worker will assess for safety by conducting field interviews with the minimum needed number of participants, as determined by the IIS, and take the appropriate steps to secure safety as issues arise. The IA worker along with the IIS will determine the need to include Law Enforcement as appropriate.
4. The IIS then contacts the RCHS coordinating supervisor and advises them of report and any safety actions taken. The RCHS reviews the report and safety information and makes the supervisor screening decision.

5. When screened in for assessment, RCHS commences the independent investigation within 5 working days of case assignment. RCHS shall inform the IIS when the assessment is completed and approved. RCHS will complete the assessment within 60 days of commencement of the investigation.
6. RCHS will inform the IIS of any follow-up recommendations. DCDHS will be responsible for any needed service provision, court work, or case management as a result of RCHS assessment.

B. Reports Screened Out

1. Rock County will complete the final screening decision. Rock County will send out the Mandated Reporter letter if appropriate.

II. **Child Maltreatment reports involving Foster Parents**

- All CYF Employees or agents, including foster parents, are required to make a report to Central Access regarding any concerns of child maltreatment.
- Central Access receives the CPS referral, completes the CPS Report, and sends the report to the identified DCDHS IIS who is responsible for coordinating Independent Investigations.
- The DCDHS IIS determines the need for an immediate safety assessment/safety intervention. The IIS informs the CPS manager of the report and initial case decisions.
- If the report comes in after hours, the on call worker will communicate with the DCDHS supervisor on call and manage for safety as needed . The on call worker and/or the on call supervisor will inform the IIS the following business day regarding the report and any necessary steps taken to secure safety.
- The IIS notifies all CYF agency workers, which includes all the assigned social workers and their respective supervisors, social service specialists, the foster home consultant and his/her supervisor, any ARTT worker or Reunification worker assigned to a child in the home. The IIS is expected to keep all apprised of case activities related to the report.

A. Screened in reports

1. The IIS determines the need for an immediate safety assessment. If it is determined that an immediate safety assessment is not required, please proceed to 5.

2. If it is determined that an immediate safety assessment is needed, the assigned primary social worker for the child in placement will conduct the safety assessment. If in addition to children in placement, the foster parent has biological and/or adoptive children, the safety assessment for those children will be conducted by the IA worker in the office area where the foster parent resides.
3. Within 24 hours of receipt of referral the DCDHS worker(s) will assess for safety by conducting field interviews with the minimum needed number of participants, as determined by the IIS, and take the appropriate steps to secure safety as issues arise. The worker(s) along with the supervisor will determine the need to include Law Enforcement as appropriate. See Safety Assessment Protocol attached to this policy.
4. All workers involved in assessing safety will provide their findings in writing to the IIS prior to the end of the next working day. The IIS will assure all the needed information is attached to the report and available to RCHS. The workers under the direction of the IIS will put a protective plan in place if necessary to achieve safety.
5. If it is determined that the facts of the report do not warrant an immediate safety assessment, the report will be forwarded to RCHS for a screening decision and assignment of a Rock Co. IA worker. The Rock Co. IA will commence an assessment within 3 days of receipt of the intake.
6. The decision regarding whether or not the foster parent will be notified of the pending assessment, and by whom, will be made in consultation between the IIS and RCHS.
- . The assigned primary social worker for the child in placement will notify the child's parents of the pending assessment and any steps taken to ensure that child's safety.
8. The RCHS supervisor and/or his designee will keep the DCDHS IIS informed of case activities as needed. Once the assessment is completed, RCHS will notify the DCDHS IIS, who will in turn inform, all related workers that the IA is completed and available to read in SACWIS.
9. The assigned primary social worker will notify the child's parents of the outcome of the assessment.
10. The RCHS worker will inform the foster parents of the outcome of the assessment, in coordination with the DCDHS foster home consultant.

B. Screened out reports

1. Rock County will make the final screening decision on the report.
2. If a screened out report requires follow-up by any of the assigned workers and/or the foster home consultant, this will be explicitly stated in the decision making portion of the report. The designated workers will be expected to follow-up as indicated in a timely fashion and enter an Access case note, attached to the intake, documenting their follow-up.

Assessing Present Danger Threats

To conduct a safety assessment for an independent investigation requires assessing for present danger threats. Present danger threats are pretty easily identified. A present danger threat is an immediate, significant and clearly observable family condition that is actively occurring or "in process" of occurring at the point of contact and will likely result in severe harm to a child. Present danger threats in a placement may be different than present danger threats in the child's own home.

The IIS can determine that no present dangers threats are occurring within the family based on the access report. In these cases no safety assessment is needed. If it is determined that either present danger threats are occurring or there is a high likelihood that they are/will occur, a safety assessment is needed.

To determine if threats to safety are operating within the family/foster home, the worker will be required to consider the following 27 (two are combined) present danger threats. Definitions provided are guidelines and are not all-inclusive.

Maltreatment -

The child is being maltreated at the time of the report and the child is accessible to the maltreater

Severe to extreme maltreatment of the child is suspected or confirmed

The child has multiple injuries

This refers to different kinds of injuries (bruises and burns) but may also mean the same type of injury on different planes of the body

The child has injuries to the head or face

The maltreatment demonstrates bizarre cruelty

Includes but is not limited to locking up children and torture

The maltreatment of several victims is suspected or confirmed.

This refers to more than one child being currently maltreated rather than other children having been maltreated in the past

The maltreatment is premeditated

Life threatening living arrangements are present

This includes circumstances such as unsafe buildings, serious fire hazards, accessible weapons or unsafe heating and wiring. It is dependent on the age and self-protective capacities of the child.

The report is serious and there is a history of reports

Child -

Caretaker viewpoint of the child is bizarre

This refers to an extreme viewpoint not just a negative attitude toward the child. It is consistent with the caregiver seeing the child as being possessed

Child is unable to care for self and is alone at the time of the report (now)

This only applies to a vulnerable child who is truly without care. It does not apply to caregivers that are late picking up a supervised child or a child who was left the night but the caregiver is now present.

Caregiver –

Caregiver is under the influence of drugs or alcohol now or is consistently intoxicated

This refers to the caregiver being incapacitated to care for the child rather than the caregiver is using

Caregiver is out of control due to lack of self-control or through mental illness

This refers to parents being unable to manage their behavior so as to be unable to perform basic parental responsibilities and provide basic care

Caregiver is demonstrating bizarre behaviors now

Unpredictable, incoherent, outrageous or totally inappropriate behavior

Caregiver is acting dangerous now or is described as dangerous

These behaviors include threatening, brandishing weapons, attacking or being dangerously aggressive

Caregivers are unable to perform basic care now

This refers only to responsibilities that are consistent to safety and basic care. It does not refer to whether the caregiver is effective or appropriate

Caregiver whereabouts are unknown

Caregiver overtly reject intervention

The caregiver refuses access to the child and essentially avoids all CPS attempts at communication

Caregiver cannot explain the child's injuries or conditions

Family-

The family may flee

The family hides the child

This refers to physically restraining a child within the home as well as passing the child between relatives to avoid allowing others to have contact

The child is subject to active domestic violence

There is reason to believe the child is intervening in the DV

The child is likely to be injured by being held during the DV or being restrained

The perpetrator does not allow protective parent access to basic needs

The perpetrator has killed or substantially harmed and is making a believable threat

Family is isolated and there is a report of serious maltreatment

Isolation can be both geographical and/or social. However isolation in and of itself is not a present danger threat.

Situation may change quickly and there is a report of serious maltreatment

This is pertinent in judging the need to respond in that the change of a situation may result in the loss of opportunity to gather important information

Using information gathered in the interviews, identify behaviors or condition in the family that are immediate threats to safety. Did you find present danger threats?

If yes – the child is unsafe

The existence of present danger threats necessitates immediate action from the worker.

This action may be:

- 1) A protective plan. A protective plan is an immediate, short-term action that can be monitored and directly protects each child from each identified threat. The protective plan focuses on controlling the threats to safety that are identified. The plan does **NOT** focus on facilitating change. Change takes time. The safety of the children must be ensured while the family is working toward change.

The written protective plan must:

Describe how each threat will be controlled and monitored and by whom.

Indicate the names and phone numbers of each responsible adult implementing the plan and their relationship to the family

Describe the access the maltreater has to the child, how the plan will be managed, and how the plan will be communicated to the family and providers.

Must have **NO** reliance on promises by the caregiver not to do it again

The protective plan in place requires sufficient monitoring until the initial investigation is complete and the protective plan is no longer needed because the children are safe or a safety plan has been put in place initial assessment worker.

- 2) If it is determined that a protective plan cannot be constructed which ensures safety, immediately removal of the child is necessary.

If no-there is no immediate danger and no protective plan is needed.

Conducting the Interview

1. Interview questions should be based on gathering the above information. The interview is not expected to capture all elements of the assessment.
2. Focus on questions of Who, What, and Where. (i.e. What happened to your face? Who did this? Where did this happen?) These get at the basic factors of the maltreatment.- what happened, by whom and where (“where” is necessary to determine Law Enforcement jurisdiction if this becomes necessary).
3. Observations by the worker are also critical and are based on the reasonable person standard; what does injury look like, what is the affect of the child (are they fearful), what is the condition of the home, etc.
4. Questions regarding allegations of sexual abuse can be more difficult to formulate and require a bit more elaboration, but the worker is still trying to obtain the same basic information. Questions involving sexual abuse allegations may require talking with the child about basic body safety or relationships prior to asking a question about the maltreatment (i.e. Tell me what parts of the body are not OK to touch, has any one ever touched you on those parts? How do you get along with your brother? Does he ever do anything you don’t like?)
5. All interviews need to be documented.