

# DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 03: Initial Response/Detention

## Item 009: Referrals on Dependent Minors

Suggested changes send to: [DSS PSOA](#) Mailbox

Issued: **March 07, 2014**

References California Structured Decision Making (SDM) Policy and Procedures Manual; [Penal Code 11165.5](#), [Penal Code § 11170\(b\)\(2\)](#), [All County Letter 03-61](#), [All County Letter 05-09](#), [All County Letter 05-09E](#), [California Department of Social Services Manual of Policies and Procedures \(MPP\) Division 31-100](#), [All County Letter 11-77](#)

Revisions in Red

Replaces Issue: January 21, 2014

### Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

### Policy

The Department of Social Services (DSS) will receive and investigate reports of abuse or neglect of Fresno County Juvenile Court Dependent Minors and Non-Minor Dependents (NMD), hereafter referred to as “Dependents”.

### Purpose

To identify criteria and procedures for social workers for processing and responding to referrals regarding dependents of the Juvenile Court.

### Procedure

#### Intake

Upon receipt of a referral of possible abuse or neglect of a dependent, Child Protection Hotline (CPH) staff shall document and process the report in the same manner and urgency as a report on any other child and as outlined in the Fresno County Policy and Procedure Guide (PPG), [03-03-001 Child Protection Hotline](#).

Note: Minors in guardianship from Probate Court or minors whose dependency action has been dismissed in Dependency Court are not considered dependents of Fresno County Juvenile Court.

Referrals on dependents in out-of-home placements will not be evaluated out unless approved by the Emergency Response Social Work Supervisor (SWS) Triage or Program Manager (PM). For all referrals that have been evaluated out, the SWS evaluating out the referral shall email the ongoing Social Worker (SW), SWS, and PM notification of the referral with recommendations for any identified case management concerns. In addition, the email notification will be CC'd to the SWS in

Each report will be assessed individually for the appropriate response. Examples of situations which may be considered case management issues include, but are not limited to:

- Minors who have been on runaway status and are presenting themselves for placement or are being brought for placement by Law Enforcement or some other person associated with the minor.
- Minors who are engaging in consensual sexual acts with persons outside the home (even if illegal) unless it is suspected that the substitute care provider is actively allowing the activity and are therefore neglectful.
- Parent(s) and/or Foster Parent(s) out of compliance with their Case Plan
- Issues about the quality of care that do not meet the criteria or the definition of abuse or neglect as described in Penal Codes (PC) 11165.1 through PC 11165.6.

When a report does not warrant a new referral, the CPH SW must contact the assigned SW and SWS to provide the information reported. Email notification must be made as described above. The CPH SW shall also enter the email into the CWS/CMS case narratives.

#### Assignment of Referrals

The case managing (CM) SW who is responsible for maintaining the placement needs of a dependent must not be responsible for the investigation of allegations against substitute care providers as there is an inherent conflict of interest. Referrals accepted for response will normally be investigated by an Emergency Response (ER) SW. When possible, referrals will be assigned to the DIU.

#### Investigation

All referrals shall be investigated according to normal investigation procedures. Please refer to [PPG 03-03-008](#) Assessment in Investigation of Abuse/Neglect Reports for further information.

In addition, the following DIU protocols are in effect:

- Contact the CM SW and/or the SWS assigned to the dependent by phone to advise them of the referral and to obtain any additional information regarding the dependent(s) and the care provider.
- Contact the Licensing SW by phone, if applicable. If the referral alleges abuse or neglect in a Foster Family Agency (FFA) Home or a Group Home the licensing worker will be from Community Care Licensing (CCL).
- If the referral alleges abuse or neglect in the home of a relative or non-relative extended family member, the HAU shall be contacted.

- When appropriate, the FFA or Group Home shall be contacted by telephone (or e-mail if not available by telephone). Circumstances may indicate that this contact should be subsequent to initial contacts with the dependents or the home if the integrity of the investigation might be compromised by a prior notification.
- When the allegation(s) of the referral are determined to require a response, the responding SW (DIU or ER SW) will contact the parent(s) and/or guardian(s) to inform them of the allegations and outcome of the investigation within 48 hours of the conclusion of the investigation.
- When the referral alleges abuse or neglect involving a Fresno County licensed foster parent, a FFA foster parent or Group Home employee, the investigating SW shall send a request to Foster Parent Resources (FPR) at [CWS FPR](#) and cc the FPR SWS to place a hold on the home in compliance with [PPG 03-05-023, Placement Holds](#).
  - The request shall include a brief description of the allegation(s).
- If the Reporting Party (RP) is a mandated reporter, ensure that the “Feedback Required” box in the Reporter tab of the referral is checked.
- Comply with incident reporting and investigation procedures. Please refer to [PPG 01-03-001 Incident Reporting](#) and [PPG 01-03-002 Incident Investigation](#) for further information.

**Note: An [Incident Report](#) must be completed on all referrals involving allegations of abuse, neglect, or injury to children currently in an open DSS case, including Voluntary Family Maintenance (VFM) cases.**

- With the exception of the CPH SW, the DSS SW that was first informed of the allegations is responsible for completing the initial Incident Report.
- The investigating SW will update the Incident Report as needed throughout the investigation.
- Utilize CWS/CMS to identify all minors living in the home presently and/or during the timeframe of the alleged abuse.
- Other children in the home, both placements and the natural, adopted, or non-dependent guardian child(ren) of the substitute care provider (SCP) should be interviewed for collateral verification of the incident, as well as for the assessment of their own safety and well-being in the home. If additional incidents of abuse are disclosed, the investigating SW is to generate the appropriate referrals.
  - Referrals on additional dependents will be handled by the current investigating SW.
  - Referrals on non-dependent minors will be assigned to the ER rotation.

- When applicable, the appropriate SDM Safety Assessment is to be completed according to the SDM Policy and Procedures.

**Note: When the allegations are regarding a SCP the SW shall utilize the SCP Safety Assessment in SDM and correctly identify the SCP Type as Foster, Relative, FFA, NREFM, or Small Family Home. (Small Family Homes provide 24-hour-a-day care in the licensee's family residence for six or fewer children who are mentally disabled, developmentally disabled, or physically handicapped, and who require special care and supervision as a result of such disabilities.)**

- In documenting the referral, if there are children from other families who are interviewed as collateral contacts, the documentation must be done in a manner that protects the confidentiality of those other children. They are to be identified by their initials only. The first instance of documenting a contact with them the 19-digit client number is to be noted with their initials. This allows for any subsequent review to specifically identify them but protects their identity from others who may later have access to the documentation (as in discovery during the court process.) The information that is documented is only that which will explain the SW's assessment of the safety and well being of the child(ren) who are the subjects of that referral. Other details will be correctly documented in the referral (if any) regarding that child(ren.).
- The investigating SW will collaborate with the CM SW regarding the decision on whether to remove the dependent from the current placement or allow the dependent to remain as placed based on the Safety Assessment. However, the primary responsibility for the placement change decision is that of the investigating SW.
- If a Team Decision Making (TDM) meeting is needed to decide whether or not the child will return to the SCP, the CM SW shall schedule the TDM and invite the investigating SW.
- The selection of the subsequent placement is the responsibility of the CM SW including communication with FPR regarding the specific placement needs of the dependent.
- Allegation "conclusions" are to be made consistent with the standards of California PC 11165.6. For example, if a SCP has spanked a child and there is no injury it is unlikely to meet the PC standard of Physical Abuse (11165.3) even though it is a violation of a court order and/or Foster Care Licensing Codes.
- Any subsequent Petitions and/or Court Reports are the responsibility of the CM SW.
- The investigating SW is responsible to provide timely documentation in the form of CWS/CMS narratives to support the Petition and/or Court Report in accordance with PPG [03-01-001 Mandatory Face-to-Face Contacts/Documentation Timeframes](#) and PPG [03-06-024 Time Lines for Reports to Court](#).

### Responsibilities of the CM SW

Secure and select placement in the event of a disruption as a result of the investigation.

With the assistance of the investigating SW, develop and monitor safety plans when needed.

### Dependents Placed Outside the County of Jurisdiction

If a dependent from another county is placed in Fresno County and an immediate response is required, Fresno County DSS will respond and if necessary collaborate with the county of jurisdiction for placement purposes.

If an immediate response is required regarding a Fresno County dependent placed out of Fresno County, the County in which the dependent(s) is/are placed shall respond to investigate the allegations.

If a Fresno County dependent is placed outside of Fresno County and the situation does not require an immediate response, a SW from the Fresno County DIU will respond.

If a home under investigation of abuse or neglect of a Fresno County dependent also has one or more dependents from another county placed in the home, those dependents shall be interviewed as collateral contacts, as well as for the assessment of their own safety and well-being in the home. If appropriate, a referral regarding the other county's dependent (s) will be generated and the response documented in CWS/CMS. The Fresno County SW assigned to the investigation will be responsible for notifying the other County's SW or probation officer of the situation in the home where their dependent is placed.

### CWS/CMS Documentation

Prior to referral closure, the investigating SW and SWS are to complete the following:

- Ensure the appropriate allegations are entered and concluded in CWS/CMS.
- Ensure the appropriate Perpetrator Type is selected on the ID page of the Allegation Notebook in CWS/CMS.
- Ensure the alleged perpetrator has been created in the CWS/CMS Client Notebook and has been selected from the Alleged Perpetrator drop down box on the ID page of the Allegation Notebook.
- If FPR was contacted to request a hold on a foster home or group home, the investigating SW shall email FPR with the disposition and results of the investigation at [CWS FPR](#) and cc the FPR SWS.
- If the RP is a mandated reporter, ensure that the RP has been contacted and advised of the results of the investigation and any action DSS is taking with regard to the child or family.
  - Advisement can be done in person, via telephone, or via letter created through CWS/CMS.

- If contact is made in person or via telephone, the contact shall be narrated in CWS/CMS, as well as the “Feedback Method” and “Feedback Date” entered in the Reporter tab of the referral.
- If contact is made via letter created through CWS/CMS, a copy of the signed letter shall be filed in the case folder or scanned and imported into the Referral Management (green) section CWS/CMS.
- The assigned SWS shall ensure that the mandated reporter has been advised.

If the referral allegations are against a SCP, the SW and SWS are to complete the following:

- Ensure the SCP/Rec. Facility Staff *radio button* on the ID page of the Allegation Notebook in CWS/CMS has been selected.
- Ensure the appropriate Placement Facility Type from the drop down box located on the ID page of the Allegation Notebook in CWS/CMS has been selected.
- Ensure that when the perpetrator remains unknown through out the investigation the alleged perpetrator name has been created using the facility type as the first name and the facility name as the last name. For example, if the abuse occurred in the relative/NREFM placement home of John Smith, the created client would be Relative (first name) and Smith (last name). The choices for first name, given the various facility types in CWS/CMS and most common type of homes utilized in Fresno County would be as follows; FFA, County, Group, Guardian, Relative, Mentor and Tribe.

If the investigation is regarding a deceased child, the investigating SW and SWS shall ensure that the appropriate allegation(s) are listed for the deceased child. One or more of the following allegations is required when the cause and manner of death is unknown and/or there is suspicion the child’s death was a result of abuse or neglect:

- Severe Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Abuse

**Note:** The allegation type for the deceased child should never be General Neglect.

The investigating SW and SWS shall ensure that the allegation type for any other children residing in the home shall be one or more of the following based on the information provided by the reporting party at the time of the report:

- At Risk, Sibling Abused
- Severe Neglect

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- General neglect

### **NMD Investigations**

As required by Welfare and Institutions Code (WIC) 16504(c), any NMD reported to be endangered by abuse, neglect, or exploitation by a licensed or approved caregiver while in a foster care placement shall be eligible for an evaluation to determine if the placement is safe and appropriate.

All safety assessments regarding NMD's shall be investigated according to normal investigation procedures. Please refer to [PPG 03-03-008](#) Assessment in Investigation of Abuse/Neglect Reports for further information. If there are other minor dependents in the home, they are to be assessed as described above.

Contacts completed for the safety assessment shall be narrated in the NMD's CWS/CMS case narratives. The Contact Purpose shall be listed as "Conduct NMD Safety Assessment."

The investigating SW shall ensure that all allegations of abuse, neglect, or exploitation by a licensed or approved caregiver are cross-reported to the appropriate licensing or approval agency and, as appropriate, to law enforcement.

When necessary, the selection of a subsequent placement is the responsibility of the CM SW including communication with FPR regarding the specific placement needs of the dependent.

Any subsequent Petitions and/or Court Reports are the responsibility of the CM SW.

The investigating SW is responsible to provide timely documentation in the form of CWS/CMS narratives to support the Petition and/or Court Report in accordance with PPG [03-01-001](#) and PPG [03-06-024](#).