

## GENERAL CPS CASES

### INVESTIGATION TIME FRAMES

#### **CPSG.1. Did the investigating worker see the child within the priority period?**

DCFS Practice Guideline 202.4 “the priority response time shall be based upon the information received at Intake and determined prior to the face-to-face contact with a child. The priority determines the time allotted for the CPS worker to make face-to-face contact with the alleged victim, regardless of age. In cases involving multiple alleged victims, the allegation driving the highest priority determines the overall priority response time for the referral. The alleged victim with the highest priority shall be seen within the priority response period. All alleged victims on the case need to be seen during the initial period of the investigative period. The purpose of the face-to-face contact is to assess immediate protection and safety needs for the child.” The priority response time for the face-to-face contact begins when Intake assigns the referral to the CPS caseworker. An investigative interview is not required at the time of initial contact.

**It is preferable to make the contact with the primary victim but another victim involved in the allegation may count as meeting this priority period.** This contact may or may not include the investigative interview. It is acceptable for a worker to see a child within the priority periods and actually conduct an investigative interview later. The child must be seen within 60 minutes of the worker receiving notification of the referral for a priority one referral (three hours for rural areas where the child lives more than 40 miles away), within 24 hours for a priority two and by midnight of the third business day for a priority three referral (Check calendar for possible holidays or weekends, which are excluded).

Check the record to see what priority was assigned. The most likely place to find the assigned priority would be at the top of the Child Abuse Neglect Report form (CANR). Next, determine if the child was seen within the period for that assigned priority. The response time starts from the time the investigating worker received notification of the referral from intake, which is recorded as “Start Date” on the CANR. The date/time the child was seen is recorded as “Child First Seen,” on the general tab and in the Activity Log. **These dates are compared to ensure consistency. If the dates are different, the date in the activity log will override the date on the general tab.** When the child is not available to meet priority due to *temporary absence* such as non-custodial visitation, vacation, or camping this question receives a No. (it falls within the 10% allowance)

YES	The child was seen within the assigned response time.
NO	It is not documented that the child was seen within the assigned response time; OR it is not possible to determine timeliness because the response priority is not indicated, the referral received time is not indicated, and/or the time the child was seen is not indicated.
NA	The child died before the referral was made and it was not necessary to see the child within the priority time frame. The primary victim resides outside the state of Utah longer than 30 days (or beyond the investigation period) AND a request for courtesy casework was made in the state where the child is currently located.

**CPSG.2. If the child remained at home, did the worker initiate services within 30 days of the referral?**

DCFS Practice Guideline 204.14, “every child and family with protection or safety needs, or who are at continued risk shall be considered for ongoing services through DCFS or community partners. The decision for services shall be made as a result of the consultation between the CPS caseworker, the CPS supervisor or designee, the family (where possible), and the community service provider as needed. The discussion will include the threats of harm, the child’s vulnerabilities, and the protective capacity of the caregiver.”

**For the purpose of the CPR review, offering services is not required if the case is unsupported.** Initiating services can include DCFS directly providing services as well as referring the family for services from other agencies/providers. Giving written or verbal information to the family about local resources constitutes a referral. These services are to be initiated within 30 days of the start date of the referral. (If the Regional Director has granted an investigation extension, services should be initiated within the extension period granted.) Services offered, initiated, provided may be documented in the activity log. Services may be listed on the details screen of the Safe computer system. Documentation of transfer to PSC, PFP, or PSS would be considered an indication of initiation/offer of services. Check the record to see if, in fact, there is any indication that the family actually needed any services. Check the SDM Safety Assessment, SDM Risk Assessment, Child and Family assessment, or the Activity Log for such indications. Remember services need to be initiated if there is a protection or safety need or a continued risk to the child. If the child is removed from the home for a short period of time but is returned home prior to the end of the investigation, this question is still applicable and needs to be answered Yes, No, or Partial as appropriate. If the worker offers services to the family and the family refuses services, this question may be answered yes.

YES	Within 30 days of the referral (or within the extension period), the worker initiated/offered services for the family. The child/family were already receiving needed services at the time of the referral and no additional services are needed;
NO	There is an indication in the record that the family needed services, but there is no evidence that the worker initiated/offered services or no relevant services were available.
NA	The family moved out of state before 30 days; the child had been removed from the home <b>AND</b> remained out of the home; the report was unsupported or without merit; the worker was unable to locate the child and the other family members do not need services.

**TEST QUESTION**

**CPSG.2. If the most recent SDM Safety Assessment and SDM Risk Assessment recommended ongoing services, was a DCFS case opened within 30 days of the CPS case closure (if later than 30 days, is an explanation documented?)**

DCFS Practice Guideline 204.14, "every child and family with protection or safety needs, or who are at continued risk shall be considered for ongoing services through DCFS or community partners. The decision for services is made using the results of the SDM Risk Assessment.

Check the SDM Risk Assessment level to determine if ongoing services by DCFS are recommended. If the Final Risk Level is Low or Moderate, there is not an automatic need for opening ongoing services. High or Very High risk levels indicate a need for ongoing DCFS involvement. The caseworker must document on the Risk Assessment if a discretionary override is made.

YES	Ongoing services were identified by the assessment and an appropriate case was opened within 30 days of case closure; OR the caseworker documented an alternative Planned Action.
NO	A case was not initiated or was initiated beyond 30 days of the CPS case closure.
NA	Ongoing services were not required.

**CPSG.3. Was the investigation completed within 30 days of CPS receiving the report from intake or within the extension period granted?**

DCFS Practice Guideline 204.15 “A CPS case shall be closed no later than 30 days from disposition of the case by Intake to CPS” and 204.8 “If the investigation cannot be completed within 30 days from the disposition of the case to CPS, the CPS caseworker shall make a request for an extension to the regional director prior to expiration of the initial 30-day period.”

The case “Start Date” and the “Case End” date can be found on the CANR. Determine that the “Case End” date is within 30 days of the “Start Date.” **For an investigation to be considered complete there must be an investigation end date listed on the CANR form along with a completed CPS Risk Assessment, and the SDM Safety and Risk Assessment completed within the 30-day period (or investigation period when an extension is provided).**

If the worker cannot complete the investigation within 30 days, he/she must request an extension from the Regional Director. The extension must be requested *before* the original 30-day time period expires. The Regional Director may grant a second extension for an additional 30 days if extenuating circumstances exist. If an extension has been approved, a new Due Date will be located in SAFE with an asterisk mark identifying that an extension was granted. Determine that the End Date was completed by the identified extension Due Date. If there are more than two extensions, this question should receive a No answer.

YES	The investigation was completed within 30 days, or the Regional Director granted an extension and the investigation was completed within the extension period.
NO	There is no documentation that the investigation was completed within 30 days or not completed within the extension time frame if an extension had been granted; OR timeliness could not be determined because the date intake received the report was missing and/or the date the investigation was completed was missing; OR there is no closure date, or completed SDM tools.

## CONTENT OF THE INVESTIGATION

### **CPSG.4. Did the worker conduct an interview with the child outside the presence of the alleged perpetrator?**

DCFS Practice Guideline 203.1.B, "Any child identified as an alleged victim having the ability to communicate verbally or through another reliable means (i.e., communication board, American Sign Language, writing, etc.) will be interviewed. If the child requires a translator for the interview, the CPS caseworker will make reasonable efforts to have one available. An infant or child who is non-verbal will be observed and assessed. It can be assumed that a child under age two is usually unable to communicate well enough to describe abuse situations. If a child over the age of two is identified as nonverbal by the caseworker, a reason must clearly be documented. A CPS caseworker will not conduct an interview with a child by telephonic means (i.e., e-mail, telephone, etc.). The interview will take place outside the presence of the alleged perpetrator.

This means that all children need to be interviewed regardless of age if they are able to communicate. It can be assumed that a child under age two is usually unable to communicate well enough to describe abuse situations. A courtesy worker may conduct the interview if the CPS worker would have to travel an unreasonable distance to see the child.

Check the Case Activity Record for evidence an interview was conducted outside the presence of the alleged perpetrator. If the child is interviewed with one parent present when the other parent is the alleged perpetrator, and it later turns out the parent present at the interview is also a perpetrator, it should be recorded that the interview took place outside the presence of the perpetrator, since that was true at the time. **However, if the parent/alleged perpetrator refuses to allow the investigator to interview the child outside his/her presence, the investigator must discuss the situation with the AG or supervisor in order to receive an EC answer.** If child is interviewed with a person and it is unknown if the person is the perpetrator this question can still be answered YES.

YES	The child was interviewed outside the presence of/or influence of the alleged perpetrator.
NO	There is no evidence regarding the presence of the perpetrator during the interview; OR no interview was conducted/documented.
EC	The parent/alleged perpetrator refused to allow the child to be interviewed outside of his/her presence AND the investigator discussed the situation with the AAG or supervisor. The child refuses to be interviewed outside the presence of the alleged perpetrator.
NA	No interview was conducted/documented because the child is unable to communicate verbally or through other reliable means: Law Enforcement conducted the interview and DCFS observed or reviewed a copy of the report and no other information is needed.

**CPSG.5. Did the worker interview the child's natural parents or other guardian when their whereabouts are known?**

DCFS Practice Guideline 203.1.C-1 "The child's natural parents or other guardian will be personally interviewed regardless of residence, unless their whereabouts are unknown. [See: Utah 1956 Code Ann. §62A-4a-202.3.] Investigation and interview exceptions are as follows: a. Parent(s)/guardian(s) are incarcerated. b. Caseworker is unable to locate parent(s) or guardian(s). c. Parent(s)/guardian(s) are non-cooperative. **Documentation of reasons for not interviewing a parent is required.**

DCFS Practice Guideline 203.1.C-2 "**Each specific allegation will be discussed. Admissions or denials will be documented in the activity recording.**"

Check the Activity Record and other documentation in the case record for evidence of an interview with both parent(s)/guardian about the allegations involving the child. **If only one parent is interviewed and the reason is documented as to why the other parent is not interviewed, then the question may be answered "yes."** If the allegation involves a child in foster care, the SFC caseworker may need to be interviewed to determine parental rights or contact information for the parents. If the child is in foster care and parental rights are intact then the child's parents are to be interviewed.

If law enforcement interviews the parents and DCFS believes the interviews were satisfactory, the written report has been provided to DCFS and no additional information is needed, then the DCFS investigator does not need to re-interview the parents. If law enforcement interviews one parent and DCFS interviews the other parent, this question may be answered yes. If law enforcement interviews one parent and DCFS does not interview the other parent and no valid reason is given, this question should be answered NO.

YES	The worker interviewed the child's parent(s)/guardian. The worker interviewed one parent and law enforcement interviewed the other parent.
NO	The whereabouts of the natural parent(s)/guardian was known but there is no evidence that the worker interviewed the parent(s)/guardian. Law Enforcement interviewed one parent and DCFS did not interview the other parent. Some, but not all allegations were discussed with the parent(s)/guardian.
NA	The identity of the child's parents is unknown; OR the parents' whereabouts were unknown; OR Law Enforcement interviewed both parents and the investigator did not need additional information as per the police report, OR the parent(s) was incarcerated during the entire investigation.

**CPSG.6. Did the worker interview third parties who have had direct contact with the child, where possible and appropriate?**

DCFS Practice Guideline 203.1.D(1,2) Third party/collateral contacts: “Unless impossible or inappropriate, third party/collateral contacts having had direct association with the child, or who are otherwise knowledgeable about the case, will be interviewed. If a third party or collateral contact is identified as an eyewitness or has first-hand knowledge of the alleged abuse, neglect, or dependency, an interview will be conducted.”

Third parties may include school personnel, health care providers, day care providers, relatives, neighbors, and others who have had direct association with the child or are otherwise knowledgeable about the case and are believed to have information regarding the allegation or the safety of the child. The referent must be interviewed if he/she was an eyewitness of the allegations or has first-hand knowledge of the reported abuse. **If the investigator interviews the referent, the requirement for this question will be met. The support person present during the child’s interview could be considered a third party if the support person was interviewed.**

Look in the Detail tab of the case record to determine if any third parties were identified at the time of the referral. Check the Activity Record of the case for documented evidence of third parties such as: interview transcripts or reports from doctors and other health care providers as well as school staff members. Siblings listed as victims for the same allegations as the PV cannot be considered third parties. (Stepparents who are primary caretakers of the victims cannot be considered third parties.) DCFS staff who are providing a direct service to the family and who have first-hand knowledge about the services the family is receiving can be considered a third party. If law enforcement interviews the third parties, provides a written report to DCFS of the interviews and DCFS feels the interviews are satisfactory and no additional information is needed, the investigator does not need to re-interview the third parties.

YES	At least one third-party was interviewed about allegation or safety of the child.
NO	There was an indication of third parties, who had knowledge about the case and/or safety of the child but there is no evidence that a third party was interviewed.
NA	There were no third parties identified who had direct contact with the child and who had relevant information about the case and/or the safety of the child; or it is documented that the report should be supported on the word of the child and/or other available evidence, and no third-party interviews are necessary; or law enforcement requested no interviews with third parties because of on-going criminal investigations; or law enforcement interviewed the third parties and DCFS did not re- interview them because no additional information was needed based on the report from law enforcement. The referent is anonymous and there are no other third parties appropriate to interview.

**CPSG.7. Did the CPS worker make a scheduled or an unscheduled home visit during the investigation period?**

DCFS Practice Guideline 203.2. "The CPS caseworker will complete a home visit during the course of each investigation in order to make a thorough assessment of the family. The caseworker will assess for safety, risk, health, and well-being of the child and family."

CPS caseworkers will complete unscheduled home visits in cases with allegations involving Domestic Violence, Child Endangerment (when there are concerns of drug use or drug activity in the home), Environmental Neglect, Non-Supervision, and Physical Neglect.

Check the Activity Record for documentation of home visits. The home visit should occur in the child's home where the child normally lives and/or where the abuse occurred. **(If the child moves from the home and there is no intention to return the child to the home such as moved from the mother's home to the father's home or another relative's home, the home visit may occur in the home where the child is residing at the time of the investigation).** Remember that the reason for the home visit is to ensure the home is safe for the child and can occur at any time during the investigation.

For recording purposes, the reviewer will note the allegation type and look for an Unscheduled home visit, particularly in case with allegations as noted above. If a case has both unscheduled and scheduled home visits documented, the reviewer will note the unscheduled visit regardless of the allegation.

YES	The worker made a home visit; OR the worker made an unscheduled home visit for cases with specific allegations as identified in Practice Guidelines.
NO	There is no evidence that the worker made a home visit; OR an unscheduled home visit is not documented for cases with specific allegations as identified in Practice Guidelines.
EC	The worker documented two or more attempts to visit the home.
NA	The child and family have moved out of state; OR their whereabouts is unknown; OR the parent(s)/guardian refuse access to the home.

**INVESTIGATION FINDINGS**

CPSG.8. Were the case findings of the report based on facts/information obtained/available during the investigation?

DCFS Practice Guideline 204.13; "The CPS caseworker will record details **and sequential casework activities** and information obtained on an open CPS investigation." Documentation will include the date, time, place and type of activity being completed. The specific source of information and statements regarding credibility of the source will be documented. A complete description of all casework activities and the rationale for conclusions should exist within the case record.

As per DCFS practice guideline section 204.10 the determination of acceptable findings shall be based on the facts of the case. The presence of documentation in the record, with a finding specified and explained, should provide evidence that a decision was made based on the facts in the case. There are six case finding results: supported, unsupported, without merit, unable to locate, unable to complete investigation and false report.

**The case finding decision may be made based on the child's statements alone; corroborating evidence shall not be required in all cases.** The decision to make a finding of "unsupported" may not be based on an inability to identify or locate the perpetrator or solely because the perpetrator was an out-of-home perpetrator when the evidence shows the abuse/neglect occurred. **An allegation shall not be considered unsupported because the family corrected the conditions that caused the abuse/neglect while the investigation was pending.** The CPS worker, in making case findings, shall consider the conclusions of the health care provider regarding non-accidental injury, sexual abuse, or medical neglect.

Review the Activity Record, the Referral Narrative AND the Closure Statement (located in the Detail Tab of the case record), for documentation of activities leading to the case finding and to determine whether the identified rules were followed.

YES	<p>The decision was based on facts/information obtained/available during the investigation; there is clear documentation which specifies a finding and explanation for finding, and, <b>if the finding was unsupported, all the following conditions were met:</b></p> <ul style="list-style-type: none"> <li>• The unsupported decision was not based on an inability to identify or locate the perpetrator or solely because the perpetrator was an out-of-home perpetrator.</li> <li>• The unsupported decision was not based on improved conditions in the home.</li> <li>• If the unsupported decision was contrary to the child's word, there is other evidence in the file supporting that decision.</li> </ul>
NO	<p>There is no documentation in the case that the decision made in the case is based on facts/information obtained/available during the investigation. <b>There were multiple allegations in the case, some of which had findings based on facts/information as explained above, and some of which did not.</b></p>