

Date – February 1, 2013

Manual - Child and Family Services Manual, Chapter C, Child Protective Services (CPS)

Transmittal # - 257

The purpose of this transmittal is to provide guidance for the Child Protective Services Chapter of the Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective February 1, 2013.

This manual has been revised to: incorporate changes made in 22VAC 40-705 in August 2012 pertaining to mandated reporting and substance exposed infants; additional guidance regarding track decision (section 3) and conducting family assessments (section 4); incorporating definitions used in the SDM tools into intake, safety and risk sections; adding new guidance for assessing protective capacities; and adding new training requirements. Section 4, Family Assessment and Investigation, has been changed to improve the flow of either track. There are now sections within each track that are duplicated. The section on child deaths has been revised significantly to reflect guidance and best practice in response to the implementation of regional child fatality teams statewide.

This transmittal and manual are available on SPARK at:
<http://spark.dss.virginia.gov/divisions/dfs/cps/manual.cgi>

Significant changes to the manual are as follows:

Section 1 Introduction to Child Protective Services	
Subsection	Significant Changes
1.4	Removed reference to the Governor's Advisory Board on Child Abuse and Neglect and replaced with the Child Abuse and Neglect Committee of the Family and Children's Trust Fund (FACT).
1.5	Adds clarification that there are certain core competencies for child welfare workers and supervisors. Required training for staff now reflects these fundamental and essential competencies.
1.5.1	Amends training requirements of new workers and supervisors hired after March 1, 2013.
1.5.1.1	Adds three (3) courses available on-line to be taken within the first three (3) weeks of employment.
1.5.1.2	Designates basic CPS policy with OASIS course to be taken within first three (3) months of employment.
1.5.1.3	Designates ten (10) courses to be taken within the first year of employment.
1.5.1.4	Designates five (5) courses to be taken within the first twenty-four months of employment.
1.5.1.5	Adds additional courses to be taken by all CPS supervisors hired after March 1, 2013.

Commissioner Guidance Document Transmittal

1.5.2	Adds new annual continuing education/training requirement of 24 contact hours for all CPS workers and supervisors.
1.5.3	Clarifies the responsibility of the LDSS to track all training requirements.
Section 2 Definitions	
Subsection	Significant Changes
Entire Section	No changes
Section 3 Complaints and Reports	
Subsection	Significant Changes
3.3.1	Updated citation of 22 VAC 40-705-40 with the regulation that became effective in August 2012.
3.3.1.2	Updated citation of 22 VAC 40-705-40 with the regulation that became effective in August 2012.
3.5.2.4.6	Added new guidance regarding an appearance of conflict of interest when investigating a report that involves a foster child in a locally approved foster home.
3.7.1 through 3.7.6	Revised sample questions to be asked to determine the response priority of a valid report. The new questions conform to the terminology used in the SDM intake tool. Several questions were deleted as they are no longer relevant to assessing response priority.
3.8	Added § 18.2-371.1 of the Code of Virginia to further define what abuse or neglect constitutes serious injury and therefore must be placed in the investigation track.
3.8.1	<p>Added new guidance to help clarify in which situations a family assessment is the most appropriate response and in which situations an investigation is required or the recommended response.</p> <p>Added examples of variables to be considered in track decision for an investigation. The examples conform to the terminology used in the SDM intake and safety tools.</p> <p>Changes the recommendation to investigate a valid report if there have been <i>two</i> valid reports in past 12 months.</p>
3.8.2	Revised track decision chart to reflect recommendation to investigate if third valid report is received in 12 months.
3.12	Added threatening to cause harm to physical abuse decision tree and definitions within the SDM intake tool in Appendix D.
Section 4 Family Assessment and Investigation	
Subsection	Significant Changes
Entire Section	Parts of this section have been moved and duplicated in both the family assessment response and investigation response. The section begins with responsibilities and authorities common to both tracks and then provides guidance on the steps involved for each response separately. As a result of these changes, the section numbers have changed.
4.1	Added to existing goals of CPS response to include engaging families in services.
4.1.1	Changed title of section to differential response and included definition

Commissioner Guidance Document Transmittal

	of differential response.
4.1.2	Added new guidance on engaging families in a CPS response. Added skills and strategies on how to engage families.
4.2.1	Added guidance regarding interviewing children without parental knowledge or consent as it pertains to child safety.
4.2.3.5	Added citation from the Social Security Act, Title 4, § 471 (a) (29) which requires notification to relatives within 30 days of a child coming into custody.
4.3.4.5	Added additional technological ways to exercise reasonable diligence to locate a family.
4.3.4.10	Updated the hyperlink to the resources and tools for relative searches.
4.3.6	Relocated guidance from section 6-Services which states that LDSS shall not purchase CPS investigation or family assessment services from a private or other public non-social services department.
4.4	Clarifies that family assessment response is one part of the transformation of services in Virginia. Restated 22 VAC 40-705-10 , which defines family assessment.
4.4.1	In this section and in all sections regarding family assessments, the term alleged abuser has been changed to read mother, father or involved caretakers. Added requirement of 22 VAC 40-705-90 B for the CPS worker to make the family aware of the possible benefits and consequences of having a family assessment conducted with their family.
4.4.4.1	Added new guidance regarding home visits to include the benefits of announced home visits and best practice for using unannounced home visits. Added guidance which reflects one critical difference between a family assessment and an investigation is there is no finding of abuse or neglect made in a family assessment. Added guidance to emphasize that one goal of a family assessment response is to engage a family in the assessment process and provision of services and the role of engaging the family to effectively conduct the assessment.
4.4.3.1	Relocated the family interview to be the first listed contact in a family assessment. Added additional guidance regarding the family interview being conducive to engaging a family. Added guidance to clarify when a family interview is appropriate as well as when it is not recommended.

Commissioner Guidance Document Transmittal

	Added guidance that refers to a new appendix J which has resources and best practice information for conducting family assessments.
4.4.3.2	<p>Added guidance which states that a child's safety should never be compromised in an interview.</p> <p>Added guidance to emphasize the primary focus of an assessment is not to make a finding of abuse/neglect.</p> <p>Added guidance to clarify that electronic recording of the child interview is not required in a family assessment and may not meet the purpose of the assessment.</p>
4.4.3.3	Added guidance which states that a sibling's safety should never be compromised in an interview.
4.4.3.4	Added guidance regarding non-verbal children and the need to gather information to assess their needs from the caretakers and other collaterals.
4.4.3.5	<p>Added guidance when interviewing caretakers in a family assessment it is recommended to schedule the interview in advance.</p> <p>Emphasized the importance of engaging caretakers in the family assessment process.</p>
4.4.3.6	Added guidance recommending scheduling home visits in advance in a family assessment.
4.4.3.7	Added guidance recommending obtaining parental permission to contact collaterals in a family assessment.
4.4.3.8	Added guidance requiring interviewing the non-custodial parent in a family assessment unless it would be detrimental to the child.
4.4.4	Clarified that the interview with the child may be part of the family interview.
4.4.5	Added new section title due to moving the section for safety assessment from guidance common to both tracks into each track.
4.4.5.1	Added guidance that describes a new optional safety and risk field guide that is available in Appendix I.
4.4.5.2	Clarified that safety is assessed throughout the life of a CPS case.
4.4.5.5	Added new guidance regarding assessing protective capacities when assessing safety.
4.4.5.5.1	Added new guidance defining cognitive protective capacities.
4.4.5.5.2	Added new guidance defining behavioral protective capacities.
4.4.5.5.3	Added new guidance defining emotional protective capacities.
4.4.6	Added new guidance defining protective interventions that can be used to keep children in the custody of their caretakers if a safety factor is identified. Provided examples of protective interventions.
4.4.7	Added links to additional DV resources on the SPARK and public websites.
4.4.8	Clarified that if the safety assessment in a family assessment is unsafe and a removal occurs, the track must be changed to an investigation.

Commissioner Guidance Document Transmittal

4.4.8.1	Clarified that Family Partnership meetings <i>must</i> be scheduled when the worker assesses the child's safety to be in jeopardy or at risk of removal or out of home placement.
4.4.9	Clarified that safety plans should be developed in partnership with the family. Added new requirement to document any safety plans in the comment section of the safety assessment tool in OASIS. Added new guidance to clarify what criteria should be met for a safety plan.
4.4.11	Clarified that the LDSS may change tracks in a family assessment when significant safety factors have been identified.
4.4.12	Added new guidance which provides the information that needs to be gathered in order to assess risk. The information is categorized by caretaker, child, relationship between caretaker and child and other.
4.4.12.1.1	Added new guidance regarding opening low and moderate risk cases for prevention services and provided link to the prevention guidance manual.
4.4.12.2	Clarified that a Family Partnership Meeting must be held when the assessed risk is high or very high and there is chance of out of home placement.
4.4.13	Changed section title from Information to be included in a family assessment to Assessment summary of strengths and needs.
4.4.14	New section added titled Services needed which includes information previously included in section 4.4.13. Added guidance that the Family Services Agreement, if used, is the voluntary service application.
4.4.14.1	Added §63.2-1506 A4 of the Code of Virginia to existing guidance regarding families refusing services in a family assessment.
4.4.15.2	Added new guidance which requires notification in family assessments to the involved caretakers of legal recourse if it is felt the complaint is malicious. This is same guidance provided for investigations. Citation from §63.2-1516 C of the Code of Virginia is included.
4.4.16	Revised timeframe for supervisor approval required to within five working days <i>of the request for approval</i> .
4.5	Added clarification that many steps in an investigation are the same as a family assessment. (All changes in the investigation section are identical to those in the family assessment section.)
4.5.3	Changed title of section to include all contacts and observations.
4.5.4	Relocated reference to regulation 22VAC40-705-70A to this section.
4.5.11	Added guidance requiring interviewing the non-custodial parent in an investigation unless it would be detrimental to the child.
4.5.15	Added new section title due to moving the section for safety assessment from guidance common to both tracks into each track.
4.5.15.1	Added guidance that describes a new optional safety and risk field guide

Commissioner Guidance Document Transmittal

	that is available in Appendix I.
4.5.15.2	Clarified that safety is assessed throughout the life of a CPS case.
4.5.15.5	Added new guidance regarding assessing protective capacities while assessing safety. (same as 4.4.5.5)
4.5.15.5.1	Added new guidance defining cognitive protective capacities.
4.5.15.5.2	Added new guidance defining behavioral protective capacities.
4.5.15.5.3	Added new guidance defining emotional protective capacities.
4.5.16	Added new guidance defining protective interventions that can be used to keep children in the custody of their caretakers if a safety factor is identified. Provided examples of protective interventions.
4.5.18.1	Clarified that Family Partnership meetings <i>must</i> be scheduled when the worker assesses the child's safety to be in jeopardy or at risk of removal or out of home placement.
4.5.19	Clarified that safety plans should be developed in partnership with the family. Added new requirement to document any safety plans in the comment section of the safety assessment tool in OASIS. Added new guidance to clarify what criteria should be met for a safety plan.
4.5.22	Added new guidance which provides the information that needs to be gathered in order to assess risk. The information is categorized by caretaker, child, relationship between caretaker and child and other.
4.5.22.1.1	Added new guidance regarding opening low and moderate risk cases for prevention services and provided link to the prevention guidance manual.
4.5.22.2	Clarified that a Family Partnership Meeting <i>must</i> be held when the assessed risk is high or very high and there is chance of out of home placement.
4.5.23	Added new section titled Assessment summary of strengths and needs. This section is identical to 4.4.13 in family assessments.
4.5.34.10	Revised timeframe to report children under age three in all founded investigations for early intervention services.
4.5.35	Revised timeframe for supervisor approval required to within five working days <i>of the request for approval</i> .
4.18	Added new Appendix I- Safety and Risk Field Guide.
4.19	Added new Appendix J- Additional resources for conducting a family assessment.
4.19.1	Added six principles of partnership.
4.19.2	Added rules of engagement.
Section 5 Out of Family Investigations	
Subsection	Significant Changes
Entire section	No changes
Section 6 Services	
Subsection	Significant Changes
6.1	Added new guidance for opening low and moderate risk cases for

	prevention services and include a link to the prevention guidance manual. Clarified that service planning is based on identified <i>safety</i> and risk factors.
6.2.2.1	Clarified that a Family Partnership Meeting <i>must</i> be held when the assessed risk is high or very high and there is chance of out of home placement.
6.3.1.4	This section regarding purchase of investigation or family assessment services was relocated to section 4 (4.3.6).
6.3.2.1.1	Clarified that when risk is high or very high and there is a risk of out of home placement, a family partnership meeting <i>must</i> be held to ensure family participation in service planning.
6.3.7.1	Added additional technological ways to exercise reasonable diligence to locate a family.
6.7.1	Clarified that LDSS are authorized to provide CPS prevention services to families and children in CPS investigations and <i>family assessments</i> that have been assessed as <i>low or moderate</i> risk.
6.7.2	Updated link to Prevention guidance manual on SPARK.
Section 7 Appeals	
Subsection	Significant Changes
Entire section	No changes
Section 8 Judicial Proceedings	
Subsection	Significant Changes
Entire section	No changes
Section 9 Confidentiality	
Subsection	Significant Changes
9.2.7.2	Reference to the Governor's Advisory Board on Child Abuse and Neglect has been changed to the Family and Children's Trust Fund (FACT) and the link to the correct section of code.
9.4.8	Added new guidance regarding release of information while there is a pending joint criminal investigation.
9.6.7	Added new guidance regarding release of information while there is a pending joint criminal investigation.
Section 10 Substance Exposed Infants	
Subsection	Significant Changes
10.2	Updated the citation of regulation 22VAC40-705 40 A5.
10.2.2.1	Updated the citation of regulation 22VAC40-705 40 A5.
10.3.3	Added reference to section 63.2-1505 B2 of the Code of Virginia.
Section 11 Child Deaths	
Subsection	Significant Changes
11.1	Added new guidance to clarify that child death investigations are conducted in accordance with policy and guidance in sections 3 and 4 and require additional steps. Added clarification that if the death involves an out of family setting the

Commissioner Guidance Document Transmittal

	<p>investigation is completed in accordance to section 5.</p> <p>Added new guidance that all child deaths are reviewed by a regional child fatality review team.</p> <p>Added guidance that describes a new optional child fatality checklist that is available in Appendix D.</p>
11.2.1	Added clarification when notifying the medical examiner of a child death, all preliminary information known to the LDSS should be shared with them.
11.2.2	Added clarification when notifying law enforcement and the Commonwealth Attorney of a child death, all preliminary information known to the LDSS should be shared with them.
11.2.3	Changed the notification form submitted to the CPS regional consultant to <i>preliminary</i> child fatality information form.
11.2.4	Updated guidance with a link to the preliminary child fatality information form located on SPARK.
11.3	Added guidance referencing new Appendix C regarding resources for the investigation of child deaths.
11.3.1	Added new guidance which recommends if the investigation involves a foster child in a locally approved foster home, it should be investigated by a neighboring locality.
11.3.2	Added new guidance requiring the use of the National Child Death Review tool. This section provides the purpose of this tool as well as sample information that should be gathered in order to complete the tool.
11.3.3	Clarified that when assessing safety in a child death, if there are no surviving siblings the assessed safety is safe.
11.3.4	Clarified that when assessing risk in a child fatality there is a policy override that must be used if it is determined the caretaker caused the death. This will automatically override risk to very high.
11.3.5	Clarified that the LDSS <i>must</i> consult with the CPS regional consultant before making a disposition.
11.3.6	<p>Added new guidance regarding notification of the CPS regional consultant about the disposition, assessed risk and criminal charges within 10 days of making a disposition.</p> <p>Added new guidance that all child deaths will be reviewed by a regional child fatality review team.</p> <p>Added citation of §32.1-283.2 which states the child fatality review shall be delayed until all criminal investigations are complete or the Commonwealth Attorney consents to the review.</p>
11.4.2	Added new guidance regarding regional child fatality review teams.
11.4.2.1	Provided new guidance on the purpose of child fatality review teams.
11.4.2.2	Provided new guidance on the roles and responsibilities of the CPS worker in a child fatality review team meeting.

Commissioner Guidance Document Transmittal

11.4.2.3	<p>Provided new guidance for presenting a case at a regional child fatality review team meeting to include sample questions to guide the presentation; need to bring the National Child Death Review tool and a copy of the case record to the meeting; a statement regarding confidentiality at the meeting; and citation of §32.1-283.2 of the Code of Virginia which address confidentiality.</p> <p>Provided reference to a new Appendix B, "The LDSS and the Child Fatality Review Team".</p>
11.4.2.4	<p>Added new guidance that the child fatality review teams will be asked to provide feedback to the VDSS program manager regarding trends, recommendations and initiatives to prevent child deaths which are gathered from the team.</p>
11.5	<p>Amended title of section to include release of information in a <i>near fatality</i>.</p>
11.5.2	<p>Clarified that information gathered at any child fatality review (local, regional or state) is exempt from being released.</p>
11.6	<p>Clarified that OASIS must indicate a child fatality in order for the information to be properly retained.</p>
11.8	<p>Added new Appendix B which includes information regarding child fatality review teams (CFRT) such as who should attend; what to bring; what to expect; how to present case; and confidentiality.</p>
11.9	<p>Added new Appendix C which includes various resources available to aide in the investigation of child fatalities.</p>
11.10	<p>Added new Appendix D which provides an optional checklist to be used in child death cases.</p>
11.11	<p>Added new Appendix E which provides information about the roles and responsibilities of all members of the CFRT.</p>
11.12	<p>Added new Appendix F which provides information on what to observe, how to interview and what to document in cases involving a child death.</p>
11.12.4	<p>Provides a chart within Appendix F that shows characteristics of Sudden Infant Death Syndrome.</p>

Questions about this transmittal should be directed to Rita Katzman, CPS Program Manager at 804-726-7554 or by email at rita.katzman@dss.virginia.gov


 Margaret R. Schultze
 Acting Commissioner