

March 4, 2009

Transmittal # 221

For: Volume VII Distribution

Volume VII, Section III, Chapter A, Child Protective Services (CPS) has been revised to incorporate changes required by the approval of CPS Regulations 22VAC40-705 that become effective March 4, 2009.

The following chapters have been revised and are available on line at

<http://www.localagency.dss.state.va.us/divisions/dfs/cps/manual.cgi>

All additions are in italics. Some deletions are denoted by ~~strikethrough~~.

Part/Title	Pages	Significant Changes
Part I: Introduction to Child Protective Services Uniform Training Plan Multidisciplinary Teams		
D. Uniform Training Plan for Child Protective Services Workers	Pages 6-7	Includes supervisors in the uniform training plan. Increases length of time to complete policy and skills training for CPS and adds family assessment skills and policy to the training requirements.
Part II: Definitions of Abuse and Neglect		
C.1.0 Physical Neglect, Statutory and Regulatory Definition	Pages 8-9	Incorporates the current definition of physical neglect in the <i>Code of Virginia</i> to include a child whose parent or other person responsible for his care knowingly leaves the child alone with a person, not related by blood or marriage, who is required to register as a violent sex offender.
D.1.0 Medical Neglect, Statutory and Regulatory Definition	Page 13	Incorporates exception for terminally ill children as a type of medical neglect if certain conditions are met as required by the <i>Code of Virginia</i> .
D. 3.2 Parent Refuses Treatment for Life-Threatening Condition	Page 16-17	Adds definitions of terms in the <i>Code of Virginia § 63.2-100</i> pertaining to medical neglect and children with life threatening conditions.

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Part III: Complaints and Reports		
C. 3.0 The Local Department Must Record All Complaints and Reports in Writing	Page 8	Requires local departments of social services to make a determination of validity of a report within five days of receipt of the complaint. Requires that a new CPS report be initiated if additional allegations of a different type of abuse or neglect are received more than five days after the current complaint.
D.1.0 Definition of Valid Complaint or Report	Page 9	Clarifies definitions of abuse and neglect pursuant to § 63.2-100 of the <i>Code of Virginia</i> .
D.2.3 Question 3: Is Abuse or Neglect Alleged to Have Occurred	Page 13	Clarifies definitions of abuse and neglect pursuant to § 63.2-100 of the <i>Code of Virginia</i> .
D. 2.3.5 Determine if Medical Neglect Definition Has Been Met	Page 16-17	Adds definitions of terms in the <i>Code of Virginia</i> § 63.2-100 pertaining to medical neglect and children with life threatening conditions.
D.2.3.4c Parent Refuses Treatment for Life-Threatening Condition	Page 16	Adds definitions of terms related to the treatment of a child with a life threatening condition.
Part IV: Family Assessment and Investigation		
F.9.4 Notification to Military Personnel (Family Advocacy Program)	Page 36	Clarifies that the local department shall provide information to Family Advocacy Programs in a completed family assessment when services are needed.
G. Conduct Investigation	Page 36 - 77	Allows other types of electronic recordings than audio taping to be used for victim and/or abuser interviews.
G. 2.0 Face to Face Interview with Victim Child Must be Electronically Recorded	Page 37	Adds the requirement to interview siblings of alleged victim; sibling interviews are not required to be electronically recorded.
G. 2.1 Exceptions to Electronically Taping Interviews with Alleged Victim Child	Page 38	22VAC40-705-80 Adds additional exception to taping when a victim child provides new information as part of a family assessment.
G. 2.15 Exception: The Victim Provided New Information as Part of a Family Assessment	Page 40	Clarifies the conditions for this exception and the requirement to provide detailed narrative of the

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		interview in the case record.
G. 4.12 Local Department Must Provide Recording Equipment Upon Request	Page 42	22VAC40-705-80 (B) (2b) clarifies the alleged abuser must request the local agency to provide the equipment to tape the interview.
G.4.3 May Obtain and Consider Criminal History Record for Alleged Abuser and All Adult Household Members	Page 43	Incorporates changes to the <i>Code of Virginia</i> to permit the use of criminal record history in conducting a CPS investigation.
G. 11.4.2 Notifications in Unfounded Investigations	Page 51	Upon request of the alleged abuser, the local department shall advise if the complainant is anonymous.
G.11.6.3 Parent Refuses Treatment for Life-Threatening Condition	Page 56	Adds definitions of terms in the <i>Code of Virginia</i> § 63.2-100 pertaining to medical neglect and children with life threatening conditions.
Part VI: Services		
B.6.0 When Family Refuses CPS Services	Page 9	Clarifies that a family may refuse services offered as a result of a family assessment or an investigation.
B.7.0 Local Department Must Use Reasonable Diligence to Locate Missing Child or Family in CPS Service Case	Page 10	Requires reasonable diligence to locate a missing child in a founded investigation or an open CPS case.
Part X: Substance Exposed Infants		
B. 3.0 Exception to Initiating or Completing the Investigation or Family Assessment	Pages 4-5	Changes the timeframe for local department to invalidate the complaint from 14 days to 5 days. Clarifies the local department's discretion to place the report in the family assessment track.

If you have questions about any of these CPS changes, please contact your CPS Program Specialist.

Anthony Conyers, Jr.
Commissioner