

Commissioner Guidance Document Transmittal

Date – July 1, 2012

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

Transmittal # - 250

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 July 1, 2012.

This manual has been revised to incorporate changes made to the Code of Virginia pertaining to mandated reporting and substance exposed infants. Additional changes include incorporating definitions from the safety and risk tools that were implemented in July 2011. Throughout this manual changes have been made to emphasize the Strengthening Families Initiative. Regulation 22VAC705 is in the process of being revised to reflect the changes in the Code of Virginia and will be updated in guidance once approved.

Section 5 has been reformatted and reorganized to be a more useful and functional guide for CPS workers who conduct Out-of-Family (OOF) investigations. Greater detail was added to certain responsibilities in the OOF investigation process to provide workers with further direction and guidance. While there have been no content changes, please pay attention as a number of sections have been moved and renumbered. There are also sections that have been added from Section 4 Family Assessment and Investigation to make Section 5 more comprehensive so that workers don't have to keep referring to requirements outlined in Section 4. Finally, throughout this section, the term parent has been replaced with *mother and father* to emphasize the importance of fathers in child welfare practice.

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
1.5.1.1	Removed requirement to complete a Professional Development Plan because this was associated with VCU-VISSTA.
1.5.3	Changed training requirement for persons who perform "on call" CPS to complete the CPS New Worker course CWS2000.
Section 2 Definitions	
Subsection	Significant Changes
Entire Section	No changes
Section 3 Complaints and Reports	

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Subsection	Significant Changes
3.3.1	Removed 22VAC40-705-40A3, it is addressed in 3.3.1.4.
3.3.1.1	<p>Added link to resources and training for mandated reporters.</p> <p>Added changes from the Code of Virginia §63.2-1509, effective July 1, 2012. The changes add additional mandated reporters to include: persons who are <i>18 or older</i> who are associated with or employed by a <i>public</i> organization that is responsible for the care, custody or control of children; <i>persons employed by a public or private institution of higher education</i>; added <i>any athletic coach, director or other person age 18 or over who is employed or volunteers with a private sports organization or team</i>; added <i>persons who are age 18 and over that are administrators or employees of public or private day camps, youth centers and youth recreation programs</i>.</p> <p>Added that <i>foster and adoptive parents and respite providers are included as mandated reporters</i> because they are associated with a public organization that is responsible for the care, custody and control of children.</p>
3.3.1.2	Added §63.2-1509A of the Code of Virginia, effective July 1, 2012, which clarifies that certain mandated reporters may make a report to the person in charge or their designee and <i>added the responsibility of those persons to relay information back to the initial reporter and what information must be reported back to the initial reporter</i> .
3.3.1.4	Added changes from the Code of Virginia §63.2-1509, effective July 1, 2012 which changed the timeframe to make a report to <i>no longer than 24 hours after having a reason to suspect a reportable offense of child abuse or neglect has occurred</i> ; changed the fine for subsequent failures to report to <i>no less than \$1,000</i> ; added that <i>any person who knowingly and intentionally fails to report rape, sodomy or object sexual penetration cases shall be guilty of a Class 1 misdemeanor</i> ; and added that <i>if a mandated reporter has actual knowledge that the same matter has already been reported they are not required to contact the LDSS or the state hotline</i> .
3.4.3	Clarified that the timeliness of the initial response to a valid report is based on the date and time it was received, not validated or assigned.
3.5	Clarified that the timeliness of the response to a valid report is based on the date and time it was received, not validated or assigned.
3.5.3.2	Relocated a part from section 4, alleged abuser/ neglector who is deceased at the time of the report, to this section, and is not new guidance. It is an additional screening consideration.
3.7.7	Clarified that the initial response may or may not be the same as the first meaningful contact.
3.8.1	Clarified that the investigation response <i>must</i> be used if there have been 3 valid CPS reports within 12 months.
3.8.2	Clarified on the CPS report placement chart that if there have been three valid CPS reports within 12 months the next report <i>must</i> be investigated.
Section 4 Family Assessment and Investigation	

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Subsection	Significant Changes
Entire section	Throughout this section, the term parent has been replaced with <i>mother and father</i> .
4.2.3.5	Clarified that <i>maternal and paternal</i> grandparents shall be provided notification after a child has been removed.
4.5	Added requirement for initial notification to be documented in the automated data system.
4.6.2	Changed definitions of safety to be consistent with the safety tool.
4.7.3	Clarified that when completing a family assessment the CPS worker must address and document <i>the strengths and needs of the children, caretakers, home environment and family support systems</i> .
4.7.5	Added clarification for accurate completion of the risk assessment tool and modified definitions to better reflect the tool. Clarified that policy and discretionary overrides can only increase risk and the <i>assessed risk level may never be decreased</i> .
4.7.6	Clarified that supervisor approval is required for all completed family assessments within five (5) working days.
4.8.16.6	Relocated part of the section "to notify all parties if abuser or neglector is deceased" to section 3 of this manual as it pertained to an intake consideration.
Section 5 Out of Family Investigations	
Subsection	Significant Changes
Entire section	Reformatted and reorganized to be a more useful and functional guide for CPS workers who conduct Out-of-Family (OOF) investigations. Greater detail was added to certain responsibilities in the OOF investigation process to provide workers with further direction and guidance. Please pay attention as many sections have been moved and renumbered. There are also sections that have been added from the Section 4 Family Assessment and investigation to make the OOF section more comprehensive in completing a thorough investigation. Throughout this section, the term parent has been replaced with <i>mother and father</i> to emphasize the importance of including fathers in child welfare practice.
5.1	Clarified the definition of an OOF caretaker to include family members and other caretakers who do not reside in the home of the alleged victim.
5.4.1	Added a contact for the Inspector General's Office. Changed names with position titles.
5.4.6	Throughout this section, the term regional specialist has been replaced with regional consultant. Guidance was added to contact regional consultant via email and to include specific information. Section C of 22VAC 40-730-60 was moved to section 5.10.1.
5.7	Changed level of risk definitions to reflect the changes made to CPS policy section 4.7.5
5.9	Added detailed guidance to §63.2-1511.

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5.10	Removed section as it does provide guidance to the process of conducting an OOF investigation.
Appendix A	Changed term abuser to abuser/neglector throughout section. Added detailed guidance to §63.2-1511.
Appendix B	Removed section 5.12.1 through section 5.12.2 as it pertained to mandated reporters and not the OOF investigation process.
Appendix C	Added column for <i>Contact information</i> .
Section 6 Services	
Subsection	Significant Changes
6.1	Added the Virginia Children's Service Practice Model into the introduction to CPS services.
6.3.1	Clarified that the Family Service Agreement may be used as a service application.
6.3.2.1.1	Changed terms goals and strategies to objectives.
6.3.2.3	Added requirement of documenting an opening case summary in the automated data system.
6.3.3.1	Clarifies that frequency of contacts is guided by the assessed future risk of child abuse or neglect.
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
Entire section	No changes
Section 10 Substance Exposed Infants	
Subsection	Significant Changes
10.2	Regulation 22VAC40-705-40 is in process of being revised, therefore language from this regulation is inconsistent with the Code of Virginia and guidance and will be updated when regulatory action is taken.
10.2.1	Changed terms: attending physician to <i>health care provider</i> ; blood and urine tests of infant or mother to <i>toxicology studies of infant</i> ; fetal alcohol syndrome to <i>fetal alcohol spectrum disorder</i> . Changed time frame for health care providers to make a finding that infant born dependent and demonstrated withdrawal symptoms to <i>within six weeks of birth</i> . Changed timeframe for health care providers to diagnose an illness or fetal alcohol spectrum disorder to anytime after the infant's birth. Changed term fetal alcohol syndrome to fetal alcohol spectrum disorder.

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	Added reference to new Appendix A, Fetal Alcohol Spectrum Disorder.
10.2.2.1	Changed guidance which requires health care providers to report their suspicions <i>as soon as possible but no longer than 24 hours after having a reason to suspect a reportable offense.</i>
10.4	Changed §16.1-241.3 of the Code of Virginia which eliminated timeframe to file a petition for substance exposed newborn.
10.6	Added new appendix regarding Fetal Alcohol Spectrum Disorder.
Section 11 Child Deaths	
Subsection	Significant Changes
Entire section	No changes

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