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INTRODUCTION TO CHILD PROTECTIVE SERVICES

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INTRODUCTION TO CHILD PROTECTIVE SERVICES

1.1 Virginia Children's Services Practice Model

[The Virginia Children's Service Practice Model](#) sets forth a vision for the services that are delivered by all child serving agencies across the Commonwealth. The practice model is central to decision making; present in all meetings; and in every interaction with a child or family. Guided by this model, the Virginia Department of Social Services (VDSS) is committed to continuously improving services for children and families by implementing evidence based practices, utilizing the most accurate and current data available, and improving safety and well-being of children and families. The Practice Model is founded on these principles:

- All children and communities deserve to be safe.
- Practice is family, child, and youth-driven.
- Children do best when raised by families.
- All children and youth need and deserve a permanent family.
- Partnering with others is important to support child and family success in a system that is family-focused, child-centered, and community-based.
- How we do our work is as important as the work we do.

Child Protective Services is just one component on a continuum of family services in Virginia that values the strengths of families.

The Code of Virginia authorizes the VDSS to establish the Child Protective Services (CPS) Program. The purpose of CPS is to identify abused and neglected children and to provide services to prevent further abuse and neglect and to strengthen families by

enhancing parental capacity to nurture their children in a safe environment. The CPS Program is based on the following assumptions and values:

- CPS is a process that incorporates past, present and future.
- Implicit in the definition of abuse or neglect is the assumption of harm to the child or children, both real and threatened.
- CPS services and interventions should support the family.
- People can and do change, within the limitations of the individual, his or her environment, time and a worker's skills and perception.
- CPS services are available without regard to income.
- CPS services can be provided to children and their families when no formal complaint has been made, but for whom potential or threat of harm exists.

1.2 Legal authority and definitions

Child Protective Services are provided by local departments of social services (LDSS) under the supervision of the VDSS as authorized by [§ 63.2-1501](#) et seq. of the Code of Virginia. The Code of Virginia prescribes that each LDSS maintain the ability to receive and respond to reports alleging abuse or neglect of children.

To further clarify and support the Code of Virginia, the State Board of Social Services has promulgated regulations to guide the operation of CPS programs in Virginia.

The VDSS has developed and maintains this chapter within the larger guidance manual to assist the LDSS in administering the CPS program.

The Virginia Administrative Code [22 VAC 40-705-10](#) provides the following definitions.

"Department" means the Virginia Department of Social Services.

"Local department" means the city or county local agency of social services or department of public welfare in the Commonwealth of Virginia responsible for conducting investigations or family assessments of child abuse and/or neglect complaints or reports pursuant to [§ 63.2-1503](#) of the Code of Virginia.

"Child protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse and/or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child protective services worker" means one who is qualified by virtue of education, training and supervision, and is employed by the local department to respond to child protective services complaints and reports of alleged child abuse and/or neglect.

1.2.1 Services for persons with limited English proficiency

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal funding from discriminating against individuals on the basis of race, color, or national origin. This has been interpreted to require meaningful access to information and services for those persons with limited English proficiency. Agencies receiving federal funding are mandated to comply with these requirements. Information is available on the VDSS public website about the Department-wide [Policy on Access for Individuals with Limited English Proficiency](#).

1.2.2 Services for Native American or Alaskan Eskimo children

All children who have Native American or Alaskan Eskimo heritage may also be subject to the Indian Child Welfare Act. In the event such a child is in imminent danger and does not live on a recognized reservation, the Child Protective Services worker has the authority to exercise emergency removal of the child. If an LDSS suspects or knows that the child who is the subject of the emergency removal is of American Indian or Alaskan Eskimo heritage, and the child belongs to a federally recognized tribe located outside Virginia, the LDSS shall contact the tribe. A list of recognized tribes and List of Indian Child Welfare Act Designates is provided by the [U. S. Department of the Interior Bureau of Indian Affairs](#).

The LDSS must immediately contact the Child Protective Services Unit in the Division of Family Services before taking any action to place one of these children.

For further discussion of this issue see [Appendix A: Indian Child Welfare Act \(ICWA\)](#).

1.3 CPS guidance manual format

The CPS guidance manual, which is incorporated into the larger VDSS "Child and Family Services Manual," is organized in the following order:

Pertinent Code of Virginia sections are cited for easy reference, but usually not quoted verbatim – if it is quoted, it will be indented and denoted with a blue vertical line. The online version of this chapter provides linkages to the Code of Virginia and Virginia Administrative Code. Familiarity with and access to the laws of Virginia are important to the LDSS, because the CPS program is based on state and federal law.

The federal [Child Abuse Prevention and Treatment Act](#) (CAPTA) is one of the key pieces of legislation that guides child protection. CAPTA was signed into law in 1974 (P.L. 93-247). It was reauthorized in 1978, 1984, 1988, 1992, 1996, and 2003, and with

each reauthorization, amendments have been made to CAPTA that have expanded and refined the scope of the law. CAPTA was most recently reauthorized on December 20, 2010 by the [CAPTA Reauthorization Act of 2010](#) (P.L. 111-320, or 42 U.S.C. 5101 et seq.).

The basis for government's intervention in child maltreatment is grounded in the concept of *parens patriae*—a legal term that asserts that government has a role in protecting the interests of children and in intervening when parents fail to provide proper care. It has long been recognized that parents have a fundamental liberty, protected by the Constitution, to raise their children as they choose. The legal framework regarding the parent-child relationship balances the rights and responsibilities among the parents, the child, and the State, as guided by Federal statutes. This parent/child relationship identifies certain rights, duties, and obligations, including the responsibility of the parents to protect the child's safety and well-being. If parents, however, are unable or unwilling to meet this responsibility, the State has the power and authority to take action to protect the child from harm. Over the past several decades, Congress has passed significant pieces of legislation that support the States' duty and power to act on behalf of children when parents are unable or unwilling to do so.

The Virginia Administrative Code has the impact of law for social services departments in Virginia. Regulations are approved by the State Board of Social Services and either restate law or provide clarification.

The four most relevant regulations for CPS are:

- [22 VAC 40-700-10](#) et seq. Child Protective Services Central Registry Information.
- [22 VAC 40-705-10](#) et seq. Child Protective Services Regulations.
- [22 VAC 40-720-10](#) et seq. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces.
- [22 VAC 40-730-10](#) et seq. Investigation Of Child Abuse And Neglect In Out Of Family Complaints.

CPS guidance will follow the Code of Virginia and regulation to provide further guidance or explanation, if needed. At times, the Code of Virginia or CPS regulation will require no further explanation, so the Code of Virginia may only be cited, and/or the regulation provided, and no further guidance given. Anything written in *italics* indicates that it is new with this version of guidance.

Note that this guidance manual is set up to follow a logical sequence based upon how the CPS process proceeds with some generic issues at the beginning and end. There is additional information that supports best practice in the appendices of each section.

Additional information about CPS guidance:

- A transmittal will be issued when new guidance is developed usually in January and/or July of each year.
- The transmittal itself has two columns – the first column provides the section of guidance that has been revised, and the second column provides a brief description of the guidance revisions.
- Broadcasts advise the LDSS of transmittals reflecting changes and also provide other important, new information. These broadcasts are available on the DSS website. They should be reviewed and placed in your hard copy guidance manual.

1.4 CPS guidance development process

CPS guidance is based on the following:

- The [Child Abuse Prevention and Treatment Act](#) (CAPTA) is a federal law that lays the foundation for all state CPS programs.
- The Code of Virginia as enacted by the General Assembly builds on federal law and/or addresses issues unique to Virginia.
- The State Board of Social Services approves regulations.
- Best practice may dictate guidance changes.

While most guidance comes from law and regulation, VDSS continually receives input from local agencies. The CPS Advisory Committee is composed of local CPS staff who provide input and recommendations to the VDSS for CPS guidance. The VDSS also obtains information from three Citizens Review panels, which include the Child Fatality Review Team, Governor's Advisory Board on Child Abuse and Neglect, and the Court Appointed Special Advocate/Criminal Justice Act (CASA/CJA) Advisory Board.

The state regional CPS specialists provide case consultation and technical assistance to the LDSS, thus providing feedback from each region of the state. Check with your supervisor to determine how to access these specialists.

All CPS regulations are periodically reviewed and amended based on changes to the Code of Virginia as well as public comment. The VDSS issues a broadcast to announce the review of CPS regulations and the public comment period.

1.5 Uniform training plan for Child Protective Services workers

The Virginia Administrative Code mandates uniform training requirements for CPS workers and supervisors. The uniform training requirements establish minimum standards for all CPS workers and supervisors in Virginia.

([22 VAC 40-705-180 A](#)). The department shall implement a uniform training plan for child protective services workers and supervisors. The plan shall establish minimum standards for all child protective services workers and supervisors in the Commonwealth of Virginia.

([22 VAC 40-705-180 B](#)). Workers shall complete skills and policy training specific to child abuse and neglect investigations and family assessments within the first two years of their employment.

([22 VAC 40-730-130](#)). Requirements: A. In order to be determined qualified to conduct investigations in out of family settings, local CPS staff shall meet minimum education standards established by the department including: 1. Documented competency in designated general knowledge and skills and specified out of family knowledge and skills; and 2. Completion of out of family policy training.

1.5.1 Training requirements for CPS workers to conduct investigations and family assessments

All Child Protective Services staff who are designated to respond to reports of child abuse and neglect, or manage or supervise any CPS investigation or family assessment, shall complete the following as soon as possible after their hire date, but no longer than within their probationary period, or one year, whichever is longer.

1.5.1.1 First-year mandatory training requirements

- Complete CWS 2000 / Child Protective Services New Worker Policy / Guidance Training with OASIS within the first three months of performing CPS functions.
- Complete the following mandatory courses:
 - Course CWS 2011/Intake, Assessment and Investigation in Child Protective Services.
 - Course CWS 2021/Sexual Abuse.
 - Course CWS 2031/Sexual Abuse Investigations.
- Complete the following mandatory course, if providing CPS ongoing services:

- Course CWS 2010/Ongoing Services in Child Protective Services.

1.5.1.2 Second-year mandatory training requirements

The following required courses shall be completed by all CPS workers within one year after the first one-year period (within two years of the start of CPS employment with an LDSS):

- Course CWS 5305/ Advanced Interviewing: Motivating Families for Change
- Course DVS 1001/Understanding Domestic Violence.

or

Course DVS 1031/Domestic Violence and its Impact on Children pursuant to [§ 63.2-1502](#) of the Code of Virginia.

- Course CWS 2141/Out of Family Investigations – if conducting designated out of family investigations pursuant to [22 VAC 40-730-130](#).

1.5.1.3 Additional training requirements

In addition, the following courses shall be completed by all CPS workers and/or supervisors within one year after the first one-year period (within two years of the start of CPS employment with an LDSS) if a specific need is assessed by the worker and supervisor. Even when a specific need is not identified, the VDSS encourages workers to complete the following required courses:

- Course CWS 1002/Exploring Child Welfare (online).
- Course CWS 1011/Casework Process & Case Planning in Child Welfare.
- Course CWS 1021/Effects of Abuse & Neglect on Child and Adolescent Development.
- Course CWS 1031/Separation and Loss Issues in Human Service.
- Course CWS 1051/Crisis Intervention.
- Course CWS 4010/ Transformation: Promoting Change by Valuing and Engaging Families (online).
- Course CWS 4020/ Introduction to Virginia's Family Partnership Meetings.

- Course CWS 5307/Assessing Safety, Risk and Protective Capacities in Child Welfare.
- Course CWS 5011/Case Documentation.

1.5.1.4 Additional training requirement for CPS supervisors

In accordance with [22 VAC 40-705-180 A](#), which became effective March 4, 2009, the following course shall be completed by CPS supervisors hired after July 1, 2010:

- Course CWS 5701/Child Welfare Supervision

Senior workers who supervise CPS are encouraged to attend as well.

1.5.2 LDSS must ensure worker compliance

It is the responsibility of the LDSS to ensure that staff performing CPS duties within their agency have met the minimum standards.

1.5.2.1 Direct supervision required when new worker is conducting investigation of sexual abuse allegation

Direct supervision of new CPS staff during sexual abuse investigations must be provided by a supervisor or an experienced CPS worker who has completed the minimum training requirements. Direct supervision requires a close review of all investigation and disposition decisions made in the process of the investigation including documentation of the review.

1.5.3 Training for staff not designated as CPS but performing CPS functions

The following course must be completed by local service workers who provide intake functions or respond to reports of abuse or neglect only during nights or weekends while “on call” and were hired after July 1, 2012:

- *CWS 2000 / Child Protective Services New Worker Policy/Guidance Training with OASIS.*

1.6 Multidisciplinary teams

Child Protective Services are best provided in the context of community-based collaboration and support. The Code of Virginia [§ 63.2-1503 J](#) provides the statutory authority for The LDSS to develop multidisciplinary teams. [22 VAC 40-705-150 E](#) provides regulatory authority for an LDSS to support the development of multidisciplinary teams.

([22 VAC 40-705-150 E](#)). Local departments shall support the establishment and functioning of multidisciplinary teams pursuant to [§ 63.2-1503 J](#) of the Code of Virginia.

The purpose of multidisciplinary teams shall be to promote, advocate, and assist in the development of a coordinated service system directed at the early diagnosis, comprehensive treatment, and prevention of child abuse and neglect. It is the responsibility of the director or superintendent of the LDSS to foster the creation and coordination of multidisciplinary teams either personally or through his designee. Functions of multidisciplinary teams shall include:

- Identifying abused and neglected children.
- Coordinating medical, social and legal services for the children and their families.
- Helping to develop innovative programs for detection and prevention of child abuse and neglect.
- Promoting community concern and action in the area of child abuse and neglect.
- Disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat abuse and neglect.

1.6.1 Composition of multidisciplinary teams

The Virginia Administrative Code provides the regulatory framework for the composition of multidisciplinary teams:

([22 VAC 40-705-10](#)). "Multidisciplinary teams" means any organized group of individuals representing, but not limited to, medical, mental health, social work, education, legal and law enforcement, which will assist local departments in the protection and prevention of child abuse and neglect pursuant to [§ 63.2-1503 J](#) of the Code of Virginia. Citizen representatives may also be included.

1.6.2 Family assessment and planning teams

The Code of Virginia [§ 63.2-1503 J](#) also provides that family assessment and planning teams established by a locality may be considered multidisciplinary teams.

1.6.3 Investigation consultation multidisciplinary teams

The Code of Virginia [§ 63.2-1503 K](#) allows multidisciplinary teams to provide consultation and assistance in conducting investigations. Multidisciplinary teams can provide better coordination between the professionals who are involved in complicated and serious CPS investigations to help avoid repeated interviews of a child.

1.6.4 Cooperation and exchange of information between the LDSS and multidisciplinary teams

The Code of Virginia [§ 63.2-1503 J](#) establishes statutory authority for The LDSS to develop agreements that govern the work of the multidisciplinary teams including the exchange of information among team members. LDSS are encouraged to develop written protocols for the operation of local multidisciplinary teams.

Multidisciplinary teams involved in case consultation can have access to confidential case information. All members of a multidisciplinary team abide by laws and policies related to confidentiality. More information about confidentiality and CPS can be found in the [Section 9, Confidentiality](#), of this manual.

1.7 Family partnership meetings

Family engagement is a relationship focused approach that provides structure for decision making that empowers both the family and the community in the decision making process. Family partnership meetings are grounded by value-driven principles that include:

- All families have strengths.
- Families are the experts on themselves.
- Families deserve to be treated with dignity and respect.
- Families can make well-informed decisions about keeping their children safe when supported.
- Outcomes improve when families are involved in decision making.
- A team is often more capable of creative and high quality decision making than an individual.

Family partnership meetings may be held any time to solicit family input regarding safety, services and permanency planning; however, for every family involved with the child welfare agency these are the decision points at which a family partnership meeting should be held:

- Once a CPS investigation or family assessment has been completed and the family is identified as “very high” or “high” risk and the child is at risk of out of home placement.
- Prior to removing a child, whether emergency or considered.

- Prior to any change of placement for a child already in care, including a disruption in the adoptive placement.
- Prior to a change of goal.
- When requested by parent (birth, foster, adoptive or legal guardian), youth, or service worker.

The worker and supervisor should discuss the convening and timing of a family partnership meeting at these critical decision points. All family partnership meetings must be documented in the automated data system. For more guidance regarding family partnership meetings, please refer to the Family Engagement manual at the following locations:

[DSS internal website](#)

[DSS public website](#)

Course CWS4030 – Facilitator Training for Virginia’s Family Partnership Meetings is designed for individuals within the locality that will be responsible for facilitating family partnership meetings.

1.8 Structured Decision Making

Structured Decision Making (SDM) is a process that uses a set of research and evidence-based assessment tools to help case workers make appropriate decisions at key stages in the child welfare process, from screening referrals to closing cases. When partnered with clinical judgment and supervision, these tools are designed to increase the consistency of casework decisions and improve the validity of those decisions, thereby better protecting children from harm. The assessment tools apply to all CPS decisions, with the exception of out-of-family reports, which only require the use of the Intake Tool. The assessment tools must be completed in the automated data system. When accessed via the automated data system, each assessment tool has definitions available that assist the worker with making the best choices on the tool. It is critical that workers refer to the definitions in the tools for consistency in completing the tools. Guidance on when to use each tool is offered in subsequent parts of this manual.

1.9 Appendix A: Indian Child Welfare Act (ICWA)

1.9.1 Public Law 95-608, Indian Child Welfare Act of 1978

1.9.1.1 Background

Under this Federal Act, passed in 1978, Indian Tribes were granted extensive jurisdiction in child welfare cases involving Indian children, recognizing “that there is no resource that is more vital to the continued existence and integrity of Indian Tribes than their children.” Please refer to the [Department of the Interior Bureau of Indian Affairs](#) or the [National Indian Child Welfare Association](#) for more information on ICWA.

1.9.1.2 Purpose

The ICWA was enacted to prevent the continued removal by state agencies, courts and private agencies of large numbers of Indian children from their families and their culture.

1.9.1.2.1 Overview

The Act “established minimum standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture.”

1.9.1.3 Applicable children

These are all children who have Native American or Alaskan Eskimo, or Aleut heritage of a federally recognized tribe. Federally recognized tribes are listed each year in the Federal Register. The most recent [Federal Register 2011 List of Indian Child Welfare Act Designates](#) is located on the Bureau of Indian Affairs website. Because Virginia has no federally recognized tribes, a child belonging to a Virginia tribe is not currently subject to the Indian Child Welfare Act.

1.9.1.4 Responsibilities of LDSS workers

If such a child belongs to a tribe located outside Virginia, does not live on a recognized reservation (there are no federally recognized tribal reservations in Virginia), and is in imminent danger, the Child Protective Service worker has the authority to exercise summary removal.

- An LDSS may temporarily place a child.
- The LDSS shall immediately contact the Bureau of Indian Affairs Eastern Regional Office by telephone (615-564-6740) (Gloria York, 615-564-

6740) or via its website for guidance on ICWA for notification procedures of the proper tribe.

1.9.1.5 ICWA applies to four types of custody proceedings

The ICWA applies to four types of Indian child custody proceedings, to include foster care placements, termination of certain parental rights, pre-adoption placements, and adoption placements.

1.9.1.6 Placing Indian child in foster care

According to the ICWA, when an Indian child is placed in foster care, the placement agency or party shall place the child (in the absence of good cause to deviate) with

- A member of the Indian child's extended family (including non-Indian members of the family);
- A foster home licensed or approved by the child's tribe;
- An Indian foster home licensed or approved by a non-Indian agency or authority; or
- An institution for children that has the approval of an Indian tribe.

1.9.1.7 Indian tribal courts maintain exclusive jurisdiction over Indian children living on reservations

The ICWA vests Indian tribal courts with exclusive jurisdiction over Indian Children who live on federally recognized Indian reservations.

1.10 Appendix B: Virginia tribes (not subject to ICWA)

1.10.1 Treaty of 1677

Virginia tribes are organized as chartered corporations and their recognition from the state dates to their treaty with the Colony of Virginia in 1677. These tribes are eligible for federal recognition, and it is expected that federal recognition may be granted.

1.10.2 Federal funding for Virginia tribes

Virginia tribes do benefit from federal funds for education and community development the same as do federally recognized tribes.

1.10.3 Specific Virginia tribes recognized by the Commonwealth of Virginia

Virginia tribes include the Chickahominy, Eastern Chickahominy, Mattaponi, Monacan, Nansemond, Pamunkey, Rappahannock, and Upper Mattaponi.