

**Date—July 1, 2019**

**Manual – Child and Family Services Manual, Chapter C, Child Protective Services**

**Transmittal # - 281**

The purpose of this transmittal is to provide new, revised, and clarified guidance for the Child Protective Services (CPS) Program. Unless otherwise stated, the provisions included in this transmittal are effective upon release.

This release includes updates to guidance as a result of changes to the Code of Virginia and other programmatic updates.

Guidance has been updated to reflect the legislation passed during the 2018 session of the Virginia General Assembly that became effective July 1, 2018.

Those updates include:

- Notification in Out-of-Family Investigations involving school employees.
- Expansion of venue in Juvenile and Domestic Relations Court to include Child Abuse or Neglect cases.
- Use of closed-circuit testimony in family abuse protective orders.
- Complaints involving unrelated violent sexual offenders.

Guidance has also been updated to reflect the legislation passed during the 2019 session of the Virginia General Assembly that becomes effective July 1, 2019.

Those updates include:

- Admissibility of out-of-court and recorded statements made by a child in civil child abuse or neglect proceedings.
- Designation of clergy as mandated reporters.
- Criminal investigations stay the CPS administrative appeal process.
- Responsibility of the LDSS to conduct in-state and out-of-state child abuse history checks.
- Response to child victims of sex trafficking.
- Clarifications regarding substance-exposed infants.
- Responsibility of alleged abuser or neglecter to notify LDSS of address change.
- Consideration of persons with a legitimate interests in civil court proceedings.

Other updates to guidance include programmatic changes and best practices.

Those updates include:

- Expansion of guidance and resources on the Indian Child Welfare Act (ICWA), including information published in Broadcast 10921.
- Adds electronic reporting for Mandated Reporters.
- Clarifies jurisdiction, updates information published in Broadcast 10381.
- Provides additional guidance when alleged abuser or neglecter is under the age of 18.
- Promotes increased relative engagement by CPS.
- Adds language on safety-related services.

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- Adds information on forensic interviewing.
- Adds link to human trafficking screening tool.
- Removes family assessment track from Out-of-Family Investigations.
- Clarifies time frame for completion of face-to-face contacts in On-going cases.
- Updates Local Conference procedures.
- Clarifies guidance regarding the release of information, including complainant, to law enforcement and attorney for the Commonwealth.
- Clarifies “affected by” in complaints involving substance exposed infants.
- Adds Substance-Exposed Infant Decision Tree Tool.
- Adds additional guidance and information on child fatalities and near fatalities.
- Throughout guidance “automated data system” has been changed to “child welfare information system.”

This transmittal and guidance are available on SPARK at [CPS Manual](#).

Significant changes to guidance are as follows:

Page(s) Changed ( <i>Subchapter, section, page number(s)</i> )	Significant Changes
Section 1: Introduction to CPS	
1.11.1 Active efforts, p. 19	Adds link to the U.S. Department of the Interior, Bureau of Indian Affairs quick reference sheet on active efforts.
1.11.4 Determination of tribal membership, p. 21	<ul style="list-style-type: none"> <li>• Clarifies LDSS must treat a child at risk of entering foster care or in foster care as an Indian child until it is determined that the child is not an Indian child.</li> <li>• Provides guidance to LDSS on submitting written request to tribe to confirm child’s membership or child’s eligibility for tribal membership.</li> </ul>
1.11.5 Documentation of Indian status, p. 21	Adds new subsection to provide guidance on documentation of Indian status in the child welfare information system.
1.12 Appendix B: Tribal Resources, p. 22	Renames Appendix B to reflect new content.
1.12.1 Virginia tribes, p. 22	<ul style="list-style-type: none"> <li>• Renames subsection.</li> <li>• Clarifies that tribes in Virginia can have state or federal recognition.</li> </ul>
1.12.2 Virginia tribes recognized by the Commonwealth of Virginia, p. 22	<ul style="list-style-type: none"> <li>• Clarifies nature of the relationship between a tribe and the Commonwealth when a tribe is state recognized.</li> <li>• Adds table to organize state recognized tribes by name, year of recognition, and geographical location.</li> </ul>

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1.12.3 Virginia tribal resources, p. 22	<ul style="list-style-type: none"> <li>• Renames subsection.</li> <li>• Provides resource link for state recognized tribes on the Secretary of the Commonwealth’s website.</li> <li>• Provides resource link for the Eastern Regional Office for the Bureau of Indian Affairs.</li> </ul>
1.12.4 Federally recognized tribes in Virginia, p. 23	<ul style="list-style-type: none"> <li>• Clarifies nature of relationship between a tribe and the Federal Government when a tribe is federally recognized.</li> <li>• Adds table to organize federally recognized tribes by name, year of recognition, and geographical location.</li> <li>• Adds six new tribes to the list of federally recognized tribes in Virginia.</li> </ul>
1.12.5 Federal tribal resources, p. 23	<ul style="list-style-type: none"> <li>• Adds a new subsection to provide resource information regarding federal tribes.</li> <li>• Provides resource information and links to the U.S. Department of the Interior Bureau of Indian Affairs, U.S. Department of the Interior Bureau of Indian Affairs Division of Human Services, and U.S. Department of Interior Bureau of Indian Affairs tribal leaders directory.</li> <li>• Provides links to the U.S. Department of Interior Bureau of Indian Affairs Division of Human Services quick reference sheets.</li> <li>• Provides link to the National Indian Child Welfare Association.</li> <li>• Provides link to the Indian Health Services agency.</li> </ul>
Section 2: Definitions of Abuse or Neglect	
2.9.1.2 Nonorganic failure to thrive, p. 29	Removes “Failure to thrive syndrome has been referred to as psychosocial dwarfism disorder.”
2.9.2.5.3 The child’s dietary history, p. 33	Changes “easy fatigability” to “fatigue after consumption.”
2.9.2.5.4 Past medical history, p. 33	Updates language related to past medical history.
Section 3: Complaints and Reports	
3.3.1.1 Who are mandated reporters?, p. 9	Updates guidance to reflect change to § 63.2-1509 of the Code of Virginia designating clergy as mandated reporters.

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<p>3.3.1.6 Mandated reporters may make report electronically, p. 11</p>	<p>Adds subsection regarding mandated reporters ability to make reports electronically on the Mandated Reporter website.</p>
<p>3.4.3 LDSS shall record all complaints and reports in writing, p. 13</p>	<p>Adds reference to the Mandated Reporter website.</p>
<p>3.5.2.2.2 Caretakers less than 18 years of age, p. 18</p>	<p>Provides links to section 4 and section 7 regarding valid complaints with an alleged abuser or neglector less than 18 years of age.</p>
<p>3.5.2.2.3 Caretakers in complaints or reports alleging the sex trafficking of a child, p. 18</p>	<p>Provides guidance on the change to §63.2-1508 of the Code of Virginia regarding the criteria for a caretaker when determining the validity of a complaint or report involving the alleged sex trafficking of a child.</p>
<p>3.5.2.3.8 Screening decision for substance-exposed infant (SEI) reports, p. 25</p>	<p>Adds a new subsection to provide guidance on screening decisions for reports involving substance-exposed infants</p>
<p>3.5.2.4 Question 4: Does the LDSS have jurisdiction to conduct the family assessment or investigation?, p. 26</p>	<ul style="list-style-type: none"> <li>• Revises guidance based on §63.2-1503 A to clarify that only a local department of jurisdiction may determine the validity of a complaint or report; and, if valid, ensure a family assessment or investigation is conducted</li> <li>• Provides LDSS guidance on the procedure for documenting and transferring complaints or referrals to a local department of jurisdiction.</li> </ul>
<p>3.5.2.4.1 Lack of jurisdiction not sufficient to invalidate complaint or report, p. 27</p>	<ul style="list-style-type: none"> <li>• Clarifies LDSS may not invalidate a complaint or report because they are not the local agency of jurisdiction.</li> <li>• Provides guidance that LDSS must immediately document and transfer the complaint or report in the child welfare information system to the local agency of jurisdiction.</li> </ul>
<p>3.5.2.4.2 Out-of-state jurisdiction, p. 27</p>	<p>Adds new subsection to provide guidance on the procedure for the LDSS when the complaint or report belongs out-of-state.</p>
<p>3.5.2.4.3 Transfer jurisdiction of complaint or report to local department of jurisdiction, p. 27</p>	<ul style="list-style-type: none"> <li>• Renames subsection to reflect new content.</li> <li>• Removes guidance on the responsibilities of the agency that first receives the complaint or report.</li> <li>• Adds guidance on the procedural requirements of transferring a complaint or report to a local department of jurisdiction.</li> </ul>

<p>3.5.2.4.4 Responsibilities of the local department of jurisdiction receiving the complaint, p. 27</p>	<ul style="list-style-type: none"> <li>• Renames and renumbers subsection</li> <li>• Provides guidance to the local department of jurisdiction on their responsibility to determine the validity of a complaint or report; and, if valid, to ensure a family assessment or investigation is conducted.</li> <li>• Provides guidance to the local department of jurisdiction that the initial response must be initiated within the determined response priority.</li> </ul>
<p>3.5.2.4.5 Assistance between local department of jurisdiction, p. 28</p>	<ul style="list-style-type: none"> <li>• Renumbers subsection.</li> <li>• Updates guidance to reflect that only a local department of jurisdiction may ask another LDSS of jurisdiction to assist in conducting a family assessment or investigation.</li> <li>• Updates guidance to reflect the responsibilities of the requesting and receiving local departments of jurisdiction.</li> </ul>
<p>3.5.2.4.6 The appearance of a conflict of interest, p. 30</p>	<ul style="list-style-type: none"> <li>• Renumbers subsection.</li> <li>• Updates LDSS to local department of jurisdiction.</li> </ul>
<p>3.5.2.4.7 Family assessments or investigations involving employees of LDSS, p. 30</p>	<p>Renumbers subsection.</p>
<p>3.5.2.4.8 LDSS cannot assume jurisdiction if abuse or neglect occurred in another state and the alleged abuser does not reside in Virginia, p. 31</p>	<p>Renumbers subsection.</p>
<p>3.5.4.4 Universal response to invalid complaints or reports of child sex trafficking, p. 33</p>	<p>Adds a new subsection to provide guidance on the universal response required by the LDSS to invalid complaints or reports of child sex trafficking.</p>
<p>3.6.2 Notification to law enforcement form, p. 38</p>	<p>Adds guidance that the form has been updated to include complaints involving a child being left alone in the same dwelling with an unrelated registered violent sexual offender.</p>
<p>3.6.3 Report complaints involving violent sexual offenders, p. 38</p>	<p>Adds new subsection to provide guidance on the change to §63.2-1503 D of the Code of Virginia regarding reporting complaints involving a child left alone in the same dwelling with an unrelated registered violent sexual offender to the Commonwealth attorney.</p>

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3.6.4 Memoranda of understanding with law enforcement and Commonwealth's attorney, p. 39	Renumbers subsection.
3.6.5 Report military dependents to Family Advocacy Program, p. 39	Renumbers subsection.
3.7 Report Child Fatalities and Near Fatalities, p. 40	Renames subsection to include near fatalities.
3.7.1.1 Examples of a fatality of a child, p. 41	Adds examples of child fatalities in cases of acute or chronic maltreatment.
3.7.2.1 Examples of a near fatality of a child, p. 43	Adds that there may be a delay between the time the child is determined to be in critical or serious condition and the subsequent death of the child.
3.8.7 Initiating a response to a valid report, p. 49	Clarifies that the LDSS cannot respond to a complaint to determine validity.
3.9 Determine the appropriate response: family assessment or investigation, p. 51	Adds valid complaints involving a child being left alone in the same dwelling with an unrelated violent sexual offender to the list of complaints that must be investigated by the LDSS.
3.9.1 Make the response track decision, p. 54	Clarifies that the LDSS cannot respond to a complaint to determine validity.
3.9.2 CPS Report Placement Chart, p. 55	Adds child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a violent sexual offender to list of valid complaints requiring an investigation response.
3.12 Appendix C: Notification to Law Enforcement from Child Protective Services, p. 59	<ul style="list-style-type: none"> <li>• Adds child left alone in the same dwelling with an unrelated registered violent sexual offender.</li> <li>• Adds that form may be used to notify the local attorney for the Commonwealth of reports involving a child left alone in the same dwelling with an unrelated registered violent sexual offender.</li> </ul>
3.13 Appendix D: CPS Intake Tool, p. 68	Adds child left alone in the same dwelling with an unrelated registered violent sexual offender to the list of valid complaints that require an investigation response.
Section 4: Assessments and Investigations	
4.1 Introduction, p. 11	Adds sex trafficking assessment as a response track.
4.2 Sex Trafficking Assessment, p. 16	A new subsection has been added to provide guidance on the responsibilities of the LDSS when conducting a sex trafficking assessment

	<p>pursuant to § 63.2-1506.1 of the Code of Virginia.</p> <p>The new subsection includes:</p> <ul style="list-style-type: none"> <li>• 4.2.1 Track decision</li> <li>• 4.2.2 Sex trafficking definitions</li> <li>• 4.2.3 Sex trafficking assessment <ul style="list-style-type: none"> <li>○ 4.2.3.1 Jurisdiction</li> <li>○ 4.2.3.2 Entry of complaint</li> <li>○ 4.2.3.3 Opening a case</li> <li>○ 4.2.3.4 Timeliness of response</li> <li>○ 4.2.3.5 Contacts</li> <li>○ 4.2.3.6 Safety assessment</li> <li>○ 4.2.3.7 Referrals for services</li> <li>○ 4.2.3.8 Notifications</li> <li>○ 4.2.3.9 Prevention services case</li> <li>○ 4.2.3.10 Legal authorities</li> </ul> </li> </ul>
4.3 Authorities of CPS worker, p. 27	Renumbers subsection.
4.3.3.8 Placement requirements when CPS has assumed emergency custody of the child, p. 34	Adds guidance that the LDSS must consider relatives as a possible emergency agency-approved placement for the child.
4.3.3.8.2 Required background checks on individuals with whom an agency may place a child on an emergency basis, p. 35	Corrects name of form to Sworn Statement or Affirmation form.
4.3.3.8.3 Post-emergency placement procedures, p. 35	Updates link for the VDSS Office of Background Investigations procedures.
4.3.3.8.4 Convene family partnership meeting around emergency removal, p. 36	Adds emphasis on the importance of engaging relatives and natural supports in the family partnership meeting.
4.3.4 Emergency removal of an Indian child, p. 39	Adds links to Appendix A: Indian Child Welfare Act and Appendix B: Tribal Resources in Section 1 of guidance.
4.4 Responsibilities of CPS workers, p. 41	Renumbers subsection.
4.4.7 Obtain and consider child abuse and neglect central registry check, p. 48	Adds new subsection to provide guidance on the change to §§ 63.2-1505 and 63.2-1506 of the Code of Virginia regarding child abuse and neglect central registry checks in family assessments and investigations.
4.4.8 Obtain and consider criminal history check, p. 48	Adds new subsection to provide guidance on the change to §§ 63.2-1505 and 63.2-1506 of the Code of Virginia regarding criminal history checks in family assessments and investigations.
4.4.9 Inquire if alleged abuser or neglector has resided in another state, p. 49	Adds new subsection to provide guidance on the change to §§ 63.2-1505 and 63.2-1506 of the Code of Virginia regarding the responsibility of

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	the LDSS to inquire if an alleged abuser or neglecter has resided outside of Virginia and obtaining the child abuse or neglect history from the other state(s).
4.5 Family assessment, p. 49	Renumbers subsection.
4.5.6.2 Interviewing the child, p. 54	Adds guidance that the face-to-face interview with the alleged victim child must occur within the required response priority.
4.5.6.6 Interviewing the mother, father or involved caretakers, p. 56	<ul style="list-style-type: none"> <li>• Adds guidance on the CPS worker's responsibility to provide the family with oral and written notification of the family assessment process.</li> <li>• Adds guidance that the CPS worker must advise the subject of the family assessment of his responsibilities to notify the LDSS of his address change pursuant to §63.2-1506 of the Code of Virginia.</li> <li>• Adds guidance on advising mother, father, or involved caretaker of their rights against self-incrimination when criminally charged.</li> </ul>
4.5.6.8 Identifying relatives and family supports, p. 57	Changes guidance from should to must.
4.5.8.2 Immediate child safety and family needs, p. 60	Provides guidance on the relationship between the Safety Assessment Tool and the Safety Plan.
4.5.9 Protecting interventions, p. 63	Adds reference to safety-related services provided during the family assessment.
4.5.11.1 Safety decision and family partnership meeting, p. 65	Adds emphasis on the importance of engaging relatives and natural supports in the family partnership meeting.
4.5.16 Assessment summary of strengths and needs, p. 72	Expands guidance on the areas for consideration on the strengths and needs assessment.
4.6 Investigations, p. 77	Renumbers subsection.
4.6.2.2 Extension of joint investigations with law enforcement agency, p. 78	Corrects code citation to §63.2-1505 B5 of the Code of Virginia.
4.6.8 Face-to-face interview with alleged abuser or neglecter, p. 86	<ul style="list-style-type: none"> <li>• Adds guidance regarding the responsibilities of the LDSS when interviewing an alleged abuser or neglecter who is under 18 years of age.</li> <li>• Adds guidance that the CPS worker must advise the subject of an investigation of his responsibilities to notify the LDSS of his address change pursuant to §63.2-1505 of the Code of Virginia.</li> </ul>

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4.6.8.5 May obtain and consider criminal history record for alleged abuser and all adult household members	Removes subsection because updates to §§ 63.2-1505 and 63.2-1506 expand the mandates regarding criminal history and Central Registry background checks. Code updates have been added to subsections 4.4.7, 4.4.8, and 4.4.9.
4.6.12 Identifying relatives and family supports, p. 89	Changes guidance from should to must.
4.6.18.2 Immediate child safety and family needs, p. 93	Provides guidance on the relationship between the Safety Assessment Tool and the Safety Plan.
4.6.19 Protecting interventions, p. 96	Adds reference to safety-related services provided during the investigation.
4.6.21.1 Safety decision and FPM, p. 97	<ul style="list-style-type: none"> <li>• Changes subsection title to be consistent with subsection 4.5.11.1.</li> <li>• Adds emphasis on the importance of engaging relatives and natural supports in the family partnership meeting.</li> </ul>
4.6.26 Assessment of summary of strengths and needs, p. 106	Expands areas for consideration on the strengths and needs assessment.
4.6.30.1 Notifications in unfounded investigations, p. 116	Adds clarification that the parent or legal guardian of an alleged abuser or neglector who is under 18 years of age must be notified in writing when the complaint is determined to be unfounded.
4.6.35.1 Notify abuser or neglector in writing, p. 125	Adds clarification that the parent or legal guardian of an alleged abuser or neglector who is under 18 years of age must be provided with written notification of the founded disposition.
4.6.35.1.1 Additional notification to alleged abuser in certain founded sexual abuse investigations, p. 126	Adds clarification that the parent or legal guardian of an alleged abuser or neglector who is under 18 years of age must be provided with written notification of the 25 year retention period for founded level 1 sexual abuse.
4.6.35.2 Inform abuser or neglector of appeal rights, p. 126	<ul style="list-style-type: none"> <li>• Adds clarification that the parent or legal guardian of an alleged abuser or neglector who is under 18 years of age must be provided with written appeal rights.</li> <li>• Adds link to updated guidance in section 7.4.1 .</li> </ul>
4.6.35.3 Notify abuser or neglector verbally, p. 126	Adds clarification that the parent or legal guardian of an alleged abuser or neglector who is under 18 years of age must be provided with verbal notification of the founded disposition.
4.6.35.12 Notify local school board when abuser is or was an employee, p. 131	Updates guidance to reflect change to §63.2-1505 B7 of the Code of Virginia regarding notification to the local school when alleged abuser or neglector is or was a school employee.

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4.6.35.13 Notify Superintendent of Public Instruction, Department of Education, p. 131	Updates guidance to reflect change to §63.2-1503 P of the Code of Virginia regarding notification to the Superintendent of Public Instruction in founded complaints involving individuals holding a license issued by the Board of Education.
4.7 The case record, p. 132	Renumbers subsection.
4.8 CPS child welfare information system, p. 133	Renumbers subsection.
4.9 Central Registry and record retention, p. 134	Renumbers subsection.
4.10 CPS Central Registry searches, p. 136	Renumbers subsection.
4.11 Appendix A: Forensic interviews, p. 138	<ul style="list-style-type: none"> <li>• Renumbers subsection.</li> <li>• Removes outdated information on the use of audio-recording.</li> <li>• Renames Appendix to reflect new content.</li> <li>• Provides updated information on the use of forensic interviews.</li> </ul>
4.11.1 Definition of forensic interview, p. 138	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides definition of forensic interview.</li> </ul>
4.11.2 Forensic interviewing models, p. 138	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides information on some common forensic interviewing models.</li> </ul>
4.11.2.1 Question type, p. 139	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides information on open-ended questions and other types of questions used in forensic interviews.</li> </ul>
4.11.3 Forensic interviewer training, p. 139	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides overview of training for forensic interviews.</li> <li>• Provides link to the ChildFirst Virginia training program.</li> </ul>
4.11.4 Forensic interview considerations, p. 140	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides information on important considerations for forensic interview.</li> </ul>
4.11.5 Setting and location, p. 140	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides information on ideal setting and location for forensic interview.</li> </ul>
4.11.6 Documentation of forensic interview, p. 141	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides information on the electronic documentation of forensic interviews.</li> </ul>
4.11.7 Multidisciplinary teams, p. 141	<ul style="list-style-type: none"> <li>• Adds new subsection.</li> <li>• Provides information on the use of forensic interviews with multidisciplinary teams.</li> </ul>

4.12 Appendix B: How to proceed with investigation when initial entry into the home is denied, p. 142	Renumbers subsection.
4.13 Appendix C: Guidelines for investigations where children are alleged to be present during the sale or manufacture of drugs, p. 143	Renumbers subsection.
4.14 Appendix D: CPS Safety Tool, p. 147	Renumbers subsection.
4.15 Appendix E: Initial Screening Assessment, p. 168	Renumbers subsection.
4.16 Appendix F: Safety Plan, p. 169	Renumbers subsection.
4.17 Appendix G: Family Service Agreement, p. 173	Renumbers subsection.
4.18 Appendix H: CPS Risk Assessment Tool, p. 179	Renumbers subsection.
4.19 Appendix I: Safety and risk field guide, p. 195	Renumbers subsection.
4.20 Appendix J: Additional resources for conducting a family assessment, p. 199	Renumbers subsection.
4.21 Appendix K: Sample Letters for Extensions, p. 202	Renumbers subsection.
4.22 Appendix L : Sample Letters for Investigations, p. 203	Renumbers subsection.
4.22.4 Founded, alleged abuser, p. 207	<ul style="list-style-type: none"> <li>• Adds referral date to the template letter.</li> <li>• Updates sample letter to include the change to § 63.2-1526 of the Code of Virginia regarding the stay of the CPS administrative appeal process when there is a pending criminal investigation.</li> </ul>
4.22.6 Founded, non-custodial parent or legal guardian, p. 209	<ul style="list-style-type: none"> <li>• Adds sample letter for non-custodial parent or legal guardian in founded cases.</li> <li>• Updates the sample letter to include the change to § 63.2-1526 of the Code of Virginia regarding the stay of the CPS administrative appeal process when there is a pending criminal investigation.</li> </ul>
4.23 Appendix M: Sex Trafficking of Children Indicators and Resources, p. 212	Renumbers subsection.
4.23.1 Additional questions to consider and other information to gather, p. 217	<ul style="list-style-type: none"> <li>• Adds link to Human Trafficking Screening Tool.</li> <li>• Adds links to additional resources:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies</li> <li>○ Human Trafficking and Child Welfare: A Guide for Caseworkers</li> <li>○ What You Need to Know about Sex Trafficking and Sexual Exploitation—A Training Tool for Child Protective Services</li> <li>○ Building Child Welfare Response to Child Trafficking</li> <li>○ Human Trafficking Response in Florida</li> <li>○ Child Sex-Trafficking Virginia State Resource Guide</li> </ul>
4.24 Appendix N: Reducing the Trauma of Removals, p. 218	Renumbers subsection.
4.24.3 Trauma informed practice strategies for caseworkers, p. 221	<ul style="list-style-type: none"> <li>● Removes suggestion that family keep a school aged child at home so the child doesn't have to be interviewed at school.</li> <li>● Adds guidance on working collaboratively with law enforcement to reduce trauma to the family during investigations and removals.</li> </ul>
4.25 Appendix O: Dispositional Assessments, p. 225	Renumbers subsection.
Section 5: Out of Family Investigations	
5.1 Introduction, p. 5	Adds locally approved foster homes and child placing agencies to the list of possible OOF settings.
5.4.1 Determine validity of report or complaint in OOF setting, p. 9	<ul style="list-style-type: none"> <li>● Renumbers subsection.</li> <li>● Removes subsection on track determination.</li> <li>● Removes guidance permitting the assignment of an OOF report to the family assessment track.</li> </ul>
5.4.2 Identify the regulatory agency, p. 9	<ul style="list-style-type: none"> <li>● Renumbers subsection.</li> <li>● Adds information on the Department of Behavioral Health and Developmental Services Office of Human Rights.</li> </ul>
5.4.3 Facilities with no regulatory authority, p. 10	Renumbers subsection.
5.4.4 Develop joint investigative plan, p. 11	Renumbers subsection and associated subsection.

5.4.5 Notify CPS regional consultant, p. 11	Renumbers subsection.
5.4.6 Notify Interstate Compact on the Placement of Children (ICPC), p.11	Renumbers subsection.
5.4.7 Time frames to complete investigations, p. 12	Renumbers subsection and associated subsections.
5.9.5.1 Notification for school employees, p. 36	Adds subsection to advise LDSS of additional notifications required in OOF investigations.
5.10.3.1 Notify local school board when abuser is an employee, p. 42	Updates guidance to reflect code change to §63.2-1505 B7 of the Code of Virginia regarding current or former school employees.
5.10.3.2 Notify Superintendent of Public Instruction, Department of Education, p. 42	Updates guidance to reflect code change to §63.2-1503 P of the Code of Virginia regarding notification to the Superintendent of Public Instruction in founded complaints involving individuals holding a license issued by the Board of Education.
5.13 Appendix A: Guide for Assessing Applicability of §63.2-1511 in CPS OOF Investigations of School Employees, p. 48	Adds guidance on the notifications required pursuant to §§ 63.2-1503 P and 63.2-1505 B7 of the Code of Virginia in OOF investigations involving school employees.
5.14.3.2 Responsibilities of the LDSS, p. 51	Updates guidance to reflect code change to §63.2-1505 B7 of the Code of Virginia regarding current or former school employees.
5.14.4.2 Responsibilities of the LDSS, p. 53	Updates guidance to reflect code change to §63.2-1503 P of the Code of Virginia regarding notification to the Superintendent of Public Instruction in founded complaints involving individuals holding a license issued by the Board of Education.
5.15 Appendix C: Checklist for OOF investigations, p. 55	Updates checklist to reflect code changes to §§ 63.2-1503 P and 63.1505 B7 of the Code of Virginia regarding notifications in investigations involving school employees.
5.16 .1 Founded, abuser, p. 59	Updates sample founded letter to reflect code changes to §§ 63.2-1503 P and 63.1505 B7 of the Code of Virginia regarding notifications in investigations involving school employees.
<b>Section 6 Services</b>	
6.2.2.3 First face-to-face contact, p. 11	Adds new subsection to clarify that the CPS Worker is responsible for monthly face-to-face contact between the closure of the family assessment or investigation and on-going case opening when the worker is keeping the case.

6.15.1.4 Receiving LDSS shall provide services, p. 40	Adds guidance that the receiving LDSS must complete the first contact with the family within five days of case assignment.
<b>Section 7: Appeals</b>	
7.3 CPS appeal automatically stayed during criminal proceedings against abuser, p. 5	Updates § 63.2-1526 of the Code of Virginia regarding the CPS administrative appeal process when there is a pending criminal prosecution or investigation.
7.3.1 Criminal proceedings in juvenile or circuit court, p. 5	Adds clarification that the CPS administrative appeal process is stayed until the criminal prosecution is completed in the trial court based on the change to § 63.2-1526 of the Code of Virginia.
7.3.2 Criminal proceedings in military court, p. 6	Adds clarification that the CPS administrative appeal process is stayed until the criminal prosecution is completed in the trial court based on the change to §63.2-1526 of the Code of Virginia.
7.3.3 Criminal investigations, p. 6	Adds new subsection to provide guidance on § 63.2-1526 of the Code of Virginia regarding the stay of the CPS administrative CPS appeal process when there is a pending criminal investigation.
7.4.1 Appellant must request local conference, p. 7	Adds clarification that a parent or legal guardian may submit appeal request on behalf of an alleged abuser or neglecter under 18 years of age.
7.4.6 Conduct the local conference, p. 8	Provides updated link to the CPS State Appeals Handbook which was revised in August 2017.
7.5.1 Appellant must request state administrative hearing, p. 11	Adds clarification that a parent or legal guardian may submit appeal request on behalf of an alleged abuser or neglecter under 18 years of age.
7.6 Appendix A: Local Conference Procedures, p. 16	<ul style="list-style-type: none"> <li>• Provides revisions to Local Conference Procedures.</li> <li>• Adds reference to Chapter C of the Child and Family Services Manual.</li> <li>• Clarifies State means Hearing Officer designated by the Commissioner.</li> </ul>
7.6.1 Acronyms, p. 16	Adds new subsection and defines the acronyms used in Appendix A.
7.6.2 Introduction, p. 16	Updates subsection of Local Conference procedures.
7.6.3 Levels of appeals, p. 16	Clarifies that a state appeal is a formal administrative hearing and not merely a review of the local conference decision.
7.6.4 Purpose of local conference, p. 17	Updates subsection to explain the purpose of the local conference.

7.6.5 Local conference time frames, p. 17	Updates subsection on local conference time frames.
7.6.6 Pre-conference preparation, p. 18	Updates guidance to include that the LDSS may be represented by Counsel at the local conference.
7.6.7 CPS case record, p. 18	<ul style="list-style-type: none"> <li>• Adds reference and link to 22VAC40-705-10.</li> <li>• Clarifies CPS worker should submit case record at the local conference if the LDSS is not represented by Counsel.</li> </ul>
7.6.8 Conducting the informal local conference, p. 19	Clarifies that no person whose regular duties include substantial involvement with the child abuse or neglect cases shall preside over a local conference except for the LDSS Director or designee.
7.6.8.1 Introduction and summary of the conference process, p. 19	Clarifies that the LDSS Director or designee and the parties have discretion as to who remains in the hearing room after testifying.
7.6.8.2 Presentation of the LDSS case and questions by the Appellant or LDSS Director or designee, p. 20	Updates guidance to the LDSS on case presentation during the local conference.
7.6.8.3 Presentation of the Appellant's case and questions by the CPS worker or LDSS Director or designee, p. 20	Updates guidance on the Appellant's case presentation during the local conference.
7.6.9.1 Witnesses and other participants, p. 22	Updates guidance regarding witnesses and other participants in the local conference.
7.6.9.3 Burden of proof, p. 23	Updates guidance for the LDSS regarding the evidentiary standard in the local conference.
7.6.9.6 What if the Appellant does not appear for the conference or refuses to agree to a date for the conference, p. 23	<ul style="list-style-type: none"> <li>• Updates title of subsection</li> <li>• Clarifies LDSS should proceed with the local conference even if the Appellant does not appear after being duly informed for the conference date.</li> </ul>
7.6.10 After the conference, p. 23	Adds regulatory citation to 22VAC40-705-190(G)(5), which instructs the LDSS Director or designee on the actions required after the local conference.
7.6.11 Sample letters, p. 26	Updates language on sample letters, including information on the change to §63.2-1526 of the Code of Virginia.
<b>Section 8: Judicial Proceedings</b>	
8.1.1 Venue, p. 6	Adds subsection to provide guidance on the change to §16.1-243 of the Code of Virginia regarding venue in cases of child abuse or neglect.

<p>8.1.2 Names and contact information of persons with a legitimate interest, p. 6</p>	<p>Adds subsection to provide guidance on the change to § 16.1-229.1 of the Code of Virginia regarding the court's ability to order the parents or guardians of a child removed from his home to provide the names and contact information for persons with a legitimate interest to the LDSS.</p>
<p>8.1.3 Court consider person with a legitimate interest, p. 7</p>	<p>Adds subsection to provide guidance on the changes to §§ 16.1-252, 16.1-277.01, 16.1-277.02, 16.1-278.2, 16.1-278.3, and 16.1-283 of the Code of Virginia which require the court consider persons with a legitimate interest for custody of the child when evaluating removal, entrustment, relief of custody, and termination of parental rights petitions.</p>
<p>8.3.6.3 Out-of-court statements made by a child describing act of sexual nature, p. 16</p>	<p>Adds subsection to provide guidance on the change to § 63.2-1522 of the Code of Virginia regarding the admissibility of out-of-court statements made by a child describing an act of a sexual nature in civil child abuse or neglect proceedings.</p>
<p>8.3.6.4 Use of videotaped statement of alleged victim as evidence, p. 17</p>	<p>Adds subsection to provide guidance on the change to § 63.2-1523 of the Code of Virginia regarding the use of a videotaped statement by the alleged victim in civil child abuse or neglect proceedings.</p>
<p>8.7.5 Use of closed-circuit testimony, p. 34</p>	<p>Adds subsection to include change to §63.2-1521 A of the Code of Virginia regarding the use of two-way closed-circuit testimony in preliminary protective orders in cases of family abuse.</p>
<p>8.8.10 Use of closed-circuit testimony, p. 38</p>	<p>Adds subsection to include change to §63.2-1521 A of the Code of Virginia regarding the use of two-way closed-circuit testimony in emergency protective orders in cases of family abuse.</p>
<p>8.9.9 Use of closed-circuit testimony, p. 43</p>	<p>Adds subsection to include change to §63.2-1521 A of the Code of Virginia regarding the use of two-way closed-circuit testimony in protective orders in cases of family abuse.</p>
<p><b>Section 9: Confidentiality</b></p>	
<p>9.2.1.1 Complaints or reports that LDSS shall report to Commonwealth's Attorney and law enforcement, p. 4</p>	<p>Clarifies that LDSS must notify law enforcement and the local attorney for the Commonwealth.</p>
<p>9.2.1.3 Complaints or reports involving violent sexual offenders that LDSS shall report to Commonwealth's Attorney, p. 5</p>	<p>Provides the LDSS with guidance on reporting complaints involving a child being left alone in the same dwelling with an unrelated violent</p>

	sexual offender pursuant to §63.2-1503 D of the Code of Virginia.
9.3.2 Identity of complainant and collaterals to remain confidential, p. 10	Provides guidance to the LDSS from §63.2-1503 regarding the release of the name of the complainant to local law enforcement and the attorney for the Commonwealth.
9.6.8.2 Appellant’s access to CPS record is stayed during criminal proceeding or investigation, p. 18	Updates subsection to include changes to §63.2-1526 of the Code of Virginia regarding an appellant’s access to the CPS case record when there is a pending criminal proceeding or investigation.
<b>Section 10: Substance-Exposed Infants (SEI)</b>	
10.1 Introduction, p. 4	Adds reference to new eLearning course CWSE6010: Working with Families of Substance Exposed Infants.
10.2 SEI Definitions, p. 5	<ul style="list-style-type: none"> <li>• Adds definition for Medication-Assisted Treatment (MAT).</li> <li>• Revises definition of screening.</li> </ul>
10.3 Background of SEI, p. 6	Adds new subsection to include Federal and Virginia laws regarding Substance Exposed Infants.
10.4 Mandated reporting of SEI, p. 8	<ul style="list-style-type: none"> <li>• Renumbers of subsection.</li> <li>• Removed citation to §63.2-1509 of the Code of Virginia.</li> </ul>
10.4.1 Health care providers required to report SEI, p. 8	Updates subsection to include changes to § 63.2-1509 B of the Code of Virginia which clarifies that a report of a SEI does not constitute a per se finding of child abuse or neglect.
10.4.1.1 First Circumstance, p. 8	<p>Adds new subsections:</p> <ul style="list-style-type: none"> <li>• 10.4.1.1.1 Affected by substance use, which clarifies what “affected by” means and how to gather and document supporting information.</li> <li>• 10.4.1.1.2 Withdrawal symptoms resulting from in utero substance exposure, which clarifies why MAT is recommended for opioid-addicted women who are pregnant.</li> </ul>
10.4.2.2 Report to the Community Services Board, p. 11	Adds reference to § 63.2-1509 B of the Code of Virginia.
10.5 Plans of safe care, p. 12	Renumbers subsection.
10.6 CPS response to SEI referrals, p. 13	<ul style="list-style-type: none"> <li>• Renumbers subsection.</li> <li>• Updates subsection to include changes to § 63.2-1509 B of the Code of Virginia</li> </ul>

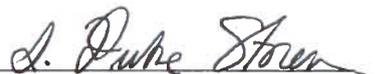
	<p>which clarifies that a report of a SEI does not constitute a per se finding of child abuse or neglect.</p>
10.6.1.1 Investigation requirements, p. 14	<ul style="list-style-type: none"> <li>• Adds complaints involving a child being left alone in the same dwelling with an unrelated registered violent sexual offender to the list of valid complaints requiring an investigation response.</li> <li>• Adds guidance that valid SEI complaints where the child is removed must be changed from the family assessment to investigation track and the LDSS must document SEI as at least one of the reasons for the removal.</li> </ul>
10.6.1.2 Purpose of CPS intervention, p. 15	<p>Adds new subsection to clarify the role of CPS in responding to SEI referrals.</p>
10.6.2 Initial safety assessment, p. 15	<p>Clarifies that most SEI reports will require a safety plan to be developed with the family.</p>
10.6.3 Information to gather when responding to SEI referrals, p. 17	<p>Adds link to Section 10.13, Appendix E: Substance Exposed Infant Decision Tree Tool.</p>
10.6.4 No exception to completing the investigation or family assessment, p. 17	<p>Clarifies the LDSS may no longer decide not to validate a SEI referral because the mother sought and engaged in substance abuse counseling or treatment during pregnancy.</p>
10.6.5.1 Collateral contacts in SEI referrals, p. 18	<p>Clarifies information to be gathered from the health care provider(s).</p>
10.7 CPS on-going services to families with SEI, p. 21	<p>Renumbers subsection.</p>
10.8 Petition the court on behalf of a SEI, p. 23	<ul style="list-style-type: none"> <li>• Renumbers subsection.</li> <li>• Clarifies that a court petition may be filed in response to a SEI referral whenever it is handled as an investigation, not a family assessment, and that it can be filed solely based on an infant having been exposed to legal or illegal substances in utero.</li> </ul>
10.9 Appendix A: Fetal Alcohol Spectrum Disorder (FASD), p. 25	<p>Renumbers subsection.</p>
10.10 Appendix B: Neonatal Abstinence Syndrome (NAS), p. 28	<p>Renumbers subsection.</p>
10.11 Appendix C: Screening Tools Used with Pregnant or Postpartum Mothers, p. 31	<p>Renumbers subsection.</p>
10.12 Appendix D: Sample Plan of Safe Care, p. 33	<p>Renumbers subsection.</p>
10.13 Appendix E: Substance-Exposed Infant Decision Tree, p. 37	<p>Adds the Substance-Exposed Infant Decision Tree Tool.</p>

Section 11: Child Deaths	
11.2.3 Report child death to CPS regional consultant, p. 6	Provides guidance that the CPS Regional Consultant shall ensure the completion of the Preliminary Child Fatality/Near-Fatality Form.
11.2.4 Submit preliminary information concerning the child death, p.6	Updates form name to Preliminary Child Fatality/Near-Fatality Information Form.
11.4.2.1 Purpose of child fatality review, p. 12	Revises the purpose of the child fatality review team.
11.4.2.2 Role and responsibilities of CPS worker, p. 13	Changes “history of DV” to “history of intimate partner violence.”
11.4.2.3 Presenting a case for the child fatality review meeting, p. 13	Corrects MHC to MCH.
11.7 Appendix A: Preliminary Child Fatality/Near-Fatality Information Form, p. 18	<ul style="list-style-type: none"> <li>• Changes form name to include Near – Fatality.</li> <li>• Includes latest version of form.</li> </ul>
11.8.2 What to bring to a meeting, p. 21	Reorganizes information in subsection.
11.9.1 American Academy of Pediatrics, p. 24	Provides updated links to assist the LDSS.
11.9.2 The National Center for the Review and Prevention of Child Death, p. 24	Updates link to the National Center for the Review and Prevention of Child Death.
11.10 Appendix D: Child Fatality Checklist, p. 25	<ul style="list-style-type: none"> <li>• Updates form name and link.</li> <li>• Updates link to Version 5.0 Case Reporting Tool—National Maternal Child Health Center for Child Death Review.</li> <li>• Adds requirement to document the results of the autopsy report in the child welfare information system.</li> </ul>
11.11 Appendix E: The National Center for the Review and Prevention of Child Death Guidance on the Role of Key Professionals on Child Death Review Teams, p. 27	Updates link to The National Center for the Review and Prevention of Child Death—Roles of Team Members.
11.11.2 Child Protective Services (CPS), p. 28	Adds information on the role of the CPS member.
11.11.6 Pediatrician or Other Family Health Provider, p. 30	Adds information on the role of the pediatrician or other family health provider.
11.12.2 The interview, p. 35	Updates list of possible interview questions.
11.12.3 Fatality investigations, p. 35	Updates question regarding use of re-enactment dolls to include the recreation of the scene.
11.12.4 Characteristics of Sudden Infant Death Syndrome (SIDS), p. 37	<ul style="list-style-type: none"> <li>• Renames subsection to include SUIDS.</li> <li>• Updates SIDS/SUIDS considerations.</li> </ul>

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11.13 Appendix G: Color Coded Guide for Completing the National Child Death Review Case Reporting Tool—Version 5.0, p. 38	Updates Appendix G to reflect Version 5.0 of the National Child Death Review Case Reporting Tool.
11.14 Appendix H: Near Fatalities, p.43	Adds appendix on near fatalities to provide LDSS guidance on the definition of near fatality and reporting requirements.
11.14.1 Definition of “near fatality”, p. 43	<ul style="list-style-type: none"><li>• Adds subsection.</li><li>• Provides definition of “near fatality.”</li></ul>
11.14.2 Documentation and notification of near fatalities, p. 43	<ul style="list-style-type: none"><li>• Adds subsection.</li><li>• Provides information on documentation and notification requirements in near fatalities.</li></ul>

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