

STANDARD FOR RESPONDING TO ALLEGATIONS OF ABUSE OR NEGLECT INVOLVING CHILDREN'S RESIDENTIAL CARE FACILITIES, CHILDREN'S AGENCIES and THERAPEUTIC OUTDOOR PROGRAMS

PURPOSE

The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) program regarding allegations of abuse or neglect involving licensed and unlicensed children's residential care facilities, children's agencies, and therapeutic outdoor programs. This standard is intended to achieve statewide consistency in the development and application of CFS core services and shall be implemented in the context of all applicable laws, rules, and policies. The standard will also provide a measurement for program accountability.

INTRODUCTION

Idaho's Child Protection Act is a civil statute authorizing state intervention in family situations where children are not safe as a result of child abuse or neglect. When an allegation of maltreatment (abuse or neglect) of a child in a children's residential care facility, children's agency, or outdoor therapeutic program is received by CFS, it must be determined whether the allegations require a referral to law enforcement or licensing, or if CFS would initiate a case management response. This standard clarifies how such a determination is to be made.

This standard is **not** applicable to individual resource (foster/adopt) family home settings, treatment foster homes, or state institutions. Separate standards and policies govern allegations of child abuse or neglect in resource families, treatment foster homes, and institutional settings.

Terms

Central Office Licensing Team

The licensing entity responsible for all aspects of licensing and monitoring program compliance with IDAPA 16.06.02 Rules Governing Standards for Child Care Licensing for children's residential care facilities, children's agencies, and therapeutic outdoor programs in Idaho.

Children's Agency

A business licensed to be operated for the purpose of placement of children in foster homes, children's residential care facilities or for adoption in a permanent home.

Children's Therapeutic Outdoor Program

A licensed program designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting.

Children's Residential Care Facility

A licensed facility that provides residential child care. It excludes foster homes, treatment foster homes, residential school, juvenile detention center and children's camps.

Third-party

According to CFS's Priority Response Guidelines, third-party refers to someone outside the parental home or foster home who is not a primary caretaker or legal custodian of the child and who following allegations of maltreatment no longer has access to the child. However, for the purposes of this standard only, the definition of third-party is expanded. Individuals involved in allegations of abuse or neglect involving children's residential care facilities, children's agencies, and therapeutic outdoor programs may have access to the child and still be identified as "third-party". Part of the process outlined in this standard addresses ensuring the child's safety in this circumstance.

IMPLEMENTING THE STANDARD

Once an allegation of maltreatment of a child in a children's residential care facility, children's agency, or outdoor therapeutic program is received by CFS, it must be determined whether the allegations require a referral to law enforcement or licensing. If it is an allegation of child abuse or neglect involving a children's residential care facility, children's agency, or therapeutic outdoor program, a referral will be made to law enforcement. If it is an allegation that safety standards or procedures were not followed, the allegation is a licensing issue. Allegations which occur in settings other than families or family foster care are considered "third-party". Third-party referrals are the responsibility of law enforcement.

When the child named in the allegations is in the custody of CFS, the department serves in the capacity of "in loco parentis." As such, a CFS social worker, clinician, or supervisor will see the child to assess and assure the child's safety. If the child's safety cannot be assured, arrangements will be made for a change in placement.

The Central Office Licensing Team, the appropriate hub program manager, the licensing supervisor, and contract monitor will be notified of any allegation. This includes allegations thought to be maltreatment and those which appear to be licensing issues, whether or not the facility/program is licensed, unlicensed, or not required to be licensed.

There may be instances where a case management response is warranted and the CFS social worker works with the children's residential care facility, children's agency, or therapeutic outdoor program to develop a plan of care for the child targeting a specific issue brought up in an allegation.

Procedures

Any person who has “reason to believe” that abuse or neglect has occurred has a legal responsibility under Idaho Code 16-1619 to report such abuse or neglect to CFS or local law enforcement. According to the Child Care Licensing Standards, it is the responsibility of the each facility, program, and agency administrator to train their staff on child abuse and neglect reporting requirements and to take prompt action to assure the safety of the alleged victim.

(1) Child abuse or neglect allegation received – When an allegation of child abuse or neglect is made regarding a staff member or volunteer within a facility, program, or agency, the CFS intake social worker will complete an intake worksheet on the allegation. The worker should inquire:

- Have steps been taken to ensure the safety of any alleged victim(s)?
- Has law enforcement been notified?
- Who has legal custody of the child(ren) named in the allegations?
- Has an investigation begun and has any appropriate disciplinary action been taken?

(2) Review referral – Review referral with intake/safety assessment supervisor to determine if allegations meet the criteria for abuse/neglect of a child placed at a children’s residential care facility, children’s agency, or therapeutic outdoor program. At this time, the CFS worker and intake/safety assessment supervisor will determine the names of all children in CFS state custody also placed at the residential care facility, children’s agency, or therapeutic outdoor program and whether the referral has implications for the safety and/or care of these other children as well. If other children who are also in CFS custody are also impacted by the referral, the respective program managers will be notified.

If allegations do meet the criteria for abuse/neglect of a child placed at a children’s residential care facility, children’s agency, or therapeutic outdoor program, the allegation is a third-party referral and entered into FOCUS as “third-party.” If the matter appears to be a licensing issue, a referral is made to licensing. If the matter is a case management issue, a referral would be made to the child’s case manager to create a plan of care with the child’s facility, agency, or program to address a need raised by the allegation.

(3) Notification of Law Enforcement – The completed intake sheet is forwarded to local law enforcement within 24 hours of receipt of the referral. Third-party referrals are not prioritized, however, if there are indications that a child is in “imminent danger,” this must be reported to law enforcement immediately.

(4) Notification of Hub Program Manger – The Program Manager and/or the Chief of Social Work is notified of any referral covered by this standard. Attempts to notify the Program Manager and/or the Chief of Social Work will be made the day of the referral. If these attempts are unsuccessful, the Program Manager and/or the Chief of Social Work will be notified the following work day.

(5) CFS and Law Enforcement – If the alleged victim is in CFS custody, a social worker or clinician should team with law enforcement to assure the safety of the victim including arranging for another placement if the child’s safety cannot be assured.

(6) Notification of Central Office Licensing Team – The Central Office Licensing Team is notified via phone or e-mail of all reports of both child maltreatment and licensing issues. Attempts to notify the Central Office Licensing Team will be made the day of the referral. If these attempts are unsuccessful, the Central Office Licensing Team will be notified the following work day. The Central Office Licensing Team will help to assure a coordinated response.

(7) Parent notification – For children in CFS care and custody, a discussion should occur with the Program Manager and/or Chief of Social Work and supervisor regarding parental notification of the allegation of abuse/neglect, involvement of law enforcement, and current status of the placement. The child’s social worker or supervisor will notify the child’s parent(s) regarding the allegations, outcome of the investigation by law enforcement, and any resulting changes in placement.

(8) CASA/GAL notification – For any child in CFS care and custody who has an assigned CASA or GAL, the child’s social worker or supervisor will notify the child’s CASA or GAL regarding the allegations of maltreatment, involvement of law enforcement, and current status of the placement.

(9) Required notification of change in placement for child in CFS custody – Written notification to the child’s parent(s) or legal guardian(s) must be made within seven (7) days of a change of placement of a foster child if that child is relocated to another foster care setting. Similar notice must be given to the parent(s) or Indian custodian(s) of an Indian child, and the Indian child’s tribe, which includes the information described in Notice Required for ICWA (IDAPA 16.1601.051).

(10) No Disposition in Third-party Referrals – As a third-party referral, there is no safety assessment completed by CFS and no disposition entered into FOCUS. The Prosecutor will decide whether to prosecute the case in criminal court.

(11) Corrective Action Plan – The Child Care Licensing Standards (IDAPA 16.06.02) mandate corrective action plans by facilities, programs, and agencies to address licensing issues resulting from this process.

Any action taken not consistent with this standard must be pre-approved by the FACS Division Administrator or designee. The action, rationale, and approval must be documented in the file.

Attachment A

