

STANDARD: RESPONDING TO ALLEGATIONS OF ABUSE OR NEGLECT INVOLVING MEMBER(S) OF A RESOURCE FAMILY

PURPOSE

The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) programs regarding allegations of abuse or neglect involving member(s) of a resource (fost-adopt) family or other persons living in the home, as well as licensed and unlicensed homes under the Interstate Compact Agreement. CFS standards are 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. Standards will also provide a measurement for program accountability.

INTRODUCTION

Every year in the U.S. thousands of children in out of home care are abused or neglected by members of their resource family or other persons living in the home. We must continue to work towards elimination of these incidents. Resource parents are particularly vulnerable to allegations by children in care and their parents. While false allegations do exist, there are times when resource family members or others living in the home actually abuse and neglect the children in their care and immediate action must be taken to protect child(ren) in that home.

STANDARD

Any worker, including a child's case manager, who has "reason to believe" that abuse or neglect has occurred in a resource home has an ethical and legal responsibility to report such abuse or neglect to IDHW. Referrals will be prioritized and an immediate safety/risk assessment will be conducted. The risk assessment is completed by someone other than the case manager of any children in that home or the resource family's specialist. When there are allegations of abuse or neglect in a resource home, the Program Manager and/or the regional Chief of Social Work and/or designee is consulted at each decision point.

Definitions:

Resource Family: Individuals licensed to care for children in the Department's custody. Resource families primarily provide foster and/or pre-adoptive services.

Resource Family Specialist: CFS worker assigned to a resource family who completes the family's licensing requirements and provides supportive services to assist the family in caring for children in the Department's custody. Resource Family Specialists were previously referred to as a foster care licensing workers.

PROCEDURES and accompanying flowchart:

- (1) **Allegation received:** When an allegation of child abuse or neglect by a member of a resource family or other person living in the home is received, the worker will consult with his/her supervisor and together they will determine the presence of any or all of the following with the child(ren)'s safety as the paramount concern:
- Abuse and neglect safety issues which require a child protection risk assessment;
 - Licensing issues which involve child care licensing standards; and/or
 - Case management issues which generally involve a specific child and are not assigned a priority for response.

If the alleged abuse/neglect occurred when the individual was in a foster or adoptive placement and the individual allegedly responsible for the abuse/neglect is still in a provider role, the case manager needs to have contact with the child(ren) in the home.

- (2) **Notification of Program Manger:** When the issues involve abuse, neglect and the child's safety, the Program Manager and/or the Chief of Social Work is immediately notified and a **Critical Incident Report** is completed by the risk assessment worker.

- (3) **Reported concerns which appear to be licensing or case management issues (not child abuse or neglect).** This information is immediately (not later than 24 hours) referred to the resource family specialists' supervisor or the case management supervisor for discussion with and follow-up by the assigned worker according to the timeframes and procedures referenced in IDAPA 16.06.02.623 (Child Care Licensing Standards).

If the licensing or case management issue involves an IDHW child in a home licensed by another children's agency (i.e. Casey Family Programs), the case worker will immediately contact the the licensing agency to report the concerns. If the child is in IDHW custody, the CFS worker will see the child to ensure his/her well-being. The licensing agency will follow-up with the licensing concern.

- (4) **Prioritize referral:** The referral is prioritized by the risk assessment supervisor in consultation with the Program Manager and/or Chief of Social Work. A risk assessor who is not responsible for case management of any children in the home is assigned.

- (5) **Notification of law enforcement:** A copy of the intake worksheet is sent to law enforcement. Teaming with law enforcement may be appropriate, however, any children who are living out-of-home and are in the Department's custody can be moved by the Department without a declaration of imminent danger. This would not be the case for any of the resource family's own children. See (15) below.
- (6) **Child(ren) in the home:** The Risk Assessment supervisor then notifies the Program Manager and/or the Chief of Social Work as well as the Resource Family Specialists' and Case Management supervisors of the status of the case. A determination is made regarding the identity of the children living in the foster home.
- (7) **Case worker notification:** Each case manager who has a child in the home is notified that an allegation has been received and a risk assessment will be completed. In Interstate Compact cases, notification includes the case manager in the sending state.
- (8) **Do not alert family to allegations:** Under no circumstances is any case manager to make contact with the resource family, alerting them to any allegations of abuse or neglect, **prior** to initiation of the risk assessment.
- (9) **Placing family on "hold:"** A Resource Family Specialist places the family in a "hold" status in FOCUS pending the outcome of the risk assessment. Include documentation of the reason for the hold and the date the hold is initiated. No one may place a child in the home which is on "hold" status. See FOCUS flowchart for description of how to place a family on "hold" in FOCUS.
- (10) **Complete risk assessment.** It is the role of the risk assessor to engage the family and complete a risk assessment to determine the safety of all children living in the home. This action may or may not involve removal of any or all of the child(ren) from the home.
- (11) **Team with Resource Family Specialist:** If there are also urgent licensing issues, the family's specialist may be requested to team the risk assessment. The risk assessor should consider the following:
- **Is a safety plan feasible to preserve this placement?**
 - **What reasonable efforts could be made to eliminate the need to remove any children from the family?**
- (12) **Consultation regarding safety:** The assigned risk assessor and their supervisor will consult with Program Manager and/or Chief of Social Work , Resource Family Specialists', Case Management supervisors and Interstate Compact supervisor regarding safety decisions and possible removal of child(ren) from the

home. If the home has a child placed in Idaho through the Interstate Compact, contact Idaho's Deputy Compact administrator regarding a possible move.

- (13) **Parent notification.** A discussion should occur with the risk assessment supervisor and Program Manager and/or Chief of Social Work regarding parental notification about the allegation of abuse/neglect, the outcome of the risk assessment, and current status of the placement. The child's case manager will notify the child's parent(s) regarding the allegations, outcome of the risk assessment, and any resulting changes in placement.

(14) **Results of Risk Assessment.**

SAFE:

No safety plan is necessary. The children are found to be safe. Allegations are clearly unfounded. Provide supports to members of the resource family as needed to assist with any unintended consequences of the risk assessment process.

CONDITIONALLY SAFE:

Develop safety plan with the family and the case manager(s) of the children in the home. The children remain in the home. A corrective action plan is monitored by a designated IDHW individual. Who that will be will be made on a case by case basis. Provide supports to members of the family as needed to assist with any unintended consequences of the risk assessment process.

UNSAFE:

The actual removal of children in the Department's custody is determined on a case-by-case basis. If children are unsafe, case managers are contacted regarding re-placement of the children.

- (15) **The resource family's own children:** The risk assessor will coordinate with law enforcement for the possible removal of any of the resource family's own children from the home if they are in imminent danger.
- (16) **Notification of CASA.** Child's case manager will notify the child's CASA or GAL regarding the allegations, outcome of the risk assessment, and any resulting changes in placement.
- (17) **Required notification of change in placement:** Written notification is to be made to the child's parent(s) or legal guardian(s) within seven (7) days of a change of placement of the foster child if a child is relocated to another foster care setting, or similar notice 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).

- (18) **Disposition.** A disposition on the referral must be made within 5 days of the completion of the risk assessment. Once a disposition is made, the resource family is to be notified immediately both verbally and in writing of the disposition (substantiated or unsubstantiated). If substantiated, the notice to the family should include that their name(s) are being placed on the Child Abuse Central Registry and the procedure for appealing that decision to the FACS Division Administrator (see 22 below).

If it is revealed that the resource/foster parents were aware of the abuse or neglect and failed to act to protect that child from another individual living in the household, a disposition of substantiated can be made for neglect (failure to protect) against the resource/foster parents and their name(s) will be placed on the Central Registry. The appeal process is as outlined in (22) below.

If the allegations of child abuse or neglect are made against an adult member of the household (uncle, adult son or daughter) and are substantiated, that individual will receive written notification that his/her name has been placed on the Central Child Abuse Registry and the procedure for appealing that decision to the FACS Division Administrator (see 22 below).

- (19) If any children have been removed, **they may be returned** to the resource home if allegations are unfounded or dispositioned as unsubstantiated.
- (20) **If a child is not going to be returned to the foster or pre-adoptive home**, the child's case manager will notify the resource parent(s) as soon as possible, but no later than one week from the time the disposition notification is made. The child's case manager will discuss saying "good bye" with both the resource parent and the child, if appropriate. A decision will be made deciding how best it is for the resource parent and child to say "good bye."
- (21) **Upon notification of the placement of their name on the Central Registry**, the family's license will be suspended pending a reversal by the FACS Division Administrator or a successful appeal. A resource parent(s) cannot continue to provide foster care unless through an administrative hearing their name(s) is removed from the Central Registry or an exemption is granted through the exemption review process conducted by the Department's Criminal History Unit. An exemption would "clear" the foster family home for the placement of foster child. An exemption does not, however, mean that the name will be removed from the Central Registry.
- (22) **Upon receipt of notification that their name(s) is being placed on the Central Registry**, the individual(s) have 28 days to appeal this decision to the FACS Division Administrator. The Division Administrator will, in turn, contact the Program Manager regarding whether or not the disposition should remain substantiated given the information in the resource family's appeal. When the

decision is to maintain the substantiated disposition, the family is sent written notification by CO advising them of the process for filing for an administrative hearing for consideration of having their name(s) removed from the Central Registry. Again, they must file for an administrative hearing within 28 days. If the family does not submit a request for appeal within the 28 day timeframe, their foster care license will be revoked.

REFERENCES

IDAPA 16.06.01.050.07 Notification of Change in Placement

IDAPA 16.06.02.106 Complaints Against Foster Homes, Children's Residential Care Facilities and Children's Agencies

IDAPA 16.06.02.109 Non-Renewal, Denial, Revocation, or Suspension of License or Certification

IDAPA 16.06.02.623 Complaint Investigation, Basis, Time Requirements, Notifying Foster Parents, Contents, and Process

FOCUS DATA ENTRY

CPS RESPONSE

**LICENSING
CASE MANAGEMENT**

CHILD PROTECTION ISSUE

Step One
 ▲ **Create** a CHP Presenting Issue
 ▲ **Enter** Referred By
 ▲ **Enter** Participants: include Foster Child
 ▲ **Attach** the Resource Family as a Resource

 ▲ **Do not attach a Family.**

- All allegations of abuse and neglect on member(s) of a resource family are reported to CPS.
- Person taking report staffs case with supervisor.
- Do allegations meet CPA criteria for abuse or neglect?

NO

Refer to Resource Family Specialists' and/or Case Management sup w/in 24 hours. See Child Care Licensing Rules for procedure and time frames for follow-up (IDAPA 16.06.02)

LICENSING ISSUE
 ■ **Create** a LIC Presenting Issue
 ■ **Enter** Referred By
 ■ **Enter** Participants: Foster Parent(s)
 ■ **Attach** the Resource Family as a Resource.

In most places in this flowchart, the term Resource Family has been substituted for Foster Family and Resource Family Specialist for licensing worker.

- YES**
- **Notify** program manager re: referral
 - **Complete a Critical Incident Report** on the allegations.

Step Two
Enter Program data: Priority and Referral Reason.
Enter Responsible Staff, Responsible Staff Start Date
Generate the Intake Worksheet by clicking on the Document Button on the Presenting Issue Profile

- **Prioritize** referral in consultation with program manager or chief of social work.
- **Assign** risk assessor who is not responsible for case management of any children in the home.
- **Send** a copy of the Intake Worksheet/Presenting Issue to law enforcement.

Step Three

To identify all of the foster children in the resource family home and each child's perspective case manager:

- ▲ Click on File on the Menu Bar and select Reports
 - ▲ Select the Placement Report and click on OK
 - ▲ Select the Region and the Region/Field Office
 - ▲ Enter a Date Range
 - ▲ Under Placement Status, click on All Placements
 - ▲ Under Date Order, click on Ascending
 - ▲ In the Single Object Selection group box, select "Resource" for "Object Type." Click on the "Resource" button and search for the Foster Family. Select the Resource (Foster) Family
 - ▲ Click on the "Format and Sort Criteria" button
 - Under "Report Details" select "Resource" for "Detail Format
 - Select "No" for "Statistics Summary"
 - Under "Sort Order"/First Level", select "Responsible Staff "
 - Under "Sort Order/Second Level", select "Service Area"
 - Click on Accept
 - ▲ Click on "Submit" on the "Placement Report" screen
- Generate and Print the "Placement Report"

- Supervisor notifies Chief of Social Work, Resource Family Specialists' and Case Management supervisor(s) of status of case.

This includes notification of Regional Medicaid for PCS providers, Casey or other relevant children's agency.

- Determine which children are living in the home.
- Alert each child's case manager or other person responsible for the child's placement that an allegation has been received and a risk assessment will be completed.

Step Four:

To place a Resource Family on "Hold" in FOCUS:

- ▲ Click on the "Resource Icon" on the Tool Bar;
- ▲ Search for and select the Resource Family;
- ▲ Click on "Services" on the Resource (Foster) Family Profile Screen;
- ▲ Select each Alternate Care Service listed (one at a time) and click on "Maintain";
- ▲ Remove all Regions Listed;
- ▲ Click on the "Regions" Button and select "Central Office."
(This will prevent the Resource Family from being selected to provide "Alternate Care" via a "Placement Service Request")

To reactivate the Resource Family's Active Status, remove the "Central Office" Region and re-enter the correct Service Regions.

- Resource Family Specialist places family on "hold" status in FOCUS. Include documentation of reason for hold and date initiated.

Step Five:

To enter an Immediate Risk/Safety Assessment:

- ▲ Open the CHP Presenting Issue, click on the "Risk Assessment" button and click on the "Add" Button
- ▲ Enter the "Start Date", the "Type", "Date Child Seen" and the "Time Child Seen"
- ▲ Save the record
- ▲ Click on the "Assess" Button
- ▲ Enter the "Immediate Risk Summary Narrative"
- ▲ Answer all questions on the Family screen – "Yes" and "Inconclusive" answers require that a "Comment" be entered.
"Include in Plan" must be checked if the issue is to be addressed in a Plan
- ▲ Click on the "Child Characteristics" Button and answer all

- Complete risk assessment.
- Are the children safe? Is a safety plan feasible to preserve the placement?
- Consult Program Manager, Chief of Social Work, Resource Family Specialists', and Case Management supervisors of the safety decision and placement of the children.
- Case manager to notify the child's parent(s), tribe, and CASA following a

questions for each child listed in the “Summary Box”

- ▲ **Click** on “Immediate Safety Decision/Risk” and select one value for “Immediate Safety Decision”, “Risk Level”, and “Case Status”
- ▲ **Answer** the next three questions and **Save** the record
- ▲ **Enter** “Collateral Contact”
- ▲ **Enter** “Risk Level/Case Status Narrative”
- ▲ **Enter** “Safety Plan Narrative”
- ▲ **Generate and Print** the “Immediate Risk/Safety Assessment” Document for discussion and review

discussion with his/her supervisor regarding the timing of parental notification regarding the allegation of abuse/neglect, the outcome of the risk assessment, and current status of the placement.

Step Six:

If the Outcome of the “Immediate Safety Decision/ Risk is UNSAFE then

- ▲ **End** the Child(ren)s Placement Request in FOCUS with the End Reason “Placement Change”
- ▲ **Open** a new “Placement Request” for the Child(ren) with the new Resource Family.

If the Resource Family’s natural children have Child Protection Issues:

- ▲ **Open** a CHP Presenting Issue for the Resource Family and attach the “Family” to the Presenting Issue.

(Do not attach the Family as a “Resource”)

- ▲ **Enter** the “Immediate Risk/Safety Assessment” and record other Data as necessary.

SAFE

- No safety plan is necessary.
- Children are found to be safe.
- Allegations are clearly unfounded.
- Take precautions for decreasing likelihood of further false allegations.

CONDITIONALLY SAFE

- Develop safety plan with family and the case manager(s) of the children in the home and the family’s specialist.
- Children remain in the home.
- Corrective action plan is monitored by a designated individual on a case-by-case basis.

UNSAFE

- Removal of children in care on a case-by-case basis. If children are unsafe, case managers are contacted regarding re-placement of the children.
- Risk assessor to coordinate with law enforcement for the removal of any of the family’s own children living in the home.
- Notify child’s CASA, parents And tribe within 7 days of the change in placement.

Step Seven:

To enter a Disposition:

- ▲ **Click** on Disposition on the Presenting Issue for... screen
- ▲ **Click** on Add on the Disposition for Family...screen
- ▲ **Select** a Suspect from the Drop Down box (If Suspect is known)
- ▲ **Select** the Child of Concern
- ▲ **Select** Suspect's Relationship to the Child of Concern (If Suspect is known)
- ▲ **Select** the Risk Issue from the Risk Issue/Cat/Type List Box on the right side of the screen. (Categories cannot be selected – Types within Categories can be selected)
- ▲ **Click** on the Backward Arrow to populate the Risk Issues List Box. (Several Risk Issues may be selected one at a time before moving on to the next step)
- ▲ **Select** a Risk Issue Type (This enables the Disposition Date and Disposition fields)
- ▲ **Enter** the Disposition Date
- ▲ **Enter** the Disposition
- ▲ **Click** on Save

If Disposition is “Substantiated:”

- ▲ **Highlight** the appropriate record in the Summary List Box at the top of the Disposition for Family screen and **click** on Maintain.
- ▲ **Highlight** the appropriate Risk Issue (the Disposition Date and Disposition will display and enable the “Child Died” and the “Referred to Prosecutor” Indicators)
- ▲ **Click** on “Child Died” Indicator (If Child of Concern died as a result of the Risk Issue)
- ▲ **Click** on “Referred to Prosecutor” Indicator (If the case was referred to the Prosecutor for criminal prosecution) This will enable the Legal button under the Rainbow Bar and will allow navigation to the legal screens for the Suspect. The legal process can be tracked under the legal act: “Children and Vulnerable Adults”.
- ▲ **Click** on SAVE
- ▲ **Enter** Narrative if relevant
- ▲ **Click** on the Approval button under the Rainbow Bar.

An Alert will be sent to the Approver listed on the Risk Issue Approval screen that an Approval is Required. Approvers can navigate to the Disposition via the Alert that was received.

- ▲ Once Approval is completed return to the Presenting Issue for...screen, **click** on the Disposition button under the Rainbow Bar.
- ▲ **Click** on the Document button under the Rainbow Bar on the Disposition for Family screen.
- ▲ **Select** Suspect Notification Letter either in English or Spanish
- ▲ **Click** on Generate
- ▲ **Print** the Generated Document and send to the Suspect
- ▲ **Verify** that the Approver listed on the Risk Issue Approval screen is the appropriate Approver

Disposition. A disposition must be made within 5 days of the completion of the risk assessment. Once a disposition is made, the family is to be notified immediately both verbally and in writing of the disposition (substantiated or unsubstantiated). If substantiated, the notice should include their appeal rights, that their name(s) are being placed on the Child Abuse Central Registry.

If the allegations of child abuse or neglect are made against an adult member of the household (uncle, adult son or daughter) and are substantiated, that individual will receive written notification that his/her name has been placed on the Central Child Abuse Registry and their appeal rights. If it is revealed that the resource/foster parents were aware of the abuse or neglect and failed to act to protect that child from another individual living in the household, a disposition of substantiated can be made for neglect (failure to protect) against the resource/foster parents.

If a child is not going to be returned to the foster or pre-adoptive home, the child's case manager worker will notify the resource parent as soon as possible, but no later than one week from the time the disposition notification is made. The case manager will discuss saying “good bye” with both the resource parent and the child. A decision will be made regarding the appropriateness and how best the resource parent and child can say “good bye.”

If the allegations are substantiated, the resource/foster parent(s) cannot continue to provide foster care unless through an administrative hearing their name(s) is removed from the Central Registry or an exemption is granted through the Department's exemption review process. Upon notification of the placement of their name on the Central Registry, the family's license will be temporarily suspended. The family may be granted an administrative hearing as a result of their appeal. If the family does not submit a request for appeal within the 28 day timeframe, their foster care license will be revoked.

If the family desires to continue to provide foster care, they may request an exemption. This exemption would “clear” them to provide foster care, but would not remove their name(s) from the registry.

For A Placement Change

- ▲ **Create** a new Placement Request for each Child of Concern and attach the original resource parents as a Resource
- ▲ **Send** Placement Request to the appropriate Approver by clicking on Approval and then on Accept.
- ▲ **Approver** will receive an Alert to complete the Approval.

If children are returned to the Foster Home or if reinstatement of license is approved via the Exemption Review Hearing:

- ▲ **Notify** Resource Family Specialist to Reactivate the Services Statuses for the appropriate Regions as stated in Step Four.
- ▲ **End** the Placement Request in FOCUS for each Child of Concern with the Placement End Date and End Reason of “Placement Change”.
- ▲ **Create** a new Placement Request for each Child of Concern and attach the original Foster Parents as a Resource
- ▲ **Send** Placement Request to the appropriate Approver by **clicking** on Approval and then on Accept.
- ▲ Approver will receive an Alert to complete the Approval

If “Hold” on the Resource Family Needs to be Retained –Refer to Step Four

If reinstatement of the License is Denied via the Exemption Review Hearing OR an Exemption Review Hearing was not Requested by the Resource Family:

- ▲ **Notify** Resource Family Specialist to Reactivate the Services Statuses for the appropriate Regions as stated in Step Four in order to preserve the historical accuracy of the record and;
- ▲ Resource Family Specialist **Ends** the License with the Appropriate End Date and End Reason