



**Report to the Legislature**

**Foster Parent Critical Support and Retention Program  
DSHS Policies and Practices Relating to Referrals and Investigations of Child Abuse  
and Neglect**

Chapter 353, Laws of 2006

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## **I. INTRODUCTION**

In 2006, the Legislature passed Second Substitute House Bill (2SHB) 3115, which establishes a foster parent critical support and retention program. This bill also included, in Section 4, a requirement that the Department of Social and Health Services (DSHS) prepare and provide a report to the legislature regarding the department's policies and practices related to referrals, investigations, and records of child abuse and neglect allegations and any recommendations for improvement.

This report responds to the following requirements in Section 4 as outlined in 2SHB 3115:

- 1) Define terms relating to referrals and investigative findings.
- 2) Provide guidelines for determining whether a referral is to be assigned and investigated.
- 3) Manage records of calls which are received but not investigated.
- 4) Establish a timeline for the destruction of records regarding investigations which resulted in no investigation, an inconclusive finding, or an unfounded finding.
- 5) Disclose to foster parents information regarding sexually reactive and physically aggressive tendencies of children placed in their homes.
- 6) Respond to allegations of abuse, neglect, or failure to supervise against foster parents when the allegations arise from the conduct of a child who is sexually reactive or has physically aggressive tendencies and the foster parent did not have prior knowledge of those tendencies or the child was not in the reasonable control of the foster parent.
- 7) Protect the due process rights of individuals who are not afforded the protection of the Child Abuse Prevention and Treatment Act.

In addition, this report also gives an update on the implementation of the Foster Parent Critical Support and Retention Program.

## II. EXECUTIVE SUMMARY

In order to obtain broad input, Children's Administration (CA) convened a workgroup inviting both internal and external partners to respond to the areas outlined in Section 4 of 2SHB 3115. Members of the workgroup included CA headquarters and field staff from all six regions including Children and Family Services (DCFS) and Licensed Resources (DLR) staff, Assistant Attorneys General, legislative staff and members, external stakeholders and foster parents.

A sub-committee of the workgroup was convened to focus just on Section 4(5) of 2SHB 3115 – disclosing information to foster parents regarding sexually reactive and physically aggressive tendencies of children placed in their homes. This workgroup responded to Section 4(5) and to the Governor's veto directive from Section 5 of the bill. See Appendix A for a full list of workgroup members for both workgroups.

The workgroup met from April 2006 through October 2006 to review and respond to Section 4 of 2SHB 3115 requiring a comprehensive report regarding the department's policies and practices relating to referrals, investigations, and records of child abuse and neglect allegations. The workgroup reviewed relevant information and provided recommendations regarding the department's current practice.

The workgroup was presented with, and considered, a wide-range of options in determining the final recommendations contained in this report (Appendix B – Attachments 1-8). The workgroup is recommending changes to the following areas identified in Section 4 of 2SHB 3115:

1. *Define terms relating to referrals and investigative findings.*
2. *Establish a timeline for the destruction of records regarding investigations which resulted in no investigation, an inconclusive finding, or an unfounded finding.*
3. *Disclose to foster parents information regarding sexually reactive and physically aggressive tendencies of children placed in their homes.*
4. *Respond to allegations of abuse, neglect, or failure to supervise against foster parents when the allegations arise from the conduct of a child who is sexually reactive or has physically aggressive tendencies and the foster parent did not have prior knowledge of those tendencies or the child was not in the reasonable control of the foster parent.*
5. *Protect the due process rights of individuals who are not afforded the protection of the child abuse prevention and treatment act.*

Prior to proceeding with implementation of any of these recommended changes with the exception of the policy change to address #3 above, CA is seeking legislative review and policy direction. The policy change for foster parent information sharing (#3) will be implemented in the Spring 2007.

After extensive review, the workgroup is recommending retaining current policy in the following areas identified in Section 4 of 2SHB 3115:

- 1. Provide guidelines for determining whether a referral is to be assigned and investigated.***
- 2. Manage records of calls which are received but not investigated.***

### **III. METHOD OF REVIEW – SECTION 4**

#### **A. Workgroup**

In order to obtain broad input, Children’s Administration (CA) convened a workgroup inviting both internal and external partners to respond to the areas outlined in Section 4 of 2SHB 3115. Members of the workgroup included CA headquarters and field staff from all six regions including children and family services and licensed resources staff, Assistant Attorneys General, legislative staff and members, external stakeholders and foster parents.

A sub-committee of the workgroup was convened to focus just on Section 4(5) of 2SHB 3115 – disclosing information to foster parents regarding sexually reactive and physically aggressive tendencies of children placed in their homes. This workgroup responded to Section 4(5) and to the Governor’s veto directive from Section 5 of the bill. See Appendix A for a full list of workgroup members for both workgroups.

#### **B. Workgroup Activities**

The workgroup met from April 2006 through October 2006 to review and respond to Section 4 of 2SHB 3115 requiring a comprehensive report regarding the department’s policies and practices relating to referrals, investigations, and records of child abuse and neglect allegations. The workgroup reviewed relevant information and provided recommendations regarding the department’s current practice in the following areas.

##### ***1. Define terms relating to referrals and investigative findings;***

The workgroup reviewed terms relating to child abuse and neglect referrals and investigative findings in CA policies, Washington Administrative Code (WAC) and Revised Code of Washington (RCW) to assess whether any of these terms could be clarified. In addition, the workgroup developed and recommended definitions for new terms introduced in 2SHB 3115 including Sexually Reactive Children, Physically Assaultive or Physically Aggressive Children, and Children with High Risk Behaviors.

The workgroup recommended clarifying wording for the following terms in CA policy (See Appendix B – Attachment 1):

- Intake
- Sufficiency Screen
- Imminent Harm
- Screened-in referrals
- Screened-out referrals
- Licensing Reports
- Anonymous Reports
- Investigation

- Alternate Intervention

In addition, the workgroup developed definitions for the following new terms in the bill that were previously undefined (See Appendix B, Attachment 5):

- Sexually Reactive Children
- Physically Assaultive or Physically Aggressive Children
- Children with High Risk Behaviors

**2. *Provide guidelines for determining whether a referral is to be assigned and investigated.***

The workgroup reviewed the CA policy and procedures regarding whether a referral is assigned and investigated.

CA must provide Child Protective Services (CPS) to a child alleged to have been abused or neglected by the child's parent or a person acting in *loco parentis*. Washington Administrative Code (WAC) 388-15-017(3) outlines the responsibility of CPS to respond to reports of abuse or neglect.

In order to assess whether the referral meets the standards required for an investigation or an alternate intervention, CA applies a sufficiency screen to each referral to assess whether:

- a. The person who is the subject of the referral is the child's parent or a person acting in *loco parentis*;
- b. Sufficient information exists to identify and locate the child; and
- c. There is a specific allegation of child abuse or neglect that meets the legal definition; or
- d. There are risk factors that place the child in danger of imminent harm.

If a referral meets the criteria of the sufficiency screen, an assessment of risk is completed to determine the level of risk to the child and whether CA should respond to the case with a face-to-face contact with the child within 24-hours or within 72-hours of receiving the referral. CA responds to allegations of child abuse and neglect both in the child's own home and in licensed care (child care homes, foster homes and child care facilities).

After reviewing all the policies and procedures, the workgroup recommended no change to the current policy and practice (See Appendix B, Attachment 2).

Child Abuse and Neglect Findings System

The workgroup also reviewed CA's child abuse and neglect findings system. Currently, Washington State has a three tier findings system (Founded, Inconclusive and Unfounded). The workgroup looked at other states' systems including two and three tier findings systems. The group was asked to recommend whether to:

- a. Maintain the current system;
- b. Strengthen the current system; or
- c. Change to another system of findings.

The workgroup recommended strengthening the current Child Abuse and Neglect findings system with particular emphasis on inconclusive findings with no change to the findings system model at this time (See Appendix B, Attachment 2A).

Although the workgroup made no recommendation for a findings model change, the workgroup did endorse the Practice Model Team reviewing the findings system. Also as part of the procurement of the new Statewide Automated Child Welfare Information System (SACWIS), CA will do an analysis of a findings model change when the new system is chosen in the Spring of 2007. Based on that analysis, CA will implement changes by Summer of 2008.

If after review and analysis the final decision is to maintain the current findings model, CA will implement strategies to strengthen the model as a part of the new SACWIS system in the Summer of 2008.

Recommended changes to strengthen the current system included:

- a. Providing a clearer definition for inconclusive findings.
- b. Clear documentation for all findings decisions regarding the basis for a finding with particular emphasis on inconclusive findings.
- c. Provide written guidelines for all findings, not just founded findings.

### ***3. Manage records of calls which are received but not investigated.***

The workgroup reviewed policy and procedures for managing records of calls which are received but not investigated. These include referrals that do not meet the sufficiency screen and may be requests for information only or referrals about third parties who are not the child's caretaker. They also include screened-in referrals that do not require investigation but receive an alternate intervention and referrals for child welfare intakes and Family Reconciliation Services (FRS). In addition, the workgroup reviewed RCW 26.44.030(12). This statute requires CA to maintain a log of screened-out non-abusive cases.

The workgroup recommends no change to the current policy and procedures for managing records of calls which are received but not investigated (See Appendix B – Attachment 3).

### ***4. Establish a timeline for the destruction of records regarding investigations which result in no investigation, an inconclusive finding or an unfounded.***

The workgroup reviewed policy and procedures regarding records retention and destruction for findings. The workgroup developed six options for the department's review and made no recommendation (See Appendix B, Attachments 2B and 4). The department reviewed the options and recommends Option B on Attachment 4 (See Appendix B) that the following records (electronic and hard copy) be destroyed at the end of six years (inconclusive findings at the end of eight years) unless an additional report has been received in the intervening period, or there is legal action or services provided (voluntary placement, voluntary service plan or a dependency) or the record is part of the Longscan study.

- Unfounded findings (both DCFS and DLR)
- Inconclusive findings (both DCFS and DLR)
- Invalid licensing complaints
- Inconclusive Licensing Complaints
- No to Moderately Low Risk referrals (0-2 risk tag – DCFS and DLR)
- Information Only referrals
- Third Party reports
- Child Welfare Services referrals
- Family Reconciliation Services referrals

Based on the analysis completed to implement expungement of unfounded findings, it is highly unlikely that modifications to the existing technical platform in the Case and Management Information System (CAMIS) would allow for expungement of records earlier than Fall of 2008, when the new Statewide Automated Child Welfare Information System (SACWIS) is implemented.

***5. Disclose to foster parents information regarding sexually reactive and physically aggressive tendencies of children placed in their homes.***

Although section 5 of 2SHB 3115 was vetoed by the Governor, the department was directed to develop policies to implement the intent of Section 5. The policies should specify what types of information must be shared with caregivers, when the information is to be shared and the manner in which the information is to be shared (See Appendix B, Attachment 8).

CA convened a sub-committee of the workgroup who provided recommendations that were included in the policy that was developed. This policy was approved and is scheduled for implementation in CA field offices in 2007.

***6. Respond to allegations of abuse, neglect, or failure to supervise against foster parents when the allegations arise from the conduct of a child who is sexually reactive or has physically aggressive tendencies and the foster parent did not have prior knowledge of those tendencies or the child was not in the reasonable control of the foster parent.***

The workgroup reviewed all policies and procedures relating to the department's response to allegations of abuse, neglect, or failure to supervise against foster parents. The workgroup attempted to balance fairness to foster parents while maintaining the safety of children as the department's first priority.

The workgroup recommended changes to the investigation policies and procedures that would provide additional guidelines for investigation of foster homes and would ensure that the agency response includes a review of whether the foster parent had received prior information regarding the child to adequately address the child's needs (See Appendix B, Attachment 6).

***7. Protect the due process rights of individuals who are not afforded the protection of the child abuse prevention and treatment act.***

Currently, Washington State has a review process in place for those persons who are the subject of a founded finding which was developed in response to the federal Child Abuse Prevention and Treatment Act requirement that states have a process for "an alleged perpetrator named in a founded report of child abuse or neglect..." This process for Washington State is outlined in RCW 26.44.125.

While it is possible for any client to request a review of an unfounded or inconclusive finding after they receive a finding letter, the workgroup agreed that there was no clear process outlined or due process right for anyone except those with a founded finding.

Therefore, the workgroup developed a discretionary review process for inconclusive Child Protective Services (CPS) findings for both DCFS and DLR (See Appendix B, Attachment 7). Although the workgroup considered whether to include unfounded findings in this process, they agreed that a review of an unfounded finding would be unnecessary.

Within existing resources, the department will make changes to the current findings letters to use "Plain Talk" principles and publicize the current avenues for review including:

- a. Appeals to the local Supervisor, Area Administrator or Regional Administrator
- b. CA Constituent Relations
- c. Children's Ombudsman's Office Review

If additional resources are available, the workgroup recommends implementing the standardized, internal, discretionary review process developed by the workgroup for those persons that are the subject of an inconclusive finding either in DCFS or DLR.

## IV. RECOMMENDATIONS

The following is a summary of the recommendations.

1. ***Define terms relating to referrals and investigative findings.***

The workgroup recommended that CA clarify the definition of several terms and define new terms introduced in 2SHB 3115 to provide better understanding of the referral and investigative and process.

2. ***Provide guidelines for determining whether a referral is to be assigned and investigated.***

After reviewing all the policies and procedures, the workgroup recommended no change to the current policy and practice.

### Child Abuse and Neglect Findings System

The workgroup recommended strengthening the current Child Abuse and Neglect findings system with particular emphasis on inconclusive findings with no change to the findings system model at this time.

Although the workgroup made no recommendation for a findings model change, the workgroup did endorse the Practice Model Team reviewing the findings system if it was within their scope of work. Also as part of the procurement of the new Statewide Automated Child Welfare Information System (SACWIS), CA will do an analysis of a findings model change when the new system is chosen in the Spring of 2007. Based on that analysis, CA will implement changes by Summer of 2008.

If after review and analysis the final decision is to maintain the current findings model, CA will implement strategies to strengthen the model as a part of the new SACWIS system in the Summer of 2008.

Recommended changes to strengthen the current system included:

- a. Providing a clearer definition for inconclusive findings.
- b. Clear documentation for all findings decisions regarding the basis for a finding with particular emphasis on inconclusive findings.
- c. Provide written guidelines for all findings, not just founded findings.

3. ***Manage records of calls which are received but not investigated.***

The workgroup recommends no change to the current policy and procedures for managing records of calls which are received but not investigated.

4. ***Establish a timeline for the destruction of records regarding investigations which resulted in no investigation, an inconclusive finding, or an unfounded finding.***

The department recommends that the following records (electronic and hard copy) be destroyed at the end of six years (inconclusive findings at the end of eight years) unless an additional report has been received in the intervening period, or there is legal action or services provided (voluntary placement, voluntary service plan or a dependency) or the record is part of the Longscan study and must be retained (See Appendix B, Attachment 4, Option B).

- Unfounded findings (both DCFS and DLR)
- Inconclusive findings (both DCFS and DLR)
- Invalid licensing complaints
- Inconclusive Licensing Complaints
- No to Moderately Low Risk referrals (0-2 risk tag – DCFS and DLR)
- Information Only referrals
- Third Party reports
- Child Welfare Services referrals
- Family Reconciliation Services referrals

Based on the analysis completed to implement expungement of unfounded findings, it is highly unlikely that modifications to the existing technical platform in the Case and Management Information System (CAMIS) would allow for expungement of records earlier than Fall of 2008, when the new Statewide Automated Child Welfare Information System (SACWIS) is implemented.

**5. *Disclose to foster parents information regarding sexually reactive and physically aggressive tendencies of children placed in their homes.***

The department recommends implementation of the policy developed with recommendations from the workgroup's subcommittee regarding information sharing with foster parents.

**6. *Respond to allegations of abuse, neglect, or failure to supervise against foster parents when the allegations arise from the conduct of a child who is sexually reactive or has physically aggressive tendencies and the foster parent did not have prior knowledge of those tendencies or the child was not in the reasonable control of the foster parent.***

The workgroup recommended changes to the investigation policies and procedures that would provide additional guidelines for investigation of foster homes and would ensure that the agency response includes a review of whether the foster parent received prior information regarding the child that would allow them to take preventive measures or monitor the child's behaviors effectively.

**7. *Protect the due process rights of individuals who are not afforded the protection of the child abuse prevention and treatment act.***

Within existing resources, the department will make changes to the current findings letters to use “Plain Talk” principles and publicize the current avenues for review including:

- a. Appeals to the local Supervisor, Area Administrator or Regional Administrator
- b. CA Constituent Relations
- c. Children’s Ombudsman’s Office Review

If additional resources are available, the workgroup recommends implementing a standardized, internal, discretionary review process for those persons that are the subject of an inconclusive finding either in DCFS or DLR.

#### **IV. IMPLEMENTATION OF THE FOSTER PARENT CRITICAL SUPPORT AND RETENTION PROGRAM**

Sections 2 and 3 of 2SHB 3115 establish a new Foster Parent Critical Support and Retention Program that supports caregivers of children placed in care that are sexually reactive, physically aggressive or children with other high-risk behaviors. These sections require the department to contract for this new service.

The department, with input from both internal and external stakeholders, developed a contracted service that consists of short-term therapeutic and educational interventions utilizing evidence based programs provided in the foster home to support the stability of the placement.

The department issued a Request for Qualifications (RFQ) in early October 2006. Bidders' proposals were received for only three of the six regions statewide. The department is scheduled to sign contracts with apparently successful bidders in December 2006 with services to begin January 2007. The department will issue a second RFQ to solicit contractors for those regions where no bidders responded to the first RFQ.

## Appendix A

Workgroup Members – Section 4 2SHB 3115:

Name	Organization
Tammi Erickson	Office Chief – P&PI
Carol Clarke	Acting Supervisor- P&PI
Deborah Reed	Permanency & Placement Services Supervisor – HQ
Kelly Ann Landers	CATS Development Manager
Mike Tornquist	Director DLR
Colette McCully	CPS Program Manager –HQ
Tina Stern	CA Policy Writer
Edith Hitchings	Deputy RA – Region 6
Sonja Heard	Region 6 - Program Manager Supervisor
Patty Turner	CPS Program Manager – R3
Jeff Norman	CPS Program Manager – R4
Bob Palmer	CPS Program Manager – R5
Roberto Rodriguez	CPS Program Manager – R2
Nicole LaBelle	CPS Program Manager – R1
Sharon Gilbert / Jeanne McShane	Deputy Director of Field Operations
David Del Villar Fox	CA Legislative Liaison
Chris Robinson	Practice Model Development Co-Director
Tammy Cordova	Practice Model Development Co-Director
Josephine Quiles-Negrone	Representative Darneille’s Legislative Aide
Representative Ruth Kagi / or designee	
Marcella Vasquez	Representative Carrell’s designee/former Foster Parent
Joanna Arlow	Senate Democratic Caucus
Genevieve Davis	Senate Republican Caucus
Steve Hassett	CA AAG
Wendy Lux	CA AAG
Laurie Lippold	Children’s Home Society of Washington
Ross Dawson	CA Division Director P&PI
Tirzah Idahosa	Foster Parent
Sydney Forrester	House Children & Family Services Committee Staff
Shani Bauer / Indu Thomas	Senate Human Services & Corrections Committee Staff
Kiki Keizer	Senate Human Services & Corrections Committee Staff

## Appendix A continued

### Workgroup Subcommittee Members, Sect. 5, 2SHB 3115

<b>Name</b>	<b>Organization/Address</b>
Deborah Reed	Permanency & Placement Services Supervisor – HQ
Deanna Bedell	Permanency & Placement Services Program Manager – HQ
Bob Partlow	Foster Parent Recruitment & Retention Program Manager – HQ
Doug Allison	Adolescent Services Program Manager – HQ
Carolyn Jones	Training & Development – PP&I
Carol Bailey	Social Worker – Everett DCFS
Melissa Lalone	Social & Health Program Manager – Tacoma DCFS
Caroline Ford	Well Being Services Program Manager – HQ
Michelle Bogart	Well Being Services Program Manager – HQ
Tim Nelson	Area Administrator – Region 1 DCFS
Molly Mee	WMS Program Manager – Region 4 DCFS
Jeanne McShane	Field Operations Division
Colette McCully	CPS Program Manager –HQ
Greg Dootson	Deputy Regional Administration – Region 3 DCFS
Paul Smith	Supervisor, Region 6
Linda Thomas	Social & Health Program Manager – Region 5 DCFS
Carole Clark	Acting Supervisor, Safety Unit – HQ
Annie Blackledge	Education Program Manager – HQ
Peggy Lopez	Social Worker, Region 6 DCFS
Tammi Erickson	Office Chief, Program and Policy, PP&I
Lonnie Locke	Adoption Support Program Manager – HQ
Marcella Vasquez	Representative Carrell's designee/former Foster Parent
Tirzah Idahosa	Foster Parent

## 2SHB 3115 (Section 4) Legislation Recommendations - Defining of CA Terms

### ATTACHMENT 1

Term	Current Definition	Source	Recommendation
Referral	A referral is a documented allegation of child abuse or neglect (CA/N) and/or request for voluntary services – which is received by phone, mail or walk in.	<u>Practices &amp; Procedures Guide – 2130. CPS Service Description</u>	No change recommended
Intake	Intake is the process of receiving and documenting information regarding allegations of child abuse and/or requests or voluntary services.	Practices & Procedures Guide – 2220. Intake Guidelines	Recommend definitional change to: Intake is the process of receiving and documenting callers concerns regarding allegations of child abuse or neglect and/or requests for voluntary services (e.g., CWS & FRS).
Sufficiency Screen	The sufficiency screen determines if a referral is accepted for investigation or an alternate intervention or not.	Practices & Procedures Guide 2000. INTAKE 2220.	Recommend definitional change to: The sufficiency screen is the initial threshold determining if the allegation constitutes child abuse or neglect or the child is at risk of imminent harm, as defined in RCW & WAC.
Imminent Harm	Imminent Harm is defined as the significant possibility or likelihood that a child will suffer serious physical or emotional harm in the near future.	<u>RCW 13.34.050, RCW 13.34.031</u>	Recommend the term and definition of the term should be changed to “Imminent risk of serious harm” for consistency.
Screened-in referrals	Referrals that meet the sufficiency screen and are accepted for investigation or an alternate intervention.	Practices & Procedures Guide – 2000. INTAKE 2220. C & G.1.b.	Recommend definitional change to: Referrals that meet the sufficiency screen.
Screened-out referrals	Screened-out means that a referral does not meet the sufficiency screen.	Practices & Procedures Guide – 2000. INTAKE	Recommend definitional change to: “Licensing Reports” should be changed to “Licensing

## 2SHB 3115 (Section 4) Legislation Recommendations - Defining of CA Terms

### ATTACHMENT 1

Term	Current Definition	Source	Recommendation
	The following types of referrals are considered "Screened-out": <ul style="list-style-type: none"> <li>• Information Only Reports,</li> <li>• Third Party Reports,</li> <li>• Licensing Reports, and</li> <li>• DLR/CPS Information Only Reports</li> </ul>	2220. Guidelines  RCW 26.44.030(12)	Complaint Reports."
DCFS Information Only Referrals	Referrals that do not meet the sufficiency screen and referral is screened out.	Practices & Procedures Guide – 2000. INTAKE 2220. G.1. a	No change recommended
Third Party	Referrals that do not meet the sufficiency screen but contains a perpetrator not specified in statute or policy is sent to law enforcement for their review and action.	Practices & Procedures Guide – 2000. INTAKE 2220. G.1. c	No change recommended
Licensing Reports	Referrals regarding licensed facilities but does not meet the sufficiency screen.  These referrals are <u>investigated</u> by a licensor.	Practices & Procedures Guide – 2000. INTAKE 2220. G.2. b	Recommend definitional change to: "Licensing Reports" should be changed to "Licensing Complaint Reports."
DLR/CPS Information Only Reports	Referrals regarding state-regulated facilities and DLR/CPS but does not meet the sufficiency screen.	Practices & Procedures Guide – 2000. INTAKE 2220. G.2. c	No change recommended

## 2SHB 3115 (Section 4) Legislation Recommendations - Defining of CA Terms

### ATTACHMENT 1

Term	Current Definition	Source	Recommendation
Anonymous Reports		RCW 26.44.030 (15) <u>Practices &amp; Procedures Guide - 2200. INTAKE 2210. A. 5.</u>  CA Case Services Policy Manual, chapter 2000, section 2131	Recommend change in language regarding the Practices & Procedures Guide, Section 2210.A. to reflect:  “CPS must accept <b>take</b> referrals from any source...”
Serious Threat of Substantial Harm to a Child		<u>Practices &amp; Procedures Guide section 2210. A. 4</u>	
Investigation	CA <b>DCFS</b> CPS referrals are accepted for investigation when they meet the sufficiency screen and have a risk tag of 3, 4 or 5.  <u>DLR/CPS referrals are accepted for investigation when they meet the sufficiency screen and have a risk tag of 1-5.</u> A.	<u>RCW 74.13.031 (3), RCW 74.15.030 (4)</u>  RCW 26.44.030  RCW 26.44.050  Practices & Procedures Guide – Assessment/Response Time 2310  DLR/CPS Investigative Guide – Investigating Child Abuse and Neglect in State Regulated Care – section X.A.	Add RCW 26.44.030, RCW 26.44.050 and RCW 74.15.030(4) Recommend definitional change to:  “DCFS CPS referrals screened-in for investigation when they: <ul style="list-style-type: none"> <li>• Meet the sufficiency screen, and</li> <li>• Have a risk tag of 3, 4 or 5.”</li> </ul> “DLR/CPS referrals screened-in for investigation when they: <ul style="list-style-type: none"> <li>• Meet the sufficiency screen, and</li> <li>• Have a risk tag of 1, 2, 3, 4 or 5.”</li> </ul> The Practice Model is currently reviewing DCFS and DLR/CPS intake assessment and risk level assignment. The Practice Model is

## 2SHB 3115 (Section 4) Legislation Recommendations - Defining of CA Terms

### ATTACHMENT 1

Term	Current Definition	Source	Recommendation
		CA Case Services Manual – 3210 CPS Investigation	discussing the possibility of DCFS and DLR/CPS having parallel, consistent policy.
Alternate Intervention	CA <b>DCFS</b> CPS referrals are accepted for an alternate intervention when they meet the sufficiency screen and have a risk tag of 1 or 2.	<u>Practices &amp; Procedures Guide – 2332</u>  Practices & Procedures Guide – Assessment/Response Time 2310  WAC 388-15-005	Recommend definitional change to: Change “CA to DCFS” to distinguish DCFS and DLR/CPS.  Insert Alternate Intervention policy language into this document. ARS section was incorporated into this section to link ARS as part of an Alternate Intervention.
Finding	<b>"Finding"</b> means the final decision made by a CPS social worker after an investigation regarding alleged child abuse or neglect.	WAC 388-15-005  Practices and Procedures Guide – 2540. Investigative Risk Assessment	No change recommended
Unfounded (Finding)	<b>"Unfounded"</b> means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter. RCW 74.15 and 26.44.020	RCW <u>74.15</u> , RCW 26.44.020, WAC 388-15-005  Practices and Procedures Guide – 2540.A.1. b. Investigative Risk Assessment	Recommended change: <b>CAPTA notification letters to subjects be reworded in “Plain Talk”.</b>  (Currently in process)

## 2SHB 3115 (Section 4) Legislation Recommendations - Defining of CA Terms

**ATTACHMENT 1**

Term	Current Definition	Source	Recommendation
	<p><b>"Unfounded"</b> means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur. <i>WAC 388-15-005</i></p>		
<p>Inconclusive (Finding)</p>	<p><b>"Inconclusive"</b> means the determination following an investigation by CPS that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur. <i>WAC 388-15-005</i></p>	<p>WAC 388-15-005  Practices and Procedures Guide – 2540.A.1.c. Investigative Risk Assessment</p>	<p>Recommended change: CAPTA notification letters to subjects be reworded in “Plain Talk”.  <b>(currently in process)</b></p>
<p>Founded (Finding)</p>	<p><b>"Founded"</b> means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur. <i>WAC 388-15-005</i></p>	<p>WAC 388-15-005  Practices and Procedures Guide – 2540.A.1.a. Investigative Risk Assessment</p>	<p>Recommended change: CAPTA notification letters to subjects be reworded in “Plain Talk”.  (currently in process)</p>

## SSH3115 (Section 4) Legislation Recommendations for CA Current Findings System

The committee was asked to review the current three tier findings system and make recommendations if CA should:

1. Maintain the current system
2. Strengthen the current system, or
3. Change to another system of findings

The committee reviewed Washington State's current system of findings and reviewed findings systems in other states as reported in the **"National Study of Child Protective Services System and Reform Efforts Review of State CPS policy" conducted by US Department of Health and Human Services, April 2003.**

Discussion included how "Inconclusive" findings are currently used in practice and how should they be used.

The workgroup made no recommendation for a finding model change, although they did endorse the practice model team review the findings system if it was within their scope. Also as part of the procurement of the new Statewide Automated Child Welfare Information System (SACWIS), Ca will do an analysis of a findings model change when a new SACWIS system is chosen in spring of 2007.

CA could not implement any changes until the new SACWIS system is operational and at that time will move to strengthen the current system if a findings model change is not included.

Recommended changes to strengthen the current system included:

1. Provide clearer definition for findings especially "inconclusive".
2. Clear documentation for all findings decisions regarding the basis for a finding with particular emphasis on inconclusive findings.
3. Provide written guidelines for all findings, not just "founded" findings.

## SSHB 3115 (Section 4) Legislation Recommendations - Defining of CA Terms

Referral is assigned and investigated Guidelines

The committee was asked to review current policy and practices regarding referrals, investigations, and reports of child abuse and neglect and provide recommendations for:

- Guidelines to determine if a referral is assigned and investigated.

A. Assigned and investigated. The project team divided the assigned and investigated types of referrals into two categories:

1. DCFS/DLR Screened-in Referrals – Referrals that meet the CPS sufficiency screen (they may be investigated or have an alternate intervention provided).

Screened-in Referrals include the following response:

- a. Alternate Intervention (no finding required, DCFS referrals only); or
- b. Investigation (finding required):
  - i. Unfounded
  - ii. Inconclusive
  - iii. Founded

2. DLR Licensing Complaint Reports - Referrals that do not meet the CPS sufficiency screen but are reviewed and/or investigated by a licenser.

Licensing Complaints include the following response:

- a. Referrals assigned for investigation (finding required):
  - i. Valid
  - ii. Inconclusive
  - iii. Invalid

B. Screened-out Referrals are referrals that do not meet the CPS sufficiency screen and may be screened as “information only” or “third party”.

Recommendation: The committee recommended no change to the current referral assignment and investigation guidelines

Children's Administration  
Attachment 2-B  
Retention and Destruction for Child Protective Findings

<u>TITLE</u>	<u>DESCRIPTION</u>	<u>OFFICE RETENTION</u>	<u>RETENTION CENTER</u>	<u>TOTAL YEARS RETENTION TO DESTRUCTION</u>
Founded allegations of CPS located in case files (Paper copies and electronic files)	CA does not expunge founded findings			
Unfounded allegations of CPS located in case files (Paper copy files)	Includes all records not in stored in Case and Management Information Systems (CAMIS)	24 months	48 months	6 years
Unfounded allegations of CPS located in CAMIS (Electronic files)	Includes electronically stored information for which a report of CA/N was investigated.	72 months	0 months	6 years
Inconclusive allegations of CPS located in the case files (Paper copies and Electronic files)	CA does not currently expunge inconclusive findings.			

SSHB 3115 (Section 4) Legislation  
**Recommendations - Defining of CA Terms**  
Manage Records of Calls Received but Not Investigated

The committee was asked to review current policy and practices regarding referrals, investigations, and reports of child abuse and neglect and provided recommendations for:

- Managing records of calls which are received but not investigated.

**Authority** - The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. **The department shall maintain a log of screened-out non-abusive cases** RCW 26.44.030(12).

Current policy requires that records of calls received and not investigated contain the following types of referrals:

1. Screened-out Referrals include the following response:
  - a. Information Only
  - b. Third Party
2. Referrals that do not require CPS investigations.
  - a. Alternative Intervention
  - b. Family Reconciliation Services
  - c. Child Welfare Services intake

**Recommendation:** The Committee recommended no changes to the current system of managing records of calls received but not investigated.

SSHB 3115 (Section 4) Legislation  
 Destruction of Records – Timeline Recommendations  
 Attachment 4

<u>Option A</u>	<u>Option B</u>	<u>Option C</u>	<u>Option D</u>	<u>Option E</u>	<u>Option F</u>
<p>The following records (electronic and hard copy) will be destroyed if there is no legal action (e.g., tort, voluntary placement or voluntary service plan, or dependency at any time), and/or if it is not part of the LONGSCAN study:</p> <ul style="list-style-type: none"> <li>• Unfounded" findings (DLR and DCFS)</li> <li>• "Inconclusive" findings (DLR and DCFS)</li> <li>• "Invalid" Licensing Complaints</li> <li>• "Inconclusive" Licensing Complaints</li> <li>• No to Moderately Low Risk referrals (0-2) (DLR and DCFS)</li> <li>• "Information Only" referrals</li> <li>• Third Party reports</li> <li>• CWS referrals</li> <li>• FRS referrals</li> </ul> <p>Timeline to expunge is:</p> <ul style="list-style-type: none"> <li>• At the end of six years from receipt of the report, unless an additional report has been received in the intervening period (this is consistent with RCW 26.44.031).</li> </ul>	<p>Same as Option A, and "Inconclusive" findings are destroyed:</p> <ul style="list-style-type: none"> <li>▪ In eight (8) years</li> </ul>	<p>Same as option A, and recommends that DLR/CPS records (i.e., Unfounded and Inconclusive) and Invalid and Inconclusive Licensing Complaints are destroyed in one year.</p>	<p>Same as Option A and recommends that DLR/CPS records (unfounded and inconclusive are never destroyed.)</p>	<p>Same as Option A and all inconclusive findings are never destroyed.</p>	<p>The following records will be destroyed if there is no legal action (e.g., tort or dependency at any time) , and/or it is not part of the LONGSCAN study:</p> <ul style="list-style-type: none"> <li>▪ Unfounded" findings (DLR and DCFS)</li> <li>▪ CWS referrals</li> <li>▪ FRS referrals</li> </ul> <p>Timeline to expunge is:</p> <ul style="list-style-type: none"> <li>• At the end of six years from receipt of the report, unless an additional report has been received in the intervening period (this is consistent with RCW 26.44.031),</li> </ul> <p><u>AND</u>, the following records are never destroyed:</p> <ul style="list-style-type: none"> <li>▪ "Inconclusive" findings (DLR and DCFS)</li> <li>▪ "Information Only" referrals</li> <li>▪ Third Party reports</li> </ul>

Based on the analysis completed to implement expungement of unfounded findings, it is highly unlikely that CA would be able to implement any changes until the new SACWIS system is implemented in the fall of 2008

SSHB 3115 (Section 4) Legislation  
 Destruction of Records – Timeline Recommendations  
 Attachment 4

<p><b><u>Option A</u></b> Pros</p> <ul style="list-style-type: none"> <li>This option clearly identifies and provides destruction timeframe recommendations for all records identified in 2SHB 3115.</li> <li>This option provides one destruction timeframe for all records listed above. Easier to implement and maintain.</li> </ul>	<p><b><u>Option B</u></b> Pros</p> <ul style="list-style-type: none"> <li>This option clearly identifies and provides destruction timeframe recommendations for all records identified in 2SHB 3115.</li> <li>This option provides two different timeframes for destruction of records.</li> </ul>	<p><b><u>Option C</u></b> Pros</p> <ul style="list-style-type: none"> <li>This option identifies and provides destruction timeframe recommendations for all records identified in 2SHB 3115.</li> <li>This option provides two different timeframes for destruction of records</li> </ul>	<p><b><u>Option D</u></b> Pros</p> <ul style="list-style-type: none"> <li>This option meets the requirement of providing recommendations for those records identified in 2SHB 3115.</li> </ul>	<p><b><u>Option E</u></b></p>	<p><b><u>Option F</u></b> Pros</p> <p>This option meets the requirement of providing recommendations for those records identified in 2SHB 3115</p>
<p>Cons</p> <ul style="list-style-type: none"> <li>This option would create a significant workload to CATS and local CA offices.</li> </ul>	<p>Cons</p> <ul style="list-style-type: none"> <li>Provides different, longer timeframes for destruction of records for "Inconclusive".</li> <li>This option would create a significant workload to CATS and local CA offices</li> </ul>	<p>Cons</p> <ul style="list-style-type: none"> <li>Provides different, longer timeframes for destruction of records for "Inconclusive" DLR and CPS records. - Implementation and maintenance of this system would require more detail and attention than Option A.</li> <li>This option would create a significant workload to CATS and local CA offices</li> </ul>	<p>Cons</p> <ul style="list-style-type: none"> <li>This option does not provide destruction <u>timelines</u> for all of the records as identified in 2SHB 3115.</li> <li>This option outlines a different, set of standards for the destruction of records for CPS records than DLR/CPS records.</li> </ul>		<p>Cons</p> <ul style="list-style-type: none"> <li>Implementation and maintenance of this system would require much more detail and attention.</li> <li>This option would create a significant workload to CATS and local CA offices</li> </ul>

Based on the analysis completed to implement expungement of unfounded findings, it is highly unlikely that CA would be able to implement any changes until the new SACWIS system is implemented in the fall of 2008

## SSHB 3115 Legislation Define Sexually Reactive & Physically Assaultive Terms

Term	Source	Definition	Recommendation for Definition of Term
Sexually Reactive Children	2SHB 3115 - Cited in <b>all</b> Sections (1-5)	Not currently defined in RCW or WAC	<p><u>Sexually Reactive Children</u> are children who exhibit sexual behavior problems to include:</p> <p>Sexual behaviors that are:</p> <ol style="list-style-type: none"> <li>a. Developmentally inappropriate for their age,</li> <li>b. Harmful to self or others, <b>and</b></li> <li>c. Elicits adult concern.</li> </ol>
Children with High Risk Behaviors		Not currently defined in RCW or WAC	<p><u>Children with High Risk Behavior</u><sup>1</sup> include children with an observed or reported and documented history of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Suicide attempts or suicidal behavior or ideation</li> <li>• Self-mutilation or similar self-destructive behavior</li> <li>• Fire-setting or a developmentally inappropriate fascination with fire</li> <li>• Animal torture</li> <li>• Property destruction</li> <li>• Substance or alcohol abuse</li> <li>• A medical diagnosis of Fetal Alcohol Syndrome (FAS) or Fetal Alcohol Effect (FAE)</li> <li>• Diagnosed mental health issues</li> <li>• Witnessing a death or substantial physical violence in the recent past</li> <li>• Victim of Sexual or severe physical abuse in the recent past</li> <li>• At risk of placement in a more restrictive setting</li> </ul>

<sup>1</sup> Children's Administration recognizes the inherent difficulty of including some of the items in this definition recommended by the workgroup that are not behaviors, such as diagnosed mental health issues, witnessing a death, etc., that are still issues that merit observation.

## SSHB 3115 Legislation Define Sexually Reactive & Physically Assaultive Terms

Physically Assaultive or Physically Aggressive Children	2SHB 3115	Not currently defined in RCW or WAC	<p><u>Physically Assaultive or Physically Aggressive Children</u> are children who exhibit one or more of the following assaultive or physically aggressive behaviors that are developmentally inappropriate and harmful to self or others.</p> <ol style="list-style-type: none"> <li>1. Observed assaultive behavior,</li> <li>2. Reported and documented history of the child willfully assaulting or inflicting bodily harm</li> <li>3. Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.</li> </ol>
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**Attachment (6)**

## 2SHB 3115 (Section 4) Legislation Proposed Changes to Current DLR/CPS Practice Guide

The committee was asked to review the current DLR/CPS Practice Guide and recommend to the Management Team changes that would provide guidance to the DLR/CPS investigator when making a finding of abuse or neglect against a licensee and if the licensee had available information which would have allowed them to take preventive measures or monitor effectively. The Committee makes the following recommendations for changes to the DLR/CPS Practice Guide.

**P. ALLEGATIONS OF NEGLECT: INADEQUATE SUPERVISION OR FAILURE TO PROTECT**

1. When the allegation being investigated is neglect resulting from inadequate supervision or failure to protect a child from a resident-to-resident physical assault or resident-to-resident sexual activity, the DLR/CPS investigator interviews the children alleged to have been involved in the sexual activity and/or physically assault and the staff alleged to have been neglectful in ensuring the children's safety.
2. When interviewing staff and volunteers, the DLR/CPS investigator will focus on determining the facts regarding the incident as well as the subject's personal stresses and especially on determining if the facility could have foreseen or prevented the event. The DLR/CPS investigator assesses the ability of a licensee to prevent or foresee an event after obtaining answers to the following questions:
  - a. Was the incident a violation of licensing, certification, or professional standards known to the agency or licensee?
  - b. Did the agency or licensee have policies and procedures or written supervision plans that applied to the event? If so, what steps did the agency or licensee take to ensure that staff and licensee followed policies and procedures or written plans?
  - c. Did the agency or licensee provide staff and volunteers with required training that might have prevented or ameliorated the injury to the child?
  - d. Did the party responsible for placing or enrolling the child provide the agency or licensee adequate information as to possible risk factors and/or supervision requirements in order to keep this and other children safe?
  - e. Did the agency or licensee have a past pattern of similar events? If so, what recommendations did licensing make to prevent such events in the future? Did the agency or licensee comply with those recommendations?
  - f. According to contract, WAC, or other agreements with the department, did the agency or licensee have enough staff available to provide adequate supervision at the time of the event? Were supervisory staff available and if not, why not?

**Attachment (6)**

## 2SHB 3115 (Section 4) Legislation Proposed Changes to Current DLR/CPS Practice Guide

- g. Did the agency or licensee have any ability to limit the number of children under its supervision? If so, did the agency or licensee take steps to keep the number of children under supervision at a reasonable level?
- h. Did the department fail to provide available information of the child's past history that would have allowed the licensee to take preventive measures or monitor effectively.

### D. DETERMINING FINDINGS

The investigator makes CPS findings in accordance with the definitions of child abuse and neglect in chapter 26.44 RCW and WAC 388-15-009 and WAC 388-15-011.

1. The DLR/CPS investigator answers several questions before making a finding:

Did the incident occur?

Is the incident abuse or neglect as defined in RCW or WAC?

If the incident occurred, who was the perpetrator of the incident? Is the perpetrator a caretaker of the child?

If the incident occurred, could the licensed, certified, or state operated facility/agency have prevented or foreseen the occurrence of the incident?

If the agency/licensee failed to prevent or foresee the incident, does the failure constitute neglect as defined in RCW or WAC?

Did the agency/licensee have knowledge of past conduct of a child and was the child in reasonable control of the licensee?

2. The investigator makes CPS findings for each victim child for whom the investigator has an allegation and for each separate allegation. The investigator makes CPS Findings by preponderance of the evidence and in accordance with the definitions of child abuse and neglect as stated in RCW 26.44 and WAC 388-15-009 and WAC 388-15-011.
  - a. **Founded means:** Based on the CPS investigation, sufficient information exists to conclude that more likely than not the child has been abused or neglected by a parent or caretaker.
  - b. **Unfounded means:** Based on the CPS investigation, sufficient information exists to conclude that more likely than not the child has not been abused or neglected by a parent or caretaker.

**Attachment (6)**

2SHB 3115 (Section 4) Legislation  
Proposed Changes to Current DLR/CPS Practice Guide

- c. **Inconclusive means:** Following the CPS investigation, based upon available information, a determination cannot be made that, more likely than not, CA/N has or has not occurred.

## 2SHB 3115 (Section 4) Legislation Discretionary Review Process

The committee was asked to recommend a review process for persons not covered by Child Abuse Prevention and Treatment Act (CAPTA).

The department recommends changes to the current findings letters to clarify these letters using “plain talk” principles and the addition of the current avenues for review including:

1. Review by the supervisor, Area Administrator or Regional Administrator
2. CA Constituent Relations
3. Children’s Ombudsman’s Office Review

With additional resources, the department recommends implementing a standardized, internal, discretionary review process for those persons that are subject of an inconclusive finding either in DCFS or DLR.

An internal discretionary review process was not recommended or necessary for “Unfounded” findings or licensing complaints. With additional resources the outlined information below is the recommended “Discretionary Review Process” for Inconclusive DCFS/CPS or DLR/CPS findings:

**1. Who has the ability to request an internal discretionary review of an investigation and finding?**

Those subjects of an investigation that result in an “Inconclusive” finding on CPS or DLR/CPS referrals may request that CA conduct an internal review of the investigation and findings.

**2. How will notice of the internal discretionary review process be provided to the subject?**

Written notification (i.e., Finding letter) regarding the “Inconclusive” finding and the ability to request a “Discretionary Review Process” will be mailed to the subject.

The notice will also inform the subject of the following information:

- a. Timeline in which the subject may request a review of the “Inconclusive” finding (as outlined below in #3).
- b. The possibility that a change in the finding (i.e., Unfounded or Founded) may occur based on information received and reviewed.
- c. The timeline CA staff has to review and respond to their request (60 days).

**3. What is the review process?**

The subject may:

- a. Contact the supervisor to review/discuss the findings within 30 days of receipt of notification of the “Inconclusive” finding; OR
- b. If they have previously contacted the supervisor, they can send a letter requesting the Area Administrator (AA) review the investigation and finding outlining the specific reasons or concerns regarding the

## 2SHB 3115 (Section 4) Legislation Discretionary Review Process

investigation or finding - within 30 days of receipt of notification of the "Inconclusive" finding.

- c. If the AA is unable to resolve this issue, the subject may submit a written request to the Regional Administrator (RA) or DLR/CPS Deputy RA for review.

**2SHB 3115 (Section 4) Legislation  
 Foster Parent Information Sharing**

**FOSTER PARENT INFORMATION SHARING  
 POLICY MATRIX**

<b>WHAT</b>	<b>WHEN</b>	<b>WHO IS RESPONSIBLE</b>
<b>Child Information /Placement Referral</b> (DSHS Form 15-300)	Prior to or soon after initial placement (within 24-72 hours)  When the child changes placement  When new information is known about the child's needs that will help the caregiver make an informed decision about the safety and supervision of the child	Social Worker, Placement Coordinator
<b>Shared Planning Meetings</b> - to share information, plan and inform decisions regarding children and families.	Within 72 hours, where available (Family Team Decision Meeting sites only)  Within 30 days, 6 months; 9 to 11 months; every 12 months thereafter;	Social Worker
<b>Child's Health and Education Screening and Report</b> – for children who are expected to remain in care for 30 days or more	After placement and within 5 business days of completion	Screening Specialist  Social Worker
<b>Other Assessment, Evaluation and Screening Recommendations</b>	Within 5 days of receiving report and recommendation	Social Worker
<b>Comprehensive health history and recommendations (for those children receiving this service)</b>	After placement – within 5 business days of completion of the report	Foster Care Public Health Nurse
<b>Individual Service and Safety Plan (ISSP)</b>	10 days prior to Dependency hearings or 60 <sup>th</sup> day of placement episode; 180 <sup>th</sup> day of placement; 6 month intervals	Social Worker
<b>Health and Safety visits-(Monthly as phased in)</b>	Every 90 days currently with monthly social worker visits being phased in.	Social Worker