

**Policy Transmittal
Office of Child Welfare Programs**



Deena Loughary, Child Welfare Program Manager
Authorized Signature

Number: CW-PT-20-024
Issue Date: 12/16/2020

Topic: Protective Services

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: Form Updates

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input checked="" type="checkbox"/> Child Welfare Programs | |

Rule Title:	413-010 “Client Rights” 413-015 “Child Protective Services”
Rule Number(s):	413-010-0000, 0035, 0045, 0065, 0180, 0340, 0420, 0700, 0715, 0718, 0720, 0721, 0724, 0732, 0735, 0738, 0745, 0746, 0748, and 0750. 413-015-0440 and 0470
Procedure Title/Sections:	Chapter 3: “Assessment” Sections 9, 18, and 26
Form Numbers:	CW 0316 and 323
Effective date:	01/01/2021

WHO: CPS workers, supervisors, program managers, any staff involved in the notice and review of founded CPS dispositions, and any staff involved with CPS referrals to Early Intervention.

WHY: While rules were being reviewed for other changes, related rules in 413-010 and 413-015 were identified that needed to be updated to improve consistency between rule and procedure, make technical changes, correct errors, improve clarity, and to revise the rules for gender equity. Related procedures and forms were updated to be consistent with the changes to rule and practice.

WHAT: In an effort to summarize the changes outlined in this transmittal, the changes have been broken down into four categories: changes related to notice and review of CPS founded dispositions, changes related to the exception to completing all CPS assessment requirements, changes related to Early Intervention referrals, and all other technical and/or error corrections.

1. Changes related to Notice and Review of CPS Founded Dispositions

413-010-0000 Definitions

- Added clarification to the term “legal finding” to reflect that successful completion of diversion is not a legal finding

413-010-0715 Providing Notice of a CPS Founded Disposition

- Updated language for clarity
- Added notification documentation to rule to be consistent with 413-015 rules

413-010-0720 Information Included in the “Notice of a CPS Founded Disposition” (Form 313)

- Clarified that the statement about how the disposition was determined in a Notice of a CPS Founded Disposition must be written by a CPS Child Welfare Employee who has completed the mandatory Child Welfare training for CPS workers

413-010-0721 Making a Request for a Review of a CPS Founded Disposition

- Updated language for clarity
- Added ‘relevant’ to the information considered for review

413-010-0724 New rule: Providing a Notice of Waived Rights (Form CF 316) When a Request for Review has been Received

- Added this rule to provide guidance on circumstances when a CF 316 is used

413-015-0470 Notifications at Conclusion of CPS Assessment

- Updated language to clarify notification requirements

Chapter 3, Section 18 Notifications

- Updated language to clarify the requirements for CPS worker’s notification of perpetrators about CPS assessment founded dispositions.

CW 0316 Notice of Waived Rights

- Language was updated to make it applicable after the perpetrator receives the 313 or the 314 notice.

Training and Implementation:

A communication will be delivered to impacted staff and current trainings will be modified to incorporate the updates. Child Safety Program and Consultants will be available for questions.

2. Changes related to the Exception to Completing All CPS Assessment Requirements (also referred to as abbreviated assessments)

Chapter 3, Section 26 Exception to Completing All CPS Assessment Requirements

- Numerous revisions for clarification and reorganization
- Added rule update that abbreviated assessments are only for unfounded dispositions
- Provided more detail about the process and requirements for requesting an exception
- Provided more detail about the limits to the exceptions
- Added assessing sleep environments a limitation
- Updated the documentation requirements to include safe sleep
- Added FAQs at the end

Training and Implementation:

A quick reference guide has been created and will be distributed. The changes were already made in rule and have been in practice. Child Safety Consultants are available for questions.

3. Changes related to CPS Early Intervention referrals for founded victims of abuse age 3 or younger

413-015-0440 Determine Disposition of the CPS Assessment

- Updated to refer staff to the Child Welfare Procedure Manual for how to complete an Early Intervention referral for all victims 3 years old or younger

Chapter 3, Section 9: Determine the Disposition of the CPS Assessment

- Clarified that a release of information is not required when sending an Early Intervention referral, but is recommended.

Chapter 3, Section 10 Early Intervention Referrals

- Clarified that a release of information is not required when sending an Early Intervention referral, but is recommended.

CW 0323 CPS Early Intervention Referral

- Updated to reflect correct links and information about releases not being required

Training and Implementation:

This communication serves as notification the updates. Child Safety consultants are available for questions.

4. Technical changes and error corrections

The following 413-010 rules were updated to change pronouns for gender equity and the references to “child abuse,” “child abuse and neglect,” and “abuse and neglect” were changed to “abuse” where appropriate:

413-010-0000 Definitions

413-010-0035 Prohibited Disclosures

413-010-0045 Mandatory Disclosure

413-010-0065 Discretionary Disclosure

413-010-0180 Rights of Children and Young Adults in the Legal Custody of the Department

413-010-0340 Department Responsibility to Make Diligent Efforts to Place a Child or Young Adult with Relatives

413-010-0420 Right to Review

413-010-0700 Purpose

413-010-0720 Information Included in the “Notice of a CPS Founded Disposition” (Form 313)

413-010-0721 Making a Request for a Review of a CPS Founded Disposition

413-010-0735 Local Child Welfare Office Review of CPS Founded Dispositions

413-010-0738 Notice of Local Child Welfare Office CPS Founded Disposition Review Decision

413-010-0745 Central Office Review of CPS Founded Dispositions

413-010-0746 Notice of Central Office CPS Founded Disposition Review Decision

413-010-0750 Revising Founded Child Abuse Dispositions in the Department’s Electronic Information System

The following 413-010 rules had changes to titles, form names updated, FACIS terminology removed, the language “documentary information” changed to “information and materials”, or the language “procedural rules” changed to “rules”.

413-010-0718 Inquiry about a Review of a CPS Founded Disposition When a Person Believes They Have Not Received a Notice

413-010-0721 Making a Request for a Review of a CPS Founded Disposition

413-010-0720 Information Included in the “Notice of a CPS Founded Disposition” (Form 313)

413-010-0732 Local Child Welfare Office Responsibilities Related to Notices and Reviews

413-010-0735 Local Child Welfare Office Review of CPS Founded Dispositions

413-010-0745 Central Office Review of CPS Founded Dispositions

413-010-0748 Review Initiated by the Department

Training and Implementation:

This communication will serve as notification. No training or implementation considerations are required.

Local/Branch Action Required: Supervisors review with staff.

Field/Provider Review: Yes No

If yes, reviewed by: These changes were reviewed by Policy Council, the Peer Advisory and Review Committee, and a Rules Advisory Committee.

If you have any questions about this policy, contact:

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