

PROTOCOL

Out of Home Investigations

OVERVIEW

This protocol addresses procedures involved in Out of Home Investigations including step by step business practice, information disclosure and noticing to all legally entitled parties of an out-of-home investigation. Compliance with existing statutes and regulations is critical to ensure child safety and consistent reporting. For further information related to the policy on out-of-home investigations please see [MS31-112, Out-Of-Home Investigations](#).

DEFINITIONS

Resource Family Approval (RFA): RFA is a CDSS program that oversees the application process for foster care facilities across the state. It provides a family-friendly and child-centered caregiver approval process that streamlines foster parent licensing, relative approval, and approvals for adoption as well as guardianships.

Community Care Licensing (CCL). CCL is a division of CDSS that regulates the licensing of community care facilities throughout the state. The two main sources of authority for Community Care Licensing Division activities are the California Health and Safety Code and the California Code of Regulations, Title 22.

Out of Home (OHI) SW: The OHI SW holds the primary responsibility for assessing risk to the child alleged to be abused and/or neglected. This worker shall investigate the allegations from the standpoint of the penal code section 11165.5. The OHI SW will complete an assessment and written report no later than 30 days of assignment of a referral involving a dependent child.

Licensing Investigation SW: LISW is the social worker who addresses any licensing concerns, known as “complaint investigation”, per Community Care Licensing requirements. If it is a county licensed home then an RFA SW will be assigned. Licensing staff will determine what (or if any) action needs to be taken with respect to working with the licensees to improve their functioning, what negative action should be recommended regarding the foster parents license and forward appropriate case materials to the State Department of Social Services.

Emergency Response (ER) SW: CFS Emergency Response Social Worker assigned to investigate allegations of child abuse and neglect who may provide overflow support for the OHI SW.

Primary SW: SW assigned to the foster child who is involved in the investigation. Provides key information about the child, family, and facility.

Works cooperatively with the OHI SW and LSW to ensure the safety of the child(ren) in the home and to report to court on the investigation, if needed. This includes being aware of and monitoring safety plans that have been put in place. It is expected that the assigned social worker will make themselves available to provide information on the case.

PROCEDURES

Screening:

STEP 1 Take report and determine what type of placement (RFA-Relative, RFA-Community, FFA Foster Home, STRTP, Small Family Home, etc...) is alleged to have committed the child abuse and or neglect;

Note: If the child in a FFA home please provide the name of the FFA. Also, for out-of-county dependents please provide County SW contact info to OHI SW.

STEP 2 Using SDM hotline tool determine response needed (Rush/10 Day or Assess Out);

STEP 3 Refer to specific procedures provided in the [Practice Guide: Out of Home Investigations Screening Instructions](#) using type of placement and if it is a rush/10day or is being assessed out;

Note- At no time should a copy of the referral be placed in the child, sibling or mother's case file due to confidentiality.

STEP 4 Ensure that all cross reporting to law enforcement, CCL is completed and the cross reports are documented on the referral. Please include in the referral folder, a copy of the verification email that is generated when CCL is emailed the referral.

Note – Cross reporting to CCL, should be done via email via their “Let Us Know” email: letusno@dss.ca.gov

OHI SW:

STEP 1 Review referral, clearances, and determine if the CCC foster child is victim, perpetrator or witness;

Review all referral/case history on the home and caregivers. When the allegations involve concerns related to the child welfare history of the dependent child, the OHI SW will also review that child's history for context.

Note: If the allegation(s) involves an RFA home please send an email to RFA supervisors requesting the name of the LISW;

Select the name of the SWS to generate email- [Marcy Hara](#); [Donna Costantini](#)

STEP 2 Prepare and send out SECURE noticing emails to notify parties of the investigation;

- Child's Attorney- (See [CCJA Directory](#) for contact info)
*please sure to check CWS for currently assigned attorney.
- County Counsel- (Send to [Steve Rettig](#))
- Case Carrying SW, Cc'ing their assigned supervisor SWS

Note: Refer to different formats (**victim, witness, and perpetrator**) for the noticing email when opening investigation. Internal CFS staff receive a separate email from child's attorney and County Counsel. **This is to prevent any back and forth correspondence that may be confidential and sensitive.**

The subject line of the email should not contain any confidential information (ie. full name of the child or the caregivers). It should state; '**Out of Home Investigation for JXX-XXXXX.**'

Select link below for the specific email language to CFS Staff and Child's attorney

[Email Format for Opening Notice](#)

STEP 3 Once noticing emails have been sent proceed with investigation of allegations;

(a) Notify CCL, or the CFS licensing worker for RFA home;

For CCL licensed placements: it is the expectation that the OHI SW will contact CCL in order to consider/coordinate a joint investigation, ensure a cross report was made by screening, and/or obtain any reports on the facility.

Contact Info. for CCL – Central Info: (844) 538-8766 or (866) 538-8766

(b) Complete interviews of all victims, witnesses, caregivers. All household members should be interviewed, even if they are not listed as a victim; A global safety assessment should be completed for each child in the home and address all allegations; including any new allegations brought to light by the current investigation. For Foster Family Agency (FFA) homes, the OHI SW will contact both the FFA administrator and the social worker assigned to the home to conduct interview regarding the allegations.

If the home includes other county dependents, notify the other county's social worker of the interviews prior to conducting them (check with screening for contact info of SW for out-of-county dependents). If the concerns are exigent, the OHI SW will notify the other agency that their assigned child(ren) has been interviewed, as soon as is reasonably possible.

When possible, it is recommended to jointly interview the household members with the other investigators (CCL or LISW) and/or the child's assigned SW.

NOTE: For STRTP placements the OHI SW must speak to all children residing the home, and children who resided in the home when the incident of abuse was alleged to have occurred. Additionally, it is the OHI SW's responsibility to speak to all staff members. If that is not possible, or if the placement is too large, the OHI SW will obtain supervisor approval. It is the expectation that all witnesses and staff present during the abuse will be interviewed.

- (c) **Ensure all cross reporting is completed for any new allegations that have arisen;** Cross reports will be completed within 5 days of receiving the referral or when allegations arise.

If additional information was obtained during an investigation, the OHI SW investigator, as a mandated reporter, will need to complete DOJ form [BCIA 8572 - Suspected Child Abuse Report](#) - and submit it to the appropriate police agency within 36 hours by mail, fax or email.

NOTE: The Screener should have completed all cross reporting for any known concerns upon initial assessment of the referral. This additional cross report need is only to report **any additional/new concerns** to the appropriate agencies.

Cross Report To:

- CCL (**any new allegations**)
- Law Enforcement (**any new allegations**)
- DOJ/CACI Index- Any substantiated allegations of abuse, severe neglect must be reported using the [BCIA 8583 form](#).

For more details on cross reporting, please refer to the [Protocol: Cross Reports To Law Enforcement](#). For more information on reporting to DOJ, please refer to the policy; [MS31-501.1 Reporting to CACI DOJ Child Abuse Index](#).

- (d) **Complete SDM assessments for foster homes, the SCP Safety Assessment using the online [SDM Manual](#);**

NOTE: There is not currently a SDM Safety Assessment for STRTP placements. Standard Safety Assessments or Risk assessments are never completed for out of home investigations. There is no "risk" tool associated with any out of home investigation.

NOTE: A SCP safety assessment will be completed within two working days of interviewing the children in the home. If a safety threat is identified, it is the responsibility of the OHI SW to contact the Social Work Supervisor from the field, to obtain approval on a safety plan. **The assigned SW and child's attorney will be made aware of the implementation of a safety plan within 24 hours of the implementation.** See below to address how to document a safety plan.

NOTE: A signed safety plan must be provided to the caregiver, provided to the assigned SW, a copy placed in the file and a PDF copy imported into CWS. If a safety plan is in place a second SCP safety assessment should be completed prior to closing the referral, once the safety threat has been ameliorated.

For more details on SDM and required assessment please refer to the policy [MS31-907](#).

- (e) **Enter contact notes from investigation and efforts made during the investigation (cross reporting, interviewing, assessments, notices, etc...);** OHI SW will use two separate contact note templates for documenting the investigation. The contact note is located in CWS in county documents-green button.

Note: OHI contact notes will be kept in a document called: OHI-Confidential Contact Notes. They will not be kept in the contact note section of CWS, as to not create a confidentiality concern when discovery is created out of an active case.

IMPORTANT

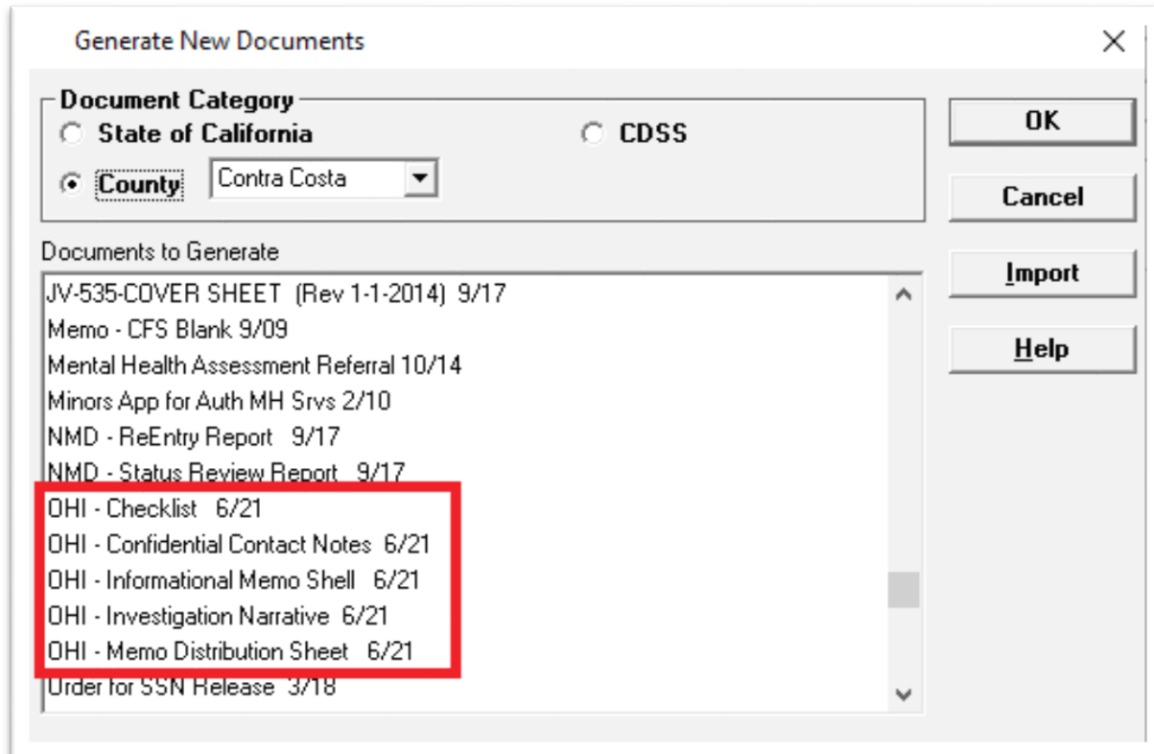
- When the OHI is assigned a referral, a delivered service log contact note with exact language should be entered in the contact note section (orange button) of CWS/CMS. The OHI will update the dates of the noticing to social worker and attorney on the statement:

This Exact Language Should Be Entered:

"The complete set of contact notes regarding an out of home care investigation for which this child was interviewed and additional materials used to determine the outcome of that investigation can be found in the physical referral folder for the out of home caregiver. That material contains confidential information, which should not be attached to the child's case. The case carrying social worker and child(ren)'s attorney were notified of the investigation/allegations on...."

- Safety plans and contact notes: This is one of the rare times the OHI would add an additional contact note to delivered service log (the orange section) in CWS/CMS, documenting the safety plan that was created, the safety agreements that were made, who was advised (SCP, SW, attorney etc.), and who agreed to it.
- Using the CWS/CMS OHI- Confidential Contact Notes enter notes from investigation. The contact note log is titled, "OHI-Confidential Contact Notes." It is located in CWS/CMS in the green button, under County documents.

See screenshot below of document. It is confidential and should not be left in CWS/CMS once all notes have been entered into the log. It needs to be printed out and placed into the physical referral folder for the out of home caregiver.



- (f) **Complete OHI Investigation Narrative and determine conclusion of investigation in CWS;** (OHI IN is located in CWS/CMS green button-see screenshot above)

STEP 4 **Contact and Update Specific Staff Connected to the Case** (if not done already); For best practice, conduct a teleconference or in-person meeting with all affiliated staff to inform them of the investigation details, outcome and any plans. Dependent on the investigation specifics, conduct separate meetings for internal and external staff.

Note: These affiliated staff may have already been informed at the onset of the investigation due to removal of the child from the placement, licensing issues as well as if any safety plans were put in place. If so, just ensure the staff are aware of the outcome of the investigation and plan moving forward for the child.

- (a) **Internal**
 1. RFA SW to consult abt placement
 2. Case Carrying SW
 3. Licensing SW

(b) External

1. Out of county SW, if any children are from out of county placement
2. CCL Investigator
3. FFA administrator – if applicable

STEP 5 Prepare and send an ‘Informational Memo’ to Court; The Informational Memo will provide all legal parties an opportunity to become informed as to the investigation and its conclusion. Discretion must be utilized when drafting the memo.

Please use the standard language and follow the hidden text to ensure only specific information is disclosed.

Note: Please choose the appropriate language within the template based on the child’s involvement with the allegations. There are three options in the template through a drop down menu.

- (a) Victim foster child
- (b) Witness foster child
- (c) Perp foster child

Then, once it is completed and reviewed by the OHI SWS, the memo will be sent out to all parties on the case, including the parents/LG’s by certified mail. Use the “court report distribution” document to advise clerical staff how to send the memo out and file receipts of certified mail in case folder court section.

STEP 6 Notify SWS of need to review IN and close out referral. Also, ensure to follow CACI requirements on any substantiated allegations of physical and/or sexual abuse or severe neglect (be sure to attach [BCIA 8583 form](#) to referral folder when sending to SWS for closure). For reference on CACI requirements see [MS31-501.1 Reporting to CACI DOJ Child Abuse Index](#).

Primary SW:

STEP 1 Consult with OHI SW on referral, investigation and conclusion; the Primary SW will consult with the OHI SW, Licensing SW and RFA on the facts of the investigation, resource parent’s background, any granted licensing exemptions or issues before the closing of the referral in order to prepare for possible inquiry by the Court.

STEP 2 Ensure the next court report has OHI disclosure per policy. The Primary SW must ensure at the next court hearing that a disclosure of the OHI is included in the report. Please refer to the protocol indicating the standard language that should be added. Discretion and confidentiality of the resource parents information is to be maintained.

Discovery Unit:

STEP 1 Process any needed redactions/record requests by “interested” parties seeking a copy of the OHI Investigation Narrative; Discovery Unit will communicate with those adults the process and requirements for a Gomez Hearing, if requested.

- STEP 2** **Respond to any 827 Motions granted by Court.** If granted, per policy, the OHI- Investigation Narrative will be redacted, produced and sent to Court for an in camera review by legal parties.
- STEP 3** **Process CACI/Gomez Grievance Requests, Reviews, and Hearings, as appropriate per existing protocol/procedure.**

RESOURCES

[MS31-112, Out-Of-Home Investigations](#)
[MS31-501.1 Reporting to CACI DOJ Child Abuse Index.](#)
[MS31-907 Structured Decision Making.](#)
[Practice Guide: Out of Home Investigations Screening Instructions](#)
[BCIA 8583 Child Abuse Indexing Form](#)
[Protocol on OHI Standard Language for Court Reports](#)
[OHI-Confidential Contact Notes](#)
[OHI- Investigation Narrative](#)
[OHI-Open Investigation Noticing Email Templates](#)
[OHI-Closing Informational Memo](#)
[OHI-Memo Distribution Sheet](#)
[OHI-Checklist](#)