

STANDARD FOR 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 (foster-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

Children are placed in foster care in order to assure their safety. However, there are instances where children in out of home care are abused or neglected by members of their resource family or other persons living in the home. While we continue to work towards elimination of these incidents, immediate action must be taken to protect children in homes where this occurs. At times, allegations are unfounded and resource parents are particularly vulnerable to allegations by children in care and their parents.

TERMS

Resource Family

Individuals licensed to care for children in CFS custody. Resource families primarily provide foster and/or pre-adoptive services.

Resource Family Specialist

The CFS worker assigned to a resource family who determines the family has met all licensing requirements and provides supportive services to assist the family in caring for children in CFS custody. Resource Family Specialists are also known as foster care licensing workers.

IMPLEMENTING THE STANDARD

Any worker, including a child's social worker, who has "reason to believe" abuse or neglect has occurred in a resource home has an ethical and legal responsibility to report such abuse or neglect to CFS. Referrals will be prioritized according to the Priority Response Guidelines and a safety assessment will be conducted. The safety assessment is completed by someone other than social workers assigned to any children in that home or the resource family specialist assigned to that resource home. 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.

Procedures

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, child safety is the paramount concern. The social worker will consult with his/her supervisor and together they will determine the presence of any or all of the following:

- Abuse and/or neglect allegations which require a child protection safety assessment;
- Licensing concerns which involve child care licensing policies and/or standards; and/or
- Case management needs which generally involve a specific child and are not assigned a priority for response.

If the alleged abuse and/or neglect occurred while the child was in a foster or adoptive placement and the individual allegedly responsible for the abuse and/or neglect is still in a provider role, the social worker assigned to complete the safety assessment must have face-to-face contact with all child(ren) placed in the home.

Notification of Program Manger. When the allegations involve abuse, neglect and/or the child's safety, the Program Manager and/or the Chief of Social Work is immediately notified by the social worker completing the safety assessment or their supervisor. A critical event form is to be completed by the social worker and distributed per the form.

Reported concerns which appear to be licensing or case management issues, but not child abuse or neglect. When reported concerns appear to be licensing or case management issues, not child abuse or neglect, this information is immediately referred to the resource family specialists' supervisor if it involves a licensing issue or the social worker's supervisor if it involves a case management issue. While every effort should be made to notify the appropriate supervisor immediately, in circumstances where immediate notification cannot occur, notification must occur within 24 hours of the time that the report was received. Once notified, the supervisor will have a discussion with the assigned social worker to determine a response and follow up with the assigned social worker according to the timeframes and procedures referenced in IDAPA 16.06.02.623 (Child Care Licensing Standards).

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

Prioritize referral. The referral is prioritized by the intake or safety assessment supervisor in consultation with the Program Manager and/or Chief of Social Work. A

social worker who is not responsible for case management of any children in the home is assigned to complete the safety assessment.

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 in CFS custody can be moved by CFS without a declaration of imminent danger. This would not be the case for the resource family's own children (see below).

Determining what child(ren) are in the home. The safety assessment supervisor determines the identity of all children placed in the foster home about which the allegation was made. The safety assessment supervisor notifies the following individuals of the allegation and current status of the case: the Program Manager and/or the Chief of Social Work, the Resource Family Specialist, the CFS social workers of all children placed in the resource home, and the social workers' supervisors.

Case worker notification. Each social worker who has a child placed in the home is notified that an allegation has been received and a safety assessment will be completed. The safety assessment is assigned to an individual not involved in the case. Never should the safety assessment be assigned to social workers of any children placed in the home. In Interstate Compact cases, notification includes the social worker in the sending state.

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 safety assessment.

Placing family on "hold". The Resource Family Specialist will place the resource family on a "hold" in FOCUS pending the outcome of the safety assessment. Documentation of the rationale for the hold and the date the hold is initiated will be included in FOCUS at the time the hold is initiated. No one may place a child in a home that is on "hold" status.

Complete safety assessment. The social worker assigned to complete safety assessment is responsible to engage the family and complete a safety 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.

Team with Resource Family Specialist. When there are also urgent licensing issues, the Resource Family Specialist assigned to the resource family may be requested to complete a licensing assessment with the social worker assigned to complete the safety assessment. The social worker assigned to complete the safety assessment should consider the following:

- Is a safety plan feasible to preserve this placement?
- What reasonable efforts could be made to eliminate a need to remove any children from the family?

Consultation regarding safety. The social worker assigned to complete the safety assessment and their supervisor will consult with the following individuals regarding safety decisions and possible removal of child(ren) from the home: the Program Manager and/or Chief of Social Work, the Resource Family Specialist, the social workers' supervisors of all children placed in the home, and the ICPC supervisor. If the home has a child placed in Idaho through the Interstate Compact, Idaho's Deputy Compact administrator will also be contacted regarding a possible need for an alternative placement.

Parent notification. The supervisor of the social worker assigned to complete the safety assessment will have a discussion with the Program Manager and/or Chief of Social Work regarding parental notification of the allegation of abuse/neglect, the outcome of the safety assessment, and current status of the placement. The supervisor will pass on any pertinent information resulting from this discussion to the child's social worker, as that will be the individual to notify the child's parent(s) regarding the allegations, outcome of the safety assessment, and any resulting changes in placement.

Results of Safety 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 safety assessment process.

CONDITIONALLY SAFE

Develop safety plan with the resource family and the social worker(s) of children in the home. The children remain in the home. A corrective action plan is monitored by a designated CFS individual, who is determined on a case by case basis. Provide supports to members of the family as needed to assist with any unintended consequences of the safety assessment process.

UNSAFE

Removal of children in CFS custody is determined on a case-by-case basis. If children are unsafe, social workers are contacted regarding re-placement of the children.

The resource family's own children. The social worker completing the safety assessment will coordinate with law enforcement for the possible removal of any of the resource family's own children from the home when they appear to be in imminent danger.

Notification of CASA. Child's social worker will notify the child's CASA or GAL regarding the allegations, outcome of the safety assessment, and any resulting changes in placement.

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. When an Indian child is involved, written notification of change in placement is sent to the child's parent(s) or Indian custodian(s) of an Indian child, and the Indian child's tribe.

Disposition. The social worker responsible for completing the safety assessment will determine whether to disposition the referral as substantiated or unsubstantiated within 5 days of the completion of the safety assessment. They will also assign a level if substantiated, and give notice according to IDAPA 16.06.01.564.

Returning children to the resource home. If any children have been removed, they may be returned to the resource home if allegations are unfounded or dispositioned as unsubstantiated.

Not returning children to the resource home. If a child is not going to be returned to the foster or pre-adoptive home, the child's social worker will notify the resource parent(s) as soon as possible. This notification must occur no later than one week from the time notification of the disposition is made. The child(ren)'s social worker will work with the resource parent(s) and child(ren) to provide a smooth transition. A decision will be made on the best way for the resource parent and child to say "good bye."

Licensure implications related to placement on the Child Protection Central Registry and the appeal process. Upon notification of the placement of their name on the Child Protection Central Registry, the resource family's license will remain on "hold" status 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 review or hearing, their name(s) is removed from the Child Protection 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 or adoption. However, even when an exemption is granted, it does not remove an individual from the Child Protection Central Registry and CFS would have final decision-making authority as to placing any child in that home.

FACS process when a resource parent is placed on the Child Protection Central Registry and requests an administrative review or review hearing. 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. If the family does not submit a request for appeal within the 28 day timeframe, or if the substantiation is upheld after an administrative review, the family's 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 Daycare Centers, Group Daycare Facilities, Family Daycare Homes, Foster Homes, Children's Residential Care Facilities, Children's Therapeutic Outdoor Programs, Children's Camps, 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

IDAPA 16.16.01.564 Notification of a Substantiated Incident of Abuse, Neglect, or Abandonment, and Related Administrative Review and Contested Case Appeal Rights

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