STANDARD FOR RESPONDING TO ALLEGATIONS OF ABUSE OR NEGLECT INVOLVING CHILDREN'S RESIDENTIAL CARE FACILITIES, CHILDREN'S AGENCIES and THERAPEUTIC OUTDOOR PROGRAMS

PURPOSE

The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) program regarding allegations of abuse or neglect involving licensed and unlicensed children's residential care facilities, children's agencies, and therapeutic outdoor programs. This standard is 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. The standard will also provide a measurement for program accountability.

INTRODUCTION

Idaho's Child Protection Act is a civil statute authorizing state intervention in family situations where children are not safe as a result of child abuse or neglect. When an allegation of maltreatment (abuse or neglect) of a child in a children's residential care facility, children's agency, or outdoor therapeutic program is received by CFS, it must be determined whether the allegations require a referral to law enforcement or licensing, or if CFS would initiate a case management response. This standard clarifies how such a determination is to be made.

This standard is **not** applicable to individual resource (foster/adopt) family home settings, treatment foster homes, or state institutions. Separate standards and policies govern allegations of child abuse or neglect in resource families, treatment foster homes, and institutional settings.

Terms

Central Office Licensing Team

The licensing entity responsible for all aspects of licensing and monitoring program compliance with IDAPA 16.06.02 Rules Governing Standards for Child Care Licensing for children's residential care facilities, children's agencies, and therapeutic outdoor programs in Idaho.

Children's Agency

A business licensed to be operated for the purpose of placement of children in foster homes, children's residential care facilities or for adoption in a permanent home.

Children's Therapeutic Outdoor Program

A licensed program designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting.

Children's Residential Care Facility

A licensed facility that provides residential child care. It excludes foster homes, treatment foster homes, residential school, juvenile detention center and children's camps.

Congregate Care

Congregate Care includes licensed and unlicensed children's residential care facilities, children's agencies, and therapeutic outdoor programs. When a report of maltreatment is received by CFS, regarding maltreatment in a congregate care setting and the information in the report meets the definition of abuse, neglect, or abandonment the report will be recorded as "Congregate Care". This type of report is not assigned for safety assessment by a CFS social worker. Congregate Care reports must be forwarded to law enforcement and to the Central Office Licensing Team for review and follow-up.

IMPLEMENTING THE STANDARD

Once an allegation of maltreatment of a child in a children's residential care facility, children's agency, or outdoor therapeutic program is received by CFS, it must be determined whether the allegations require a referral to law enforcement or licensing and if a response from a CFS social worker is required. If it is an allegation of child abuse or neglect involving a children's residential care facility, children's agency, or therapeutic outdoor program, a referral must be made to law enforcement. If it is an allegation that safety standards or procedures were not followed, the allegation is a licensing issue.

When the child named in the allegations is in the custody of DHW, the Department serves in the capacity of "in loco parentis." As such, a CFS social worker, or supervisor will see the child to assess and assure the child's safety. If the child's safety cannot be assured, arrangements will be made for a change in placement. There may be instances where a case management response is warranted and the CFS social worker works with the children's residential care facility, children's agency, or therapeutic outdoor program to develop a plan of care for the child targeting a specific issue brought up in an allegation. The local office is responsible for documenting their response in accordance with this Standard, in the "Congregate Care" CHP PI narrative.

The Central Office Licensing Team, the appropriate hub program manager, the Central Office licensing supervisor, and contract monitor will be notified of any report involving a congregate care setting. This includes reports of maltreatment and those which appear to be licensing issues, whether or not the facility/program is licensed, unlicensed, or not required to be licensed.

I. Procedures

Any person who has "reason to believe" that abuse or neglect has occurred has a legal

responsibility under Idaho Code 16-1605 to report such abuse or neglect to CFS or local law enforcement. According to the Child Care Licensing Standards, it is the responsibility of each facility, program, and agency administrator to train their staff on child abuse and neglect reporting requirements and to take prompt action to assure the safety of the alleged victim.

<u>A. Child abuse or neglect allegation received</u> – When an allegation of child abuse or neglect is made regarding a staff member or volunteer within a congregate care setting, the Central Intake worker must inquire:

- Have steps been taken to ensure the safety of any alleged victim(s)?
- Has law enforcement been notified?
- Who has legal custody of the child(ren) named in the allegations?
- Has an investigation begun and has any appropriate disciplinary action been taken?
- Does the Department have custody of any other youth placed in the congregate care setting, and if so, who?
- <u>B. CHP Presenting Issue</u> The report must be reviewed by a supervisor to determine if the report meets the criteria for a "congregate care" referral. If the report meets the definitions in the CPA for abuse, neglect, or abandonment and the incident of maltreatment occurred in a congregate care setting then the report will be recorded as "congregate care" in iCARE. If the report does not meet the definitions it is recorded as "I &R" **in iCARE**.
- <u>C. LIC Presenting Issue</u>—When a report is received involving a staff member or volunteer within a congregate care setting a LIC PI must be created **if the facility, program, or agency is licensed by DHW**, regardless of how the CHP PI is designated. The LIC PI will be reviewed and closed by the Central Office Licensing Team.
- <u>D. Notification of Law Enforcement</u> The completed referral sheet is forwarded to local law enforcement by the local office within 24 hours of receipt of the referral. Congregate Care referrals are not prioritized, however, if there are indications that a child is in "imminent danger," this must be reported to law enforcement immediately by the local office.
- <u>E. Notification of Hub Program Manager</u> The Program Manager and/or the Chief of Social Work is notified of any referral covered by this standard. Attempts to notify the Program Manager and/or the Chief of Social Work will be made the day of the referral. If these attempts are unsuccessful, the Program Manager and/or the Chief of Social Work will be notified the following work day.
- <u>F. CFS and Law Enforcement</u> If the alleged victim is in DHW custody, a social

worker should team with law enforcement to assure the safety of the victim including arranging for another placement if the child's safety cannot be assured.

- G. Notification of Central Office Licensing Team and Supervisor The Central Office Licensing Team and Supervisor will be notified of a Congregate Care and/or LIC PI the same day as the referral was received via iCARE. If there are indications that a child is in "imminent danger" the Central Office Licensing Team and Supervisor must be immediately notified of the report by CIU via email. The Central Office Licensing Team will help to assure a coordinated response.
- <u>H. Parent notification</u> For children in DHW custody, a discussion must occur with the Program Manager and/or Chief of Social Work and supervisor regarding parental notification of the allegation of maltreatment, involvement of law enforcement, and current status of the placement. The child's social worker or supervisor will notify the child's parent(s) regarding the allegations, outcome of the investigation by law enforcement, and any resulting changes in placement.
- <u>I. CASA/GAL notification</u> For any child in DHW custody who has an assigned CASA or GAL, the child's social worker or supervisor will notify the child's CASA or GAL regarding the allegations of maltreatment, involvement of law enforcement, and current status of the placement.
- J. Required notification of change in placement for child in DHW custody Written notification to the child's parent(s) or legal guardian(s) must be made within seven (7) days of a change of placement of a foster child if that child is relocated to another foster care setting. Similar notice must be given to the parent(s) or Indian custodian(s) of an Indian child, and the Indian child's tribe, which includes the information described in Notice Required for ICWA (IDAPA 16.16.01.051).
- K. No Disposition in Congregate Care Referrals As a "congregate care" referral, there is no formal safety assessment completed by CFS and therefore no disposition entered into iCARE. The Prosecutor will decide whether to prosecute the case in criminal court.
- <u>L. Corrective Action Plan</u> The Child Care Licensing Standards (IDAPA 16.06.02) mandate corrective action plans by facilities, programs, and agencies to address licensing issues resulting from this process.

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.

