

## 1213 FINAL DETERMINATIONS AND CLOSING OF THE ASSESSMENT

Chapter: **Child Protective Field Services**

Section: **CPS Family Assessments**



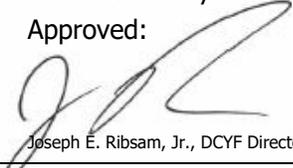
New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **19-10**

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Approved:

  
Joseph E. Ribsam, Jr., DCYF Director

Related Statute(s): **[RSA 169-C](#)**

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s): **FORM 1213**

Bridges' Screen(s) and Attachment(s):

The Division for Children, Youth and Families' Assessment practices are centered on the belief that everyone deserves to be safe, as well as the consideration of allegations that a child or youth was harmed, or was in a situation in which the child/youth was likely to suffer harm. DCYF staff are trained to investigate allegations of abuse and neglect, and to make a final determination as to whether or not the child/youth has been abused and/or neglected based on a preponderance of the evidence. The formulation of this final determination and the procedures to close an Assessment are an important piece of the work of Child Protective Service Workers (CPSWs).

### Purpose

This policy provides requirements and best practices in determining the outcome of an Assessment and the process to close the referral and Assessment file.

### Definitions

**"Additional Information"** means information received on a referral or case that is currently open with Child Protective Services (CPS) or Juvenile Justice Services (JJS), where the incident or circumstance is duplicative or does not meet the criteria of abuse/neglect. This information received is sent to the District Office as an associated referral, not as a new report.

**"CPSW"** or **"Child Protective Service Worker"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Child Protective Service Worker.

**"DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

**"Founded Determination"** means a specific allegation of child abuse or neglect where the Department has determined that there is a preponderance of the evidence to believe that a child has been abused and/or neglected:

1. **"Founded, Court Action"** means a determination by the court, either after a hearing or pursuant to a consent decree, that a child/youth has been found to be abused and/or neglected through a preponderance of evidence.
2. **"Founded, Problem Resolved"** means a determination by DCYF that there is a preponderance of evidence to believe that the child/youth has been abused and/or neglected and that the presenting danger has been resolved through the provision of services, supports, or other interventions to protect the child/youth and there are no ongoing safety concerns for the child/youth.

3. **"Founded, Services Only" or "Non-Court Agreement"** means an agreement between the CPSW and the person responsible for the child abuse and/or neglect in which the parties agree that the report is founded, the responsible party waives his or her right to an appeal, the responsible party's name will be placed on the state's Central Registry of founded reports of abuse and neglect, and DCYF will provide services to the family to address the identified maltreatment.

**"Incomplete"** means a report of child abuse and/or neglect made pursuant to RSA 169-C for which the Department determines that there is insufficient evidence to make a final determination as to the disposition regarding if the child is abused or neglected.

**"Rebuttable Presumption of Harm"** means an assumption of facts that can be overturned only if the evidence contradicting it is true and if a reasonable person of average intelligence could logically conclude from the evidence that the presumption is no longer valid.

**"Unfounded"** means a report of child abuse and/or neglect made pursuant to RSA 169-C for which the Department determines that there is insufficient evidence to substantiate a finding that the child is abused or neglected.

**"Unfounded but with Reasonable Concerns"** means a report of child abuse and/or neglect where DCYF has determined that there is probable cause to believe that the child/youth was abused or neglected, but for which there is insufficient evidence to establish by a preponderance of the evidence that the child/youth was abused or neglected.

#### Required Practices

- I. During the course of the Assessment, the CPSW must:
  - A. Search for all alleged perpetrators on the Central Registry and note the results in the Finding Screen;
  - B. Review all prior Assessments, and if there have been two or more prior "Unfounded" or "Unfounded but with Reasonable Concerns" reports involving any family or household member, the Division must conduct an administrative review of all identified reports; and
  - C. If there has been any "additional information" added to the Assessment, the information must have been addressed, and contacts or actions documented in the Bridges contact log.
- II. The CPSW must review the following circumstances with their Supervisor prior to making a final determination:
  - A. Any Assessment that they determine Unfounded or Unfounded but with Reasonable Concerns, if there has been a prior Founded Assessment with the child(ren)/youth or family;
  - B. Any Assessment that they determine Unfounded or Unfounded but with Reasonable Concerns, if there have been two (2) or more prior Unfounded or Unfounded but with Reasonable Concerns Assessments; or
  - C. Any Assessment that identifies evidence of a custodial parent's opioid drug abuse or opioid drug dependency which creates a rebuttable presumption of harm pursuant to RSA 169-C:12-e.

- III. If the Division filed petitions for abuse or neglect which were later dismissed by the Court, and no further legal recourse will be pursued, the individual allegations dismissed must be noted as "Founded, Court Overturned" in the Bridges Finding Screen. The overall finding must be identified as "Unfounded but with Reasonable Concerns (Finding Overturned)."
- IV. If the Division made a determination of Founded Problem Resolved that is overturned by the Administrative Appeals Unit (AAU), the individual allegations dismissed must be noted as "Unfounded but with Reasonable Concerns (finding overturned)." The overall finding must be identified as "Unfounded but with Reasonable Concerns (Finding Overturned)."
- V. If there is a determination of "Unfounded but with Reasonable Concerns," the CPSW will send Form 1213 to the parent(s)/guardian(s). The notice must include:
  - A. Recommendations for ameliorative services or protective treatment that appears necessary to help prevent further child abuse or neglect and to improve the home environment and the parent(s)/guardian(s)'s ability to adequately care for the child(ren)/youth; and
  - B. Contact information for the community supports and/or services identified.
- VI. If there is a Founded determination, a Notice of Finding must be provided to the person(s) found responsible for the child abuse/neglect pursuant to policy 1214 Sending a Notice of Finding.
- VII. The Assessment, including the final determination, notification to the family regarding the outcome, and documentation in Bridges, must be completed no later than 60 calendar days from the date that the referral was assigned to the District Office.
  - A. Extensions of this timeframe require supervisory approval, and documentation by the Supervisor of the reason for the delay and estimated completion date must be entered in Bridges.
- VIII. The final determination and Assessment Closing Summary must be reviewed and approved by a Supervisor to close the referral including:
  - A. Any prior Assessment(s) and their significance relevant to the current Assessment; and
  - B. Any referrals provided to the family for community or preventative services.
- IX. When the Assessment outcome is "Founded Services Only" or "Founded Court Action" a Family Services case is opened in Bridges.
- X. When the Assessment outcome is "Founded Problem Resolved" no case is opened in Bridges.

### Best Practices

- I. The CPSW, in consultation with his or her Supervisor, will make a final determination which includes:
  - A. Whether a "preponderance of the evidence" (RSA 169-C:13) exists to believe that any child/youth in the family has been abused and/or neglected;
  - B. The harm or threatened harm to the child(ren)/youth;
  - C. The nature and extent of the abuse/neglect;

- D. The person(s) responsible; and
  - E. Any DCYF intervention or recommended ameliorative services or protective treatment that appears necessary to help prevent further child abuse and/or neglect and to improve the home environment and the parent(s)/guardian(s)' ability to adequately care for the child(ren)/youth.
- II. The Assessment Decision Guideline Matrix guides the decision to open a case for Family Services or provide community referrals. This matrix is used:
- A. On all initial child abuse and neglect Assessments that are assigned a response priority; and
  - B. After establishing a final determination of the Assessment, including completing the safety and family risk assessments.
- III. The final determination should be discussed with the family and alleged perpetrator, if they are available.
- A. The CPSW will provide referrals and/or recommendations when an Assessment is determined "Founded Problem Resolved."
  - B. The CPSW will identify ameliorative services or protective treatment that appears necessary to help prevent further child abuse or neglect and to improve the home environment and the parent(s)/guardian(s)' ability to adequately care for the child(ren) when an Assessment is determined "Unfounded but with Reasonable Concerns." The CPSW will provide the family with contact information for the community supports and services identified.
  - C. The CPSW may identify referrals to preventative services that the CPSW feels would be beneficial to the family when an Assessment is determined "Unfounded."
- IV. If there is no preponderance of evidence that a child/youth was abused and/or neglected and the report will be closed as Unfounded, the CPSW may send a notice to the person(s) responsible for the safety and welfare of the child(ren)/youth that the Division encourages them to seek family support services as appropriate, providing them with contact information to obtain such services.
- V. If after closing the Assessment the parent(s)/guardian(s) make(s) a written request to the Assessment Supervisor for a copy of the Assessment, the parent will be provided a copy of the Assessment, with third-party information redacted.

**Practice Guidance**

**The following case opening and closing decisions are recommendations based on the Assessment disposition and risk level:**

<b>Assessment Decision Guidelines Matrix</b>		
<b>RISK LEVEL</b>	<b>ASSESSMENT DISPOSITION</b>	
	<b>Founded</b>	<b>Unfounded</b>
<b>Very High</b>	Open a Family Services Case.	Recommend community services* and close DCYF Assessment or consider opening a Voluntary Services case and close DCYF Assessment.
<b>High</b>	Open a Family Services Case.	Recommend community services* and close DCYF Assessment or consider

		opening a Voluntary Services case and close assessment.
<b>Moderate</b>	Open a Family Services Case OR Close DCYF Assessment with referral to community services.**	Recommend community services* and close DCYF Assessment or consider opening a Voluntary Services case and close assessment.
<b>Low</b>	Close DCYF Assessment, recommend community services if appropriate.**	Close DCYF Assessment, recommend community services if appropriate.**

\*Referrals should be facilitated by the CPSW before closing the Assessment.

\*\* The Assessment CPSW must send correspondence to the family, specifying names and addresses of appropriate community resources.

**What do I do if I am unable to complete my Assessment due to circumstances beyond my control?**

- There are times when the determination may need to be entered as "incomplete." This means the CPSW was unable to complete the Assessment and make a determination due to one of the following recognized circumstances:
  - Incomplete, Interstate Referral;
  - Incomplete, Intrastate Referral;
  - Incomplete, Unable to Locate; or
  - Incomplete, No Police report. When the police report or notification from another agency is received, the CPSW is responsible for reopening the Assessment and updating the Assessment Finding Screen. If this results in a Founded determination, policy for providing notice and due process must be followed.

**What are some of the reasons for seeking an extension?**

<b>Extension Reason</b>	<b>Justification for this selection</b>
Assessment complete paperwork pending	Worker has completed the Assessment and just needs to do closing screens and letters.
Assigned workload prevented completion	If there are still outstanding tasks that need to be done by the worker, added allegations or additional information needs to be followed up on still, the CPSW had to file in court, or the volume of new work being assigned has prevented completion.
Delay in receipt of necessary information	Worker has requested the information and is waiting to receive it.
Other	Added allegation(s) requiring enhanced or drug-exposed infant practices.
Pending court hearing	Pending hearings that are necessary to close out the Assessment.
Pending court order	CPSW is waiting for court orders from the hearing that has happened and are necessary to close out the Assessment.

Pending fair hearing completion	All delays related to making an internal finding are going to be captured here: once the finding is made, the green card/receipt of delivery is pending, the 30-day appeal request time if pending, and/or an appeal has been requested and has not been completed.
Pending Police Action	Joint cases waiting on police action, including waiting on a police report.
Unable to contact/uncooperative client	Client is not following through or is non-cooperative or staff are struggling to locate a client.