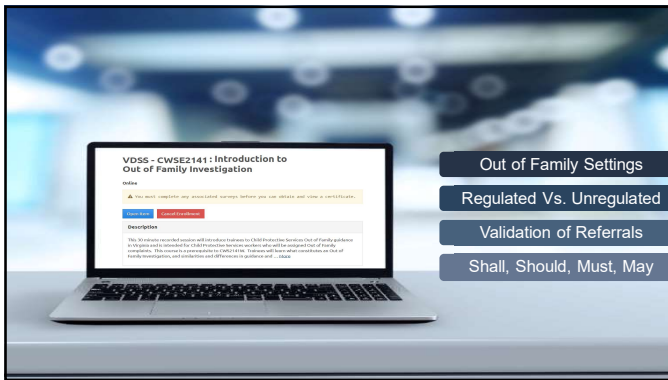
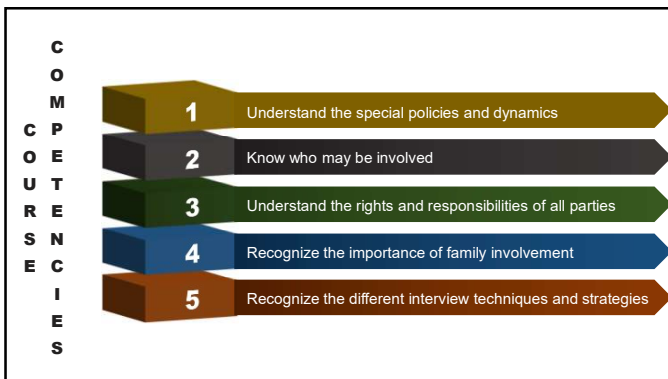




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Agenda

Guidance Mandates

Education Specifics

Involving Parents & Guardians

Making the Disposition

Documentation & Closure

Section 5

4

Section 5.2

All CPS authorities, procedures, and requirements applicable to in home investigations found in Section 4, Family Assessment and Investigation, apply to the investigation of complaints in an OOF setting. This section sets forth the **additional requirements** to respond to CPS reports in these OOF settings.

5

OUT-OF-FAMILY INVESTIGATIONS

TABLE OF CONTENTS	
5.1	Introduction 5
5.2	Authorities 5
5.2.1	Minimum standards for CPS workers to conduct OOF investigations 6
5.3	Definitions 6
5.3.1	Additional definitions used in OOF investigations 7
5.3.2	Child care definitions 8
5.4	Responsibilities to conduct OOF investigations 9
5.4.1	Determine validity of report or complaint in OOF settings 9
5.4.2	Identify the regulatory agency 9
5.4.3	Facilities with no regulatory authority 10
5.4.4	Develop joint investigative plan 10
5.4.4.1	If regulatory staff is unavailable 11
5.4.5	Notify CPS regional consultant 11
5.4.6	Notify Interstate Compact on the Placement of Children (ICPC) 11
5.4.7	Time frames to complete investigations 11
5.4.7.1	Fifteen-day extension to complete investigation 11
5.4.7.2	Extension of joint investigations with law enforcement agency 12
5.4.7.3	Notification of extension 12
5.4.7.4	Suspension of certain investigations 12
5.4.7.5	Notification of suspension 13
5.4.7.6	Contact while investigation is suspended 13
5.5	Conduct OOF investigation 13

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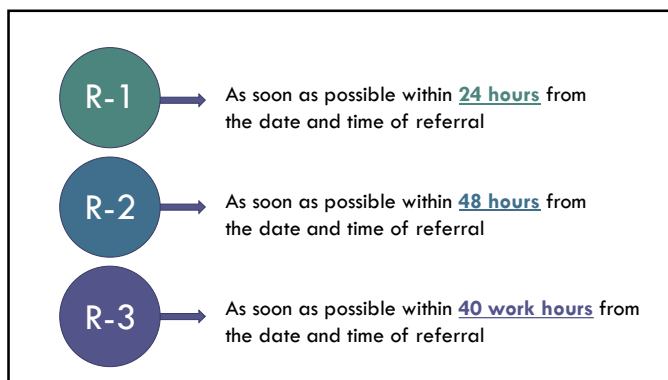
❖ Age

❖ Definition of Abuse/ Neglect

❖ Caretaker Status

❖ Jurisdiction

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[illegible][illegible]

STEP 3: DIFFERENTIAL RESPONSE DECISION
Select either *Investigation* or *Assessment*, and select all applicable reasons within column.

Investigation

Mandatory Investigation reasons (if one or more apply, MUST be assigned as Investigation)

- ☐ Sexual abuse
- ☐ Child fatality
- ☐ Serious injury per 18.2-371.1
- ☐ Child taken into custody due to child abuse/neglect (CA/N)
- ☐ Child taken into custody due to Safe Haven
- ☐ Child taken into custody by physician or law enforcement
- ☐ Out of Family
- ☐ Three valid report within 12 months
- ☐ Child has been left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a violent sexual offender per 9.1-902

C. When a local department has been designated as a child-protective services differential response agency by the Department, the local department may investigate any report of child abuse or neglect, but the following and reports of child abuse or neglect shall be investigated: (i) sexual abuse, (ii) child fatality, (iii) abuse or neglect resulting in serious injury as defined in § 18.2-371.1, (iv) cases involving a child's being left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902, (v) Child has been taken into the custody of the local department, or (vi) cases involving a caretaker at a state-licensed child day center, religiously exempt child day center, licensed, registered or approved family day home, private or public school, hospital or any institution. If a report or complaint is based upon one of the factors specified in subsection B of § 65.2-1509, the local department shall (a) conduct a family assessment, unless an investigation is required pursuant to this subsection or other provision of law or is necessary to protect the safety of the child, and (b) develop a plan of safe care in accordance with federal law, regardless of whether the local department is also a provider of child protective services.

CPS REGIONAL PRACTICE CONSULTANTS

Piedmont: John King (540) 589-3336
j.king@dss.virginia.gov

Eastern: Renee Rice (757) 793-0240
renee.rice@dss.virginia.gov

Central: Monica Hockaday (804) 517-9774
monica.hockaday@dss.virginia.gov

Western: Tammy Francisco (276) 274-0597
tammy.francisco@dss.virginia.gov

Northern: Tammy Curl (540) 216-1688
tammy.d.curl@dss.virginia.gov

VDSS OOF Specialist:
OOF@dss.virginia.gov

10

You must identify, notify, and develop a joint investigative plan with the appropriate regulatory authority.
(Section 5.4)

VDSS

DJJ

DBHDS

DOE

11

Examples of Collaboration in OOF Investigations

- Working as a team to schedule interviews/visits
- Planning who will take the lead on certain parts of the investigation
- NOTE:** When law enforcement leads, many witnesses decide they don't want to share any information, and many alleged offenders will decide not to talk without an attorney present
- Scheduled debriefing sessions
- Sharing and comparing of evidence
- Viewing each team member as a peer

12



13

Checklist for OOF Investigations			
	CPS RESPONSIBILITY	DATE COMPLETED	DATE DOCUMENTED IN OASIS
1.	Report to Commonwealth Attorney and law enforcement all class 1 incidents/serious offenses.		
2.	Contact CPS Regional Practice Consultant (plan investigation strategy).		
3.	If report involves school personnel, refer to Appendix A: Guide for Assessing Applicability of § 63.2-1511 in CPS OOF Investigations of School Employees for guidance on these investigations.		
4.	Contact Regulatory Agency, obtain name of staff who will investigate report jointly. <ul style="list-style-type: none">• If there is no Regulatory Agency involved, such as when the OOF involves a Public-School Employee, consult your MOU agreement between LDOSS and your local Public School System to see if person to contact is identified there.		
5.	Contact that regulatory staff person to coordinate strategy of joint investigation.		
6.	Contact facility administrator to inform of impending visit (or announce presence to administrator upon arrival to facility).		
7.	Advise facility administrator (or designee) of the allegations in the complaint. Invite their input for preliminary plans.		
8.	Meet the licensing or regulatory person, if possible, at facility and go together to meet the administrator. Explain offering roles and expectations.		

14

INTERVIEWS

CHILD WHO IS A VICTIM

The guidance regarding interviewing children who are victims applies to all case types.

This includes the need to audio record the interview.

CPS has the same authorities to interview children alleged to be victims without parental permission.

15

INTERVIEWS

ALLEGED ABUSER

- Use discretion regarding who is included in the interview when there is an apparent conflict of interest
- Use of Statements as Evidence
 - Transparency about who is present in the interview and what their role is
- Offer to Record the Interview
- The abuse or neglect is alleged at this time
- Do not define a successful interview as getting a confession
- **Written notification is required**

16

Child Protective Services

A Guide to Investigative Procedures in Out of Family Settings

This is to notify you that the local department of social services has received a report that you may have abused or neglected a child(ren) named _____ before and/or is required to conduct a Child Protective Service investigation and child interview and/or other the complaint is founded or substantiated.

Date: _____
To: _____

A report of suspected child abuse or neglect has been received about: _____

(Child or Children)

The allegations being investigated are: _____

Please call: _____
(Child Welfare)

Please Return to: _____
(Child Welfare)

To discuss the report, answer your questions about the CPS investigation process and notify immediately of any changes in address.

17

INTERVIEW

ALLEGED ABUSER

- In the case that the Alleged Abuser/Neglector refuses to talk to you, you must continue on with the investigation.
- Document their refusal thoroughly in the system.

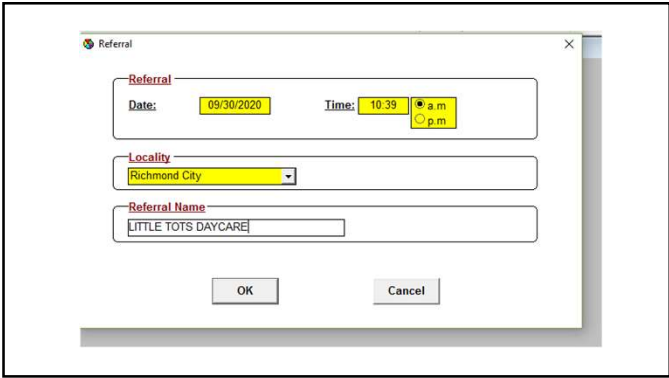
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DOF Safety Assessment - NORTHERN SHORES ES

Does an emergency or crisis situation exist that merits immediate action to protect the child?
Document what immediate action was taken to ensure the safety of the child.

Is the family or facility able to protect the child from further harm?

Are there immediate safety concerns for other children in the care of the alleged abuser/neglector? If yes, what actions were taken?

Was Removal or Placement Change Necessary?

22

Education is special.

Investigating Public Schools

Reasonable and Necessary Force

Scope of Employment

Good Faith / Bad Faith

Negligence

Gross Negligence

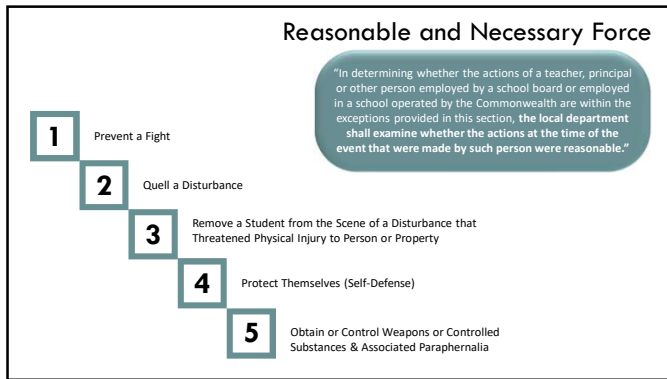
Willful Misconduct

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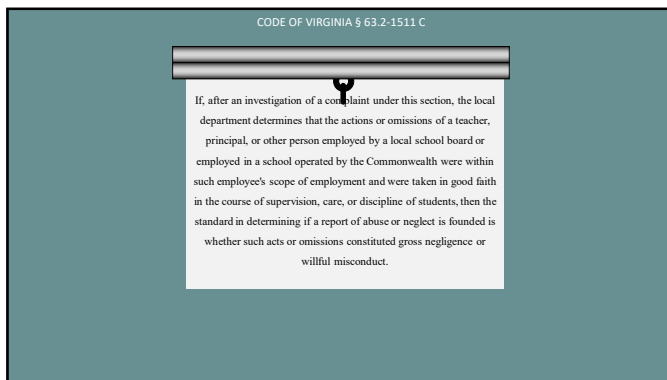
CODE OF VIRGINIA § 63.2-1511 A

If a teacher, principal or other person employed by a local school board or employed in a school operated by the Commonwealth is suspected of abusing or neglecting a child in the course of his educational employment, the complaint shall be investigated in accordance with §§ 63.2-1503, 63.2-1505, and 63.2-1516.1. Pursuant to § 22.1-279.1, no teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. However, this prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the student or within his control.

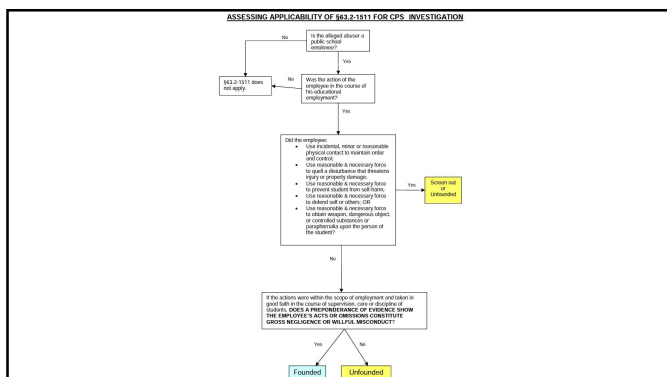
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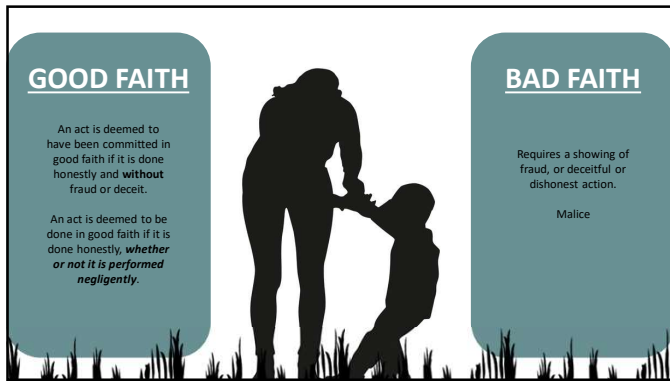
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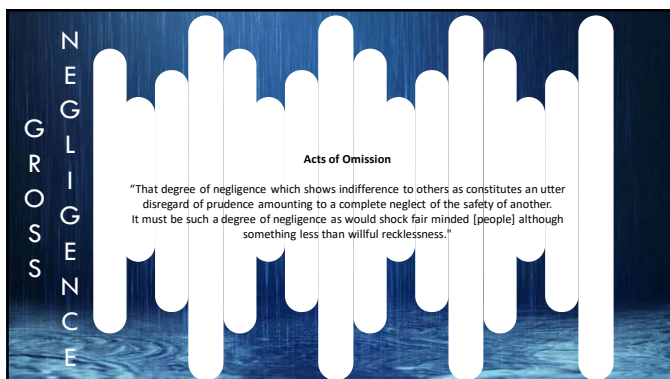
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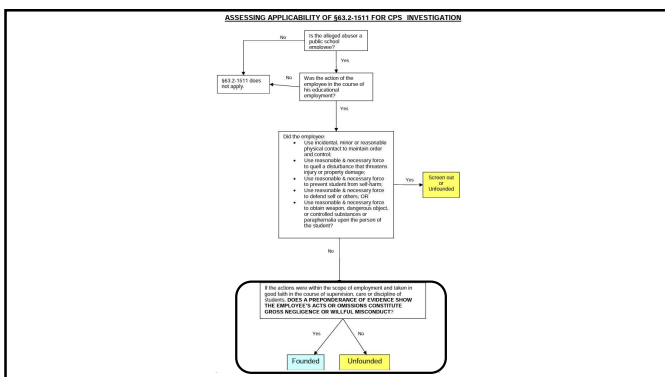


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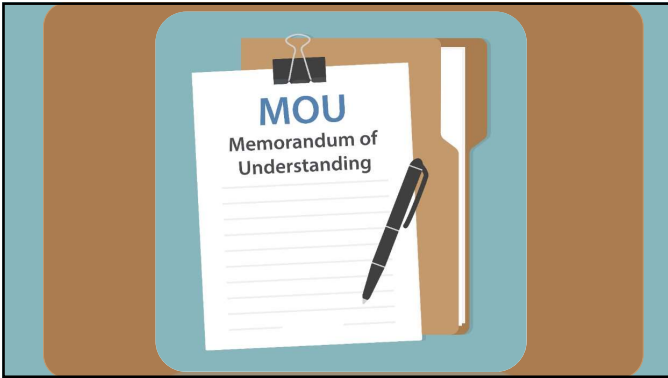
WILLFUL MISCONDUCT

- It must be shown that the person was conscious of their conduct;
- And conscious, from their knowledge of existing conditions, that injury would likely or probably result from their conduct;
- And that with **reckless indifference** to consequences, they consciously and intentionally did some wrongful act or omitted some known duty which produced the injurious result.

32



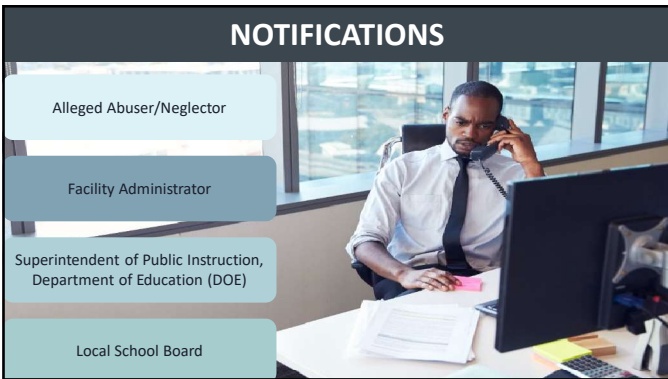
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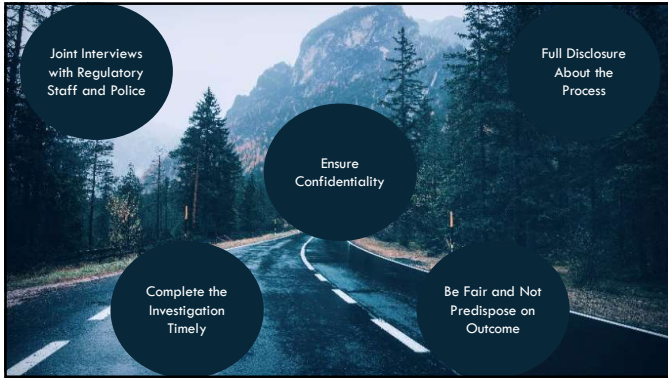
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WRAPPING UP
THE
INVESTIGATION

- The Regional Practice Consultant **MUST** review the investigation before any notifications are sent regarding the disposition.
 - Any OOF Investigations involving public school employees will be reviewed and staffed by the OOF Specialist.
 - Complete a Risk Assessment (not the SDM Risk Assessment Tool) to determine if the child who is a victim is at risk of future abuse or neglect.

FOUNDED

There is a preponderance of evidence that A/N occurred.

UNFOUNDED

There is not a preponderance of evidence that A/N occurred.

39

Assessment Date: 00/00/0000

Incident Related

Child Related


Caretaker Related

40

NOTIFICATIONS

OOF INVESTIGATIONS

- ALLEGED ABUSER (notify first, if possible)
 - Facility Administrator
 - Regulatory Staff
- Military - Family Advocacy Program
 - ICPC (if applicable)
- Special School System Notifications (if applicable)
- Parent/Guardian/Agency Holding Custody of child who is a victim



41

NOTIFICATIONS

UNFOUNDED

ALLEGED ABUSER:

☐Disposition

☐Retention Time (3 Years in OASIS)

☐Right to Request the File Be Retained for Longer




42

NOTIFICATIONS

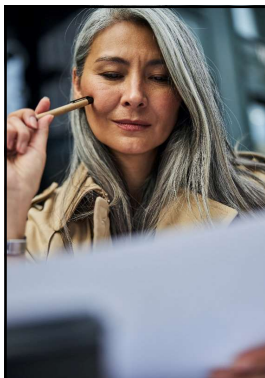
FOUNDED

ALLEGED ABUSER:

- Summary of the investigation & an explanation of how info gathered supports the disposition.
- A clear statement that the individual is the abuser and/or neglector.
- The category of abuse or neglect.
- The disposition, level, & retention time, including statement about effect of multiple complaints on retention.
- The name of the child(ren) who is a victim.
- A statement informing the abuser of his or her right to appeal the finding & to have access to the case record.
- A statement informing the abuser that pursuant to § 63.2-1505 (7) of the Code of Virginia, if the abuser is a teacher in a public school division in Virginia, the local school board shall be notified of the founded disposition.



43



DOCUMENTATION

- All Contacts (Completed and Attempted)
 - Interviews
 - Worker Visits
 - Observations
 - Notifications
 - Court Proceedings

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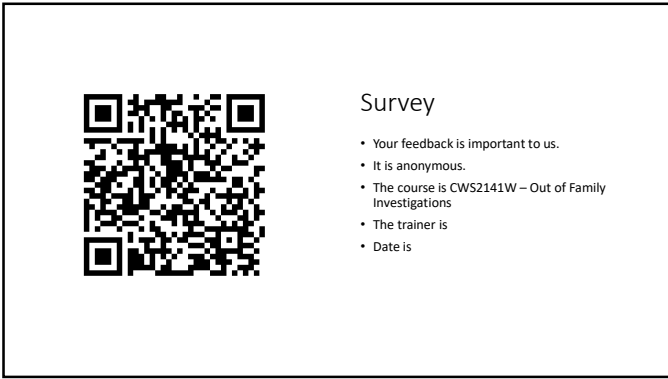


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