

Child and Family Services Policy Manual: Investigation/Assessment Documentation of Investigation/Assessment & Opening a Case

CAPS	CAPS is an official case record of the services provided by the Division. Intake information, assessment/investigation results, person information, contacts, services provided, court history, placements and payment information must be recorded on CAPS. A case file in the local office containing documents from contracted providers, service providers, correspondence, court orders, etc. may contain supporting documentation, although this information may also be scanned into the DocGen system.
Frequency of Case Recording	CAPS records should be routinely updated and completed before closure of a report.
Records: Information Included	<p>Records regarding each assessment/investigation of a report of child abuse and/or neglect must contain the following information (if available):</p> <ol style="list-style-type: none"> 1. Report screens (CID1/RRD1 and CID2/RRD2), the Initial Incident from CI and any new or additional information reports; 2. Person Detail screens (PERD - Person Detail, RELD - Relationship Detail, ADDD - Address Detail); 3. Completed Family Functioning Assessment that is uploaded and titled as Family Functioning Assessment (or FFA) and stored in DocGen by report number. 4. A determination, e.g., abuse or neglect is indicated, substantiated, unsubstantiated, founded, or unfounded. A summary of the facts supporting the determination should be included on RRD1, and RRD3 if extra space is required.
CAPS Entries & Documentation of Reports Sixty Day Limitations	<p>The Report/Referral status remains “open” (O) until the Child Protection Specialist has completed the work on the referral/report or assessment. Status must be determined within 60 days of the date the report was received by Centralized Intake. Status is changed by entering a “C” on RRD1.</p> <p>In addition, all referrals must have a determination completed and entered on CAPS within 60 days of the date the report was received by Centralized Intake.</p> <p>In regards to CFS and CFS 8 reports, the status remains “open” (O) until the report is sent to the appropriate agency for</p>

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CFS and CFS 8s	evaluation and/or investigation. Once the referral has been made, the status of the report shall be changed to “closed” (C) and the referral shall be documented on RRD1 under “Action Taken.” The report must be closed within 60 days from the date that Centralized Intake received the report
Category Changes	<p>If the Child Protection Specialist Supervisor determines that a CPS or CFS category change is necessary, the supervisor will contact their Regional Administrator and request the change. If approved by the Regional Administrator, the regional “supertask” person, CPSS, or RA will make the change. If the supervisor determines that a CPI category change is necessary, the supervisor will contact the assigned Centralized Intake Specialist to make the change.</p> <p>All report category and priority changes must be documented on the CC-002 “MT Centralized Intake Report Category / Priority Change Form.” The form must be uploaded to Doc Gen under the report number.</p>
Investigation/ Assessment Start Date	The Investigation/Assessment Start Date is the date and time the call is received by Centralized Intake.
Investigation/ Assessment End Date	The Investigation End Date indicates the date on which the Child Protection Specialist ends the investigation/assessment. The Child Protection Specialist Supervisor, after the FFA and Substantiation letter are uploaded into Doc Gen, must close the status on RRD1.
Investigation/ Assessment Summary	<p>The Centralized Intake Specialist will enter the basic referral information/allegations contained in the reported information on CID1. Upon conclusion of the investigation, the investigating Child Protection Specialist will delete information provided by Centralized Intake on RRD1 under this heading and will add a brief summary as to the results of the investigation. Initial information provided by Centralized Intake will remain on CID1 and the information added by the investigating Child Protection Specialist will remain on RRD1. CID1 can be viewed at any time by entering a “V” (inquire CID1) on RRRL for a specific report.</p> <p>Note: If services are provided to the family after the investigation/assessment determination is made, make the</p>

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person a client and record any notes on ACTD.

Action Taken

The Child Protection Specialist enters information as to what services were provided or actions were taken in response to the referral. (An F12 look up is available for these codes.) This portion of RRD1 is completed after the determination(s) is entered on RRD2. Only CPS cases require a determination.

In regards to CFS and CFS 8 reports, the Centralized Intake Specialist or Child Protection Specialist must also enter the date that the referral to the appropriate investigating agency was made on RRD1 under Action Taken.

**Report and Request
Intake Detail 3 (RRD3)**

The Child Protection Specialist can utilize this screen to continue the Investigation Summary from RRD1, if necessary. However, the summary should be kept brief. The information on RRD3 will be saved to the system, but remains modifiable until the Child Protection Specialist Supervisor closes the report on screen RRD1.

**Investigation/
Assessment Worksheet**

The CAPS system provides the Child Protection Specialist an investigation/assessment worksheet to use throughout their investigation/assessment, DocGen D-100. The worksheet provides information entered on the RRD1 screen, (leaving out the information regarding the identity of the reporter), RRD2, and RRD3.

Client Opening

Persons become clients when they receive intervention services. Intervention services are defined as:

- services received directly from the Division to reduce the risk of further abuse/neglect; and/or
- services which are recommended/required and monitored by the Division in order to reduce the risk of further abuse/neglect.

Persons on CAPS become clients when a Child Protection Specialist assigns that person to their caseload (on AXED - Assignment and Transfer Detail) and completes CLID (Client Detail) and IARD (Initial Assessment and Review) screens. In any CPS case opened beyond the investigation, it is the Child Protection Specialist's responsibility to make the person a client and complete the following CAPS screens:

- IARD, documenting short term and long term goals for the

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client;

- SERP (Services Payable - services paid through CAPS) and SERN (Services Non-Payable - non-paid services and services paid by another source), indicating services that are being offered to alleviate the problem;
- CRTD (Court Detail), listing court actions taken (if any);
- ICWD (ICWA Detail) if the child is Native American or Alaskan Native;
- SPND (Special Needs Detail), MEDS (Medications), MDTD (Medical Treatment Detail) and MMHD (Medical/Mental Health Detail), indicating the child's medical and mental health status/needs;
- EMPL (Employment List - optional); and
- EDHL (Education History List)

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Report Closure	<p>A report shall be closed on RRD1 when the investigation is complete and the CPS Supervisor has approved the completed FFA. This must be done by the CPS Supervisor, or the Child Protection Specialist at the direction of the CPS Supervisor, within 60 days of the receipt of the report by Centralized Intake.</p>
Case Closure	<p>Closure reviews must be done on IARL. Open cases may be closed when the Child Protection Specialist determines that the child is safe through the Safety Assessment at Case Closure process and the Supervisor agrees to the closure. Reasons for the closure shall be documented on IARD and on the Safety Assessment at Case Closure form. The Child Protection Specialist is encouraged to notify the parent in writing that the agency has terminated services to the family when a case is closed.</p>
Tracking Drug and Alcohol Use/Abuse	<p>Tracking the use of Drugs and /or Alcohol will be completed at three stages of the case.</p> <ul style="list-style-type: none"> • Referral Stage: Centralized Intake staff will make an entry in the drug field on CID1 if the reporter indicates that drugs or alcohol are a contributing factor in the alleged abuse/neglect referral. • Investigation: The Child Protection Specialist will make an entry in the drug field on RRD1 at the completion of the investigation, if the investigation revealed that drugs or alcohol were contributing factors in the abuse/neglect. • Removal: The Child Protection Specialist will make an entry in the drug field on PLAD when a child is placed into protective custody indicating that drugs or alcohol were a factor in the child maltreatment which resulted in the removal.
Determinations	<p>Supervisor approval is required for ALL types of determinations.</p>
Substantiated Reports	<p><u>SUP (PENDING DETERMINATION OF SUBSTANTIATED REPORT OF ABUSE, NEGLECT, SEXUAL EXPLOITATION)</u> Upon investigation, if the Child Protection Specialist determines that the report is substantiated (see below), the Specialist must enter SUP (substantiation pending) on CAPS and close the report. The SUP pending status indicates that the investigation is completed but that the perpetrator of the substantiated abuse has the right to exercise his/her due process rights. (See Due</p>

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Process Section below).

SUB (DETERMINATION OF SUBSTANTIATED REPORT OF ABUSE, NEGLECT, SEXUAL EXPLOITATION)

After an investigation, the investigating worker has determined by a preponderance of the evidence that the reported act of child abuse, neglect, or exploitation occurred, and that the perpetrator of the abuse, neglect, or exploitation may pose a danger to children.. SUP should be entered upon making a substantiation determination. After 45 days, the SUP will automatically be changed by the CAPS system to SUB.

The evidence that supports the substantial risk of harm or the abuse, neglect, sexual abuse, or sexual exploitation must meet the definition of abuse, neglect, or sexual exploitation as defined by state law (Mont. Code Ann. § 41-3-102).

NOTE: If the Child Protection Specialist substantiates that abuse or neglect occurred to a child under the age of 3, the Specialist must refer the child to the local Part C Contractor for a developmental assessment.

- **FND (FOUNDED REPORT OF ABUSE, NEGLECT, SEXUAL ABUSE, OR EXPLOITATION)**
After the investigation, the Child Protection Specialist has determined that there is probable cause to believe that an act of child abuse or neglect occurred.
- **UNS (UNSUBSTANTIATED REPORT OF ABUSE, NEGLECT, SEXUAL ABUSE OR EXPLOITATION)**
After the investigation, the Child Protection Specialist was unable to determine by a preponderance of the evidence that the reported abuse, neglect, sexual abuse or sexual exploitation occurred.

Other Determinations

NOTE: If a report is unsubstantiated, the report and all supporting documentation (electronic and hard-copy) shall be destroyed within 30 days after the end of the 3-year period starting from the date the report was determined to be unsubstantiated unless:

- there has been a previous or subsequent substantiated report concerning the same person; or

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- a protective services court order has been issued based on the circumstances surrounding the initial allegations.

Upon written request by the perpetrator and review by the supervisor, unsubstantiated reports prior to October 1, 2003 may be destroyed if specified criteria are met. The supertask person will remove the report and all supporting documentation, except medical records per MCA 41-3-202).

- CWF (CLOSED WITHOUT FINDINGS)
Unable to locate, family left the area before the investigation was completed, investigation began but was never completed due to court order, administrative directive, etc., or unable to make a determination within 60 days due to lack of evidence or information (if services are provided, close the referral and open the person as a client). No determination made.
- IND (INDICATED)
Maltreatment occurred, but the perpetrator of the maltreatment is not identified under Montana Code Annotated as a 'person legally responsible for the welfare of a child.' For example, an uncle commits an act of sexual abuse while visiting his niece. **Used only when the reported perpetrator is not someone responsible for the welfare of a child or when the perpetrator is unknown.** Indicated reports should be reported to law enforcement, when applicable.
- IIW (INFORMATION INSUFFICIENT TO WARRANT AN INVESTIGATION)
After speaking to the Reporter and Collateral Contacts, the worker determines there is not enough information to suspect abuse or neglect occurred. RA approval is required for this determination to be used.
- SUD (SUBSTANTIATED OR INDICATED ABUSE/NEGLECT THAT RESULTS IN THE DEATH OF THE VICTIM)
Refers to a child fatality resulting from abuse/neglect.

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- UNF (UNFOUNDED REPORT OF ABUSE, NEGLECT, SEXUAL ABUSE OR EXPLOITATION)
After an investigation, the Child Protection Specialist has determined that the reported abuse, neglect, or exploitation has not occurred. If the referral is unfounded, the Child Protection Specialist should indicate so by selecting “UNF.” **The Child Protection Specialist must consult with his/her Supervisor prior to finding a report is unfounded.**
When duplicate reports (reports with the same set of facts involving the same individuals) are entered into CAPS as separate reports, UNF may be used to remove the duplicate from the system.

NOTE: The CAPS system is designed to automatically destroy unfounded reports every month. All identifying information is destroyed, but the statistics remain a part of CAPS. **Any hard copy information of unfounded reports must also be destroyed.**
- FHR (FAIR HEARING REQUESTED)
Upon receipt of the substantiation letter, the perpetrator requests a fair hearing in writing within 30 days of the date of the letter. FHR is entered by the Central Office or Regional Supertask person upon receipt of the fair hearing request.
- CCP (CRIMINAL CHARGES PENDING)
The perpetrator of substantiated abuse or neglect has requested a fair hearing but has criminal charges pending related to the same incident as the substantiation. The fair hearing cannot proceed until the related criminal charges are resolved. If the perpetrator is found guilty of the criminal charges, upon legal review, the request for a fair hearing may be denied. CCP is entered by the Central Office or Regional Supertask person.
- UNX (UNSUBSTANTIATED AFTER REVIEW)
The substantiation determination has been overturned; either by internal, regional review, by the Substantiation Review Panel or by a decision issued from the Fair Hearings Officer after the fair hearing. UNX is entered

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by the Central Office or Regional Supertask person.

Entry of Substantiation Determination in CAPS

When the Child Protection Specialist receives a report of suspected child abuse and neglect and, after investigation, determines that the report is substantiated, the Specialist must enter SUP (substantiation pending) on CAPS and close the report. The investigation is complete at the time the Child Protection Specialist makes the determination. The SUP pending status indicates that the investigation is completed but that the perpetrator of the substantiated abuse has the right to exercise his/her due process rights.

Approximately 45 days after a determination of SUP is entered, if the perpetrator did not request a fair hearing, CAPS will automatically change all SUP determinations to SUB. If the perpetrator requested a fair hearing, the code will be changed by the Central Office or Regional Supertask person to FHR (Fair Hearing Requested) or CCP (Criminal Charges Pending) and will remain so until after the Hearings Officer has rendered an opinion in the case.

If the Hearings Officer upholds the determination, the Central Office or Regional Supertask person will change the determination to SUB. If the Hearings Officer (or the Substantiation Review Committee) overturns the determination, the Central Office or Regional Supertask person will change the determination to UNX (unsubstantiated after review). Only the Central Office or Regional Supertask person can enter the UNX code.

Notice of Determinations

The Child Protection Specialist must notify the person of the determination in writing and document the notification. The Child Protection Specialist will send a Letter addressed to the identified person explaining our determination. Letters may be located on *Ours Forms*. If the report is found to be substantiated or founded, the Child Protection Specialist will send the Substantiation or Founded Letter located on *DocGen*. The Child Protection Specialist will upload a copy of the signed letter documenting the determination of the report to DocGen under the report number.

Due Process Requirements

The right to employment is a constitutionally protected property interest. A substantiation of child abuse/neglect can affect the individual's right to employment. The individual against whom

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abuse/neglect is substantiated is entitled to due process. This means the individual must be accorded the right to notice of and the opportunity to respond to the substantiation.

**Substantiated
Report: Notice &
Letter to
Perpetrator**

If the Child Protection Specialist substantiates the allegations, the Specialist must send a substantiation letter indicating the allegations were substantiated and explaining how he/she came to this conclusion via certified mail. The Child Protection Specialist must provide information regarding the appeal process, providing the address to send an appeal to and the time lines for appeal.

Notice of substantiation of abuse or neglect will be sent **Certified Mail Return Receipt Requested**, or hand delivered to the person or persons named as the perpetrator(s). If hand-delivered, the Child Protection Specialist will attempt to get acknowledgment of receipt of the letter. A signed copy of the notice and the return receipt from the certified mailing must be scanned into DocGen by report number and must be titled as **Letter to Perpetrator**. **The notice must state the following:**

- the allegation, but NOT the name or identity of the person who made the referral;
- that the investigation substantiated abuse or neglect;
- the type of abuse or neglect substantiated;
- the acts or omissions which support the substantiation;
- the possible impact of substantiation on the person's ability to work in certain fields;
- the person's right to request a fair hearing to challenge the substantiation determination if the fair hearing is requested in writing within 30 days of the date of the notice letter; and
- there is no right to a fair hearing if:
 - √ the court has adjudicated the child a "youth in need of care" and the facts upon which the adjudication is based are the same facts as the substantiated

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report and named alleged perpetrator upon which the substantiation is based; or,

- √ the person has been criminally convicted of an offense related to the same facts of the substantiated report.

Child Protection Specialists must use DocGen D101, Letter to Perpetrator. The letter must be sent by Certified Mail Return Receipt Requested. A copy of the **signed** letter shall be kept in the hard file. Any returned or undeliverable letters shall be kept (with envelope) in the file, as should notice of receipt or notice of undeliverable. When a letter is sent certified but was not picked up or was returned as undeliverable, the Child Protection Specialist should send the letter again through regular mail (delivery confirmation preferred) and document that the letter was re-sent via regular mail.

NOTE: Under extraordinary circumstances, if notice will place the child or client in danger, a delay in sending out notice until the risk of imminent danger to the child or client is diminished may be approved by the community Child Protection Specialist Supervisor in consultation with the Regional Administrator. This exception should be rare and such exception will be documented in case notes.

Fair Hearing Requests

The only time the subject of an investigation has the right to a fair hearing is if the Division substantiated child abuse or neglect against the individual.

All fair hearing requests must be sent to the attention of the Department's Office of Legal Affairs and must be sent within 30 days after the date of mailing of the Division's initial notice of its substantiation determination (ARM 37.47.610). If a fair hearing request is received after the 30 day deadline, the request may be denied although exceptions may be granted on a case by case basis after review by legal staff.

The Administrative Rules of Montana (ARM 37.47.615) provide for exceptions to the right to a fair hearing. If a request for a fair hearing is submitted in which the perpetrator has criminal charges pending or a district court adjudication is pending, the request will be placed in a pending status until the criminal charges or adjudication are resolved. If the perpetrator is

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convicted of the criminal charges, upon review of all supporting documentation by legal staff, the request for a fair hearing may be denied. If district court adjudication is issued, upon review of all supporting documentation by legal staff, the request for a fair hearing may be denied. In the above situations, Central Office staff will mail a denial letter to the perpetrator and/or their attorney.

Substantiation Review – Internal Process

The request for a fair hearing will result in an internal review conducted by the Office of Legal Affairs for the Division. The Child Protection Specialist and his/her Supervisor will send the relevant case file information to the Office of Legal Affairs for the internal review prior to the fair hearing.

The internal review panel shall consist of the Child Protection Specialist and Child Protection Specialist Supervisor assigned to the case; as well as, the Regional Administrator in the region in which the fair hearing has been requested; the Office of Legal Affairs attorney and paralegal; and a neutral staff member from CFSD if necessary. The neutral CFSD staff member shall be selected by the Field Services Administrator in applicable cases

The review panel will determine whether or not the evidence and case record supports the substantiation. If the Substantiation Review Panel determines the documentation does not support the substantiation, a letter shall be sent to the individual requesting the fair hearing informing him/her of the internal review and the decision regarding whether to reverse the substantiation. The Office of Legal Affairs, Central Office, or Regional Supertask person will change CAPS to UNX (unsubstantiated after review). If the Substantiation Review Panel upholds the substantiation, the fair hearing request will be sent to the Fair Hearings Office.

References

Mont. Code Ann. § 41-3-201 through 205.
Mont. Admin. R. 37-47-315
Mont. Admin. R. 37-47-601, et. seq.

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Rev. 10/03
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