

Child and Family Services Policy Manual: Youth Foster Home Licensed Provider Complaints and Investigations

Introduction On occasion, events may occur in a licensed foster home or in a foster family's life that may require intervention or action on behalf of the child that has been placed in the family's home. Sometimes these events have an adverse effect on the child that has been placed in the home and require contact outside of the routine licensing visits and contacts.

Upon notification and awareness of these events or incidents, the Family Resource Specialist (FRS) is required to make a thorough licensing investigation of the circumstances and make a decision regarding the status of a foster family's license. The outcome of the investigation may result in a corrective action plan or a more serious action such as restricting or revoking the family's foster home license.

Purpose The purpose of this policy is to provide guidance to the FRS regarding licensing complaints involving member(s) of a foster family as well as the licensed home. This policy is intended to achieve consistency regarding the FRS response to incidents and violations that come to the attention of the Division.

Definitions **Discipline:** Actions taken by an adult intended to influence the behavior of a child. These actions are intended to teach appropriate behavior through the use of positive reinforcement, time-out, redirection, ignoring, or natural consequences. Methods of behavior management and discipline for children will be based on each child's needs, stage of development, and behavior. Discipline will promote self-control, self-esteem, and independence.

Complaint: The process by which concerns are reported regarding licensing violations involving the care of a child in a foster home.

Punishment: Aversive actions taken by an adult toward a child with the intent of stopping a behavior which the child is exhibiting or has exhibited and preventing it from reoccurring.

Physical Punishment: Punishment administered to a child's body, such as, but not limited to, spanking, kicking, slapping, pinching, punching, shaking and hitting.

Discipline Violation is any violation of the actions described in ARM 37.51.826 which includes spanking and other forms of

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physical punishment; disciplinary techniques which include humiliating, shaming, or cruel, capricious, frightening or otherwise damaging actions to a child; any form of abuse including verbal abuse, or derogatory remarks about the child or member of the child's family; threats to expel the child from the foster home; deprivation of meals, mail, or family visits as a method of discipline; punishing for bedwetting or any other toilet training issue; placement in a locked room; use of participation or nonparticipation by the child in religious activities as a form of discipline; or use of medication or withholding of prescribed medication.

Licensing violation is any violation that is out of compliance of the regulations stated in the Youth Foster Home Licensing Requirements. (Also referred to as Administrative Rules of Montana).

Serious incident is defined in ARM 37.51.102 as including, but not limited to, suicide attempts, use of physical force by a foster parent or any member of the foster parent's household, sexual contact with the child by anyone, emergency medical treatment, injury to a foster child which requires hospitalization, physical assault by the foster child, involvement with law enforcement by any member of the foster parent's household, including a foster child, or the death of a foster child. (Refer to Policy 802-9 Foster Home Incidents. <https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/802-9.pdf>)

Sources of Complaints

Complaints or concerns of licensing violations or incidents may be received by phone, mail, foster care incident reports, or ALERTS on CAPS generated by reports to Centralized Intake (CI). Family Resource Specialists (FRS) may also observe concerns or licensing violations during a home visit. **All alleged licensing complaints shall be entered into the CAPS RRRL screen as an LIC.**

Types of Complaints

Child Abuse and Neglect Reports

Reports of abuse and neglect **implicating** a foster family shall be reported to Centralized Intake. The FRS shall refer to the protocol established in Policy Section 202-5 (Investigations in Out of Home Care).

<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/202-5.pdf>

Physical Discipline or Serious Incidents

If a complaint involves an incident of physical discipline or serious incidents as defined in policy section 802-9, the foster

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<p>parent is required to complete the <u>CFS-LIC-067 Foster Home Incident Report</u>. If the child is old enough to report his observations and interpretation, a separate incident report should be completed by the child. (See Policy Section 802-9.) https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/802-9.pdf</p>	
<p><i>Other Licensing Violations</i></p>	<p>At times the FRS or other agency personnel may receive a complaint about other concerns in the home that do not meet the criteria of Child Abuse and Neglect, but may be considered a violation of other licensing issues such as environmental and safety standards.</p>
<p>Complaint Information</p> <p><i>Gathering Information</i></p>	<p>If the FRS receives the complaint, he or she shall obtain detailed information about the incident or violation, including all parties involved, contact information, what occurred or was observed, logistics, preceding events if applicable, and the name and phone number of both the caller and the provider of whom the complaint is about. The information shall be documented on the <u>CFS-LIC-068 Foster Home Complaint and Investigation Report</u>.</p>
<p><i>CAPS Entry</i></p>	<p>The complaint and subsequent information shall be documented in CAPS on the RRRL screens as an LIC.</p>
<p><i>Assessing the Complaint</i></p>	<p>All complaints shall be staffed with the Family Resource Specialist Supervisor (FRSS). The FRSS shall make a determination whether a licensing investigation is warranted. The complaint shall be evaluated to determine the safety of children in care, and the type and severity of licensing requirements that are out of compliance. This review shall be documented on RRD3.</p>
<p>Planning the Investigation</p>	<p>The investigation shall be initiated (i.e. phone calls, collateral contacts) within a reasonable time frame not to exceed 10 days from the time the complaint was received.</p>
<p><i>Gathering Information</i></p>	<p>Information shall be gathered through interviewing, observation and record review. Interviews shall be conducted with the child involved, foster parents, and other collateral contacts depending on the nature of the referral and complaint.</p>
<p><i>Foster Home Visit</i></p>	<p>Most complaints and referrals will require a visit to the foster home. These visits can be announced or unannounced. Announcing the visit will be determined by the nature of the</p>

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complaint and who is named in the alleged violation. If the violation involves child abuse and neglect or serious incident, the Family Resource Specialist shall refer to the protocol in Policy Section 202-5.

<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/202-5.pdf>

Prior to making any contact with the foster parent, an initial determination should be made by the FRS and his or her supervisor regarding the Administrative Rules that are potentially out of compliance. A determination at that time shall also be made if a foster home visit is warranted and if interviews will need to be conducted.

Whether a visit is announced or unannounced, the visit to the home should be conducted within a reasonable time frame following the receipt of the complaint. If the FRS is unable to conduct the home visit **within 10 working days**, the investigating FRS should contact the FRS Supervisor for further guidance. If the complaint involves Administrative Rules that cite safety and environmental requirements, an inspection of the home shall also take place documenting any violations or concerns.

Interviews

Interviews with the foster parents and other household members (including children) shall be conducted. The foster parent shall be briefed on the complaint and the Administrative Rule(s) in question. If an incident has occurred, the foster parent must complete a **CFS-LIC-067 Foster Home Incident Report**. If a child is involved and developmentally able to report, he/she should also be interviewed and asked to complete an incident report.

If appropriate, the FRS can provide preliminary information to the foster parent of his/her findings during the same visit. If further investigation is needed, (i.e. collateral contacts), a follow up contact can be made in person or phone.

Findings

No Evidence of a Licensing Violation

If the investigation reveals that there is no evidence of a violation, the FRS shall notify the foster parent in writing of the results of the investigation, noting that the investigation is closed, and that no adverse licensing action will be taken on this complaint.

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Licensing Violation

If the investigation concludes that there are licensing violations that are correctable, the FRS shall discuss with the foster parent how he/she will bring the licensing violation into compliance. The FRS shall complete the **Statement of Deficiency (CFS-LIC-069)** recording the specific licensing violations, findings and what steps the foster parent has agreed upon for compliance. The completed **CFS-LIC-069** shall be submitted to the foster parent(s) for signature along with a cover letter.

*Correction Plan
(Statement of
Deficiency)**Adverse Licensing
Action*

If the licensing violations are not able to be resolved the family shall be notified of an adverse licensing action. (see Policy Section 802-10. <https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/802-10.pdf>)

All findings shall be staffed with the FRS Supervisor. Upon consultation and approval by the FRSS, findings shall be recorded in CAPS in **RRD3** and supporting documents shall be scanned into **DOCGEN** under the Provider number.

**Written
Investigation
Summary**

Following the investigation, the FRS shall complete an investigation summary which is completed on the **CFS-LIC-068 Foster Home Complaint and Investigation Summary**.

The summary shall include:

- Identifying Information, e.g. date, foster parent name(s);
- A summary of the complaint and investigation which includes the specific administrative rules that were assessed, the process used in the investigation (e.g. home visit, collateral contacts) with whom interviews were conducted, and any documentation that was received and reviewed;
- The findings and conclusions of the investigation, including:
 - Which of the allegations pursuant to licensing were found in compliance or noncompliance;
 - License status recommendation; and
 - FRS recommendation for monitoring the foster home for ongoing compliance with licensing requirements;

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or

- FRS recommendation for restriction or revocation of the license (if applicable).

CAPS Entry	Upon completion of the investigation, the following entries need to be made on CAPS regarding outcome of the findings.
RRD2	RRD2: LVU (Licensing violation Unsubstantiated) or LVS (Licensing Violation Substantiated) needs to be entered.
RRD3	RRD3: Brief summary of investigation, outcomes and follow up dates.
RRD1	RRD1: screen needs to be completed by entering a DETERMINATION END DATE and ACTION TAKEN to close out the complaint.
FALD	If any license changes are determined as necessary, they must be entered on FALD for approval. This would include SUS (suspension) RES (restricted).
PRCD	PRCD may be used to record contacts regarding investigation and follow up contacts. LVH (Licensing investigation home visit) and LPH (Licensing Investigation Phone Contact) codes may be entered for licensing follow-up or investigation.
DOCGEN	Letters to the provider, investigation summaries as well as other supporting documents shall be scanned to DOCGEN under the Provider's number.
Follow Up Contact	In some cases where licensing violations have occurred, a follow up contact/visit is necessary to determine if the family has corrected the Administrative Rule found out of compliance. The Family Resource Specialist should document this contact on PRCL under LVH or LPC code.
References	Mont. Code Ann. 52-2-622 Admin. Rules Mont. 37.51.608 Admin. Rules Mont. 37.51.609 Admin. Rules Mont. 37.51.216

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