

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

September 28, 2012

<p><b>What's Inside:</b> Child Care Referral to the Department of Health and Senior Services</p>
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**MEMORANDUM**

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS AND CHILDREN'S DIVISION STAFF

FROM: CANDACE A. SHIVELY, DIRECTOR

SUBJECT: CHILD CARE REFERRAL TO THE DEPARTMENT OF HEALTH AND SENIOR SERVICES

DISCUSSION:

The purpose of this memorandum is to introduce a new policy regarding the child care referrals between the Children's Division (CD) and the Department of Health and Senior Services (DHSS). A Memorandum of Understanding (MOU) has been developed between CD and DHSS which outlines the responsibilities of both agencies in relation to the investigation of child abuse and neglect reports involving child care providers. This memorandum outlines CD's responsibilities with regard to the MOU.

**Investigative Process**

CD and DHSS will jointly investigate all reports of abuse and neglect involving child care facilities, child care providers, their employees and/or volunteers working in a professional capacity. CD will investigate in accordance with §§210.109-210.183 RSMo., and DHSS will investigate in accordance with §210.221 RSMo., §§210.201-210.259 RSMo., and related administrative rules.

There may be times when CD staff will need to provide a written request to DHSS when there is need to obtain essential collateral or other pertinent information in order to complete a CA/N Investigation or Family Assessment.

The following are requirements for CD staff assigned to a CA/N Investigation or Family Assessment when a report involves a child care facility, or an individual eighteen (18) years of age or older who is receiving compensation on a regular basis for the delivery of child care services to four (4) or more non-relative children (i.e., actual legal or blood relationship with the provider):

- CD staff will contact DHSS, Section for Child Care Regulation (SCCR) and provide information as to the allegation and investigation plans.

- CD staff will proceed with the CA/N Investigation or Family Assessment if DHSS is unable to begin the investigation with CD within the timeframe required under state statute and within CD policy (DHSS may join the investigation at any time thereafter).
- CD staff will contact DHSS immediately when child safety issues are identified and/or after making a finding of child abuse and/or neglect by a preponderance of evidence.
- CD staff will provide information or case record materials needed by DHSS to make a determination as to any action required regarding licensure or health and safety rule violations (The information can be shared as provided under §210.150 RSMo.).
- CD staff will inform DHSS as soon as possible, but no later than the next business day, when there is concern for the safety of children in the care of a DHSS regulated facility or a potentially or allegedly illegal child care provider (caring for four (4) or more non-related children for compensation).
- CD staff and DHSS will work collaboratively in coordinating joint investigative procedures for their respective staff.
- Information collected during an investigation will be kept strictly confidential, shared only with DHSS staff with a need to know, and used in the manner allowed under pertinent statutory and regulatory provisions.

### **Access and Retention of CA/N Records**

DHSS is authorized under §§210.150.2(10) and 610.032 RSMo., to have access to and receive certain child abuse and neglect investigative records and reports. The information being disclosed to DHSS is to be used by DHSS in fulfilling its duties as required by law. Any request by DHSS under §610.032 RSMo. allows for continuous access for more than one year.

CD staff shall disclose the minimum information necessary. CD staff shall not disclose the following:

- The identification of the reporter
- Full Social Security Numbers
- Departmental Client Numbers

CD staff shall send DHSS a copy of the final investigative report and record concerning all investigations conducted in homes not licensed by DHSS in which an adult was providing child care for more than four (4) non-relative children.

CD is required to inform DHSS, in writing, when the administrative review process or judicial review results in a need to amend a finding of child abuse or neglect.

CD may share information obtained during the completion of a C/N Investigation and/or Family Assessment with DHSS. However, DHSS will not thereafter share any record or information provided to them by CD to any other party unless required to do so by law. Instead, DHSS will refer all requestors of CD records to CD.

<b>NECESSARY ACTIONS:</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children’s Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Scott B. Montgomery, MSW 573-526-5408 <a href="mailto:Scott.B.Montgomery@dss.mo.gov">Scott.B.Montgomery@dss.mo.gov</a>	<b>DEPUTY DIRECTOR</b> Marta J. Halter, MSW, LCSW 573-522-8024 <a href="mailto:Marta.Halter@dss.mo.gov">Marta.Halter@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS</b>	
<a href="#">2.4.3.11 Child Care Referral to Department of Health and Senior Services</a>	
<b>FORMS AND INSTRUCTIONS</b>	
N/A	
<b>REFERENCE DOCUMENTS AND RESOURCES</b>	
N/A	
<b>RELATED STATUTE</b>	
<a href="#">RSMo 210.145</a> , <a href="#">RSMo 210.152</a> , <a href="#">§§210.109-210.183 RSMo.</a> , <a href="#">§210.221 RSMo.</a> , <a href="#">§§210.201-210.259 RSMo.</a>	
<b>ADMINISTRATIVE RULE</b>	
N/A	
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b>	
N/A	
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b>	
N/A	
<b>PROTECTIVE FACTORS –N/A</b>	
Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need Social and Emotional Competence of Children	
<b>FACES REQUIREMENTS</b>	
N/A	