

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

September 12, 2013

What's Inside:

Revised Delayed
Conclusion Policy

MEMORANDUM

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

FROM: CANDACE A. SHIVELY, DIRECTOR

SUBJECT: REVISED DELAYED CONCLUSION POLICY

DISCUSSION:

The purpose of this memorandum is to inform staff revisions have been made to the Child Welfare Manual in order to:

- Emphasize the need to complete hotline reports in accordance with standards outlined in law and policy
- Introduce a **good cause analysis** when there is an identified need to delay the Division's conclusion beyond thirty (30) days from receipt of a hotline report
- Introduce timely conclusion letters which may be sent to law enforcement, prosecuting attorneys and/or other multi-disciplinary contacts as needed and appropriate when the Division encounters a barrier to completing the CA/N Investigation or Family Assessment within thirty (30) days pursuant to [Section 210.145.15](#) RSMo.
- Clarify minimum contact standards to assure children's safety

The Southern and Western District Missouri Courts of Appeals have ruled the Children's Division lacks statutory authority to take further action on a child abuse/neglect investigation if it fails to notify the alleged perpetrator of the results of its investigation within ninety (90) days from the date of the hotline report. The ruling also requires the Division to make certain notice of the preliminary finding is delivered to the alleged perpetrator on or before the ninetieth (90) day from the date of the hotline report. This will require modifications to local protocols to ensure this standard is met. This includes accounting for returned certified mail as addressed in [PIQ 10](#).

The Court's ruling only applies to the Division's investigation. However, given the potential implications this may have on co-investigative work, field administrators and/or designated staff are recommended to share this memorandum and adjoining timely conclusion letters with their multidisciplinary teams in order for our collaborative partners to have an opportunity to understand the repercussion of the Courts' ruling on the Division's investigative process as set out below.

Division findings may be overturned in court cases when investigations have not been completed within the timeframes required by law and/or when steps outlined in policy are not followed. Staff must make every effort to complete hotline reports within the initial thirty (30) days in accordance with standards outlined in law and policy. The applicable laws and policies are:

- Pursuant to [Section 210.145.15 RSMo.](#), the Division shall make every reasonable attempt to complete hotline reports within thirty (30) days, unless:
 - A good cause for the failure to complete the investigation exists and is documented in FACES prior to the expiration of the 30 day timeframe, and regularly documented in FACES thereafter as set out in [Section 2. 4.1.10 Delayed Conclusions](#); or,
 - A child involved in a pending investigation dies **during the course of the investigation**, in which case, the investigation shall remain open until the Division's investigation surrounding the child's death has been completed.
- Pursuant to [Section 2.4.1.10 Delayed Conclusions](#), a **good cause analysis** must be completed for any CA/N Investigation or Family Assessment within thirty (30) days based upon the following considerations:
 - The good cause analysis must be documented in the case file and FACES to include the following:
 - What critical information is the Division waiting to receive?
 - How is the missing information critical to the Division's conclusion?
 - Can the Division make a preliminary finding (in CA/N Investigations) or determination of service need (in Family Assessments) without the information?
 - After the initial thirty (30) days, staff must take whatever steps necessary to reach a conclusion on a case by making follow-up contacts and/or continuing efforts to obtain the essential information, no less than once every two (2) weeks.
 - The Division will move forward and conclude hotline reports within thirty (30) days if any of the following apply:
 - Staff have acquired sufficient information to make a determination of CA/N without the missing information;

- Staff are waiting on information to corroborate or support the information already gathered or received in another form;
 - Staff have received critical information through oral report from a professional but are waiting on the physical/paper report;
 - The alleged perpetrator and/or their attorney declined the interview to provide information to the contrary;
 - Division staff have made good faith efforts to locate the alleged perpetrator, consistent with the steps outlined in policy, but have been unable to do so;
 - Division staff have sufficient information to conclude the hotline as unsubstantiated, even with the addition of missing information, such as when division staff are waiting for information which is not related to the elements of abuse or neglect.
- Pursuant to [Sections 210.152 RSMo.](#) and [210.183 RSMo.](#), within ninety (90) days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the Division based on the investigation. The notice shall advise either:
 - The Division has determined by a preponderance of the evidence abuse or neglect exists and the Division shall retain all identifying information regarding the abuse or neglect; such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in [Section 210.150 RSMo.](#); that the alleged perpetrator has sixty (60) days from the date of receipt of the notice to seek reversal of the Division's preliminary finding through a review by the Child Abuse and Neglect Review Board; or,
 - The Division has not determined by a preponderance of the evidence child abuse or neglect exists.

Steps to Ensure Timely Conclusion

Division staff must act to ensure timely completion of all hotline reports within the timeframes set out above. If there is a delay in receiving information from law enforcement, the juvenile office, or other professionals, staff must attempt to obtain the information, documenting all attempts in the case record. In situations where the information will not be received within thirty (30) days of the report, the supervisor and worker should take appropriate steps to secure information necessary to complete the hotline report.

If delays are detected on an ongoing basis due to involvement with law enforcement, the juvenile office or other professionals, local CD staff must meet with the multidisciplinary

team members within their communities, to develop protocols to meet conclusion timeframes.

Division staff should fill in case specific information and send the following form letters, within the timeframes outlined below, to law enforcement, prosecuting attorneys and/or other multi-disciplinary team (MDT) members as needed and deemed appropriate when the Division encounters a barrier to completing the CA/N Investigation or Family Assessment within thirty (30) days, or when a conclusion cannot be reached without the essential or critical information:

- Timely Conclusion Letter to Law Enforcement, CD-198
 - Staff should send this form within the first five (5) days from the date of the CA/N report

- Timely Conclusion Follow-up Letter to Law Enforcement, CD-198A
 - Staff should send this form on an as needed basis within the first fifteen (15) days from the date of the CA/N report

- Timely Conclusion Letter to Prosecuting Attorneys, CD-198B
 - Staff should send this form on an as needed basis within the first fifteen (15) days from the date of the CA/N report

- Timely Conclusion Letter to Multi-Disciplinary Team Member, CD-198C
 - Staff should send this form on an as needed basis within the first fifteen (15) days from the date of the CA/N report

Minimum Contact Standards during an Open CA/N Investigation/Family Assessment

Safety and Risk Assessments must be completed within the initial thirty (30) days as the information collected within each evidence-based assessment provides both valid and reliable means to ensure the ongoing safety and well-being of children. The minimum contact standards for CA/N Investigations/Family Assessments, which remain open beyond the initial thirty (30) days, centers around the need for staff to provide ongoing assurance of children's safety and well-being while collecting essential evidence to make a timely finding or to reach a determination of service need.

Staff should continue to take reasonable steps to assure the ongoing safety and well-being of children consistent with the resulting outcome of both assessments when CA/N Investigations/Family Assessments remain open beyond the initial thirty (30) days. Case-specific safety intervention should be given preference beyond the minimum contact guidelines illustrated below.

Minimum Contact Guidelines for Children in CA/N Investigations / Family Assessments Open beyond the Initial Thirty (30) Days

The following chart sets out minimum contact guidelines that CD staff must complete. Staff should assess and may make a higher number of contacts if it is determined that a

higher number of contacts is necessary based upon the unique circumstances of the case.

Risk Level	Overall Contact Guidelines (by CD, MDT members and other service providers)	CD Minimum Contact Guidelines
Very High	3 face-to-face/month	2 face-to-face/month <u>and</u> 3 collateral contacts/month
High	2 face-to-face/month	1 face-to-face/month <u>and</u> 3 collateral contacts/month
Moderate	1 face-to-face/month	1 face-to-face/month <u>and</u> 2 collateral contacts/month
Low	1 face-to-face/month	1 face-to-face/month <u>and</u> 1 collateral contacts/month

NECESSARY ACTIONS:

1. Review this memorandum with all Children’s Division staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. All questions should be cleared through normal supervisory channels and directed to:

PDS CONTACT

Scott B. Montgomery, MSW
573-526-5408
Scott.B.Montgomery@dss.mo.gov

UNIT MANAGER

Christy Collins, MS
573-751-9603
Christy.Collins@dss.mo.gov

CHILD WELFARE MANUAL REVISIONS

[Section 2.4.1.10 Delayed Conclusions](#)

FORMS AND INSTRUCTIONS

[Timely Conclusion Letter to Law Enforcement, CD-198](#)
[Timely Conclusion Follow-up Letter to Law Enforcement, CD-198A](#)
[Timely Conclusion Letter to Prosecuting Attorneys, CD-198B](#)
[Timely Conclusion Letter to Multi-Disciplinary Team Member, CD-198C](#)
[Description of the Investigative Process, CS-24](#)

REFERENCE DOCUMENTS AND RESOURCES

N/A

RELATED STATUTE

[210.145 RSMo.](#), [210.150 RSMo.](#), [210.152 RSMo.](#), [210.153 RSMo.](#), [210.183.1 RSMo.](#)
Frye vs. Levy, 2013 WL 1914393 (Mo.App. S.D. May 9, 2013)
Williams vs. State Dep’t of Soc. Servs., Children’s Div., 2013 WL 3797548 (Mo. App. W.D. July 23, 2013)

ADMINISTRATIVE RULE

N/A

COUNCIL ON ACCREDITATION (COA) STANDARDS

N/A

CHILD AND FAMILY SERVICES REVIEW (CFSR)

N/A

PROTECTIVE FACTORS –N/A

Parental Resilience

Social Connections

Knowledge of Parenting and Child Development

Concrete Support in Times of Need

Social and Emotional Competence of Children

FACES REQUIREMENTS

N/A