

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

May 23, 2014

What's Inside:

Revised
Administrative
Review Policy

MEMORANDUM

TO: REGIONAL EXECUTIVE STAFF AND CIRCUIT MANAGERS
FROM: TIM DECKER, DIRECTOR
SUBJECT: REVISED ADMINISTRATIVE REVIEW POLICY

DISCUSSION:

The purpose of this memorandum is to inform managers of revisions made to the administrative review process. This policy development was requested by field administrators and developed in partnership with the Child Abuse/Neglect (CA/N) Workgroup.

As a result, the following subsections were revised to clarify steps which should be taken to document and provide notice after an administrative review reverses or upholds preliminary CA/N findings:

- 4.5.1.3.1 Administrative Review Reverses POE for Child Abuse or Neglect, and
- 4.5.1.3.2 Administrative Review Upholds POE of Child Abuse or Neglect

Administrative Review Reverses POE for Child Abuse or Neglect

If the reviewer determines the Division did not meet all of the elements of abuse and/or neglect by a preponderance of evidence (POE), the preliminary determination must be reversed. The following should be completed within ten (10) business days:

1. Update the *Appeal* screen with the appropriate determination. Due to system requirements, this step should be completed **prior** to updating the *Individual Conclusion* or *Conclusion* screens.
2. Update the Conclusion Status on the *Individual Conclusion* screen from " Preliminary Finding" to "Preliminary Finding-Pending Appeal" upon receipt of the alleged perpetrator's written request and verification of his or her eligibility to receive an Administrative Review.
3. Upon completion of the Local Administrative Review, update the Appeal screen with the appropriate determination and date of completion.

4. Update the Conclusion Status on the *Individual Conclusion* screen from " Preliminary Finding-Pending Appeal" to "Final Determination and the Individual Conclusions from POE to "Unsubstantiated" or "Unsubstantiated-Preventive Services Indicated" .Delete the severity.
5. Update the *Conclusion* screen by removing all reference to the specific preliminary findings of child abuse/neglect which have been reversed following completion of the Local Administrative Review. Do not revise any other investigative conclusion or summary information, unless it is specific to the reversal decision. The following statement should be entered into the summary in place of the preliminary findings, which have been reversed:

“An administrative review has been completed pursuant to Section 210.152 RSMo., and the Division has determined there is insufficient evidence to conclude (Alleged Victim Child) was the victim of (type of abuse and/or neglect) perpetrated by (Alleged Perpetrator). Therefore, the allegation(s) has/have been unsubstantiated.”

6. **Do not** change the conclusion date on the *Conclusion* screen when a preliminary POE finding of child abuse or neglect has been reversed. The system should reflect the conclusion date of the original finding of the investigation.
7. Send the Administrative Review Disposition Letter, CS-21D, to inform all parties entitled to receive disposition (e.g., parent, legal guardian, alleged perpetrator) that the Administrative Review has overturned the preliminary POE finding.
8. Print the Child Abuse/Neglect Investigation/Family Assessment Summary, CPS-1, with the revised summary statement as outlined above and replace the previous CPS-1 in the case record.
9. Print and file a copy of all notification letters in the case record.

Administrative Review Upholds POE of Child Abuse or Neglect

If the reviewer determines the Division did meet all of the elements of abuse and/or neglect by a POE, the preliminary finding must be upheld. The following should be completed within ten (10) business days:

1. Update the *Appeal* screen with the appropriate determination. Due to system requirements, this step should be completed **prior** to updating the *Individual Conclusion* or *Conclusion* screens.
2. Update the Conclusion Status on the *Individual Conclusion* screen from " Preliminary Finding" to "Preliminary Finding-Pending Appeal" upon receipt of the alleged perpetrator’s written request and verification of his or her eligibility to receive an Administrative Review. The finding(s) will remain in pending appeal status until the Child Abuse/Neglect Review Board reaches a determination.
3. Upon completion of the Local Administrative Review, update the Appeal screen with the appropriate determination and date of completion.

4. Enter the following summary in the CA/N Investigative record:

“An administrative review has been completed pursuant to Section 210.152 RSMo., and the Division has determined there is sufficient evidence to conclude, by a preponderance of the evidence, (Alleged Victim Child) was the victim of (type of abuse and/or neglect) perpetrated by (Alleged Perpetrator). Therefore, the matter has been referred to the Child Abuse/Neglect Review Board (CANRB).”

5. Send out the Administrative Review Disposition Letter, CS-21D, to inform all parties entitled to receive disposition (e.g., parent, legal guardian, alleged perpetrator) the Local Administrative Review has upheld the preliminary POE finding, and the matter has been referred to the CANRB.

6. File a copy of all notification letters in the CA/N Investigative record.

7. Send a request for review within ten (10) business days to the CANRB liaison in Central Office with a copy of the investigation record and all relevant materials. The record should not be redacted. The CPS-1 should be printed directly from FACES, and all documentation sent to the CANRB should reflect the information maintained by the local office and/or in FACES. The signed and dated Administrative Review Checklist should be forwarded to the CANRB liaison along with the CA/N investigative record.

NECESSARY ACTIONS:	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children’s Division field-based administrators. 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 2.4.5.1 Administrative Review Process	
FORMS AND INSTRUCTIONS N/A	
REFERENCE DOCUMENTS AND RESOURCE N/A	
RELATED STATUTE Chapter 210 RSMo.	
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