

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

August 28, 2014

**What's Inside:**

Policy Revisions  
Resulting From  
HB1092

**MEMORANDUM**

TO: REGIONAL DIRECTORS, FIELD SUPPORT MANAGERS,  
CIRCUIT MANAGERS, AND SUPERVISORS

FROM: TIM DECKER, DIRECTOR

SUBJECT: POLICY REVISIONS RESULTING FROM HB1092

DISCUSSION:

The purpose of this memorandum is to inform staff of revisions made to the Child Welfare Manual resulting from the passage of House Bill 1092. These revisions will become effective, and apply only to those calls which were received on or after, August 28, 2014.

**Policy Revisions**

Pursuant to §[210.145.15](#) RSMo., the Division shall make every reasonable attempt to complete CA/N Investigations or Family Assessments within forty-five (45) days, unless:

- A good cause for the failure to complete the investigation exists and is regularly documented in FACES, or
- A child fatality or near-fatality is involved in a report of abuse or neglect, in which case, the CA/N Investigation shall remain open until the Division's investigation surrounding the child's death or near-fatality has been completed

Pursuant to §§[210.145.15](#) and [210.152.2](#) RSMo., the alleged perpetrator and parents of the child (if the alleged perpetrator is not a parent) must receive notice in writing of any preliminary finding made by the Division as follows:

- Upon completion of an investigation which involves a child fatality or near-fatality
- Within one hundred twenty (120) days after receipt of a report which involves an allegation of sexual abuse, or
- Within ninety (90) days for all other reports

Staff should review the potential need for delayed conclusion on or before day thirty (30). All delayed conclusions must be reviewed and approved by a Children's Service Supervisor, and documented as necessary in FACES on or before day forty-five (45).

Follow-up contacts and/or efforts to obtain essential information must be documented in FACES at regular intervals beyond the initial forty-five (45) days. Regular intervals may vary from case to case depending on the needs of the particular CA/N Investigation or Family Assessment. However, staff should review the case with a supervisor and update a justification in FACES which conveys a continuing need for the CA/N Investigation or Family Assessment to remain open.

Staff may consider the following as categories of situations in which a delayed conclusion may be appropriate:

- Conclusions delayed between forty-five to ninety days (45-90) days may include, but not be limited to:
  - The necessity to obtain relevant reports from:
    - medical providers
    - medical examiners
    - psychological testing
    - law enforcement agencies
    - forensic testing, and
    - analysis of relevant evidence by third parties which has not been completed and provided to the Division
  - The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the Division that there is a pending criminal investigation of the incident under investigation by the Division, and the issuing of a decision by the Division will adversely impact the progress of the investigation, or
  - The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to:
    - illness
    - injury
    - unavailability
    - mental capacity
    - age
    - developmental disability, or
    - other cause
- Conclusions delayed between ninety to one hundred twenty (90-120) days may include:

- CA/N Investigations may only remain open beyond ninety (90) days if it involves an allegation of sexual abuse, child fatality or near-fatality.
- Conclusions delayed beyond one hundred twenty (120) days:
  - CA/N Investigations may only remain open beyond one hundred twenty (120) days if it involves an alleged child fatality or near-fatality.

These statutory revisions will display in FACES on the Delayed Conclusion screen as outlined above.

Section 2 Chapter 4 Attachment Attachment H: Guidelines for Letter to Suspected Perpetrator Regarding Delayed Notification of CA/N Status Determination has been rescinded to align policy and practice with initial notice and disposition pursuant to Chapter 210 RSMo.

### **CA/N Fatalities and Near-Fatalities**

Near-Fatality is defined as, "An act that, as certified by a physician, places the child in serious or critical condition." For example, if hospital records reflect the child's condition as "serious" or "critical," this would be considered a "near-fatality".

CA/N Investigations that involve child fatalities or near-fatalities shall remain open until the Division's investigation surrounding the child's death or near-fatality has been completed, pursuant to [§210.145.15 RSMo](#). Staff should identify whether the CA/N Investigation involves a "child fatality" or "near-fatality" on the FACES Delayed Conclusion screen.

If staff becomes informed of the death or near-fatality of a child through any other source, staff should immediately advise the supervisor that a fatality or near-fatality has been reported. The supervisor shall verify in the CA/N automated system that either a CA/N report or an F-referral has been made. Allegations of child abuse/neglect must be reported to CANHU pursuant to [§210.115 RSMo](#).

### **Form Revisions**

The Description of the Investigative Process, CS-24, has been revised to include the following statement: "This investigation is required by law to be conducted in order to enable the Division to identify incidents of abuse or neglect in order to provide protective or preventative social services to families who are in need of such services. If a child fatality or near-fatality is involved in a report of abuse or neglect, the CA/N Investigation shall remain open until the Division's investigation surrounding the child's death or near-fatality has been completed. Under Section 210.145 RSMo., the Division will make every attempt to complete this investigation within forty-five (45) days, unless good cause for delay exists."

The Description of the Family Assessment, CS-24A, has been revised to include the following statement: "The Division will make every reasonable attempt to complete the family assessment within forty-five (45) days, unless good cause for delay exists. You will be notified of the determination once the family assessment is completed."

The CD-198 series letters have been revised to include the following statement: "...pursuant to §§210.145.15 and 210.152 RSMo., the Division must complete all child abuse/neglect hotline reports within forty-five (45) days, unless:

- 1) A good cause for the failure to complete the child abuse/neglect investigation or family assessment exists, and is documented in the Division's information system, or
- 2) The Division's investigation surrounding a child fatality or near-fatality is complete.

Good cause is specified in §210.145.15 RSMo. If you are aware of any good cause for the Division to extend its investigation beyond the 45 day deadline please let me know on or before (applicable date). Absent the establishment of such, the Division must notify the alleged perpetrator of the results of the Division's investigation as otherwise specified pursuant to §210.152 RSMo. The Division's notice in these matters will include information which speaks to the justification for our finding. Pursuant to §210.183.1 RSMo., the Division's letter must inform the alleged perpetrator one of the following:

- 1) The Division has found insufficient evidence of child abuse or neglect, or
- 2) There is reason to suspect, by a preponderance of the evidence, the existence of child abuse or neglect in the judgment of the Division, and that the Division will contact the family to offer social services."

**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**

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**UNIT MANAGER**

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**CHILD WELFARE MANUAL REVISIONS**

- [Section 2.4.1.10 Delayed Conclusions](#)
- [Section 2.5.3.18 Delayed Conclusions](#)
- [Section 2.4.3.8 Fatality, Near-Fatality, Abuse/Neglect or Other Critical Event](#)
- [Section 7 Glossary \(Near-Fatality\)](#)
- [Section 2 Chapter 4 Attachment H: Guidelines for Letter to Suspected Perpetrator Regarding Delayed Notification of CA/N Status Determination – \(Rescinded\)](#)

**FORMS AND INSTRUCTIONS**

- [Description of the Investigative Process, CS-24](#)
- [Description of the Family Assessment, CS-24A](#)
- [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 Members, CD-198C](#)

<p><b>REFERENCE DOCUMENTS AND RESOURCE</b> N/A</p>
<p><b>RELATED STATUTE</b> <a href="#">Chapter 210 RSMo.</a></p>
<p><b>ADMINISTRATIVE RULE</b> N/A</p>
<p><b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b> N/A</p>
<p><b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b> N/A</p>
<p><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</p>
<p><b>FACES REQUIREMENTS</b> As noted in this memorandum and outlined on <a href="#">FACES Information</a>.</p>