CPS POLICY MANUAL

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Section 1:

Seneca County Investigation Protocols

Upon receipt of a report the following steps must be taken:

1. **Case conference with supervisor.** A preliminary plan for investigating the allegations, gathering evidence, and testing hypotheses should be discussed.

2. **Contact with the source, if applicable.** If the source is known and there is a way to contact the source, this contact must be made. It is preferable that it be made prior to seeing the abused/maltreated child.

3. **If time allows, an electronic review of the case history in Connections and a WMS check should be done.** If you cannot review the history prior to going out on the case you must review the case history prior to completing the Safety Assessment on Connections. A WMS check will be done by clerical staff to identify household composition and current services.

4. **Contact with Law Enforcement in all cases of physical abuse, sexual abuse and fatalities.** Even if the report does not come in as an “AB” report, if the child has some type of injury, such as a slap mark, the police need to be notified and an attempt made to coordinate the investigation with law enforcement.

5. **Interview of the victim child.** This interview should take place in a neutral environment such as the school, a daycare setting, summer camp, etc. Children should **NEVER** be interviewed in front of their parents/caregivers. Therefore, if you are unable to see the child away from the home, you need to attempt to see the child in a separate room from the parents, or even outside the home. If you cannot avoid seeing the child with the parents present, you must plan to see the child alone at a later time. You are required to contact your supervisor after each interview.

6. **Interview with siblings/other children living in the home.** This needs to be done to ensure that the children have not been victims themselves and to see if they can provide collateral information regarding the allegations or other issues in the home. These interviews must take place without the parents/caregivers present. You are required to contact your supervisor after each interview.

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7. Risk/Safety Concerns are to be discussed immediately with your supervisor to discuss the next steps. You and your supervisor will need to discuss such things as the need for a medical exam; the need for legal to be involved; whether or not a placement of the child outside the home is needed, and are the services that can be put in place to alleviate the risk/safety concerns sufficient to keep the child safe.

8. Contact with the non-offending parent/protective adult in the home prior to contacting the offending parent. A full interview must be completed, including the allegations of the report, as well as all Safety / Risk elements.

9. Contact with the offender. A full interview must be completed, including the allegations of the report, as well as all Safety / Risk elements.

10. Supervisory Review must take place. A discussion regarding additional steps that may need to be taken, a preliminary discussion as to the outcome of the report may occur and a discussion about needed services and referrals should be had at this time.

11. Collateral contacts need to be identified and requested.

12. Case conference with supervisor must occur prior to the determination of the report.

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Section 2:

Seneca County Case Note Minimal Standard

- The date the report was received, assigned and conferenced with the supervisor. Typically documented by using the following: Report received, case assigned, case conference with supervisor (this must be done for each report if there is more than one report). If the report is to be consolidated, the worker will document that additional concerns were received.

- Reviewed previous reports and case records.

- Contacted source. Do not identify the source by name, i.e “Phone call to source.” Must be done for each report if there is more than one.

- 24 hour Assessment of Safety: Within 24 hours of the call, the caseworker must make contact with the source or face to face contact with the family. Safety is assessed for all children residing in home or listed on the report.

- 7 Day Safety Assessment: Everyone listed in the report and residing in the home must be seen and/or interviewed. If unable to make contact with any individuals in the home or anyone named on the report, the caseworker must document all attempts made to locate these individuals and plans to interview and/or observe them.

- Complete 7 Day Safety Assessment in Connections and document completion in case-notes.

- Interview each child residing in the house and / or named on the report within 7 days. If the child is non-verbal, they must be observed with observations entered in case-notes. Describe the condition of the child. Detail the content of the interview. Each child listed on the report and each child in the household/family must be seen. Remember to address ALL safety and risk factors. Document the condition of the home, ample food / heat, smoke detectors, etc.

- Interview each adult residing in the home and / or named on the report within 7 days. Interviews with subject and household members occur within 7 days of the receipt of the report. Detail the content of the interview. Remember to address ALL safety and risk factors.

- Notice of Existence Letter must be given or mailed to all adult household members and / or any adults listed on the report within 7 days of the report.

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• Biological parents not residing in the home shall receive a letter advising them of the existence of the report. Workers will send letters out within 7 days of the receipt of the report. If unable to locate the biological parents, attempts will be documented in case-notes.

• Home Visit Requirements: Home visits will be conducted two times per month, between the 1st and 15th of the month and again between the 16th and end of the month. Supervisors will have the discretion to limit these visits when appropriate and agreed upon. Describe the condition of the home and occupants. List all persons present. If there are unknown persons present, obtain their full names and dates of birth.

• Each allegation must be addressed and new allegations that may arise during the investigation must also be addressed.

• Make at least two collateral contacts outside the family, i.e. school, doctor, social worker, etc.

• Consult legal when denied entry to house, access to child, about filing a petition or filing for an Order of Protection. This must be documented in the case-notes.

• Document case conferences with supervisor. Entries must provide substance of what was discussed during the conference.

• Conclusion/Determination paragraph.

This case, received ___________ CASE ID: __________, CALL ID: __1101010 ___________

involving allegations of ____________, __________ of __________ by

___________ will be UNFOUNDED/INDICATED and CLOSED/OPENED as of
today, ______________ due to lack of credible/credible evidence to support the
allegations.

Then explain either what evidence these is to support the allegations or what information we received that showed the allegations not to be true. Put as much information as you can in to support our determination.

• Be sure to write dates as follows: September 10, 2009.
• If there are some allegations that will be indicated and some unsubstantiated state that the case will be indicated for the certain allegations (be specific) and that the other allegations (be

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specific of what allegations for which child and against which adult) will be UNSUBSTANTIATED, then explain why.

Indicated w/ Unsubstantiated Allegations

This case, received July 26, 2007, CASE ID: 22226873, CALL ID: 24324180 involving allegations of Inadequate Guardianship and Sexual Abuse of Joey and Mary Smith by their parents, Fred and Amy Smith will be INDICATED and CLOSED as of today, October 16, 2007, for the allegations of Inadequate Guardianship and Sexual Abuse of Joey by Fred. There is credible evidence that Fred sexually abused Joey, as Fred admitted to anally penetrating Joey and making Joey touch his penis. In May 2006 Fred pled guilty in Criminal Court to Criminal Sexual Act in the First Degree and was sentenced to seven and one half years in state prison. The allegations of Inadequate Guardianship and Sexual Abuse of Mary by Amy and Fred will be unsubstantiated, as there is no credible evidence. The allegations of Inadequate Guardianship and Sexual Abuse of Joey by Amy will also be unsubstantiated, as there is no credible evidence that Amy was aware of the abuse that Fred inflicted upon Joey. The children are currently in the custody of fit and willing relatives. At this time, Fred has no contact with any of the children and Amy has very minimal contact by choice.

Indicated

This case, received July 26, 2007, CASE ID: 22226873, CALL ID: 24324180 involving allegations of Inadequate Guardianship and Sexual Abuse of Joey Smith by his father, Fred Smith will be INDICATED and CLOSED as of today, October 16, 2007. There is credible evidence that Fred sexually abused Joey, as Fred admitted to anally penetrating Joey and making Joey touch his penis. In May 2006 Fred pled guilty in Criminal Court to Criminal Sexual Act in the First Degree and was sentenced to seven and one half years in state prison. At this time, Fred has no contact with the child. The family is currently working with Preventive Services, SCCCC and YAP and will continue to do so.

Unfounded

This case, received July 26, 2007, CASE ID: 22226873, CALL ID: 24324180 involving allegations of Inadequate Guardianship and Sexual Abuse of Joey Smith by his father, Fred Smith will be UNFOUNDED and CLOSED as of today, October 16, 2007. There is a lack of credible evidence that Fred sexually abused Joey, as everyone, including Joey denied the allegations. Medical records from Geneva General Hospital ER state that Joey had no signs of sexual abuse and his exam was normal. The family is currently working with Preventive Services, SCCCC and YAP and will continue to do so.

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*Closing Process*

- Case conference with supervision to discuss determination.
- Document case conference.
- Document your safety assessment and when the RAP was completed.
- Under Tasks, go to Maintain Person List. Be sure each person’s name, DOB and address are correct. If any person has an unknown role, change to “no role” unless we have evidence to say that they are a subject. If you are adding them as a subject, you need to add allegations against them under the Allegations Tab.
- Go to the Allegations tab. Substantiate or unsubstantiate each allegation. If anyone needs to be added as a subject or if allegations need to be added, this is where you would do that.
- Go to the Investigation Actions tab. Answer each question. If an answer is No, give an explanation on the bottom.
- Complete final safety assessment. (go into safety assessment tab, click on new and be sure to change the type to “Investigation Determination”) Submit to supervision via Connections.
- Complete final note with determination:

This case, received ________ CASE ID: _________, CALL ID: __________ involving
allegations of __________ of __________ by __________ will be
UNFOUNDED/INDICATED and CLOSED/OPENED as of today, __________ due to lack
of credible/credible evidence to support the allegations. Upon investigation...

*Be sure to include the safety plan for the family and any services that the family is working
with (or document that the family is refusing to work with services, not interested in working
with services, etc.) Also include your signature and supervisor’s signature at the bottom of this
note.

*This note should be entered under “Other Casework Activity” and the purpose would be “Case
Closing”

- Print RAP. This will go under your notes.
- Sort your notes by event date and then event time (be sure to select all notes first and then sort).
- Print all notes. Print your final note separately. Place all notes in file with your most recent note
on top and the final note on top of that.

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Complete checklist(s) in file.

Go to the Investigation Conclusion tab. Put in the date the investigation started and the date that you are closing it. It will already say Indicated or Unfounded; you must choose the closure reason. Then go into the Narrative tab and under the correct heading (Abuse, Maltreatment or Unsubstantiated Allegations), copy your information from your closing note into the appropriate section. Then click save and close. You will then need to re-open the Investigation Conclusion tab and click submit.

Complete letters to all adults on the report (Unfounded letters, Indication letters and Indication Notices). Place these loosely in the file and place folder in supervisor’s filing cabinet. The notices will be returned to you to be photocopied once the file is approved.

✓ Be sure to write dates as follows: September 10, 2013

✓ If there are some allegations that will be indicated and others that will be unsubstantiated, state that the case will be INDICATED for certain allegations (be specific) and that the other allegations (be specific of what allegations for which child and against which adult) will be unsubstantiated and explain why.
<table>
<thead>
<tr>
<th>Seneca County Skills to Case Recording</th>
<th>Exceeds Best Practice</th>
<th>Meets Best Practice</th>
<th>Requires Attention to Practice</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. General knowledge of recording and access to records</td>
<td>Consistently aware of the rules and regulations which permits service intervention</td>
<td>Adequately aware of the rules and regulations which permits service intervention</td>
<td>Know some of the rules and regulations which permits service intervention</td>
<td></td>
</tr>
<tr>
<td>3. Access to Information and sharing records</td>
<td>Knowledgeable of procedures and permission for sharing information</td>
<td>Mostly knowledgeable of procedures and permission for sharing information</td>
<td>Some knowledge of procedures and permission for sharing information</td>
<td></td>
</tr>
<tr>
<td>4. Accountability</td>
<td>“If it’s not in the record, it didn’t happen.”</td>
<td>Consistent quality, accuracy, efficiency and completion of tasks</td>
<td>Substantial quality, accuracy, efficiency and completion of tasks</td>
<td>Adequate quality, accuracy, efficiency and completion of tasks</td>
</tr>
<tr>
<td>5. Notes stated Factual and -void of personal judgment</td>
<td>Case notes consistently reflects observed or verified information. No guess work about who, what, where, when, why</td>
<td>Case notes mostly reflects observed or verified information. No guess work about who, what, where, when, why</td>
<td>Case notes insufficiency reflects observed or verified information. Reader works hard to piece things together</td>
<td></td>
</tr>
<tr>
<td>6. Case Notes Relevant</td>
<td>Case notes consistently void of false assumptions, presents information in sequence, logically</td>
<td>Case notes mostly void of false assumptions, presents information in sequence, logically</td>
<td>Case notes has some false assumptions, presents information in sequence, logically</td>
<td></td>
</tr>
<tr>
<td>7. Inclusive Case Recording</td>
<td>Consistently avoids case recording which is biased or value laden. Summarization of information obtained based on evidence</td>
<td>Mostly avoids recording which is biased or value laden. Summarization of information obtained on evidence</td>
<td>Some recording which is biased or value laden. Summarization of information obtained on evidence</td>
<td></td>
</tr>
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<td>8. Professional Style</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoid third person reference</td>
<td>Well written</td>
<td>Few errors in grammar, sentence structure, spelling, punctuations, etc.</td>
<td>Distracting pattern of errors in grammar, sentence structure, spelling, punctuation, etc.</td>
<td></td>
</tr>
<tr>
<td>(e.g. &quot;I said&quot; rather than &quot;worker said&quot;)</td>
<td>Conventions of effective writing are followed, jargon avoided, use of proper names and titles, grammatically correct, spelling checked</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Planning and Reviewing progress in records</td>
<td>Performs thoroughly the following: Record has sense of direction Purpose of visit -Initial -Safety assessment -Home assessment -Interview children -Interview parents -Complete service plan -Info. gathering -Referral -Case closing -Other</td>
<td>Performs substantially the following: Record has sense of direction Purpose of visit -Initial -Safety assessment -Home assessment -Interview children -Interview parents -Complete service plan -Info. gathering -Referral -Case closing -Other</td>
<td>Performs adequately the following: Record has sense of direction Purpose of visit -Initial -Safety assessment -Home assessment -Interview children -Interview parents -Complete service plan -Info. gathering -Referral -Case closing -Other</td>
<td></td>
</tr>
</tbody>
</table>

"Improving caseworkers' skills to write better records are at the same time improving their ability to do case work."

Additional Comments:
Section 5:

Seneca County Protective Removal of Children & Safety Plan Implementation

1. Only a worker with the proper CPS Response training can remove a child due to protective concerns. CPS workers do not have the authority to physically remove children without the consultation and direction of the supervisor and the Commissioner. If the case is already open with DHS Children and Family Services, the assigned case manager is obligated to place the children in the foster home whenever possible. The CPS worker should assist the case manager with this task whenever possible.

2. The Division cannot require the parents to place a child with a relative or other suitable placement, but can suggest that the parent make an appropriate safety plan. If the caseworker and Supervisor believe that a removal is necessary, the Commissioner and Legal will be notified of the specifics of the case. The Caseworker and Supervisor will provide details to the Commissioner and Attorney and a decision will be made regarding the removal. If the Legal Department has any concerns regarding the removal, these will be discussed with the Commissioner and CPS prior to the removal. The Commissioner will provide final determination regarding the removal. If the caseworker does arrange for a safety plan or an “out of home placement”, the legal department must be notified in advance and the proper removal paperwork must be served.

3. The police must be contacted for assistance whenever a removal is being done.

4. When possible, a second caseworker should accompany the assigned worker during a removal.

5. If the case is active in Preventive Services, the assigned caseworker/case manager should accompany the CPS worker on a removal.

6. The CPS caseworker and/or the case manager must complete placement packet. The Foster Care Supervisor must be given the appropriate paperwork within 24 hours of the placement of a child or children in foster care.

7. Attempts should be made to find suitable alternatives to placement. Caseworkers are to consult with supervision and attempt to have names of possible resources checked in Connections.

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8. DHS is responsible for suitability of placement as determined through the Foster Care supervisor.

9. When conducting a removal, ask the parents/caregivers about illness, medication, allergies or special needs of the child/children and obtain the medication from the home if able.

10. For any family in which there is a child under the age of one (1) year, Safe Sleeping information will be reviewed with all adults in the home where the child is placed and an information sheet will be given to the parent/caretaker. This sheet is located on the Internet at: http://www.nichd.nih.gov/sts/about/environment/pages/look.aspx

11. The parent/caretaker will then be asked to sign a separate acknowledgment of their receipt of this information (See Attachment A in Appendix)

12. When removing a child/children, the parents/caregivers must be advised of ASFA requirements.

13. When conducting a protective removal, in all cases where possible, the parents/custodian must be asked for their consent to the removal. This is known as “temporary removal with consent” or a §1021 removal. It is not a “Voluntary.”

14. A “Voluntary Transfer of Care and Custody” must be approved by the Commissioner or his designee. (There is no such thing as a Voluntary Removal).

15. A Voluntary Placement agreement is done by the CPS caseworker or the case manager.

16. Voluntary Placements are not offered when a child has been neglected or abused.

17. Upon having face to face contact with the parent/caretaker, the caseworker will provide them with the proper removal paperwork. This paperwork will then be provided to the Legal Department.

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Additional Removal and Court Requirements Preventive & CPS Services Specific

- Any pending Court cases (disposition not yet completed), forward County Attorney a copy of the entire medical (Dr. Coron) evaluation. If after disposition, forward County Attorney a copy of the summary portion of medical (Dr. Coron’s) evaluation.

- Any collaterals (letters of concerns, completion, etc.) forward a copy to County Attorney at time of receipt.

- When a removal occurs a transfer conference is scheduled with Foster Care (and CPS if they are working with the family as well). The County Attorney is included in on the transfer conferences.

- When Foster Care is considering a discharge of a recent removal, a pre-plan discharge meeting is scheduled with all units involved (and the County Attorney) to discuss any concerns that may be present that may make the plan unsafe.

- When writing any court statements, summaries, etc. be sure to use an individual’s proper full name. No nick names should be used.

- Be sure to attach two cover pages with all packets that are to be given to County Attorney (the regular typed cover sheet listing names, addresses, dates of births, etc. and the one that you print and hand fill in or the the Court Information Form (aka“Chetta Form”).

- When submitting any statements or summaries to County Attorney, please provide two originals.

- Provide regular updates to County Attorney via email at least one week prior to a court appearance listing any updates, concerns, progress, etc. Provide additional significant updates via email, to County Attorney when they occur.

- Any statements written should be clear, detailed of all concerns, and typically only a few pages. It is not a summary of all your work on a case, but rather a clear description of the concerns and why court action is necessary. (Refer to Section 7 – How to Write Affidavit).

- Any information shared with another lawyer must be done with permission from County Attorney and/or in his presence. This includes any phone calls or in the Lawyer room at the Court House. This includes any secondary cases you are working on should you be contacted.

- All Court Summaries are due to supervision 90 days before supervision of the case expires. A meeting must be held with County Attorney to discuss whether the order is to expire or extend. If you

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feel a case should be extended/violated we should not be waiting until the end of the order of supervision of a case to meet with County Attorney and this should occur as the need arises or concern(s) are existing.

• When completing anything on County Letterhead, check that the emblem is accurate, so it does not appear backwards, upside down, etc.

• Terms and Conditions must be given to County Attorney at least 3 business days before the time a Conference is scheduled, unless requested earlier. When giving these to County Attorney provide copies for all parties involved (family, Judge, Lawyers, us, etc.).
Safe Sleeping

I, ________________________________, have received the “Safe Sleep for Your Baby” information sheet provided by the Seneca County Division of Human Services. Seneca County Division of Human Services Caseworker _____________________, reviewed this paperwork with me, and I understand the information on safe sleeping.

______________________________
Parent/Guardian

______________________________
Parent/Guardian

______________________________
Witness

______________________________
Date

16

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Section 6:

Seneca County Fatality Investigations

A. General procedures when an SCR report is received concerning a child’s death.
   - Review the SCR report to confirm that the Rochester Regional Office (RRO) has been assigned secondary responsibility in CONNECTIONS (or assign secondary responsibility to RRO).
   - Notify the Medical Examiner/Coroner and the District Attorney concerning the report of the subject child’s death.
   - Coordinate the investigation with law enforcement.
   - Conduct the investigation; including elements specific to a fatality investigation (see section B).
   - Complete the 24-Hour Sibling Safety Assessment.
   - Complete and approve the 24 Hour Child Fatality Summary Report, the 30 Day Child Fatality Summary Report, and the accompanying Safety Assessments in CONNECTIONS (see section F).
   - Obtain the autopsy report.
   - Consult with RRO lead representative or supervisor at any time during the investigation.

B. Fatality Investigation

   - Interview law enforcement personnel and other first responders about the subject child’s death and the condition/location of any surviving children. First responders include fire department personnel, emergency medical services personnel, the attending physician at emergency room, etc. (see section C).
   - Interview the surviving children (subject child’s siblings and other children regularly in the household) separately and in a safe environment. Details to elicit include but are not limited to:
     - Whether the surviving children were present during the time frame of the subject child’s injury or death;
     - Whether the surviving children witnessed events surrounding the subject child’s injury and/or death or can otherwise provide information about the death, the parents, other household members, and the household/family’s circumstances before and/or at the time of the subject child’s injury or death;
     - General information about their care and the subject child’s care including safety and risk factors such as Domestic Violence, Excessive Corporal Punishment, Inadequate Guardianship/Lack of Supervision, Parents’ Drug/Alcohol Misuse,

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Mental Health/Services, Police Contact, Food Shortages or Withholding and Fear.

- Interview the non-subject parents and any other non-subject household members separately about the knowledge they have (or should have) about the subject child’s injury or death and gather other information about their background, the care provided the subject child and surviving children, any prior history of abuse/neglect or domestic violence, and any other relevant family circumstances. Domestic Violence, Excessive Corporal Punishment, Inadequate Guardianship/Lack of Supervision, Parents’ Drug/Alcohol Misuse, Mental Health/Services, Police Contact, and Food Shortages or Withholding.

- Interview witnesses and any other individual believed to possess relevant information about the subject child’s care or the events leading up to or at the time of his/her injury or death (e.g. other family members, babysitters, child care employees, teachers, neighbors, and service providers).

- Interview alleged subjects separately about the knowledge they have (or should have) about the subject child’s injury or death and gather other information about their background, the care provided the subject child and surviving children, any prior history of abuse/neglect or domestic violence, and any other relevant family circumstances including the safety and risk factors such as Domestic Violence, Excessive Corporal Punishment, Inadequate Guardianship/Lack of Supervision, Parents’ Drug/Alcohol Misuse, Mental Health/Services, Police Contact, and Food Shortages or Withholding.

- Visit the home and observe the location where the subject child was found, the general condition of home, the sleeping arrangements, any evidence of alcohol or drug use, etc.

- Arrange for the surviving children to receive physical examinations and mental health services/grief counseling as appropriate.

- Obtain background information about the family concerning prior CPS investigations, prior Family Court involvement (e.g. Order of Protection), a prior residence in another county or state, and prior acute medical care for any child’s injury or other medical condition.

- Obtain the preliminary and final findings from the autopsy. Cases shall not be indicated or unfounded without a review of the final autopsy results. However, action should be taken to protect any surviving sibling(s). Review the record of the call to 911.

- Obtain records from law enforcement and the identified first responders.

- Obtain emergency room/hospital records concerning the subject child’s treatment and care.

- Gather information and obtain records from the subject child and surviving children’s pediatrician and school, if applicable.

- Obtain birth records for the subject child when indicated.

C. Details to gather during initial contacts include but are not limited to:

- The identity of the individual(s) who discovered the subject child was injured or dead.

- The identity of the individual(s) who were providing care immediately prior to the injury or death or during the time the subject child would have appeared to be in medical distress.
The location of the surviving children at the time of the subject child’s injury or death and subsequent to the death.

- The subject child and surviving children’s sleeping arrangements.
- Whether photos/video of the home/scene were taken.
- Whether the subject child was taking any prescription or over-the-counter medicine or could have ingested medicine or any other substances.
- Whether the parents/subjects appeared to be misusing alcohol or drugs at the time of the subject child’s injury or death.
- The amount of baby food or formula present in the home, as applicable.
- Whether any implements used to cause the subject child’s injury or death were identified/obtained.
- Whether there were any eyewitnesses to the subject child’s injury or death.
- Whether family members, the alleged subjects or potential witnesses are known to law enforcement or have prior criminal convictions.
- Whether the alleged subjects have been brought in for questioning and/or arrested.

Non-SCR Fatality

D. General procedures where there is a death of a child in foster care or in an open child protective or preventive services case:

- Call the RRO lead representative concerning the subject child’s death within 24 hours of the death. At that time provide subject child’s name, date of birth, date of death, parents’ names, the agency/individual with legal custody, and any other preliminary information available concerning the circumstances of the subject child’s death and the whereabouts and well-being of surviving children.
- Gather information from professionals involved at the time of the subject child’s death (e.g. law enforcement, emergency first responders, the coroner/medical examiner, and attending physician) about their knowledge of the subject child’s death. This information includes but is not limited to details of the events surrounding the death, the identity of the person responsible for the subject child’s care before and at the time of death, the medical care received by the subject child, and the cause and manner of death.
- Visit the home to interview family members about the subject child’s death and offer assistance as needed.
- Assess the safety, well-being and service needs of the surviving children and other family members with regard to the grief/stress caused by the subject child’s death.
- Consider the gathered information to determine whether there is reasonable cause to suspect that the subject child may have been abused or maltreated and make an SCR report as applicable.
- Complete OCFS-7065 (Reporting Form for Deaths of Children in Foster Care, and in Open Child Protective or Preventive cases) and e-mail or fax to RRO within 72 hours, and the local Child Fatality Review Team as applicable.

Obtain relevant medical records concerning the subject child’s death.
Obtain the autopsy report or death certificate.

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Consult with RRO lead representative or supervisor at any time.

E. Optional Local District Procedures
   o Immediate notification of local district administration and plan for ongoing updates.
   o Plan to coordinate the investigative and information gathering activities and discuss findings.
   o Attend autopsy.
   o Arrange for drug/alcohol screens of the parents/alleged subjects.
   o Mark INV stage “Sensitive.”
   o Meet with assigned caseworker to determine whether they should retain the case.
   o Make certain the local MDT or CFRT meets to discuss fatality.
   o Make additional home visits to assess the safety and well-being of the surviving children for a period after the subject child’s death.
   o Provide bereavement assistance and grief counseling information to the parents and others affected by the subject child’s death.
   o Assess the impact of the death on the foster parent to determine necessary supports to the foster parent and the stability of the other children in the foster home.

F. Guide to access and complete fatality summary reports:
   o From the Task List for the fatality investigation:
     o Select the Maintain Person task, then click the List push button
     o Highlight the name of the deceased child, then click the Detail push button
     o Select either 24 Hour Fatality Report or 30 Day Fatality Report from the Reports menu
     o Click Document button on the Output Launch window
     o Complete all of the sections in the Microsoft Word template, then select Close from the File menu
     o To save in draft status, click the Save button on the Output Launch window (note: This will close the Output Launch window, but the 24 Hour Fatality Report and 30 Day Fatality Report will still be in draft status and will need to be submitted for supervisory approval.)

OR

   o To save and submit for supervisory approval, click the Output Complete checkbox, select Save and Submit from the File menu, then click the Save button on the To-Do Detail window.
Section 7:

I. Writing an Affidavit

Purpose: This statement is to persuade the court that the case you are bringing before it warrants its attention and urgent action. It is NOT the complete story of the case. Rather, it is the facts specific to the neglect. Keep it concise and precise, using as few words as possible to make your point, and only summarize the most pressing points; however, every case is different and depending on the severity, length of time services has been involved, and the amount of concerns an affidavit may be longer or shorter.

A. Structure of the Body:

- Begin with an opening sentence of purpose. For example, “Polly is at risk of imminent harm in accordance with Article 10 of the Family Court Act. During the course of my involvement with the family, I have found the following:”
- Number OR Make a list of the MAIN reasons for bringing this into court, and make each its own paragraph. Only include the reasons that resulted in the court proceeding, even though there may be a lot of other reasons this child is neglected. For example:
  1. As of September 20, 2013, said child has missed 9 out of 10 days of school thus far this year, and
  2. On September 20, 2013 said child disclosed that her Uncle Luke showed her his penis and made her touch it, and
  3. On September 20, 2013 said child stated her mother witnessed Uncle Luke making her touch his penis on more than one occasion, and
  4. On September 20, 2013, said child arrived at school complaining of pain when seated, and upon examination, the school nurse found bruising to her bottom. A hotline call was accepted, and this worker met with said child and said School Nurse at the school where the attached photos were taken of said child’s bottom.”

B. Things not to include:

- Chronic, low-grade neglect, such as the house being messy or smelly, the parents not showing up for your scheduled home visits, the parents missing 5 doctors appointments before finally showing up at one. While these are certainly important, you can testify to these details later; this particular document is only to convince the court this case is worthy of its attention.

- Facts that do not support the petition can and will be used against YOU on cross examination. These are facts that are irrelevant or do not support your position.

Revised 12-11-13
C. There are many things that are only worth including IF they are direct contributors to IMMINENT risk to the child, such as:
- Parent appears intoxicated AND is driving with the child in the car
- The house is messy and smelly AND an infant is crawling on the floor eating broken glass.
- The parents missed 5 doctors’ appointments AND the child’s condition progressively deteriorated until she had to be admitted to the hospital AS A RESULT of the missed appointments

D. WHEN YOU ARE DONE, review your statement, and for EACH SENTENCE – even for each word – ask yourself “If this were not here, would this statement be weaker?” If yes, leave it in; if no delete it. For example,

1. When I knocked at the door of the home, there was no answer. I knocked several times with no answer. After 15 minutes a child opened the door and I could see past him to two adults passed out on the floor. I could smell alcohol coming out of the house.

Could be more concise, and thus more powerful, this way:

When I knocked at the door of the home, there was no answer. I knocked several times with no answer. After 15 minutes of knocking, a child opened the door and I could see past him to two adults passed out unconscious or-onsleeping on the floor. I could smell alcohol coming out of the house.

II. See the 8 Steps to More Concise Writing. Located on G:\DHS\Services\Services Common\Writing Affidavits to Court
<table>
<thead>
<tr>
<th>CONTENT</th>
<th>Excellent</th>
<th>Good</th>
<th>Needs Improvement</th>
<th>Unacceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Statement</td>
<td>A clear statement of the most important reason this case needs to be heard. No more than 3 reasons are stated.</td>
<td>The reason is obvious, but there is no single clear statement of it. There are more than 3 reasons presented.</td>
<td>The reason is present, but must be reworded or rearranged from the rest of the paper. There are more than 3 reasons presented.</td>
<td>There is no reason, or the line is very long.</td>
</tr>
<tr>
<td>Supporting Evidence A</td>
<td>Each piece of evidence is clearly stated, and as much as possible, presented in single statements. Each piece of evidence is clear, although each may not be presented in a single statement.</td>
<td>The evidence must be reworded from the text of the opening statement.</td>
<td>Evidence presented is relevant to the main reason defined in the opening statement.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Supporting Evidence B</td>
<td>Each piece of evidence clearly supports the main reason defined in the opening statement. It is not clear how the evidence supports the main reason defined in the opening statement.</td>
<td>Mostly organized in a logical manner.</td>
<td>Evidence presented is relevant to the main reason defined in the opening statement.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Supporting Evidence C</td>
<td>Organized in a logical (chronological, where appropriate) manner.</td>
<td>Somewhat disorganized and hard to follow.</td>
<td>Evidence presented is relevant to the main reason defined in the opening statement.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Overall</td>
<td>Each sentence is framed as clearly as possible. Most sentences are about a reasonably defined matter.</td>
<td>Many sentences are too wordy and can be cut back without losing meaning.</td>
<td>Most sentences are unnecessarily detailed.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Objective writing is used throughout the document.</td>
<td>Objective writing is used throughout the document.</td>
<td>The subjective views of the author are apparent in some places.</td>
<td>The subjective views of the author are explicit throughout the document.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Clearly describes imminent risk to child.</td>
<td>Clearly describes imminent risk to child.</td>
<td>It is difficult to know whether some of the risk described is considered imminent or not.</td>
<td>It is difficult to know whether some of the risk described is considered imminent or not.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Describes actions of caretakers that DIRECTLY contribute to IMMINENT risk.</td>
<td>Describes actions of caretakers that DIRECTLY contribute to IMMINENT risk.</td>
<td>Describes actions of caretakers that DIRECTLY contribute to IMMINENT risk.</td>
<td>Describes actions of caretakers that DIRECTLY contribute to IMMINENT risk.</td>
<td>Evidence presented is irrelevant to the main reason defined in the opening statement.</td>
</tr>
<tr>
<td>Document contains only enough information to justify a court intervention.</td>
<td>Document contains all the information to justify a court intervention, and some details about other risks to child.</td>
<td>Document contains all the information to justify a court intervention, and some details about other risks to child.</td>
<td>Document contains all the information to justify a court intervention, and some details about other risks to child.</td>
<td>Document contains all the information to justify a court intervention, and some details about other risks to child.</td>
</tr>
</tbody>
</table>
Child Protective Services Guidelines

- At the initial receipt of the report a case conference between supervisor and caseworker is held to discuss allegations, and begin investigation.

- Investigation must be initiated within twenty-four hours. This may include a call to source of the report, or contact with the family being investigated.

- You will have a case conference with a supervisor to discuss 24 hour safety and document it in case notes.

- History check completed on all adults residing in the home or listed on the report and documented in case notes, including that it was completed and information on any indicated report.

- Criminal History is reviewed for all adults listed on report or living in the home. Secretary McGough will place this in the file upon giving it to supervision to assign. Caseworker will review the history and highlight the conviction and date of conviction for each charge. Caseworker will return the criminal history highlighted to Secretary McGough within 3 business days and she will enter the information into Connections. If the report comes in with unknown names of dates of birth, it is the CASEWORKERS responsibility to get that information to Secretary McGough in order for her to look up the criminal history.

- All persons listed on the report or residing in the home have to be interviewed face to face within seven days after receiving the report. Preference is to interview all children on report prior to speaking with adults.

- Interview of all children on report or living in the home is conducted in school, when necessary. Discuss this with supervision. Bring school interview form to all schools and provide to school employee. Call into supervision after each interview.

- A safety assessment of the home needs to be completed at the initial home visit. At each follow up visit, a safety assessment is conducted at the home.

- Interview each adult on the report or residing in the home. Call into supervision after each interview.

- Notices of existences are given to each member of the case over the age of 18, (and a copy is located in the file) either subject(s) or other persons listed on the report. Mailed when necessary.
• 7-day safety assessment case conference is completed with a supervisor by day 5 of the investigation and documented in Connections. The 7-day safety assessment is also completed at day five and submitted to supervision.

• Releases are signed at initial visit. Each report should have at-least two forms of collateral contacts which should be requested within the first 5 days; documented in Connections and hard copies (if they are any) placed in file. Do not limit to two collaterals, if more are appropriate.

• A follow up visit at the home must be conducted two times per month, with the first visit being completed between the 1st and 15th of the month and the second being completed between the 15th and end of the month. This will be completed until the case is closed, unless otherwise discussed and agreed upon by supervision.

• Family and friend resource information must be gathered at the first initial visit and documented on the CARES Map, with a copy being mailed to the family. (This includes names, addresses and phone numbers).

• Services are offered to the family at each visit, initially with the first, releases signed by parent for referral agency when necessary.

• IF there have been any police contact with the family, request incident reports from the Law Enforcement agency in which the family resides.

• A Risk Assessment Profile (RAP) case conference must be completed within 40 days of receiving the report, and then the RAP must be completed in Connections and submitted to supervision.

• Biological parents not listed on the report, must be notified identified and added to the report. If locating information is unknown, worker must make and document attempts to locate last known address such as through law enforcement or support collection, etc. Discuss what type of contact is necessary with the biological parent not listed on the report with your supervisor.

• Case determination case conference is held by day 50 of the case and documented in Connections. Determination is submitted for approval to supervision by day 53 of the report.

• Case notes have to be two weeks current. If caseworker is behind in their notes and determinations they are responsible for bringing this to their supervisor’s attention.

• Caseworkers have to be at less than 5 overdue determinations, if over 5, a schedule will be made with their supervisor to meet a deadline, and a counseling memo completed. If the deadline is not met, then a new deadline will be devised and disciplinary actions maybe recommended/necessary.
- Case conferences are conducted at the initial assignment of the case; 24 hours; prior to 7 day safety assessment; prior to RAP being completed; prior to case determination; throughout the lifetime of the case, monthly on all cases, (at which time the case files are reviewed). These case conferences are documented in progress notes.

- Depending on the allegations of the report, supervision may direct a caseworker to proceed on the case with law enforcement. When new reports come in after hours, or during the weekends, caseworkers proceed to each case with law enforcement, unless otherwise directed by supervision.

- All files, calendars, notes, or any information pertaining to client, has to be kept confidential, and placed in file cabinets, or flipped over if on desk. If caseworkers are out in the field at end of the day and not able to get back to the office they are responsible for calling supervision to clear your desk.

- Documentation should be set up in the folder as such: Left side holds, WMS, 2221A from, Report (SCR), Notices (Existence), letters to participants, (if applicable), and checklists. Check list is signed off by supervisor.

- Right side holds, ROI’s, collateral information, CARES Map, Sex Trafficking Form, RAP, notes. If other information is necessary it is located after the school info and before the rap, and could consist of police reports, psychological reports, referrals for services, etc.

- Progress notes should contain a record of all contact with supervision, case conferences, all interviews conducted, confirmation from source of report when applicable, notation of all case conferences, information obtained from collaterals, notation of each follow-up, notation of completing CARES Map/Releases/Sex Trafficking Screening/Notices of Existence, notation of attempts to locate biological unnamed parent. Progress notes are signed by supervisor and caseworker.
On Call Procedure

- Carry your assigned phone and tablet/personal computer between the hours of 5 pm – 8:30 am during your assigned on-call days.

- Have your cell phone to use.

- You will receive a phone call from the SCR. If you are unable to accept the report at that time (due to being out on another report, driving, etc.) advise them that you will call them back within 30 minutes.

- Pull up the report on laptop in Connections and confirm report with the SCR.

- "Accept" the report by clicking the "Accept" button in the left hand column when the report is highlighted.

- Contact the source of the report next (if not anonymous) for Primary reports only.

- Read source the narrative and the miscellaneous information, to verify the accuracy of the report. Document any additional information received from the source. Find out from the source the location of the children and whether they believe the children to be safe for the night.

- PC to the Supervisor on-call.

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- Initial, subsequent, secondary, add info or duplicate report.

- Name of family on report, first and last names.

- Children and ages.

- Role of all participants on the report.

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- Who the Source is and information you received when you spoke to source.
• For Secondary reports, follow the above steps, EXCEPT contacting the source. Then call the supervisor to advise them of the report. We will not take any action on a secondary until contacted by the Primary worker.

• Supervisor will then give you directive on the report. If you are advised to go out on the report, you MUST take a Law Enforcement (315)539-9241 escort with you, unless otherwise agreed upon with Supervision.

• It is very important to stick to this format on a regular basis, as information may be forgotten, or missed if the caseworker is jumping from one area to the next.

• Please follow the directions given to you and answer any questions to the best of your knowledge. If at any time, you have questions, consult with the on-call supervisor.

• Complete your on-call notes within two business days.

• If you have any questions regarding this procedure, please speak to your supervisor.

• Ensure you have all phone lists and contact information with you at all times.

• Have any/all paperwork you may need with you on-call. (releases, removal paperwork, respite packets, van keys, etc.)

• During the weekend, or Holidays, please contact the on-call worker for the next day, the morning that they become on-call by 8:30 am to advise them whether there is anything that is carrying over to them.

• “Notifies” From time to time, you may receive a phone call from the 911 Center telling you that they have a “Notify”. This is simply meaning that someone called looking to speak with the on-call worker. If this happens, contact the person who is requesting a call and then call and advise the on-call supervisor or the call.

• All workers who are on-call must be close enough to Seneca County to be able to respond to a call within 1 hour.

• All CPS Caseworkers have 24 hour access to the north entrance of the County Office Building. Workers are not to be in the building without permission of supervision, unless there is an on-call need for it.
Child Protective Services Guidelines
(Revised 2017)

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- Narrative, Miscellaneous, Locating

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Please follow the directions given to you and answer any questions to the best of your knowledge. If at any time, you have questions, consult with the on-call supervisor.

Complete your on-call notes within two business days.

If you have any questions regarding this procedure, please speak to your supervisor.

Ensure you have all phone lists and contact information with you at all times.

Have any/all paperwork you may need with you on-call. (releases, removal paperwork, respite packets, van keys, etc.)

During the weekend, or Holidays, please contact the on-call worker for the next day, the morning that they become on-call by 8:30 am to advise them whether there is anything that is carrying over to them.

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MEMORANDUM OF UNDERSTANDING-2018

BETWEEN SENECA COUNTY DIVISION OF HUMAN OF SERVICES CHILD PROTECTIVE SERVICES UNIT AND SENECA COUNTY DISTRICT ATTORNEY REGARDING INVESTIGATION PROCEDURES INVOLVING BOTH AGENCIES

I. ROLES AND RESPONSIBILITIES OF CHILD PROTECTIVE SERVICES AND THE DISTRICT ATTORNEY IN INVESTIGATIONS OF CHILD ABUSE AND MALTREATMENT

Child Protective Services

The role of Child Protective Services (CPS) in investigations of child abuse/maltreatment is to provide immediate and long-term protection of the child from further abuse or maltreatment and rehabilitative services to the child and family.

The responsibilities of Child Protective Services include:

- Commencing an investigation within twenty-four (24) hours of receiving a report from the State Central Register;
- Evaluating the environment of the child named in the report and any other children in the home to determine the risk to such children if they remain in the home and to take protective custody if such children are in imminent danger;
- Notifying the subject or other persons named in the report, in writing, within seven (7) days, of the existence of the report and their rights to amendment/expungement;
- Making a determination within sixty (60) days or within such period as required by law whether there is some credible evidence of child abuse/maltreatment;
- Initiating Family Court Action, where necessary, in order to compel the family to accept services or to seek a disposition which separates the child(ren) from the offending parent(s);
- Providing and/or coordinating the provision of rehabilitative services to the child and the family;

District Attorney

The role of the District Attorney is to assist in any criminal investigation of an alleged incident of child abuse/maltreatment for the purpose of determining whether a crime has been committed and to criminally prosecute the responsible person(s).
The responsibilities of the District Attorney include:

- Serving in an advisory capacity to law enforcement officials who are conducting a criminal investigation of child abuse/maltreatment concerning:
  - Case review
  - Case file preparation
  - Assistance in preparation of search warrants
  - Interviews/confrontations
  - General legal advice
  - Witness preparation

- Evaluating the evidence gathered to determine whether to pursue criminal prosecution of perpetrator.

- Legal advice and counsel to CPS shall be the responsibility of the Seneca County Attorney(s).

II. APPOINTMENT OF LIAISONS

Child Protective Services shall appoint a liaison to the District Attorney's office whose role will be to facilitate working relationships and cooperation on child abuse/maltreatment investigations which are within their respective roles and responsibilities as delineated in Section I. The designated Division of Human of Services liaison shall be named from time to time by the Department in a separate document.

The District Attorney or shall appoint a liaison to CPS. The District Attorney's role will be to facilitate working relationships and cooperation on child abuse/maltreatment investigations which are within their respective roles and responsibilities as delineated in Section I.

III. REFERRAL OF REPORTS OF SUSPECTED CHILD ABUSE AND/OR MALTREATMENT

Child Protective Services

Child Protective Services shall provide the District Attorney with immediate telephone notice and forward a copy of reports involving the death of a child made pursuant to Article 6, Title 6 of the Social Services Law.

Child Protective Services shall provide the District Attorney with copies of any and all reports which will utilize law enforcement in the investigation, when such a report is requested by the District Attorney in writing, and accompanied by written certification pursuant to SSL 422.4, and subject to the provisions of that section and paragraph V(A) of this agreement a reasonable time thereafter.

Where a report which was previously forwarded to the District Attorney and is later unfounded as notified by the State Central Register, CPS will notify the District Attorney in writing.
District Attorney

The District Attorney may request in writing to receive copies of all reports which will utilize law enforcement in the investigation, usually involving the following allegations: fractures, subdural hematoma, internal injuries, lacerations, bruises, welts, burns, scalding, excessive corporal punishment, and sexual abuse. Such requests shall be in writing and accompanied by written certification pursuant to SSL 422.4 and subject to the provisions of that section and paragraph V(A) of this agreement.

The District Attorney will destroy all records received from CPS concerning cases which are determined to be unfounded.

IV. IDENTIFICATION AND NOTIFICATION OF LAW ENFORCEMENT AGENCIES

Child Protective Services

Child Protective Services shall continue to contact designated law enforcement agencies directly in order to conduct investigations of child abuse and maltreatment.

District Attorney

The District Attorney designates the following law enforcement agencies to conduct investigations of child abuse and maltreatment in the geographic areas as specified:

- Seneca County Sheriff's Department
- New York State Police
- Seneca Falls Police Department and Waterloo Police Department

V. PROCEDURES FOR COMMUNICATION DURING INVESTIGATIONS OF CHILD ABUSE

(A) Child Protective Services

Child Protective Services and the designated police agencies shall determine standardized procedures for coordinating investigation of child abuse/maltreatment including: interviewing the child, perpetrator, other family members, witnesses and others; evidence gathering; and taking the child for a medical exam.

Pursuant to Section 422(4) of the Social Services Law, Child Protective Services will share additional CPS information with the District Attorney, Assistant District Attorney, investigator(s) employed in the District Attorney's office or police officials who have been designated by the District Attorney to conduct an investigation of child abuse/maltreatment when such officials certify in writing that they are participating in an investigation of the subject of a report and such investigation or prosecution is reasonably related to the allegations contained in the report. The Division reserves the right to withhold or redact any/all records when it makes a determination that such records should not be released, in whole or in part, pursuant to SSL 422(4)(B). If material is withheld or redacted, The Division will state in writing the reason for withholding or redacting the information.
(B) District Attorney

The District Attorney authorizes Child Protective Services and the designated police agencies (see Section IV) to develop procedures for coordinating investigations of child abuse/maltreatment including: interviewing the child, perpetrator, other family members, witnesses and others; evidence gathering; and taking the child for a medical exam.

The District Attorney, Assistant District Attorney(s) and Investigator(s) employed in the District Attorney's Office shall receive additional written CPS information when requested in accordance with paragraph V(A) of this agreement.

At any time during the course of an investigation, either CPS or the District Attorney may request a case conference to discuss the on-going investigation.

In any case where the District Attorney's designees have been involved in the investigation, CPS will notify the District Attorney of subsequent Family Court action.

Child Protective Services shall provide the District Attorney with on-going information during the course of the criminal investigation or prosecution concerning the treatment plan for the child/family if the District Attorney has provided the necessary written certification, subject to paragraph V(A) of this agreement.

The District Attorney will notify CPS of any investigatory or court action taken on a case under investigation or which has been indicated, including all final dispositions of the cases.

This agreement is not intended to be a closed document, but rather a statement of mutual understanding regarding joint investigation procedures between Children's Protective Services and the District Attorney's office. This agreement can be amended at any time by a thirty (30) day written notice and should be reviewed annually for the need to update the operational procedures.

BARRY L. PORCH
Seneca County District Attorney

11/6/17

Date:

Approved as to form and content:

Frank R. Fisher, Seneca County Attorney

CHARLES L. SCHILLACI, Commissioner
Seneca County Division of Human Services

Date:

10/27/17

Date
COOPERATIVE AGREEMENT-2018

SENeca COUNTY DIVISION OF HUMAN SERVICES

AND

SENeca COUNTY DISTRICT ATTORNEY

INTENTIONAL PROGRAM VIOLATIONS-FA, SNA, SNAP, MA AND CHILDCARE

WHEREAS, the Seneca County Division of Human Services, hereinafter referred to as the “DHS,” is required, by NYSDSS regulations at 18 NYCRR 348.2(b) and 18 NYCRR 359.4(b) (4) to enter into a written agreement with the Seneca County District Attorney, hereinafter referred to as the “DA,” establishing the procedures for referral to the DA of all cases where DHS has reasonable grounds to suspect that an intentional program violation (IPV) has been committed; and

WHEREAS, the NYS OTDA, OCFS, and DOH have established guidelines for the DHS to follow with regard to the detection, investigation, and prosecution of suspected welfare fraud in the Family Assistance (FA), Safety Net Assistance (SNA), Food Stamps (SNAP), Medicaid (MA), and Childcare (CC) programs in its regulations (18NYCRR Parts 348 and 359) and administrative directives (91 ADM-51, 93 ADM-8); and

WHEREAS, federal and state regulations permit the use of disqualification consent agreements (DCAs) in FA, SNA, SNAP, MA and CC cases where intentional program violations are alleged, in lieu of prosecution under certain circumstances with the provision that specified procedural safeguards are followed, pursuant to 18 NYCRR 359.4; and

WHEREAS, it is the intention of the DHS that cases of alleged intentional program violations (IPVs) in the FA, SNA, SNAP, MA and CC programs are handled in accordance with the foregoing laws, regulations, and

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The DHS shall refer to the DA all cases where it believes reasonable grounds exist to warrant civil or criminal court prosecution for suspected welfare fraud in the FA, SNA, SNAP, MA, and CC programs and where the amount of alleged fraud exceeds $1,000 for felony cases or involves any amount up to $1,000 for misdemeanor cases.
2. All cases so referred shall first be investigated by the Fraud Investigation staff of the DHS.
3. When a case is accepted for prosecution and the DA chooses to settle the case by agreeing to the use of a disqualification consent agreement (DCA) (Attachment “A”), or where the court of appropriate jurisdiction hearing the case issues an order adjourning the case in contemplation of dismissal provided that restitution is made, the DA shall notify, in writing, both the DHS Investigation Unit of the proposed deferred adjudication (Attachment “B”).
4. In all cases referred to the DA by the DHS, where an intentional program violation (IPV) is alleged under either the FA, SNA, SNAP, MA or CC programs and where a
Disqualification Consent Agreement (DCA) is the agreed upon disposition, the DA shall notify the DHS prior to reaching said settlement for the purpose up enabling the DHS to send the required ten (10) days advance written notice (Attachment “C”) along with a copy of the proposed DCA to the defendant/client informing him of the consequences of signing a Disqualification Consent Agreement (DCA), pursuant to 19 NYCRR 359.4(b)(2).

5. In all cases where the DA settles the case referred by the DHS by using a Disqualification Consent Agreement (DCA), the DHS shall request that the court issue an order confirming the DCA (Attachment “D”), per 18 NYCRR 359.4 (b)(2).

6. In all cases where the DA intends to have a case referred by the DHS settled by having the client sign a Disqualification Consent Agreement (DCA), the DHS shall request the client is advised on the record of the court and receives a copy of the “Statement for the Record” (Attachment “B”) advising said client of the disqualification provisions contained in Social Services Law Sections 145-C and in NYSDSS regulations at 18 NYCRR 359(d) (5).

7. The DHS shall request of the presiding judge in every case where the client is advised on the court record, as specified in Section #6 above, that the “Statement for the Record” be ordered entered into the court’s record (Attachment “F”), pursuant to 18 NYCRR 359(d)(5).

8. The DHS agrees to request and the DA agrees to grant, both in writing, the withdrawal of any referral when the DA declines to prosecute or fails to take action on a DHS referral within a reasonable period of time, in order that the DHS may pursue an Administrative Disqualification Hearing (DCA) through the NYSDSS, pursuant to 18 NYCRR 359.5(c).

9. The present agreement supersedes and renders void the 1993 agreement between the parties regarding intentional program violations (IPVs) in the ADC, HR and FS programs.

10. ADM-8-93 is hereby made a part of the agreement.

This agreement shall remain in effect until such time as both parties agree to terminate same.

Charles L. Schillaci  
Seneca County Division of Human Services

Date: 10/30/17

Barry L. Porsch  
Seneca County District Attorney

Date: 11-3-17

Frank R. Fisher  
Seneca County Attorney

Date: 10/27/17