

DCF Family Services Response to Child Safety Concerns

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DCF Family Services Division

Deputy Commissioner

Department for Children & Families (DCF)

- ▶ DCF is the state agency responsible for child protection and youth justice in Vermont
- ▶ What does the **Family Services Division** do?
 - ▶ Receive reports of suspected child abuse and neglect;
 - ▶ Review reports to determine whether they can be accepted for intervention;
 - ▶ Conduct child safety assessments or investigations in response to accepted reports;

What we do ...

- ▶ Help parents get the services and supports they need;
- ▶ Place children and youth in temporary out-of-home care when needed;
- ▶ Find permanent homes for children and youth who can't return home safely; and
- ▶ Provide supports and services to youth and their families — at-risk youth, youth on juvenile probation, and youthful offenders.

A Mandated Reporter Is Any:

- (1) health care provider, including any:
 - (A) physician, surgeon, osteopath, chiropractor, or physician assistant licensed, certified, or registered under the provisions of Title 26;
 - (B) resident physician;
 - (C) intern;
 - (D) hospital administrator in any hospital in this State;
 - (E) registered nurse;
 - (F) licensed practical nurse;
 - (G) medical examiner;
 - (H) emergency medical personnel as defined in 24 V.S.A. § 2651(6);
 - (I) dentist;
 - (J) psychologist; and
 - (K) pharmacist;

A Mandatory Reporter Is Any:

(2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:

- (A) school superintendent;
- (B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;
- (C) school teacher;
- (D) student teacher;
- (E) school librarian;
- (F) school principal; and
- (G) school guidance counselor;

A Mandatory Reporter Is Any:

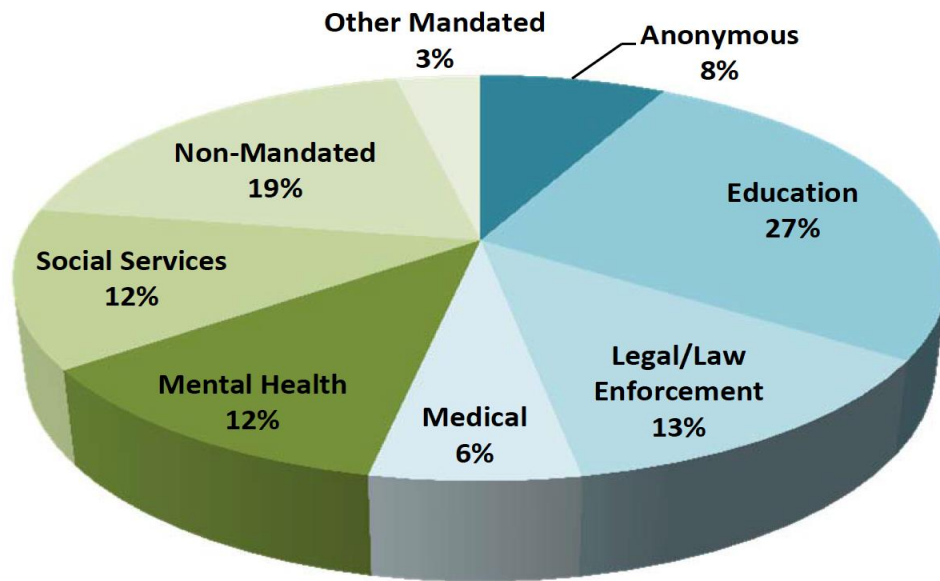
- (3) child care worker;
- (4) mental health professional;
- (5) social worker;
- (6) probation officer;
- (7) employee, contractor, and grantee of the Agency of Human Services who have contact with clients;
- (8) police officer;
- (9) camp owner;
- (10) camp administrator;
- (11) camp counselor; or
- (12) member of the clergy.

Keeping Children Safe – *Why do we report child abuse?*

- ▶ Legal Obligation
- ▶ Employment
- ▶ Professional Affiliation & Licensure
- ▶ Personal

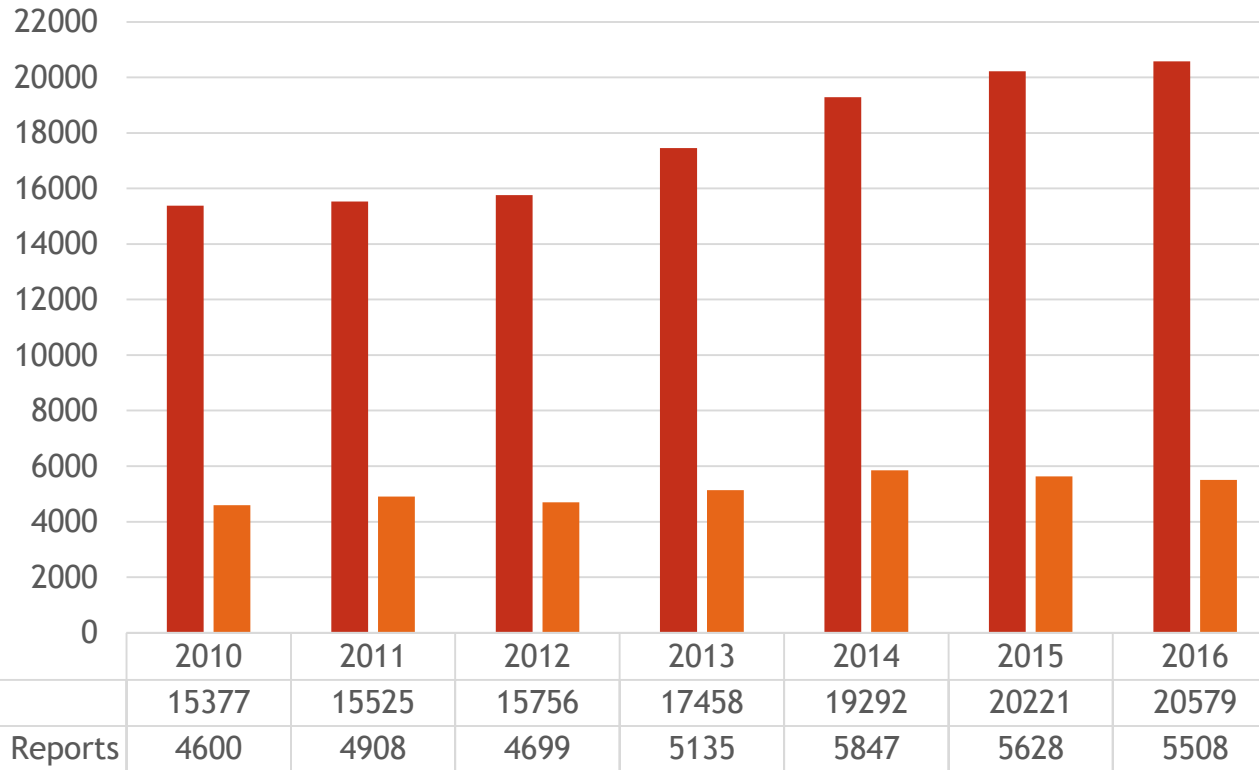
Mandated Reporters Matter

Reports Alleging Child Abuse and Neglect, by Reporter Type (2014)



*70% of
reports were
made by
Mandated
Reporters
during 2014*

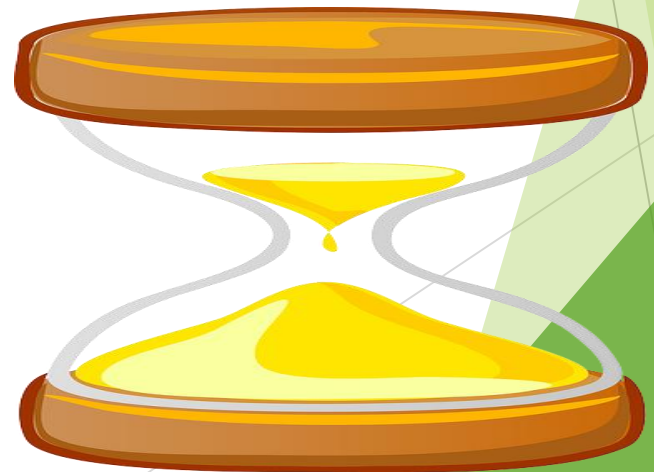
Reports Accepted for Child Safety Intervention



■ Intakes ■ Accepted Reports

A Mandated Reporter Must:

- 1) Report when the reporter reasonably suspects abuse or neglect of a child
- 2) Within 24 hours of the time information regarding the abuse or neglect was first received or observed



Act 60:

2015 Changes to Statute

- ▶ Each individual mandated reporter is responsible for making a report.
- ▶ If a number of mandated reporters on a team or in a group reasonably suspect abuse or neglect of a child, then they all need to fulfill their legal obligation to report.
- ▶ They may call in the report together, or jointly submit a written report, or a reporter may call and the existing report can be appended.

Group Reporting Option 1:

- ▶ Have everyone with direct knowledge of the information in the room together when the report is made. The names of everyone who is in the room making the report should be clearly communicated to Family Services.

Group Reporting Option 2:

- ▶ One person drafts a thorough written report of the allegations and everyone signs it, and sends it in. However, it is likely that Centralized Intake staff will then need to contact those with direct knowledge of the allegations.

How Do I Make A Report to the Child Protection Hotline?

Call 1.800.649.5285 –24/7

- ▶ A social worker will:
 - ▶ Ask you questions about the situation;
 - ▶ Record the information you provide;
 - ▶ Ask you to complete a written report;
 - ▶ In some cases, ask you to gather more information
 - ▶ Ask open ended questions. Be supportive and non-judgmental. Ask just enough questions to confirm the information needed. Do not continue to question the child/youth. Do not investigate!
 - ▶ Review your report with a supervisor.
- ▶ If you are unsure whether the situation warrants a report, call for advice/guidance.

Tips for Making a Report

- ▶ Also include any information that may affect the child's immediate safety, the safety of others in the home, or the safety of the Family Services Social Worker who may respond.
- ▶ Are there weapons in the home?
- ▶ Is there a history of or concern for potential violence? Have there been threats of violence?
- ▶ Are there dogs at the home, or other pets?
- ▶ Have there been threats made against the child or have they been instructed not to talk?
- ▶ Any other safety concerns?

What if Someone Doesn't Report?

- ▶ Failing to report suspected child abuse or neglect could result in prosecution and a fine of \$500.00.
- ▶ Someone who fails to report *with the intent to conceal abuse or neglect* of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.

33 V.S.A. § 4913(h)

What happens after you make a report?

- ▶ Two supervisors review each report. It takes one to accept a report, two to not accept a report.
- ▶ A report will be *accepted* if the information meets the legal definitions of child abuse and neglect indicate:
 - A person responsible for the child's welfare has harmed a child by:
 - a. physical injury;
 - b. neglect;
 - c. medical neglect;
 - d. emotional maltreatment; and/or.
 - e. abandonment of the child.
 - The person responsible for the child's welfare has, by acts or omissions, placed the child at significant risk of serious physical harm;
 - Any person who, by acts or omissions, placed the child at significant risk of sexual abuse;
 - Any person has sexually abused a child.

What information will be shared with me?

If you are a mandated reporter, we will inform you if your report was accepted as a valid allegation of abuse or neglect;

- ▶ If so, you will be informed whether it was assigned for investigation or assessment;
- ▶ If an assessment was conducted, you will be informed whether a need for services was found; and
- ▶ If an investigation was conducted, you will be informed whether it was substantiated.

If you have an ongoing working relationship with the child/family, you may be able to receive additional information about the case from Family Services.

Safety and Risk Assessments

- ▶ Safety and Risk Assessments are conducted at the beginning and throughout the case using a **Structured Decision Making (SDM)** tool.
- ▶ Investigations and Assessments are completed within 45-60 days. An SDM Risk Assessment is used to determine whether there is a need for continued Family Services involvement.
- ▶ Risk Assessment outcome of “high” or “very high” = a Family Support Case is opened
- ▶ Risk Assessment or Re-assessment of “low” or “moderate” = recommendation to close case.

Decision Point: Is the Child Safe?

The first priority of the social worker is to answer the question:

Is the child safe now?

- ▶ If not, what needs to be done to promote safety?
- ▶ Is out-of-home placement necessary?
- ▶ If the child must leave home, is a familiar person available to provide short-term care?
- ▶ Is DCF custody a necessary element to promote safety?

Structured Decision Making
Assessment of Danger and Safety
Is The Child Safe?

Decision Point: Offering Ongoing Services

The *Family Risk Assessment Tool* estimates the probability of future maltreatment in the household. The higher the risk, the more important it is to engage the family in identifying supports and services to prevent harm.

Structured Decision Making
Risk Assessment
What Is The Risk of Future Maltreatment?

Working With The Court

- ▶ In any type of case, a child can come into DCF custody due to concern for their safety - **AT ANY TIME**. This may happen during the Child Safety Intervention or may occur during an Family Support Case
- ▶ Only a police officer may take a child into physical custody.
- ▶ Only a judge may transfer custody to DCF.
- ▶ During work hours, DCF usually initiates a court hearing. After hours, the police usually recommends custody; the hearing is usually held by phone.

Superior Court Family Division

- ▶ Process where court determines if the circumstances warrant interruption of parental rights/responsibilities for their child
- ▶ Judge decides whether to take child into custody
- ▶ Judge can also order conditional custody of child to parent or relative
- ▶ Court is not open to public confidential proceedings

Emergency Care Hearing/Order

- ▶ Occur when a child is in immediate danger
- ▶ Involve an affidavit being filed by law enforcement or DCF outlining facts that support child being in need of care and supervision
- ▶ Court needs to find probable cause to believe that the child is in need of care and supervision

Emergency Care Hearing/Order

▶ Typical scenarios

- ▶ DCF is involved and requests the State's Attorney to file a petition requesting ECO (during work hours)
- ▶ DCF receives a report and contacts law enforcement for joint response (after hours) and law enforcement contacts the State's Attorney requesting they contact judge for ECO
- ▶ Law enforcement responds to an emergency situation, receives a report, and contacts the State's Attorney requesting they contact a judge for ECO

▶ Options at ECO

- ▶ No probable cause
- ▶ Return home with conditional custody order
- ▶ Transfer of temporary custody to DCF pending Temporary Care Hearing

Emergency Care Hearing/Order

- ▶ Social workers work to identify placement options for the child entering DCF custody
- ▶ Efforts are made to find people known to the child
- ▶ Depending on whether the placement is with an existing or new foster parent, the social worker needs to complete different paperwork for placement and needs to facilitate the placement in the home

Temporary Care Hearing

- ▶ Before the Temporary Care Hearing, the social worker is often coordinating visits between the child, parents, and siblings while also working to ensure that any non-resident parent is contacted and notified of hearings.
- ▶ Additionally, social workers are working to identify and explore other people in the family network that may be able suitable to provide care for the child.

Status Conferences

- ▶ Hearings that are scheduled to update the court on a variety of topics
- ▶ Opportunity for the parties to try to reach agreement about the *merits* of the case
- ▶ Sometimes parties will come up with stipulated agreements

Temporary Care Hearing

At the temporary care hearing, the division must provide information about:

- (1) Any reasons for the child's removal which are not set forth in the officer's affidavit, which includes the division's history with the child and family;
- (2) Services, if any, provided to the child and the family in an effort to prevent removal;
- (3) The need, if any, for continued custody of the child with the department, pending a hearing to adjudicate the merits of the petition;
- (4) Services which could facilitate the return of the child to the custodial parent, guardian, or custodian;
- (5) The identity and location of a noncustodial parent, a relative, or person with a significant relationship with the child known to the division who may be appropriate, capable, willing, and available to assume temporary legal custody of the child;
- (6) Additional information as required by:
 - a. the Uniform Child Custody Jurisdiction Act pursuant to 15 V.S.A. § 1037 regarding the child's residence over the last five years, and
 - b. The Indian Child Welfare Act pursuant to 25 U.S.C. § 1901 et seq. regarding the child's membership or possible eligibility for members in a federally recognized Indian tribe

Merits

- ▶ Equivalent of a trial in a criminal case
- ▶ Proving the “merits” of the original allegation
- ▶ Burden of proof is on the state to prove there is sufficient information to disrupt the parent/child relationship
- ▶ Often, merits is stipulated (agreement is made through compromise)

Disposition

- ▶ Equivalent of sentencing phase of a criminal case
- ▶ Social worker submits a Disposition Case Plan with an identified case plan goal (reunification, adoption, concurrent plan)
- ▶ Outlines expectations to achieve case plan goal
- ▶ Court can accept or reject case plan

Disposition Case Plan

► A disposition case plan shall include, as appropriate:

(1) The long-term goal for a child found to be in need of care and supervision is a safe and permanent home. A disposition case plan shall include a permanency goal and an estimated date for achieving the permanency goal. The plan shall specify whether permanency will be achieved through reunification with a custodial parent, guardian, or custodian; adoption; permanent guardianship; or other permanent placement. In addition to a primary permanency goal, the plan may identify a concurrent permanency goal.

(2) An assessment of the child's medical, psychological, social, educational, and vocational needs.

(3) A description of the child's home, school, community, and current living situation.

(4) An assessment of the family's strengths and risk factors, including a consideration of the needs of children and parents with disabilities, provided that the child's needs are given primary consideration.

Disposition Case Plan

(5) A statement of family changes needed to correct the problems necessitating State intervention, with timetables for accomplishing the changes.

(6) A recommendation with respect to legal custody for the child and a recommendation for parent-child contact and sibling contact, if appropriate.

(7) A plan of services that shall describe the responsibilities of the child, the parents, guardian, or custodian, the Department, other family members, and treatment providers, including a description of the services required to achieve the permanency goal. The plan shall also address the minimum frequency of contact between the social worker assigned to the case and the family.

(8) A request for child support.

(9) Notice to the parents that failure to accomplish substantially the objectives stated in the plan within the time frames established may result in termination of parental rights. (Added 2007, No. 185 (Adj. Sess.), § 3, eff. Jan. 1, 2009; amended 2015, No. 23, § 62; 2015, No. 153 (Adj. Sess.), § 30.)

Permanency Review

- ▶ The concept of permanency is very important in child welfare
- ▶ It is important that children have the benefit of a legal, permanent relationship
- ▶ The court reviews the case of any child in custody yearly to ensure that we are focused on moving the case forward.

Termination of Parental Rights

- ▶ Termination of Parental Rights is one permanency option
- ▶ The most common permanency option is reunification
- ▶ Termination of Parental Rights occurs following a trial that focuses on the best interest of the child and whether the parent can safely resume care of the child in a reasonable period of time

The process takes time...



The process can take up to a year or more.

Preventing child abuse is
everyone's business!

