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	<b>Part No./Name</b>	1 – Introduction
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## I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services to protect children from abuse, neglect, exploitation or abandonment. Additional goals of Child Protective Services (CPS) include:


- Ensure the safety of the child (children) through assessment of safety and risk.
- Provide immediate short term social services as needed either directly or through referral; and,
- Initiate legal intervention to remove the child (children) from their environment when they are unsafe or when an in-home or court-ordered safety plan is not feasible.

## II. PROCEDURES

### A. DEFINITION

CPS services are legally mandated, specialized social services for children who are neglected, abused or exploited. The services include:

- Intake screening by Centralized Intake staff of reports of child abuse and/or neglect;
- Investigations in families and out of home settings to determine if the child(ren) has been abused or neglected;
- Determination, if possible, of the person(s) responsible for the injury or harm;
- Assessment of the severity of the harm;
- Assessment of the safety of the child(ren) in the home or facility;
- Determination of whether a safety plan/intervention is needed to protect the child from threats of danger;
- Assessment of the future risk of possible harm from abuse/neglect to the child(ren);
- Provision of emergency, short term and concrete services as needed;
- Participation in court hearings, when required;
- Timely referral to Family Services and/or community service providers, as appropriate, in order to monitor safety and reduce the risk of future abuse/neglect to the child(ren);
- Timely referral to court if child cannot be safely maintained in their current setting;
- Communication with Licensing and Certification agencies as needed for investigations in out of home settings; and
- The right to an administrative appeal of valid investigation findings.

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CPS Staff are part of the DCFS Child Welfare team. The team includes CPS Centralized Intake, and all other child welfare program staff. The CPS Centralized Intake staff are managed by DCFS Field Operations. The CPS staff are managed by Regional and local management staff. CPS state office program staff are managed by child welfare program.

CPS requires the efforts of a whole system of community agencies for children to be effectively protected. This community team includes, but is not limited to, the DCFS, law enforcement agencies, district attorneys, courts, coroners, community social services providers, physicians, hospitals and schools.

## **B. OBJECTIVES**

The objectives of CPS Services are:

1. To promptly initiate an investigation of all reports of child abuse and/or neglect in families, foster homes, day care centers, registered family child day care homes and restrictive care facilities. It is to safeguard children whose physical or mental condition presents a substantial risk of harm to their health or welfare as a result of conditions resulting from parental/caretaker actions or inactions. An objective non-adversarial approach with the family/facility staff is used.
2. To begin engagement with the Department's first contact with a family. Part of engagement includes case workers' genuine interest in understanding the reasons for Department involvement from the family's perspective and conveying the Department's role in assisting the family in achieving desired outcomes. Staff should assess the family's vision of success and how a safe environment for the child can be achieved, while addressing any obstacles that could arise and potential solutions.
3. To identify children who have been abused or neglected by a parent or caretaker. The degree of harm which has occurred and the risk of future harm to children are assessed as early as possible in the investigation.
4. To promptly refer families to FS, in accordance with policy, as soon as the abuse/neglect, safety, and the future risk of harm to the child(ren) is assessed to be controllable with the child remaining in the home. The purposes of referral are:
  - Assure protection of the child in his home, if possible;
  - Prevent premature or unnecessary separation of the child(ren) from his home; and,
  - Remedy or assist in solution of problems which result in child maltreatment.


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5. To initiate action to obtain out of home care for children who are unsafe and an in-home or court-ordered safety plan is not feasible.
6. To conduct thorough assessment as expeditiously as possible in order to assess safety, determine the validity or invalidity of the report, and assess the risk of future harm from abuse and/or neglect.
7. To assess the family's willingness and ability to participate in services and give FS Staff adequate information on referrals.
8. To obtain and document sufficient evidence to support the child protective services decision making and findings.
9. To engage the family in services whenever possible; and, to provide emergency, short term and concrete services when these are indicated to maintain family unity and prevent removal of child(ren).


## C. GLOSSARY

The following is a list of terms and their definitions that are used in this policy:

1. Abuse – Defined in the Louisiana Children's Code [Article 603, \(1\)](#) as "any one of the following acts which seriously endanger the physical, mental or emotional health and safety of the child:
  - a. The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
  - b. The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
  - c. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in any of the following:
    - (i) Any sexual act with any other person.
    - (ii) Pornographic displays.
    - (iii) Any sexual activity constituting a crime under the laws of this state.
  - d. A coerced abortion conducted upon a child.
  - e. Female genital mutilation as defined by R.S. 14:42.4
2. Adjudication Hearing – The evidentiary trial in which the State must prove to the judge, by a preponderance of the evidence, that a child is abused or neglected (i.e. "in need of care"), as defined by the Louisiana Children's Code, [Article 606](#), and alleged in the petition.


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3. \* Administrative Closure – A final determination for an investigation that could not be completed as the result of extenuating circumstances. This final finding status shall be used only when the worker has made every reasonable effort as required by policy to determine this finding. The case is then closed as Special Closure, and the disposition is Administrative Closure. \*\*
4. Allegation – A statement or assertion by an individual, either oral or written, of specific injury, harm or condition to a child victim on which the reporter's reason to believe the child is neglected or abused is based. The assertion or statement must allege one of the kinds of injury, harm, or conditions identified and defined by the department as an allegation of abuse or neglect in [Appendix 4-B](#) of this manual. An allegation may also be a situation that a CPS Worker believes is harmful to a child even though the reporter did not include it in their report.
5. Caretaker – Defined in the Louisiana Children's Code, [Article 603 \(3\)](#), as "any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, \*\*\* \* an employee or an operator of an early learning center as defined in R.S. 17:407.33, an operator or employee of a registered family child day care home, an operator or employee of a restrictive care facility, or other person providing a residence for the child."  
  
Caretaker also means an adult who occupies a residence of a child and has a consistent and continuing responsibility for the care of a child. Caretaker shall not include an operator or employee of a correctional facility, detention facility, or nonresidential school. \*\*
6. Caretaker Protective Capacity – Strengths in the way a caretaker thinks, feels, and/or acts that prevents or controls threats of danger and guides case planning activities.
7. Centralized Intake – a method of receiving and processing intake reports of abuse and/or neglect on one central organizational unit of the department.
8. Child – Defined in the Louisiana Children's Code, [Article 603 \(5\)](#), as a person under 18 years of age who, prior to juvenile proceedings has not been judicially emancipated or emancipated by marriage.
9. Child Day Care Center – defined in LA R.S. 17:407.33 (3) "as any place or facility operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision and guidance of seven or more children not including those related to the care giver, unaccompanied by parent or legal custodian, on a regular basis

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for at least twelve and one-half hours in a continuous seven-day week." Private and public day schools serving children in grades one and above, kindergartens, and camps, as well as all care given without charge, are not included in the definition. Child day care centers are licensed by the Louisiana Department of Education as early learning centers as per LA R.S. 17:407.34.


10. Child in Need of Care – An adjudication finding determined by the court that a child has been abused or neglected as per the Louisiana Children's Code, Title VI.
11. Children's Code – Enacted by the 1991 Louisiana Legislature to bring together in a single code the laws affecting the exercise of juvenile court jurisdiction. It includes the child abuse/neglect reporting law, the requirements for the investigation and disposition of reports as well as the juvenile court procedure when court intervention is indicated.
12. Client Non-Cooperation – A final determination for an investigation that could not be completed as the result of the client's refusal to participate in the investigation. This final finding status shall be used only when the worker has made every reasonable effort as required by policy to determine this finding.
13. Collateral – An individual, other than a nuclear family member, or subject of an investigation who may have objective information about the family situation or firsthand knowledge about the incident(s) of child abuse and/or neglect. In most cases, reporters are not collaterals. Collaterals are classified as professional and nonprofessional. The following are examples of professional collaterals: physicians, psychiatrists, psychologists, nurses, social workers, legal consultants, law enforcement officials, teachers, other school personnel, and others with professional expertise. Examples of nonprofessional collaterals are neighbors and family friends who are not personal references and who can reasonably be expected to give reliable information.
14. Continued Custody Hearing – A court hearing required by [Article 624](#) of the Louisiana Children's Code to be held within three days of the time a child is taken into the custody of the department with an Instanter order. The state must prove there are reasonable grounds to believe the child is in need of care and that continued custody is necessary for his safety and protection.
15. Culpable/Culpability – Involvement in, or having some responsibility for, child abuse and/or neglect by a caretaker as defined in the Louisiana Children's Code.
16. Disposition Hearing – The hearing before the judge, sometimes at a separate hearing after the adjudication hearing, when the judge rules on what should be done with the abused or neglected child based on social information on the child

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and family, evaluations and recommendations regarding a specific plan for working with the child and family. The judge may place custody of the child with the parent, the department, private or public institution or agency, relative or other person with conditions as deemed in the best interest of the child. The court orders may specify treatment for the child and/or the parents.

17. **Families in Need of Services** – An adjudication permitted by Title VII of the Louisiana Children's Code. It provides that a court with juvenile jurisdiction may adjudicate a family in need of services if the court finds that the grounds as specified in Article 730 are met. The purpose of Title VII as stated in Article 726 is to "define self-destructive behaviors by the child and conduct by other family members which contribute to the child's harm and which warrant court intervention in the family's life so that appropriate services to remedy the family's dysfunction can be secured; to secure the effectiveness of the court's intervention by explicitly confirming its duty to obtain the cooperation and coordination of all public institutions or agencies having responsibility to supply services to any member of the family referred to the court; to establish a family service plan binding upon all family members and the appropriate service providers; and to protect the integrity of the family by authorizing adjudication and the imposition of a dispositional judgment requiring participation in a plan of services only after all available voluntary alternatives have been exhausted".
18. **Family Unit** – A group of one or more adults and children who are related by blood, legal or non-legal marriage, law or decree who normally live in the same household, and other persons who sometimes reside in the same household and assume or are granted child care responsibility by a parent or guardian, such as a live in companion who is not a member of a separate family unit.
19. **Inconclusive** – A final determination that the completed investigation reveals evidence to support a finding of abuse or neglect, but there is not enough information to confirm a valid report. (Refer to [4-535](#) A., Determining Validity for Each Allegation and an Overall Finding for the Investigation).
20. **Informal Adjustment Agreement** – A written agreement between the District Attorney and a child's parents, or the court and the child's parents that specifies the terms and conditions agreed between the parties. The procedure is permitted by Title VI, Chapter 7, of the Louisiana Children's Code. It may be authorized by either the court or the District Attorney prior to the filing of petition, or by the court after the filing of a petition. If the child is in the custody of the department, the department's consent must be obtained.
21. **Initial Investigation Contacts** – The investigation worker's first face-to-face interview with the alleged victim(s) and parent/caretaker that must occur within the response priority for the investigation.



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22. Instant Order – Emergency custody order permitted by [Articles 619](#) and [620](#) of the Louisiana Children's Code which is issued by a Juvenile Court judge upon the request of a District Attorney, DCFS or police officer. The order awards temporary custody of an allegedly abused or neglected child to the state.
23. Intentional False Report – a report of child abuse and/or neglect made by a person for harassment purposes who knows that the allegation(s) is not true, and which has been verified by a CPI worker as a false report.

According to Louisiana Law R.S. [14:403 A. \(3\)](#), "any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency, knowing that such information is false, shall be guilty of a misdemeanor or upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both".

24. Invalid – A final finding for a preliminary or completed investigation in which it was determined that the investigation findings did not indicate child abuse or neglect.
25. Investigation – The fact finding and assessment process whereby the investigation worker obtains evidence, information and makes observations in order to determine the validity or invalidity of the allegation(s) of the report. The worker also identifies, if possible, the person(s) responsible for the injury or neglect, the type of child abuse and/or neglect. The present danger, impending danger, and future risk of harm to the alleged child(ren) victim(s) as well as to the other children in the household are also assessed.

The safety of the children is also assessed with an investigation in a restrictive care facility, day care center and registered family child day care home.

26. Involved Subject – A person who has been determined during the investigation process to have taken part, either actively or passively, in the abuse and/or neglect of a child victim. An involved child is a child who has been determined to have taken part in the abuse and/or neglect as a perpetrator and/or was a victim.
27. Involvement – The alleged or determined role or participation of a subject in the child abuse and/or neglect. A subject may be a victim, a perpetrator or a noninvolved child or adult.
28. Level of Investigation – The standardization into three categories of the minimum required contacts and activities to be conducted in order for an investigation to be completed. The level is initially determined by the allegation(s) of the report and may be modified during the investigation as needed if more serious allegations are found.

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29. Mandated Reporters – Those persons who are required by [Article 609](#) of the Louisiana Children's Code to report suspected cases of child abuse and/or neglect to the local child protective services unit of the Department of Children and Family Services or law enforcement. Mandated reporter is defined in [Article 603 \(15\)](#), of the Louisiana Children's Code.
30. Multi-Disciplinary Team – the group of professionals who provide expertise in the areas of medicine, law, psychology (or psychiatry), social work, law enforcement and education to the Child Protection Investigation process in order to assist with the determination of case validity, to provide diagnostic assessment, to assist in the assessment of risk of harm, to provide recommendations for service and treatment planning, and to provide recommendations for decision making.
31. Neglect – Defined in the Louisiana Children's Code, [Article 603 \(16\)](#), means: the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect. Consistent with [Article 606 \(B\)](#), the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

Prenatal neglect means exposure to chronic or severe use of alcohol or the unlawful use of any controlled dangerous substance, as defined by [R.S. 40:961](#) et seq., or in a manner not lawfully prescribed, which results in symptoms of withdrawal in the infant newborn or the presence of a controlled substance or a metabolic thereof in his body, blood, urine, or meconium that is not the result of medical treatment, or observable and harmful effects in his physical appearance or functioning.


Newborn is defined in the Children's Code, [Article 603](#) as “a child who is not more than thirty days old, as determined within a reasonable degree of medical certainty by an examining physician.”

32. Permitted Reporter – Persons who may report suspected cases of child abuse and/or neglect but not specifically required by law to report.




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33. Perpetrator – A person who is either suspected of, or determined to be responsible for, either directly or indirectly, committing an injury or harm to a child. A perpetrator may be either an adult or a child.
34. Physician Notification of a Substance Exposed Newborn – Physicians are required by LA R.S. 40:1086.11 to notify DCFS of a newborn who exhibited withdrawal symptoms or other observable and harmful effect in his physical appearance of a controlled dangerous substance used in a lawfully prescribed manner by the mother during pregnancy.
35. Preponderance of the Evidence – The legal term for the standard of proof which means that, after all the evidence has been considered, the outcome will favor the side that has presented the most convincing evidence. This standard is used in adjudication and disposition hearings. The state must prove, by the evidence it presents, that it is more likely than not that a child is abused or neglected.
36. Protective Service Alert – The communication system used to notify other states or parishes within the state that persons have fled from their state or parish in order to avoid the child protective service process.  
  
The alerts contain identifying information on the missing adults and children, pertinent information regarding the status of the protective service action attempted or anticipated, and the information on whom to contact if any of the missing persons are located. The purpose of the alerts is to enhance efforts to protect children from abuse and/or neglect.
37. Reasonable Cause – The legal term for the standard or proof which means that there are grounds for belief in the existence of facts that a child is unsafe and that unless the child is removed from his caretaker(s), there is a greater likelihood than not for the child to be harmed or further harmed. This standard is used for Instantner/Continued Custody Hearings.
38. Registered Family Child Day Care Home – A family child day care home is defined in [LA RS 46:1441.1](#) as any place, facility, or home operated by an institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of six or fewer children. [LA RS 46:1441.5](#) mandates family child day care homes registration for homes receiving state or federal funds. Family child day care homes are registered with Department of Education (LDE) for participation in the Child Care Assistance Program as a Family Child Care Provider or In-Home Provider. A family child care provider provides child care in a private residence and an in-home provider provides child care services in the child's own home.

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39. Re-homing – Refers to any one of the following:
- A transaction, or an action taken to facilitate such transaction, through electronic means or otherwise by a parent or any individual or entity with custody of a child who intends to avoid or divest himself of permanent parental responsibility by placing the child in the physical custody of a nonrelative, without court approval. Actions include but are not limited to transferring, recruiting, harboring, transporting, providing, soliciting, or obtaining a child for such a transaction.
  - The selling, transferring, or arranging for the sale or transfer of a minor child to another person or entity for money or anything of value or to receive such minor child for payments or thing of value.
  - Assisting, aiding, abetting or conspiring in the commission of any act as described in sections (a) and (b) above by any person, entity, regardless of whether money or anything of value has been promised to or received by the person.
40. Relationship – The familial or social association or connection between two persons who are subjects of a report and investigation of child abuse and/or neglect.
41. Removal – Defined in the Louisiana Children’s Code, [Article 603.\(18\)](#), as “placing a child in the custody of the state or with someone other than the parent or caretaker during or after the course of an investigation of abuse and neglect to secure the child’s protection and safeguard the child’s welfare.”
42. Report – The information that a child has been or may be abused and/or neglected. The information must include at least one allegation of harm to a child by a caretaker as specified in the Louisiana Children's Code and Department policy.
43. Restrictive Care Facility – For the purposes of this policy, a restrictive care facility is a child caring residential setting meeting the Children’s Code, Article 603 definition of a person providing a residence for a child. They include such residential facilities as public and private licensed and unlicensed child caring facilities, group homes, emergency shelter facilities, maternity homes, psychiatric hospitals, and psychiatric units within hospitals.
44. Reporter – The person who provides the child abuse/neglect information directly to the Department.
45. Risk Assessment – The ongoing process during which the worker determines the degree to which a child is thought to be at risk of future maltreatment, either by

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passive or active means, by a parent or caretaker. The level of risk with investigations in families is determined with the Structured Decision Making Initial Assessment of Risk. The outcome affects the critical decision making and activities of the investigation.

The assessment of risk with investigations in foster family homes, day care centers, family child day care homes and restrictive care facilities is determined with the exploration of the out of home risk factors. These include the consideration of factors related to the child, caretaker, severity/chronicity, environmental/facility and any mitigating factors when determining the risk level for future maltreatment.


46. Safe – A child is safe when there are no threats of danger, or they are not vulnerable to threats of danger, or the caretaker(s) possess sufficient protective capacity to manage any threat of danger. \*\*
47. Safety – is defined in terms of Safe or Unsafe.
48. Safety Assessment – The structured process used to determine whether a child is at danger of substantial harm from abuse/neglect in their home. It is initiated during the first contact with the alleged victim and the parent/caretaker and continues throughout the investigation of the family.

The safety assessment is used to determine whether a child is at present danger during an investigation of a restrictive care facility, day care center or family child day care home. The assessment is a structured process based on the factors known about the child, the caretaker, the seriousness of any abuse and/or neglect which may have occurred, and the environment to determine whether danger exists.

49. Safety Management – Safety Management is the intervention used to control danger to a child. Safety management includes in-home or out-of home actions. Safety management must be capable of having an immediate effect, be available immediately and accessible and sufficient to control the danger or threat of danger. Safety management is limited to controlling danger and threats of danger only.

Safety management includes five safety management actions that can be applied alone or in combination. They may include behavioral management, crisis management, social connection, separation and resource support/concrete services.


50. Safety Plan – An in-home, court ordered, or out-of-home plan developed to assure a child's safety when the child is assessed to be either at and substantial

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danger from abuse and/or neglect. The plan establishes immediate supports or interventions to control the immediate harm. Examples include removal of the perpetrator, protective services day care, and court intervention with placement outside of the home. A safety plan is not a service plan or a referral for services. It is designed to control the circumstances that make the child unsafe and therefore reduces the danger to the child when factors are controllable with the implementation of the plan. The plan is a written agreement between the caretakers, DCFS, and safety providers that established what danger must be controlled and how it will be controlled.

- Must control or manage the \* threat of danger \*\*
- Must have an immediate effect
- Must be immediately accessible and available
- Must contain safety services and actions only
- No promissory commitments

51. Safety Providers – Professionals, non-professionals, or family members who provide formal and informal services or activities.
52. Safety Threshold – Crossing over from being something that is Risk related to something that is a safety concern.
53. Sexual Abuse – Defined in the Louisiana Children's Code, [Article 603.1.\(c\)](#) as "the involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity which is a crime under the laws of this state".
54. Source – the person who provides child abuse and/or neglect information to another individual who then actually reports to DCFS.
55. State Central Registry (SCR) – The subsystem of the State Repository (ACCESS) that maintains information on perpetrators of child abuse and neglect with investigations of child abuse and/or neglect with valid for Tiers I, II and III of the Tiered Validity System.
56. State Repository – The State Repository is a subsystem of the ACCESS system that includes all reports of child abuse and neglect received by DCFS, as mandated by Children's Code Article 616. The Repository includes information on CPS intake cases; all findings for investigations of child abuse and neglect; Alternative Response Family Assessments (prior to August, 2012); and, Protective Service Alerts.

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	<b>Section No./Name</b>	Introduction
	<b>Document No./Name</b>	4-100 Goal, Definition and Objectives of CPS Services
	<b>Effective Date</b>	November 20, 2024

57. Subject of a Report – A person who is included in the report and investigation of alleged child abuse and/or neglect. Essentially it is any person who lives with an alleged child victim and any other person, not living with an alleged victim, who is an alleged perpetrator. Refer to policy for persons to include in the ACCESS intake case for in home and out of home reports.
58. Terminated Day Care Center Investigation – A final determination for an investigation that was not completed because the facility reported to be a day care center was in fact not a facility meeting the definition of a day care center.
59. Tiered Validity System – is a mechanism to assign each valid allegation to one of five tiers, based on the degree of severity of the allegation. The tier placement determines whether an individual is placed on the State Central Registry and the length of time the valid allegation is retained on the SCR and/or the State Repository.
60. Unable to Locate – A final determination for an investigation that could not be completed because the subjects of the report could not be located.
61. Unsafe – A child is Unsafe when there are identified threats of danger, and they are vulnerable to a threat of danger, and caretakers do not possess sufficient protective capacities to manage any threat of danger.
62. Valid – A final determination that the completed investigation revealed evidence, by the Department standard, that child abuse and/or neglect occurred. (Refer to [4-535 A](#) Determining Validity for Each Allegation and an Overall Finding for the Investigation).
6. Victim – The child who has suffered or is alleged to have suffered harm as the result of abuse and/or neglect.

### III. FORMS AND INSTRUCTIONS

There are no forms and instructions associated with this policy.

### IV. REFERENCES

Louisiana Children's Code Articles 603; 603, (1); 603 1. (c); 603 (3); 603 (5); 603 (15); 603 (16), 603 (24); 606; 606 (B) 609; 616; 619; 620; 624  
Revised Statue 14:43.4; 46:1403 A. 4; 14:403 A. (3); 40:961; 46:1441; 46:1441.5 17:407.33; 17:407.34, and 40:1086.11