 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
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I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) that *** * each allegation of abuse/neglect within an investigation shall have a validity decision and a determination for the need for services to support the family based on all information gathered during the investigation, including risk and safety assessments. **


II. PROCEDURES

Once the CPS Worker has completed the investigation contacts required by policy, any additional contacts indicated by case circumstances, and *** obtained the information and documentation necessary for decision making, * a validity conference is to occur to decide whether or not sufficient evidence exists that indicate child abuse and/or neglect has occurred. The worker and approving supervisor, or designee, consult regarding the worker's investigative findings, review the ACCESS Intake and Investigation case information and assessments, any medical and/or psychological evaluation, or other reports, if available. Cases that are assessed to be Invalid, or Unable to Locate, are to be staffed with the Centralized Consultation and Decision Making program for decisions and closure, unless approval for local office closure is obtained from the CPS Manager or designee, and documented in ACCESS on the District Manager staffing page. **

In addition, the worker and supervisor shall assess if new information is provided during the investigation or an additional report is received that indicates a new allegation, victim, or perpetrator should be added to the investigation. For example, the report may have come in at intake for sexual manipulation or fondling, but while interviewing the victim it was learned that sexual intercourse occurred as well. The allegation of sexual intercourse would then need to be added to the ACCESS investigation case.

In some cases, staff will have been unable to contact an alleged perpetrator but has been able to obtain sufficient credible information to determine a finding without the required investigation contact. Cases such as parent/perpetrator in the military who has been deployed to a location that does not permit contact by DCFS or military staff for an interview; or, a perpetrator who is believed to have left the area in order to avoid a police and/or DCFS investigation. A finding may be determined with the approval of both the supervisor and the Child Welfare Manager.

The validity conference decisions for the finding, reason for the finding, and incident date for each allegation are entered on the Allegations/Findings pages of the ACCESS investigation case. The staffing, overall finding for the investigation, approval, preventive services, current situation, and case recommendations are documented on the Allegations/Findings page.

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The worker, supervisor, and the Child Welfare Manager when the finding requires regional level approval are expected to determine a final finding for the investigation (or case) within 30 days of the receipt of the report by the Department. ***

A. DETERMINING VALIDITY FOR EACH ALLEGATION AND AN OVERALL FINDING FOR THE INVESTIGATION

The worker/supervisor shall determine validity for each allegation on each child relative to each alleged perpetrator. This includes children named in the report as well as those allegations and/or child victims found or allegations made during the investigation. Validity decision making should consider information from the Assessment of Family Functioning.

ASSESSMENT OF FAMILY FUNCTIONING AREAS:


- Maltreatment-Extent and Circumstances(Threats)
- Child Functioning and Vulnerability
- Adult Functioning/Parenting Practices (Caretaker Protective Capacities)

See Appendix 3B for definitions of Threats of Danger, Vulnerability and Caretaker Protective Capacity.

1. Valid

When determining a final finding of valid child abuse/neglect, the worker and supervisor * (or designee) reviews the information gathered during the investigation carefully, and uses ** the following standard: The available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that the following exists:

- a. An act or a physical or mental injury which seriously endangered a child's physical, mental or emotional health and safety; or
- b. A refusal or unreasonable failure to provide necessary food, clothing, shelter, care, treatment or counseling which substantially threatened or impaired a child's physical, mental, or emotional health and safety; or a newborn identified as exposed to chronic or severe use of alcohol; or, the unlawful use of any controlled dangerous substance or in a manner not lawfully prescribed; and,
- c. The direct or indirect cause of the alleged or other injury, harm or extreme threat of harm is a parent; a caretaker as defined in the Louisiana Children's Code (as defined below); a person who maintains an interpersonal dating or engagement relationship with the

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parent/caretaker/legal custodian; or a person living in the same residence with the parent/caretaker/legal custodian as a spouse, whether married or not.

Caretaker is defined in Louisiana Children’s Code Article 603 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.

If the answers to a. or b. and c. above are "yes", then the allegation(s) is valid.

Cases should only be valid for abuse, neglect, or sexual abuse if the investigation determines that it was inflicted by a parent, caretaker, as defined in Louisiana Children’s Code Article 603, or a person who maintains an interpersonal dating or engagement relationship with the parent/caretaker/legal caretaker, or a person living in the same residence with the parent/caretaker/legal custodian as a spouse whether married or not. Caution shall be used when determining a finding of valid when it has not been possible to interview the alleged perpetrator. Such a finding is available with the approval of the Child Welfare Manager when circumstances warrant such a finding, but in no case shall diligent efforts to interview the perpetrator be omitted from the investigation activities. If the direct perpetrator of the maltreatment is a person **not** listed in subparagraph (c) above, then the person should not be validated as they are not a caretaker. *** If this occurs, consideration must be given about referring the case to Law Enforcement. ****

For situations in which a person (relative or non-relative) other than a parent is the primary child caregiver and the parent does not live in the household with the child, the caregiver is considered to be a caretaker whether or not custody or guardianship has been granted to him. A person providing a residence to a child along with all adult occupants of the household who have consistent and continuing responsibility for the care of the child are considered to be caretakers. This includes adult siblings of the child victim and live-in babysitters. In cases where guardianship or custody has been transferred to someone else, validity of the allegations related to the parent is determined by the involvement or culpability of the parent in the injury or harm as well as any involvement of adults

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who live with the child who have consistent and continuing responsibility for the care of the child.

When the parent or other caretaker lives in the household with a child victim, other adult household occupants who have consistent and continuing responsibility for the care of the child are also considered to be caretakers. Therefore, the allegations for these persons along with those allegations for which the parent is determined to be a perpetrator, whether directly or indirectly are found valid.

In cases where a parent/caretaker refuses to continue parenting a child due to the child being a threat to themselves or others in the home, and the parent/caretaker has exhausted all possible options (resources, placements, and services), the case should be staffed with State Office Child Protective Services prior to determining a valid finding by emailing DCFS.ChildProtectiveServices@la.gov.

Validity is a different decision than assessment of risk or the severity of an injury. For example, even if the abuse or neglect is thought to have been a one time occurrence and no longer a problem, this still does not change a final finding of valid for the incident or injury which prompted the investigation.


d. Valid Final Finding for the Overall Investigation

Once the validity determination for each allegation has been made; the involvement of each subject in the abuse and/or neglect identified; the allegation findings entered into ACESS on the Allegations/ Finding page and approved by the supervisor *or designee; the system automatically enters the appropriate final finding for the investigation. If any allegation has been found valid, the final finding for the overall investigation will be valid.

2. Invalid

Cases assessed to be Invalid are to be staffed with the Centralized Consultation and Decision Making Team for validity determination and case closure, unless approval for local office closure is obtained from the CPS Manager or designee, and documented in ACESS on the District Manager staffing page. **

- a. Cases with no injury or harm, no extreme threat of harm, insufficient evidence to meet validity standard, or the alleged perpetrator is not one of the persons listed in subparagraph (c) above.

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If evidence of abuse and/or neglect by a person listed in subparagraph (c) above is not obtained to meet the department standard, the allegation shall be found invalid.

Any evidence that a child has been injured or harmed by persons other than those listed in subparagraph (c) listed above shall be determined invalid.

b. Cases with a minor injury as the result of corporal punishment

In some situations in which a minor injury to a child is found to have occurred, an invalid finding may be acceptable. In making this determination, consideration should be given to the age and condition of the child (i. e. is the child capable of internalizing control as a result of corporal discipline), location of the injury, circumstances surrounding the punishment and the instrument and method used. An invalid finding would only be acceptable if the injury is minor and it occurred in the course of what would otherwise be considered acceptable discipline.

c. Invalid Final Findings

When preliminary investigation contacts and activities rule out child abuse and neglect and the supervisor authorizes a termination of the investigation, the finding is invalid, preliminary investigation.

*** If all the final findings for those allegations are invalid or invalid preliminary investigation, ACCESS will automatically enter the invalid overall investigation finding based on the findings for the allegations approved by the supervisor.

The final finding shall be one of the following:


(1) Invalid, Preliminary Investigation

This finding is used when the investigation is terminated after a preliminary investigation as child abuse/neglect has been ruled out.

(2) Invalid

This finding is used for a completed investigation in which all allegations were determined to be invalid (no allegations were determined to be valid or inconclusive).

3. Inconclusive

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a. Allegation Finding


It is expected that the worker and supervisor will determine a finding of invalid or valid, whenever possible. For cases in which the investigation findings do not meet the standard for invalid or valid, additional contacts and/or investigative activities should be conducted in order to determine a finding. * Inconclusive findings require more investigation contacts and activities than are required with full investigations. When a finding cannot be determined following such efforts, an inconclusive finding is considered. The finding is inappropriate for incomplete investigations. It is appropriate when there is some evidence to support a finding that abuse or neglect occurred but there is not enough credible evidence to meet the standard for a valid finding. The inconclusive finding is only appropriate for cases in which there are particular facts and/or dynamics which give the worker/supervisor a reason to suspect child abuse or neglect occurred. When this instance occurs, the case shall be staffed with the Child Welfare Manager, A District Manager Approval Staffing shall be entered into ACESS, and any efforts that need to be completed to obtain a valid or invalid finding shall be completed before the allegations are determined to be inconclusive and approval is granted. If all efforts to make a conclusive valid or invalid finding have been exhausted, the Child Welfare Manager, will review the inconclusive allegations in ACESS and approve the final finding in ACESS. Management is expected to use caution when approving an inconclusive using this finding as it is not to be used as a "catchall" finding or for cases in which the investigation findings support either an invalid or valid finding.

b. Final Finding for the Investigation

Cases in which the worker and supervisor concur that an inconclusive finding is appropriate for an overall finding for an investigation are referred to the Child Welfare Manager for an independent review and ** approval. The rationale for the inconclusive finding is entered on the Allegations/Findings page in the ACESS investigation case. When the finding for every allegation is entered into ACESS, the system automatically enters the appropriate final finding for the investigation. The overall finding will be inconclusive, if none of the allegations were found valid. If findings for the allegations were inconclusive and invalid, the finding for the investigation will be inconclusive.

4. Client Noncooperation Final Finding

This finding shall be used only when the CPS worker is completely thwarted in his attempts to complete the investigation by the refusal of a person listed in subparagraph

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(c) on page 2 to participate in the investigation and the following conditions have been met:

- a. The worker has made every reasonable effort to interview the client;
- b. Law enforcement has not been able to assist or refused to assist with efforts to interview the client; and,
- c. The district attorney has chosen not to pursue any further action; or,
- d. The court has refused to order the client to cooperate.

Cases in which the worker and supervisor concur that a client noncooperation final finding is appropriate for an overall finding for an investigation are referred to the Child Welfare Manager for approval.

All investigative activities and efforts to obtain the client's cooperation are documented on the Case Activity Log pages in the ACCESS investigation case. Investigative interviews are documented using the Interviews/Collateral page. The validity decision and the rationale for the finding are documented on the Allegations/Finding page.

The client non-cooperation finding shall not be used when investigation contacts are incomplete due to client noncooperation, but there is sufficient evidence to make a determination regarding validity. In that case the worker and supervisor are responsible to determine the most appropriate final finding based on the findings of the investigation.


5. Unable to Locate Finding

- a. Conditions for the Finding

The final finding shall be used only when the conditions in CW Policy [4-507.F.](#) have been met.

* Cases assessed as Unable to Locate are staffed with the Centralized Intake and Decision Making Team for validity and closure activities, unless approval for local office closure is obtained from the CPS Manager or designee, and documented in ACCESS on the District Manager staffing page. **

- (1) The subjects of the report could not be located at the address or location provided by the reporter, the actual resident at the reported address had no resemblance to the subject of the report, and the reporter could not be contacted or could not provide an adequate address or location (refer to CW Policy 4-507).
- (2) The Department of Children and Family Services data systems including data systems available to IV-E eligibility staff, MEDS

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(Medicaid), LAMI (SNAP, FITAP, KCSP), and LASES (Child Support), the local office master file data checks (TIPS and ACCESS), and a search on the Internet failed to provide an adequate address;

- (3) The Consolidated Lead Evaluation and Reporting (CLEAR) search did not provide an adequate address or leads to locate the family
- (4) One neighbor, one relative (if any), and directory assistance were unable to provide information about the subjects' whereabouts; and,
- (5) Cases in which the worker and supervisor concur that an unable to locate finding is appropriate for an overall finding for an investigation, in accordance with CW Policy 4-507.F, Families Who Cannot be Located, are referred to the Child Welfare Manager for approval.

b. ACCESS investigation case documentation


The ACCESS investigation case documentation for this finding will include the following:

- (1) Documentation of the attempts to locate the family, any other investigative activities or contacts on the Case Activity Log page;
- (2) Interviews/Collateral pages for any investigative interviews the worker was able to complete. These would include such persons as the reporter, neighbors, and any other persons interviewed in an attempt to locate the family; and
- (3) The Allegation/Findings page for each allegation and the Modify Overall Finding page for the validity staffing and rationale for the finding.

B. MODIFICATION OF RELATIONSHIPS, INVOLVEMENTS AND ADDRESSES

1. Relationship

The CPS worker shall review the accuracy of the familial or social relationship of each adult to each child as entered into ACCESS when the clients were registered. When

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needed, the information is modified on the Member Relationship pages in the ACESS Household case.

2. Involvement

The worker shall review the accuracy of the involvement (role) of each subject in the abuse and/or neglect as identified when the client was registered in ACESS. The involvement is edited as needed on the Clients page.

a. Children may have one of the following involvements:


- (1) Victim
- (2) Other involved child
- (3) Noninvolved child

A child has the involvement as a victim when the investigation determines that he was a victim of child abuse and/or neglect by a person listed in subparagraph (c) on page 2. He is an other involved child if he is a member of the household and he is involved as a perpetrator of abuse/neglect of another child in the household. If he is neither a victim nor a child perpetrator, his involvement is a noninvolved child.

b. Minor parents (who have not been emancipated) may have one of the following roles or involvements:

- (1) Victim
- (2) Perpetrator
- (3) Noninvolved caretaker
- (4) Noninvolved child
- (5) Other involved child

The role or involvement of a minor parent is determined by the investigation findings and the number and type of investigations for which they are a subject of the report. If they are living in a multi-generational home, they may have different involvements depending on whether or not there are allegations involving them as a perpetrator of abuse/neglect of their child or as a victim of abuse/neglect perpetrated by a person listed in subparagraph (c) on page 2. If there is an investigation in which abuse/neglect of their child is alleged or found, their involvement would be as a perpetrator or noninvolved caretaker depending on the investigation findings.

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When there are investigations in which abuse/neglect involving minor parents and/or other children in the household (other than their children) is alleged or found, their involvement may be victim, noninvolved child, or other involved child depending on the investigation findings.

When they are living with persons who are considered to be a separate family unit, their involvement may be as a noninvolved child or other involved child depending on whether they are involved in the abuse/neglect of another child living in the household.

c. Adults may have one of the following roles or involvements:

- (1) Caretaker/perpetrator
- (2) Caretaker/noninvolved
- (3) Other caretaker perpetrator
- (4) Other involved adult
- (5) Noninvolved adult


Adults are caretakers/perpetrators when they abuse and/or neglect children for whom they are a parent, tutor, guardian, legal custodian, other person providing a residence for a child, or a person living in the same residence with the parent/caretaker/legal custodian as a spouse whether married or not. They are identified as other caretaker perpetrator when they are a person who maintains an interpersonal dating or engagement relationship with the parent/caretaker/legal custodian or an adult who occupies a residence of a child and has a consistent and continuing responsibility for the care of the child, and they are perpetrators of abuse/neglect. When they are involved in the abuse/neglect of children for whom they are not a person listed in subparagraph (c) on page 2, their involvement is other involved adult. If they are not involved in any abuse or neglect, they are caretaker/noninvolved when they are a person listed in subparagraph (c) on page 2. They are a noninvolved adult when they are not a person listed in subparagraph (c) on page 2.

3. ADDRESSES

The client's address must be updated in ACESS to reflect their current address before closure of the investigation. This will ensure that the closure notification letter will be mailed to the correct address. This notification letter informs the client of their right to appeal if they have a valid finding.

III. FORMS AND INSTRUCTIONS

There are forms and instructions associated with this policy.

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IV. REFERENCES

[Appendix 4-E](#) Investigation Time Frames

[CW Memorandum 13-020](#)

[Appendix 3-B](#) Threats of Danger, Vulnerability and Caretaker Protective Capacity