Department of Children & Family Services Building a Stronger Louisiana	**Division/Section**	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	15 – Investigation of Child Fatalities in Which Child Abuse/Neglect is Suspected or Alleged
	Section No./Name	Investigation of Child Fatalities in Which Child Abuse/Neglect is Suspected or Alleged
	Document No./Name	4-1510 Preliminary Investigations of Child Fatalities
	Effective Date	November 20, 2024

I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) that a preliminary investigation is initiated as a Priority 1 by local office CPS staff for all reports of child fatalities and/ or life threatening injuries received from Centralized Intake.

II. PROCEDURES

A. REQUIRED ACTIVITIES AND CONTACTS

The preliminary investigation for a child fatality investigation includes the following:

1. CPI-4 Form

As needed or requested, the worker shall provide any needed information for the Regional * Administrator or their designee to email the required completed CPI-4 Form to State Office at DCFS-CPI-4Reports@LA.GOV, Attention: State Office Protective Services Section within 48 hours of a notification of a child fatality or life threatening injuries report. DCFS is require to notify the State Child Ombudsman of all fatalities that are the result of abuse and/or neglect. Once medical confirmation is received verifying that the child's death was due to abuse or neglect, please notify State Office at DCFS-CPI-4Reports@LA.GOV. Also include a copy of the diagnosis, autopsy finding, etc with the email.

2. Subject Contacts

a. An in-person individual interview with the parents/legal custodian which includes the notification of the investigation; their opportunity to request audio tape recording of the investigation interviews; information about the investigation; and, administrative appeal via the CW Form 470, Notice to a Parent/Caretaker of a Report. When the parents/legal custodians have limited English proficiency, the worker should arrange for interpreter services as per CW policy 1-222 as needed. When their primary language is Spanish or Vietnamese, the Form 470-Spanish or Form 470-Vietnamese is used for the written notification.

The CW Client Expectations and Responsibilities – Is given to each parent/legal custodian and perpetrator involved in the investigation. The form needs to be discussed and filled out entirely and uploaded into Attachments in the ACESS case. -***. When appropriate, the Spanish or Vietnamese version of the form is used.

The worker is expected to inquire whether there is an existing visitation or custody order or agreement involving a parent and any surviving child. When there is such an order or agreement, the worker shall assess the order/agreement and any need for court action to protect the safety of the child (pursuant to Children's Code Article 612).

b. In the case of a two parent household, both parents shall be interviewed. Out of home parents shall be interviewed whenever they have joint custody, visitation, are involved with the child and/or may have information about the care of the child and/or the abuse/neglect incident. Out-of-home parents who are not involved with the child and/or live at a great distance and cannot be expected to have information about the child or his care do not have to be interviewed in a preliminary investigation. Although the parent may not be involved with the child, the parent's family may be involved with the child and may have information about * their care. Refer to policy 4-512, Initiation of the Investigation with the Parent or Caretaker and CW policy 4-520, Investigation Levels.

c. An in-person individual interview with the alleged perpetrator, if they are a person other than the alleged child victim's parent or legal custodian and notification of the investigation via the CW Form 470-A, Notice to an Alleged Perpetrator for a Child Abuse/Neglect Investigation.

When the working agreement with the local law enforcement agency with jurisdiction for a criminal investigation involving an alleged perpetrator other than a parent/legal custodian requires the worker observe the police interview without participation or to listen from another room, this meets the requirement. The pertinent information from the police interview is documented in the ACESS investigation case on an Interview page.

d. An in-person individual interview with each surviving sibling living in the household. If the surviving sibling is under the age of 24 months or without the verbal skills for an interview, they ** shall be observed, and documented on a separate Interview page.

Interviews during the investigation shall not interfere with the criminal investigation. Attempts shall be made to coordinate with law enforcement, if it is not a joint investigation. Any requests from law enforcement/military police, such as a delay with Child Protection Investigation (CPS) investigative interviews to avoid interference with the criminal investigation, shall be documented in the ACESS investigation case.

The worker may delay interviews, especially with the alleged perpetrator, when requested by law enforcement when the safety of a surviving child is not threatened. The delay may not be for an indefinite time, however as CW must complete an investigation in accordance with the legal mandate of the LA Children's Code. When law enforcement is not willing for CW to conduct the investigation, the Child Welfare Manager shall consult with the Regional Administrator and/or the Regional Attorney regarding notification to the law enforcement agency of the CW responsibility to initiate and complete the investigation.

3. Reporter, Collaterals and Other Contacts

a. An in-person interview with any known eye witnesses.

b. A contact with the reporter and source (if different from the reporter), if his identity and a way to contact him is known.

c. A contact with the coroner, or attending physician, to determine the cause of death and whether there is any evidence of abuse or neglect as a contributing factor in the alleged child victim's death.

DCFS is entitled to receive a preliminary diagnosis, cause of death, and any other findings of abuse/neglect pending release of the final reports. There may be times when the coroner does not wish to release findings due to a pending criminal investigation. However, LA R.S. 13:5713 requires the coroner to do so immediately, if needed to protect any other minor child.

A coroner's report or attending physician's report that includes the cause of death and whether abuse/neglect was a contributing factor is sufficient for the contact. A coroner's report is a public document that shall be released to DCFS without cost as per LA R.S. 44:19. The report, as defined in the statute, includes identifying information about the decedent, the cause and manner of death and includes any scientifically contributing factors. Like the preliminary cause of death, the coroner shall immediately make the information available, if necessary to protect another minor child.

If a coroner's report does not include sufficient information to determine a finding and/or complete the impending danger safety assessment, refer to Section 4-1520 for more information on reports developed by the coroner's office.

The report is documented as a written contact.

d. An interview with any emergency personnel who had contact with the family or victim at the time of the injury or emergency response such as paramedics or other emergency (911) staff.

4. Safety Assessment

A Safety Assessment shall be completed on all surviving siblings/children. It must be approved by the supervisor within 15 calendar days of the date of the report and/or anytime a threat of danger is identified.

The safety assessment is a structured process used to determine whether a child is at in Danger of substantial harm from abuse/neglect. Whenever a surviving child is determined to be unsafe, a safety plan is necessary, unless it is determined that a safety plan cannot adequately protect the child in the home. In those cases, an instanter custody order should be requested from the court of jurisdiction. The safety plan can be a voluntary in-home safety plan or and instanter safety plan order from the Juvenile Court with jurisdiction for the case. The plan is to be developed with the supervisor in a conference that may be by telephone or in person with written documentation of the plan in the ACESS investigation case safety assessment. Whenever a surviving child is assessed to be unsafe, a full investigation shall be conducted. Refer to Policy 4-516, Safety Assessment.

When there are no surviving children in the home, a safety assessment is not applicable. An approved safety assessment in the ACESS investigation case is mandatory in ACESS. In order to meet this requirement, the Create Safety Assessment page is completed with a safety decision of N/A – No surviving children. It is important, prior to making the decision to create the safety assessment in this manner, CPS staff assure no Caretaker involved in the case/investigation has any other children. This includes children who may not live in the home where the death occurred, but the Caretaker as a parent or legal guardian has access to these children.

5. Home Visit and Scene of the Incident

A view of the scene of the incident where the child's injury and death, or life threatening injury, allegedly occurred needs to be viewed whenever possible. If the scene of the incident or death is a location other than the child's home, the worker shall also make a home visit. The worker should consider requesting police assistance if he has concerns about his safety in visiting. A home visit will not be necessary, if police assistance cannot assure the worker's safety. If a

home visit is not conducted due to safety concerns, the CPS worker and Supervisor shall document this on a staffing page in ACESS.

The worker shall observe the home, the condition and general adequacy (including sleeping arrangements) for family members. If available any objects that may have been used to injure the child should be observed. When the fatality involved an infant or young child and co-sleeping may have occurred at the time of the fatality, the worker should observe the sleeping arrangements, including the sleeping surface and the bedding. This should in no way interfere with the police or coroner's investigation of the death, particularly if a crime is suspected. The scene of the incident should be photographed. This is generally done by law enforcement. However, the worker may photograph the scene, if necessary.

B. THE ROLE OF THE SUPERVISOR

The CPS Supervisor is expected to jointly investigate all child abuse and/or neglect fatality reports and life threatening reports with the CPS Worker. This will include the supervisor's participation in the initial investigation contact, and other field visits with the worker, and the interview of all or some of the following persons depending on the circumstances of the case and the worker's level of experience:

1. Parent/caretaker, other adults in the home, siblings, other subjects of the report;
2. Alleged perpetrator(s);
3. Witnesses; and/or
4. Collateral contacts as needed for the preliminary investigation.

Responsibilities for the ACESS investigation case documentation, writing of any required court letters, testifying at any court hearings, and other case activities remain with the CPS Worker. The supervisor may also be required to testify at court hearings in some cases.

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C. VIEWING THE DECEASED CHILD'S BODY

The viewing of a deceased child's body is an optional investigative activity. An alternative to viewing the child's body is viewing photographs of the child's body and/or of the autopsy. Photographs are attached to the ACESS investigation case.

A supervisor and worker are expected to discuss the feasibility of viewing the deceased child's body and determine whether there would be any necessary information to be gained. * When

DCFS staff is unable to view the deceased child's body and it is not possible or purposeful, then the worker shall enter a statement as the deceased child's interview in ACESS. They shall document why they were not able to view the deceased child's body or take photographs of the child. **

If at all possible, it would be preferable to have the consulting physician present when the body is viewed, if that is in accordance with the local agreement with the coroner's office. In situations in which the consulting pediatrician has viewed the child's body, the worker shall request that the pediatrician complete the CW Form 41, CPS Physical Examination Form, and the CW Form 41, Supplement 1, Abuse/Neglect Injury Worksheet.

D. SUPERVISORY CONFERENCE

Upon completion of the preliminary investigation contacts, the worker, supervisor, and the Child Welfare Manager may have a conference to determine whether the facts obtained during the preliminary investigation indicate there is no reason to believe that child abuse or neglect by a parent/legal custodian/caretaker or adult household occupant may have been a contributing factor in a child's death. If there are surviving children in the home, the conference shall include whether the investigation ruled out abuse and neglect of these children as well.

The investigation may be terminated with a final finding of Invalid with the following circumstances:

- There is no reason to believe that abuse or neglect was a factor in the child's death or life threatening injuries;
- Medical records that rule out abuse/neglect have been obtained; and,
- There is no reason to believe that abuse or neglect was a factor with any allegations involving any surviving children in the home.

If the worker, supervisor, and Child Welfare Manager determine that the preliminary investigation did not rule out abuse or neglect as a contributing factor in the child's death or injuries, the full investigation shall be completed. If the Child Welfare Manager approves the termination of the investigation with an Invalid final finding, the Manager may also approve an exception for holding a Multi-Disciplinary Team staffing.

E. TIME LIMITS FOR THE PRELIMINARY INVESTIGATION

The required preliminary investigation contacts and activities are expected to be completed as soon as possible after the receipt of the report, but should be completed within ten days of the receipt of the report by the department.

The worker, supervisor, and Child Welfare Manager may meet to determine whether to terminate the investigation or to complete the full investigation once the contacts and activities have been completed. The determination should occur prior to an interim report to State Office for cases requiring an interim report. The staffing is documented in the ACESS investigation case when the decision is that the worker will complete the full investigation. When the investigation will be terminated after the preliminary investigation, the staffing is documented in the ACESS investigation case with the approval of the investigation finding.

F. DOCUMENTATION OF ACTIVITIES, FINDINGS AND DECISIONS WHEN INVESTIGATION TERMINATED AFTER A PRELIMINARY INVESTIGATION

The following are the requirements for case record documentation and forms completion for a child fatality preliminary investigation with a final finding of invalid:

1. All investigation contacts and activities are documented in the ACESS investigation case in accordance with CPS Policy Section 4-2020, CPS *Investigation Case Maintenance.

2. This includes the validity staffing; any case recommendations; the investigation finding decision of invalid; the reason for the invalid finding; and, the incident date for each invalid allegation/child/perpetrator combination.

   The case documentation shall include information obtained through interviews, observations and any written documents for sufficiently documenting the areas of assessment. In addition, if new information was provided during the interview or an additional report is received, this was further assessed and part of the validity staffing. **

3. The assessment of risk using the Structured Decision Making Initial Risk Assessment. It is accessed via the SDM hyperlink on the navigation bar of the ACESS investigation case. The supervisor has to review and approve the SDM. When there are surviving children in the home, the risk assessment is completed with only the surviving children in the household. When there are no surviving children in the home, the risk assessment is completed with the deceased child as a member of the household.

   The information obtained during the investigation used to complete risk factors R5 through R16 is documented in the ACESS investigation case.

4. The worker shall create a Form 10 in ACESS prior to the closure of the case.

5. The worker is responsible for notifying the parent/caretaker of the finding for the investigation via the CW Form 471, Notice to Subject of an Invalid Report. When an “other caretaker perpetrator" was involved in the investigation, he is also notified of the invalid finding with regards to his involvement via the CW Form 471.

G. Termination of the Investigation

The ACESS investigation case is submitted to the supervisor for review, approval of the invalid findings and case closure. The supervisor approves the termination of the investigation and selects a closure reason of Completed Preliminary Investigation to close the ACESS investigation case.

III. FORMS AND INSTRUCTIONS

Form 470 / Instructions Notice to Parent/Caretaker of a Report
Form 470-Spanish Notice to Parent/Caretaker of a Report
Form 470-Vietnamese Notice to Parent/Caretaker of a Report
Form 470 A / Instructions Notice to an Alleged Perpetrator for a Child Abuse/Neglect Investigation
Form 41 CPS Physical Examination Form
Form 41 Supplemental 1 / Instructions Abuse/Neglect Injury Worksheet
CW Client Expectations and Responsibilities – CPS Form / Instructions
CW Client Expectations and Responsibilities (Spanish) – CPS Form
CW Client Expectations and Responsibilities (Vietnamese) – CPS Form
CPI-4 / Instructions Initial Child Fatality Report

IV. REFERENCES

LA R.S. 44:19