

## 14.10 Special Investigations Unit Child Protective Services Investigations

**Application:** To All Department of Children's Services Child Protective Services Special Investigations Employees

**Authority:** TCA 37-5-105 (3), 37-5-106, 37-1-401 et seq, 37-1-601 et seq , 39-15-210

**Standards: COA:** PA-CFS 5.08-5.10; PA-CFS 5.12; **PREA:** 115.371

**Commissioner:**

**Date:**

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### Glossary:

♦ Sexual Harassment:

○ Includes:

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### Policy Statement:

The Department of Children's Services (DCS) Special Investigations Unit (SIU) conducts investigations on allegations of child abuse and neglect which occur while a child is in DCS custody or when the case involves non-custodial children where the alleged perpetrator (AP) is acting in an official employment, volunteer, or foster care capacity. The SIU conducts investigations where the allegations would affect the employment or volunteer status of those working with children.

### Purpose:

To provide DCS SIU employees with additional guidelines for conducting timely and effective investigations.

### Procedures:

#### A. SIU Case Criteria

1. SIU is responsible for conducting investigations when the abuse or neglect occurred while the child was in custody.
2. SIU is responsible for conducting investigations when the abuse or neglect involves children who are not in the legal custody of DCS, but they are under the supervision or care of an individual(s) functioning in an official employment or volunteer capacity within the following but not limited to:
  - ◆ Detention facilities
  - ◆ Licensed foster homes
  - ◆ Licensed day care/childcare agencies
  - ◆ Unlicensed daycare facilities with more than four (4) children not including children related to the unlicensed daycare provider
  - ◆ Schools
  - ◆ Religious organizations
  - ◆ Youth groups
3. SIU investigates allegations of abuse and/or neglect where the DCS employee is named as the alleged perpetrator or the alleged perpetrator resides in the home of the DCS employee. At the discretion of the Child Protective Services Director (CPSD) and the General Counsel, or their designees, a SIU Case Manager and legal counsel may be used from another region to conduct the investigation.

**Note:** Regional staff may request assistance from SIU on macro cases or mega family investigations through the CPSD or designee.

**Note:** SIU investigates allegations of sexual abuse when the allegation meets the definition in [Work Aid 1: CPS Categories and Definitions of Abuse/Neglect](#). Sexual abuse investigations are not terminated solely because the victim and/or the source of the allegation recants.

**Note: Sexual Harassment Classification:** If the alleged perpetrator is a person under the age of nineteen (19) living in a residential congregate care setting with the child, and there is sufficient evidence that the harassment occurred, then the allegation will be classified as substantiated for the purposes of PREA, but the perpetrator will be classified as unsubstantiated since it does not constitute an act of abuse or neglect as defined by Tennessee code.

**Note:** For exceptions to this criteria refer to DCS Policy [14.2, Screening, Priority Response, and Assignment of Child Protective Services Cases](#).

## **B. Investigative Responsibilities**

SIU staff refer to DCS Policy [14.6, Child Protective Services Case Tasks and Responsibilities](#) and [14.7, Multi-Disciplinary Team: Child Protection Investigation Team](#) and [Child Protective Services Tasks Manual](#) for initiating and conducting an investigation.

### **1. Home Visits**

- a)** A child's primary placement is considered the child's home for purposes of making a home visit (e.g. foster home, YDC, residential facility).
- b)** If the placement has recently changed or the child experienced a move in connection with the circumstances that resulted in the allegations, the SIU Case Manager completes the following:
  - ◆ Conducts a home visit and interviews the alleged child victim (ACV) in the new placement; and
  - ◆ Conducts a home visit and interviews collateral contacts where the alleged incident occurred.

### **2. Coordinated Investigations**

- a)** SIU may coordinate investigative activities with other state agencies and other divisions of DCS that share jurisdiction to include (but not limited to):
  - ◆ DCS Licensing
  - ◆ Department of Human Services (DHS)
  - ◆ Department of Intellectual and Developmental Disabilities (DIDD)
  - ◆ Department of Education
  - ◆ Department of Mental Health
- b)** Due to confidentiality, all SIU cases should be presented to the CPIT with only the following present:
  - ◆ Investigator(s);
  - ◆ SIU supervisor(s); and
  - ◆ Office of Child Safety Management.

**Note:** All other DCS employees should leave the room during the presentation to preserve confidentiality. Exceptions to this are coordinated investigations between regional Child Protective Services (CPS) Case Managers and SIU staff.

### **3. Investigations Involving Foster Homes**

The SIU Case Manager:

- ◆ Notifies the foster parents of their right to access a DCS foster parent(s) advocate; Note: The advocate is permitted to be present at all portions of the investigation when the accused foster parent(s) are present. All information received by the advocate therein remains confidential.

- ◆ Reviews the foster home study;
- ◆ Reviews any Corrective Action Plans involving the foster home or foster parents;
- ◆ Interviews the DCS Foster Care and Foster Parent Support staff involved with the foster home;
- ◆ Interviews Contract Provider Case Managers when the home is managed by a private provider;
- ◆ Completes the SIU Family Advocacy and Support Tool (FAST) within five (5) business days of intake; and
- ◆ Consults with DCS Legal staff when required (refer to DCS Policy [14.13, Non-Custodial Immediate Protection Agreements](#) and [14.14, Removal: Safety and Permanency Considerations](#)).

#### **4. Custodial Children**

The SIU Case Manager:

- ◆ Notifies the FSW within forty-eight (48) hours of the initiation of the investigation to coordinate notification to the biological parents/legal custodian;
- ◆ Coordinates with the applicable DCS staff to request the necessary medical and psychological examinations, referrals for services, and arrange transportation, if needed;
- ◆ Verifies current signatures of required forms in file and complete if out of date and place in the SIU case file;
- ◆ Consults with the FSW and reviews the Family Permanency Plan and Treatment Plan to ensure safety factors are being addressed;
- ◆ Reviews the AP's personnel file specifically related to performance/discipline records.

#### **5. Non-Custodial Children residing in a Licensed Facility:**

The SIU Case Manager:

- ◆ Notifies the parents or legal custodian(s) regarding the allegation(s) within forty-eight (48) hours of the initial ACV contact;
- ◆ Notifies the facility representative within forty-eight (48) hours regarding identified services;
- ◆ Obtains the parent/legal custodian's signature on completed forms, as necessary;
- ◆ Reviews Treatment Plan for completion and progress to ensure safety factors are being addressed;
- ◆ Reviews the AP's personnel file specifically related to performance/discipline records.

**Note:** For all Non-Custodial cases, a face to face contact with the ACV(s) is required each calendar month.

### **C. Safety & Risk Planning**

1. Based upon available information, SIU staff assesses the child's immediate needs to ensure safety and reduce risks. Every effort is made to preserve critical relationships and maintain stability for the child. These decisions are made in conjunction with DCS supervisory staff and, when applicable, an agency participating in a coordinated investigation.
2. Using the appropriate formal assessment tool, SIU staff assesses safety and risk by completing a global assessment to utilize the outcomes of the assessment to support decision making as follows:

- a) SIU FAST within five (5) business days of intake when the case involves:
  - ◆ Foster Homes
  - ◆ Daycares
  - ◆ Schools
  - ◆ Youth Development Centers (YDCs)
  - ◆ Youth Groups
  - ◆ DCS Employees in their professional capacity, and/or
  - ◆ Custodial Children
- b) FAST per the [\*\*\*Protocol for Completion of the Family Advocacy and Support Tool \(FAST\)\*\*\*](#) when the case involves a DCS Employee in their personal capacity and/or a person residing in their home is the AP.

Safety concerns and recommendations are addressed following DCS Policies [\*\*\*14.12, Family Permanency Planning for Child Protective Services Non-Custodial Cases, 14.13, Non-Custodial Immediate Protection Agreements, 14.14, Removal: Safety and Permanency Considerations,\*\*\*](#) and [\*\*\*16.27, Notice of Removal from a Foster Home.\*\*\*](#)

### **3. Custodial Children:**

- a) SIU, in coordination with regional staff, and Foster Parent Support determine the ability to meet the safety needs of the child in the current placement. Refer to Policy [\*\*\*16.27, Notice of Removal from a Foster Home.\*\*\*](#)

**Note:** In the event of immediate safety risks, regional staff may make a placement move decision without SIU.

- b) SIU requests a Child and Family Team Meeting (CFTM) before moving a child from the current placement, when possible. If this is not immediately possible,

the SIU Case Manager, the FSW, and Team Leader or Team Coordinator discuss the investigation and schedule a CFTM as soon as possible. Refer to the DCS [\*Child and Family Team Meeting Guide\*](#).

- c) If removal from the placement is warranted, regional staff are responsible for securing the child's placement and transportation to the alternate placement. This includes children that are placed from other regions.
- d) SIU obtains a copy of the corrective action or safety plan from the FSW.

**4. Non-Custodial Children:**

If removal of a non-custodial child is warranted when a custodial child is removed from a foster home, SIU staff are responsible for the removal of that child.

**D. Notification Procedures**

SIU staff makes all applicable notifications as outlined in [\*Work Aid 4: Special Child Protective Services Investigative Tasks and Activities\*](#).

**E. Case Record Composition**

SIU case file documentation and organization is conducted as outlined in DCS Policy [\*14.11, Child Protective Services Case File Organization, Documentation and Disposition\*](#) and [\*OCS Quality Documentation Guide\*](#).

**Exception:** SIU cases are identified in TFACTS under the child's name.

**Forms:**

[\*CS-0826, CPS SIU Notification of Case Initiation and Closure\*](#)

**Collateral Documents:**

[\*Work Aid 1: CPS Categories and Definitions of Abuse/Neglect\*](#)

[\*Foster Parent Bill of Rights, page 34\*](#)

*DHS/DOE Memorandum of Understanding*

[\*Protocol for Completion of the Family Advocacy and Support Tool \(FAST\)\*](#)

[\*Protocol for Foster Home Quality Team\*](#)

[\*Provider Quality Protocol\*](#)

[\*Work Aid 4: Special Child Protective Services Investigative Tasks and Activities\*](#)

[14.2, Screening, Priority Response, and Assignment of Child Protective Services Cases](#)

[14.6, Child Protective Services Case Tasks and Responsibilities](#)

[14.7, Multi-Disciplinary Team: Child Protection Investigation Team](#)

[14.11, Child Protective Services Case File Organization, Documentation and Disposition](#)

[14.12, Family Permanency Planning for CPS Non-Custodial Cases](#)

[14.13, Non-Custodial Immediate Protection Agreement](#)

[14.14, Removal: Safety and Permanency Considerations](#)

[Child Protective Services Tasks Manual](#)

[16.3, Desired Characteristics of Foster Parents](#)

[16.8, Responsibilities of Approved Foster Homes](#)

[16.27, Notice of Removal from a Foster Home](#)

[18.8 Zero-Tolerance Standards and Guidelines for Sexual Abuse and Sexual Harassment Incidents and Prison Rape Elimination Act \(PREA\)](#)

[Child and Family Team Meeting Guide](#)

[OCS Quality Documentation Guide](#)