



Tennessee Department of Children's Services

Protocol for Special Investigations Unit

Supplemental to DCS Policies: [14.6, Child Protective Services Case Tasks and Responsibilities](#) and [14.7, Multi-Disciplinary Team: Child Protection Investigation Team](#). Also reference the [Child Protective Services Tasks Guide](#) when initiating and conducting an investigation.

Disclaimer: This protocol is to be used as a support outlining possible case considerations related to the different abuse and neglect allegations CPS investigates. This protocol is not meant to be used as a checklist as the tasks below may not be required on every case.

INVESTIGATIVE TASKS:

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 Disability and Aging (DDA)
 - ◆ Department of Education (DOE)
 - ◆ Department of Mental Health and Substance Abuse (DMHSA)

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b) Due to confidentiality, all SIU cases should be presented to the CPIT with only the following present:

- ◆ SIU Case Manager(s);
- ◆ SIU supervisor(s); and
- ◆ CPS 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. Investigation 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. If the foster parent obtains legal counsel, the legal counsel will replace the advocate.

- ◆ Reviews the foster home study;
- ◆ Reviews any Corrective Action Plans involving the foster home or foster parents;
- ◆ Interviews the DCS Foster Care and Foster Care 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](#)).
- ◆ Review the [Protocol for DCS Foster Home Quality Team \(FHQT\) Suspended Admissions during a Special Investigations Unit \(SIU\) Investigation](#) for more information.

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;

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- ◆ 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.

6. Investigations involving Prison Rape Elimination Act (PREA)

The SIU PREA Investigator:

- ◆ Notifies the facility of the PREA investigation at initiation by sending form [CS-4258, Initial Notification of Sexual Abuse and/or Sexual Harassment Allegation for PREA Facilities](#) and at closure by sending form [CS-4232, Investigation Outcome of Allegations of Sexual Abuse/Harassment](#). The investigator copies mailbox: EI_DCS.PREA.Unit@tn.gov on the email notifications sent out.

NOTE: Sends form [CS-0826, SIU Notification of Case Initiation and Closure](#) to the statewide PREA Coordinator. This task is completed by the Child Abuse Hotline Intake Analyst at case assignment.

- ◆ PREA Classifications:

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- Substantiated allegation means an allegation that was investigated and determined to have occurred.
- Unfounded allegation means an allegation that was investigated and determined not to have occurred.
- Unsubstantiated allegation means an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

NOTE: When classifying the PREA case as unfounded, the investigator will select allegation unsubstantiated, perpetrator unsubstantiated and notate the unfounded classification on the classification screen in the narrative box in the Electronic Records System.

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.

PREA requirements, safety concerns and zero tolerance guidelines are addressed in DCS policy [**18.8 Zero-Tolerance Standards and Guidelines for Sexual Abuse and Sexual Harassment Incidents and Prison Rape Elimination Act \(PREA\)**](#).

SAFETY AND 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

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- ◆ DCS Employees in their professional capacity, and/or
 - ◆ Custodial Children
 - ◆ Congregate Care Facilities
- 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 Care 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.

NOTIFICATION PROCEDURES:

A. Notifications at the Opening of a Special Investigation Case

When the case involves children in custody, the following notifications are made within one (1) business day of case assignment:

1. DCS staff, including but not limited to:
 - ◆ DCS Licensing;

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- ◆ Foster Care and Adoption (FC&A);
 - ◆ Quality Compliance;
 - Foster Home Quality Team (FHQT); or
 - Internal Provider Quality Team (IPQT)
 - ◆ SIU Management;
 - ◆ The child's Family Service Worker (FSW);
 - ◆ The supervising Team Leader (TL);
 - ◆ Foster Care Support Team Coordinator (TC);
 - ◆ The Office of the Interstate Compact on the Placement of Children (ICPC); and
 - ◆ The Director, Executive Director, Assistant Commissioner and/or designee and/or designee, of the assigned region.
2. When the allegation involves a child placed at a Youth Development Center (YDC), the following staff, in addition to those listed in 1.a above, are notified:
- ◆ The YDC Superintendent;
 - ◆ The Deputy Commissioner of Juvenile Justice; and
 - ◆ The Regional Director, Executive Director, Assistant Commissioner and/or designee of the region where the incident occurred.
3. When the case involves a DCS employee, the following notifications are made immediately upon case assignment:
- ◆ Director ;
 - ◆ Executive Director, Deputy Commissioner, and/or Assistant Commissioner;
 - ◆ Executive Director of Human Resources
 - ◆ YDC Superintendent when a YDC employee is involved; and
4. When a case involves school personnel, SIU staff consults with legal before notifying the Superintendent or designee assigned to the school district where the allegation occurred.
- ◆ **NOTE:** SIU staff notifies the District Attorney and Juvenile Court within twenty-four (24) hours of case assignment for all cases assigned as severe abuse.

School Personnel:

- ◆ **For School Personnel Only:** Instances in which an emergency risk review determines the school personnel/alleged perpetrator poses a risk to the safety of children/youth, the assigned Team Coordinator, or designee, will provide notification to the Chief

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Officer of the local educational entity (e.g., Superintendent, Principal, or Headmaster) and State Board of Education via certified letter using the Pre-Substantiation Emergency Risk Notice (Letter Pre-3), found on the "O" drive. This notification will also be provided via email to the Director of the Due Process Procedures Unit.

Other notifications, as applicable:

Individual notice is given by the next business day from the receipt of the referral to the following individuals:

- ◆ Department of Disability and Aging (DDA)
- ◆ Department of Human Services Childcare Licensing (DHS)
- ◆ Department of Education (DOE) when the case involves a day care who is obtaining their license through the DOE
- ◆ Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS)

B. Notifications at the closure of a Special Investigation

If the investigation involves a child in custody, the following notifications are made at case closure:

1. When the investigation involves a child placed in a foster home or contract placement, the closing notification includes the following:
 - ◆ DCS Licensing;
 - ◆ FC&A;
 - ◆ PQI;
 - FHQT; or
 - PQT
 - ◆ SIU Management
 - ◆ Executive Director of Human Resources
 - ◆ The child's FSW;
 - ◆ The supervising TL;
 - ◆ TC of Foster Care Support
 - ◆ Network Development
 - ◆ ICPC

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- ◆ YDC Superintendent, if applicable;
- ◆ The Regional Director, Executive Director, Assistant Commissioner and/or designee, or designee, of the assigned region; and
- ◆ The biological or legal parent/legal custodian of the foster child regarding the outcome of the investigation.

NOTE: This task is completed by the Family Services Worker (FSW)

2. If the alleged perpetrator (AP) is a DCS employee, closing notification is made to:

- ◆ Director;
- ◆ YDC Superintendent;
- ◆ Executive Director, Assistant Commissioner and/or Deputy Commissioner;
- ◆ Executive Director of Risk Management Human Resources

3. If the child is a non-custodial child placed in a contract facility, the debriefing occurs with the following:

- ◆ Director of the program; and
- ◆ Parent/Legal custodian of the child.

C. Debriefing case outcomes for substantiated cases and unsubstantiated cases with noted issues

1. Cases involving child(ren) residing in DCS and Private Provider Foster Homes

- a) The SIU Investigator discusses the case with the Team Leader (TL) for classification decisions and discusses any concerns regarding the case.
- b) The SIU Investigator schedules the debriefing call/meeting/email with the FSW, FSW TL, DCS Foster Care Support TC, Private Provider representative (if applicable), foster parent(s), and/or Foster Parent Advocate (if they choose to participate). It is suggested that the SIU investigator coordinate scheduling with all parties for an agreed time of the call to promote communication and best practice.
 - ◆ The debriefing can occur once the review has been held with the SIU TL prior to closure of the case.
- c) The SIU Investigator notifies the appropriate staff members overseeing the foster home. If the home is a private provider home, the SIU Investigator debriefs with the identified contact person from the agency. If the foster home is a DCS home, the SIU Investigator debriefs the TC of DCS Foster Care Support.

NOTE: A formal phone call is not required with the FSW/TL on cases that are unsubstantiated.

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d) The TL completes and sends out the SIU closing notice to the same individuals that received the initial notice at the onset of the investigation.

NOTE: This is an internal document and is not disseminated outside of DCS.

e) The case is then sent to the Foster Home Quality Team.

NOTE: If the SIU case is unsubstantiated without noted issues, debriefing without noted issues, debriefing could occur by an email notification to the appropriate parties.

2. When the case involves contracted program facilities, a call is scheduled with the following persons to debrief the investigation:

- ◆ Director of the identified program; and if the child is in DCS custody, the following staff should be notified:

- FSW;
- FWS TL;

3. When the case involves a DCS employee, the Director or designee is contacted and debriefed regarding the outcome of the investigation.

4. When the case involves a licensed contract agency, information is conveyed to the licensed agency and appropriate licensing specialist or supervisor regarding the outcome of the investigation. Information is shared within three (3) days of the classification decision and minimally includes:

- a) The classification decision and, if substantiated, the person(s) responsible for the child abuse or neglect;
- b) Recommendations on imminent risk to the child(ren) and necessary corrective actions to ensure the safety of the child(ren); and
- c) Recommendations or concerns.

NOTE: Information is conveyed to the Department of Human Services (DHS) Day Care Licensing Program Evaluator or Supervisor per the ***DCS/DHS Memorandum of Understanding***.