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## 4-1335 NOTIFICATIONS AND THE RELEASE OF INVESTIGATION INFORMATION

### A. DAY CARE CENTER AND DAY CARE CENTER STAFF INVOLVED AS SUBJECTS

The day care center owner or director and any center staff who are subjects of the report are notified of the findings of the investigation. This does not include information regarding the reporter or investigative information regarding individual subject, witness or collateral interviews.

#### 1. Invalid Findings

The day care center owner or director and any staff person who was an alleged perpetrator are notified of the finding either by telephone or in-person when the finding for the investigation is \*\*\* Invalid. The notification also includes advising the day care center administrator that he may request an exit conference, if he desires one. A day care staff person, other than the director or owner, who is an alleged perpetrator is notified of the finding regarding their involvement in writing using the OCS Form [471](#), Notice to Subject of an Invalid Report.

When an exit interview is not requested, the owner/director is advised he will receive the OCS Form XI in the mail. A copy of Form [XI](#) is mailed with an OCS Form [XI-B](#), Notice to Restrictive Care Facility or Day Care Center of an Invalid Final Finding, as a cover letter confirming the finding. He is requested to sign and return the form.


When the owner or director requests an exit conference, the worker is responsible to conduct one as soon as possible. A copy of Form XI, along with the Form XI-B is given to the owner/director during the conference.

Whether or not there is an exit conference, any indications of \*any concerns observed at the day care center that may be\*\* child care deficiencies are noted on Form XI and the day care provider is advised that the DSS \*Child Care Licensing and Regulatory Section\*\* will be notified of the \*\*\* information. Refer to 4-1335 E., below.

#### 2. Valid Findings

The day care center owner or director and any staff identified as a perpetrator are notified in-person of a valid finding of abuse and/or neglect. A person identified during the investigation as a directly involved perpetrator of child abuse/neglect is also notified in writing via the OCS Form [484](#), Notice to Subject of a Valid Finding for a Restrictive Care Facility or a Day Care Center Investigation

In addition, an exit conference is scheduled with the owner or director. The [Form XI](#) and an [OCS Form XI-A](#), Notice to Restrictive Care Facility or Day Care Center of a Valid Final Finding, is given to the owner or director during the exit conference. The findings of the investigation are discussed and the Form XI is reviewed. The owner or director is requested to sign and return the form. The owner/director is to be advised that \*Licensing\*\* will be notified

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of the finding with a copy of the Form XI. Also, if State Office will be notified of imminent danger circumstances, they should be advised of that notification as well.

### 3. Inconclusive Findings

When the finding for the investigation is Inconclusive, each alleged perpetrator whose involvement is inconclusive is notified of the final finding and is advised of the maintenance of the case record. Whenever possible, the alleged perpetrator should be advised in person of the findings. He may be notified by telephone when an in-person contact is not possible. In addition, he is notified in writing with the [OCS Form 474](#), Notice to a Subject of an Investigation with an Inconclusive Finding. The form may be mailed or, in the case of an in-person contact, given to him.

The facility is notified of the final finding using the [OCS Form XI-E](#)., Notice to a Restrictive Care Facility or Day Care Center of an Inconclusive Final Finding. **\*Any child care concerns are noted on Form XI and the day care provider is advised that Licensing will be notified of the information.\*\*** The Form XI-E is used as a cover letter to the Form XI and is presented along with the Form XI during the exit interview.

## B. PARENTS/CARETAKERS OF ALLEGED CHILD VICTIMS


Parents of all alleged child victims who were contacted during the investigation shall be notified of the agency findings with regard to their child. This does not require a formal request by the parent. The findings on other children shall not be discussed with each parent.

### 1. Completed Preliminary Investigation or Invalid Finding

The parent may be notified by telephone or in person, when the final finding is **\*\*\*** Invalid for all allegations involving their child. If any service needs for the child have been identified during the investigation, the worker is expected to make a recommendation for services to other agencies to the parent if there may be a resource that may be able to meet the service needs. The notification and any recommendation for services are documented in the case record.

### 2. Valid Finding

The parent **\*is\*** notified in person, when the finding for one or more allegations involving their child is Valid for abuse and/or neglect. In addition, staff should make any recommendations for services from other agencies to the parent for services or treatment the child may need as a result of the abuse and/or neglect. OCS does not assume responsibility for the treatment needs of children determined to be victims of abuse/neglect in day care center investigations. This is a parental responsibility. The notification and any recommendations are documented in the **\*ACCESS investigation case on the case activity log.\*\***

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### 3. Inconclusive Final Finding

The parents are advised of the Inconclusive finding either in-person or by telephone.

### 4. Parents/Caretakers of Children Who Were Not Named as Alleged Victims in the Investigation

#### a. Invalid Findings

The confidentiality statute does not permit the release of any information to any parent or guardian of a noninvolved child regarding an investigation in which the agency finding is \*\*\* Invalid.


#### b. Valid Findings

OCS may inform the parent or guardian of any child being cared for at a day care center of a Valid finding of child abuse, neglect, or exploitation occurring at the center, if requested by the parent or it becomes necessary for the agency to take adverse action against the center. The only information which may be disclosed is that the investigation has determined by the agency standard that abuse, neglect or exploitation occurred. OCS cannot disclose any factual information obtained through the investigation, information about the perpetrator, or the center's action regarding the finding.

OCS may advise a parent or legal guardian of a Valid finding when it becomes necessary to take adverse action against a center in the interest of the safety and welfare of the children whether or not the parent requests the information. This would be applicable if the agency were removing children for whom the agency purchases day care services due to abuse, neglect or exploitation and risk to the children is assessed to be high.

In such a case, the advisability of contacting parents is discussed during the staffing. If a consensus is not reached during the staffing the District Manager and, if necessary, the Regional Administrator may need to determine the most appropriate agency action regarding the need to contact parents to discuss possible risk of harm to children remaining in the center.

For cases in which it is determined that such a notification will occur, it shall be by telephone or in person for all children in the center. There shall also be a written notification. Parents shall be advised that the agency is concerned regarding the possible risk of harm to children who continue to receive services at the center due to the agency validation of abuse, neglect, or exploitation. A copy of the written notification shall be maintained in the investigation case record and the in-person or telephone contact(s) shall be documented on \*the case activity log.\*\*

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### C. OCS WORKER FOR ACTIVE OCS CLIENTS

When a child subject of the report is an active OCS client and the finding is \*\*\* Invalid, the child's worker is notified via \*e-mail\*\* that the agency will not be taking any adverse action with regards to the child's care in the day care center. If there were any \*\*\* concerns regarding the child's care at the center the information \*\*\* is included in the \*e-mail.\*\* The \*e-mail\*\* will not include any information regarding a report of child abuse/neglect or the investigation in the center.

The agency worker shall be advised of any valid child abuse/neglect findings of the investigation involving a child receiving OCS services in any program via a copy of the OCS Form XI for the investigation.

### D. OCS LOCAL OFFICE FOR DAY CARE CENTERS FROM WHICH OCS PURCHASES DAY CARE SERVICES

When the investigation finding is \*\*\* Invalid, the appropriate local office staff is advised that the center may continue as a day care provider for OCS clients by the worker who completed the investigation.

When the finding for the investigation is Valid, the CPI worker is responsible for advising the appropriate local office staff regarding the agency decisions reached during the agency staffing as they relate to participation in the program and the suspension of placement of additional children at the center. \*As a result of the abuse/neglect valid finding, the center may be disqualified as a DSS day care services provider either temporarily or permanently. A TIPS Screen, Provider Disqualification Screen Inquiry, will include a disqualification type when a center has been disqualified as a day care provider.\*\*


### E. LICENSING

The DSS \*Child Care Licensing and Regulatory Section\*\* is notified of the agency findings via Form XI when the final finding for the investigation is Valid. \*When the Valid overall finding for the investigation is approved by the supervisor in ACESS, Licensing is notified via their ACESS queue and the Form XI is sent electronically.\*\*

When the final finding for the investigation is \*\*\* Invalid or Inconclusive, but there are \*child care concerns\*\* identified, the information \*\*\* is sent to Licensing in writing via \*the OCS Form 15, Notice to Licensing of a Child Day Care Center Concern.\*\* The notification may not include any information regarding a report of child abuse/neglect, an investigation or the \* Invalid or Inconclusive\*\* finding.

\*If there was a notification of a child death, serious injury, or an imminent danger circumstance at intake or during the investigation and the determined finding was other than Valid, the Form 15 is used to update Licensing on the circumstances of the previous notification.

**Staff shall not send a copy of the Form XI to Licensing when the finding for the investigation is any finding other than Valid.** If contacted by Licensing with a request for information regarding the

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outcome of an investigation determined with a finding other than valid, Licensing staff shall be advised that OCS has no Valid findings to provide and request destruction of the CPI Intake Summary.\*\*

## F. DISTRICT ATTORNEY

The district attorney shall be notified of all Valid findings of abuse and/or neglect. The notification shall be attached to the Form [XI](#), if the district attorney will accept that format for the notification. When a district attorney will not accept the Form XI, the worker shall use the format requested by the district attorney.

The notification shall occur as soon as possible upon completion of the investigation but within 30 days of the determination of validity as required by the Louisiana Children's Code, [Article 615 \(3\)](#).