

CHILD PROTECTIVE SERVICES

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3 **200.1 Table of Contents**

4 **200.2 Philosophy Of Child Protective Services Investigations 1**

5

6 **201 A Call For Help: A Community And State Collaborative Effort..... 2**

7 **201.1 Intake 2**

8 **201.2 Receiving And Researching The Referral 2**

9 **201.3 Research Of Information 4**

10 **201.4 Disposition Of The Referral..... 4**

11 **201.5 Priority Of The Referral 6**

12 **201.6 Out-Of-State Abuse Or Neglect Report..... 7**

13 **201.7 Case Assignment Based On Child Location 9**

14 **201.8 Courtesy Casework Request From An Out-Of-State Agency 9**

15 **201.9 Allegation Categories For Abuse, Neglect, Or Dependency 10**

16 **201.10 Missed Priority Time Frames 10**

17 **201.11 Referral Of Abuse, Neglect, Or Dependency In Licensed Child Care Providers**

18 **And Out-Of-Home Care Providers 10**

19 **201.12 72-Hour Hold By A Physician..... 12**

20 **201.13 Protocol For IHS Cases Involving Youth In Out-Of-Home Care Age 18 And**

21 **Older Who Are Identified As Victims Of Abuse Or Neglect 12**

22 **201.14 Missing, Runaway, And Abducted Child During A CPS Case – Human**

23 **Trafficking 13**

24

25 **202 First Contact: Immediate Assessment And Safety 19**

26 **202.1 CPS Investigation And Assessment..... 19**

27 **202.2 CPS Investigation Of A Case Receiving Services From Child And Family**

28 **Services 20**

29 **202.3 Review Of Prior Records..... 20**

30 **202.4 Priority Response Time And Face-To-Face Contact..... 21**

31 **202.4a Face-To-Face Requirement..... 23**

32 **202.5 Missed Priority Time Frames 23**

33 **202.6 Structured Decision Making (SDM) Safety Assessment 24**

34 **202.7 Structured Decision Making (SDM) Risk Assessment 24**

35 **202.8 Medical Examination Of The Child 26**

36 **202.8a Medical Consultation Protocol When There Is Reasonable Suspicion Of Severe**

37 **Abuse 31**

38 **202.9 On-Call Intake And CPS (Non-Business Hours) 32**

39 **202.10 Court Report Request On Protective Orders..... 34**

40 **202.11 Not Used..... 34**

41 **202.12 Independent Home Study..... 35**

42

43 **203 Engagement Begins: Initial Interviews And Home Visits 36**

44 **203.1 Interviews..... 36**

45	203.1a	Recording Interviews.....	41
46	203.1b	Visual Assessment Of A Child	43
47	203.1c	Images Of Child Pornography Obtained By Child and Family Services	45
48	203.2	Home Visits.....	45
49	203.3	Entry Into The Child’s Home	46
50	203.4	Assessment Of Safe Sleep For Children 12 Months And Under	47
51			
52	204	The Investigation: Assessment And Making Informed Decisions.....	49
53	204.1	Assessments And Investigation Tools.....	49
54	204.2	Case Staffings	50
55	204.3	Sibling Or Child At Risk	53
56	204.4	Coordination With Law Enforcement	53
57	204.5	Domestic Violence Related Child Abuse.....	54
58	204.5a	Environmental Neglect	56
59	204.6	False Allegations Of Child Abuse Or Neglect	59
60	204.7	Child Fatalities And Near Fatalities.....	60
61	204.8	Extension Granted To A CPS Investigation.....	61
62	204.9	Unable To Locate Within The State Of Utah.....	61
63	204.9a	Unable To Complete	62
64	204.10	Case Findings	63
65	204.11	Court Findings	65
66	204.12	Changing A Finding On A Closed Case.....	66
67	204.13	Documentation Of Investigation.....	66
68	204.14	Determination Of A CPS Case For Ongoing Services.....	68
69	204.14a	Case Transfer Process	69
70	204.15	Case Closure.....	72
71	204.16	Amending CPS Cases	74
72	204.17	Failure To Report By A Professional.....	75
73			
74	205	Removals: Safety And Permanency Considerations	76
75	205.1	Grounds For Removal/Placement Of A Child Into Protective Custody.....	76
76	205.2	Actions Required Upon Removal Of A Child	79
77	205.3	Removal Of A Child From A Home Where Methamphetamine Or Other Illicit	
78	Drugs Are Manufactured		80
79	205.4	CPS Caseworker Safety When Exposed To A Methamphetamine Lab	82
80	205.5	72-Hour Hold By A Physician.....	83
81	205.6	Shelter Hearing	84
82	205.7	24-Hour Multi-Disciplinary Staffing.....	85
83	205.8	Safe Relinquishment Of A Newborn Child	86
84			
85	206	Kinship: Safety And Permanency	88
86	206.1	Kinship.....	88
87	206.2	Emergency Kinship Placement.....	88
88			
89	207	Conflict Of Interest And Related Parties Investigations.....	89

90	207.1	Investigation Involving A Licensed Out-Of-Home Provider Or Child And Family	
91		Services Employee.....	89
92	207.2	Investigation Involving A Child Care Provider Or Child Care Center	89
93	207.3	Information Sharing With The Department of Health & Human Services	
94		Licensing	90
95			
96	208	Indian Child Welfare Act (ICWA): Protecting Native American Culture	92
97	208.1	Placement Of A Native American Child Into Protective Custody	92
98			
99	209	Case Transfers And Courtesy Services.....	93
100	209.1	Request For Courtesy Casework Within The State Of Utah.....	93
101	209.2	Transfer Of A Case When A Child Has Moved Within The State Of Utah.....	93
102	209.3	Request For Courtesy Casework From Another State	94
103	209.4	Transfer Of A Case When A Child Has Moved Out Of The State Of Utah	94
104			
105	210	Child Protective Services Records: Confidentiality And Rights To Review	97
106	210.1	Confidentiality Of CPS Records.....	97
107	210.2	Request For CPS Records	98
108	210.3	Process For Internal Agency Review Of Case Findings.....	99
109			

110 **200.2 Philosophy Of Child Protective Services Investigations**

111
112 As the first In-Home Service, Child Protective Services (CPS) caseworkers are guided by
113 Practice Model Principles and Skills to keep children safe and strengthen families. CPS
114 caseworkers actively engage with families in an effort to effectively assess for safety and risk.
115 CPS caseworkers make every effort to keep children safe in their own homes or with family
116 through interventions and/or safety planning. Children are only removed when they cannot
117 safely remain in their home.
118

119 **201 A Call For Help: A Community And State Collaborative Effort**

120
121 This section contains the major objectives and procedures that CPS caseworkers need to receive,
122 document, and categorize reports of child abuse, neglect, or dependency.
123

124 **201.1 Intake**

125 Major objectives:

126 Child and Family Services will maintain a child welfare management information system (SAFE)
127 for receiving referrals or reports about child abuse, neglect, or dependency when there is
128 reasonable cause to believe that abuse, neglect, or dependency occurred.
129

130
131 **Applicable Law**

132 Utah Code Ann. [§80-5-601](#) Harboring a runaway – Reporting requirements – Division to provide
133 assistance – Affirmative defense – Providing shelter after notice.

134 Utah Code Ann. [§80-2-1001](#) Management Information System -- Contents -- Classification of
135 records -- Access.

136 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.
137

138 Practice Guidelines

139 SAFE will supply the CPS caseworkers with a complete history for each child, including
140 siblings, foster care episodes, all reports of abuse, neglect, or dependency, treatment plans, and
141 casework deadlines.
142

143 If Child and Family Services receives a report concerning a runaway child, the Intake worker
144 will gather information to determine if there is an allegation of abuse, neglect, or dependency
145 that requires a CPS referral or refer the caller to contact the Youth Services Agency.
146

147 **201.2 Receiving And Researching The Referral**

148 Major objectives:

149 Each call received by Child and Family Services regarding concerns of possible abuse, neglect, or
150 dependency involving a child will be considered a potential referral and will be documented by
151 Intake in SAFE. The Intake worker will research all available additional sources to gather more
152 pertinent complete information to help establish the validity, credibility, necessity, and priority of
153 the referral information.
154

155
156 **Applicable Law**

157 Utah Code Ann. [§80-2-301](#). Division responsibilities.

158 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
159 reports -- Convening of child protection team -- Coordination with law enforcement --

160 Consultation with child protection team before close of investigation.
161

162 Practice Guidelines

163 The minimum required information for a referral in any form (e.g., fax, letter, or email) should
164 include:

- 165
- 166 A. A narrative description of a specific occurrence or allegation of abuse, neglect, or
167 dependency, which falls into at least one of the defined categories in Major objectives
168 [Section 201.11](#).
- 169
- 170 B. A means of identifying an alleged victim under the age of 18 years for each allegation. If
171 the reported concerns involve an unborn child and there are no threats to the safety of the
172 other children in the home, a child must be born before a case can be opened.
- 173
- 174 C. A means of locating (address or contact person) the alleged victim.
- 175
- 176 D. Every referral requires a query of SAFE and EREP.
- 177
- 178 E. Where possible, the following information is preferred in addition to the minimum
179 required information:
- 180 1. Where the abuse, neglect, or dependency occurred.
- 181 2. When the incident occurred.
- 182 3. Any witness to the incident.
- 183 4. Physical evidence.
- 184 5. Alleged victim name, address, phone number, birth date, and primary language.
- 185 6. Parent name, address, phone number, birth date, and primary language of alleged
186 victim.
- 187 7. Alleged perpetrator name, address, phone number, and birth date. Include sex
188 offender registry information if the allegations are related to Sexual Abuse.
- 189 8. Referent name, address, and phone number.
- 190 9. Every known member of the alleged victim's immediate family/household. All
191 siblings should be identified on the referral, regardless of whether or not they
192 reside in the same home as the alleged victim.
- 193 10. Accessibility of the alleged perpetrator to the alleged victim.
- 194 11. School/child care information for the alleged victim and where the alleged victim
195 can be located.
- 196 12. Employment information and schedule for the parents.
- 197 13. How the referent obtained the information regarding the allegation.
- 198 14. Willingness of the referent to testify.
- 199 15. Special circumstances/precautions recommended for investigation.
- 200 a. Including adopted children who may need services.
- 201 16. Third-party/collateral contacts.
- 202 17. History or occurrence of domestic violence.
- 203 18. Indicate whether or not the family has had prior Child and Family Services
204 involvement. If there is currently an open case, document the type of service and
205 the caseworker assigned.
- 206

207 **201.3 Research Of Information**
208 (THIS SECTION HAS BEEN COMBINED WITH [SECTION 201.2](#))
209

210 **201.4 Disposition Of The Referral**

211 Major objectives:

212 The CPS Intake process will be completed by or staffed with a licensed social worker, MSW,
213 CSW, or equivalent, with the exception of "information only" contacts.
214

215
216 **Applicable Law**

217 Utah Code Ann. [§80-2-301](#). Division responsibilities.
218

219 Practice Guidelines

220 The CPS Intake process will consist of all actions taken by an Intake worker from the time
221 contact is made with Child and Family Services until the information received is determined to
222 be one of the following:
223

- 224 A. Accepted referral: An accepted referral is one in which the minimum information
225 required for a referral is obtained and opened for investigation. Law enforcement will be
226 notified of accepted referrals.
227
- 228 B. Unaccepted referral: A referral is unaccepted in situations including, but not limited to,
229 any of the following:
- 230 1. The child is not yet born.
 - 231 2. The minimum required information for accepting a referral is not available.
 - 232 a. A narrative description of a specific occurrence or allegation of abuse,
233 neglect, or dependency.
 - 234 b. A means of identifying an alleged victim under the age of 18 years for
235 each allegation, or to the age of 21 years if Child and Family Services has
236 been assigned custody by a court.
 - 237 c. A means of locating the alleged victim.
 - 238 3. The allegations do not amount to abuse or neglect.
 - 239 4. As a result of research, the information is found not credible or reliable.
 - 240 5. The specific incidence or allegation has been previously investigated and no new
241 information is gathered.
 - 242 6. The specific incidence occurred out of the geographic jurisdiction, and the
243 referent was referred to the proper child welfare jurisdiction.
244

245 With respect to unaccepted referrals, the Intake worker may offer community resource
246 information and/or referral information including, but not limited to, information about
247 priority of treatment.
248

249 Information received in an unaccepted referral will still be documented, and this history
250 can be used to establish a pattern of concern.

- 251
252 C. Additional information or allegation:
253 1. When there is an open CPS case involving children of the same household and/or
254 who have the same parent or guardian, an additional information referral will be
255 added to the open CPS case.
256 a. If the additional information meets the definition for an allegation not
257 previously assigned to the open case, any new allegation(s), victim(s),
258 and/or perpetrator(s) will be added to the CPS case by the Intake worker.
259 b. If the additional information referral meets the criteria for a Priority 1 or 2
260 response time:
261 (1) The Intake worker will call the worker assigned to the case. If the
262 assigned worker does not respond, the Intake worker will call the
263 worker’s supervisor. If the worker’s supervisor does not respond,
264 the Intake worker will call the Child Welfare Administrator
265 (CWA). If the CWA does not respond, the Intake worker will call
266 the associate region director.
267 (2) If the call comes in after hours, the Intake worker will call the on-
268 call worker to respond.
269 2. If the additional information involves victims and/or perpetrators not of the same
270 household, where there is no blood or legal relation to any parties involved with
271 the case, a new CPS case will be opened.
272
273 D. An “Information Only” contact is a call which does not meet the criteria of an Accepted,
274 Unaccepted, or Additional Information referral. (Practice Guidelines [Section 201.4](#) A, B,
275 and C.)
276 1. These calls will be documented by the Intake worker as an Information Only
277 referral in SAFE and will include the duration of the call. The Information Only
278 referral will be entered into SAFE immediately after the call is completed.
279
280 E. Conflict of Interest and Related Parties Investigation cases:
281 1. A case that involves allegations of child abuse, neglect, or dependency of a child
282 in state custody will be forwarded to the contracted independent CPS agency or
283 individual regardless of whether or not the alleged perpetrator is the out-of-home
284 caregiver (see Practice Guidelines [Section 207](#)).
285 2. Where a Child and Family Services employee, volunteer, or contractor of the
286 Utah Department of Health Human Services (DHHS) has a relationship with the
287 alleged victim, alleged perpetrator, or another person named in the investigation
288 such that there is or might be a conflict of interest, the appearance of a conflict of
289 interest, impropriety, or the appearance of impropriety if CPS or Child and Family
290 Services performed the investigation, will be forwarded to the Office of Quality
291 and Design Related Parties Investigators (see Practice Guidelines [Section 207](#)).
292
293 F. Licensed daycare provider: When the allegation involves a licensed daycare provider, the
294 Intake worker will notify the DHHS and document the name and phone number of the
295 contact person in the narrative of the CANR.

- 296
297 G. The Intake worker will call and email the region director and CC: the associate region
298 director for referrals involving any of the following:
299 1. Domestic Violence homicide/suicide.
300 2. Alleged abuse or neglect related child fatality/near fatality.
301 3. Involves or is likely to involve the media.
302 4. Any Conflict of Interest or Related Parties investigation involving the associate
303 region director or region director’s region.
304
305 H. When receiving a referral involving serious injuries to a non-verbal child, Intake will
306 staff the referral with an administrator or with someone at the administrative level.
307

201.5 Priority Of The Referral

Major objectives:

The priority of the referral will be based upon the information received at Intake and will be determined prior to the face-to-face contact with a child. The priority determines the time allotted for Intake to complete the referral process and for the assigned CPS caseworker to make face-to-face contact with the child.

Applicable Law

Administrative Rule [R512-200](#). Child Protective Services, Intake Services.

Practice Guidelines

Child and Family Services will prioritize referrals as follows:

- 321
322 A. A priority 1 response will be assigned only if there is an imminent threat to the child’s
323 safety as determined by the Intake checklist. Do not use priority 1 when:
324 1. The police are present and able to provide protection to the alleged victim; or if
325 2. The child is in a facility (such as a hospital) where it is reasonable to assume there
326 are responsible adults providing protection and there are no immediate threats to
327 the child’s safety.
328

Intake has no more than 30 minutes from the completion of the initial contact from the referent to gather additional information, staff the referral to determine the priority, notify law enforcement, and assign to the CPS caseworker. Intake will provide the CPS caseworker with information concerning prior investigations in SAFE. The CPS caseworker has a maximum of 60 minutes from the moment Intake notifies the caseworker to make the face-to-face contact with an alleged victim. For a priority 1R (rural) referral, a CPS caseworker has a maximum of three hours if the alleged victim is more than 40 miles from the investigator who is assigned to make the face-to-face contact.

- 339 B. A priority 2 response will be assigned when the following conditions exist: the child is
340 likely to experience further abuse, neglect, or dependency, or the child has immediate

341 protection and safety needs, as determined by the Intake checklist. Intake has no more
342 than 60 minutes from the completion of the initial contact from the referent to gather
343 additional information, staff the referral to determine the priority, assign the referral to
344 the CPS caseworker, and notify law enforcement. Intake will give verbal notification to
345 the assigned CPS caseworker. Intake will also provide the CPS caseworker with
346 information concerning prior investigations on SAFE. The CPS caseworker has 24 hours
347 from the moment Intake notifies the caseworker to make the face-to-face contact with the
348 alleged victim. Intake may assign a priority 2 response with more urgent time frames
349 when:

- 350 1. The police are present and there is an allegation of abuse, neglect, or dependency
351 and they are asking for immediate assistance.
- 352 2. The child is in a facility (such as a hospital or school) and there is an allegation of
353 abuse or neglect that requires a more immediate response.

354
355 C. A priority 3 response will be assigned when there is an allegation of abuse or neglect that
356 does not require an immediate response as listed in [Section 201.5](#). The Intake worker has
357 no more than 24 hours from the completion of the initial contact from the referent to
358 gather additional information, research data sources, staff the referral as necessary,
359 determine the priority, complete documentation including data entry, disposition to CPS,
360 and notify law enforcement. The CPS caseworker has until midnight of the third working
361 day from the moment Intake assigns the case to make the face-to-face contact with the
362 alleged victim.

363
364 D. Intake has until midnight of the fifth working day to enter unaccepted referrals into
365 SAFE.

366
367 E. Intake has 24 hours to enter an additional information referral into SAFE.

368 **201.6 Out-Of-State Abuse Or Neglect Report**

370 Major objectives:

371 Child and Family Services will take reasonable steps to ensure that reports of abuse or neglect are
372 referred for investigation to the appropriate out-of-state agency and will take reasonable steps to
373 adequately protect children in Utah who were victims of abuse in another state or country from
374 the alleged perpetrator.
375

376 **Applicable Law**

377 Utah Code Ann. [§80-2-301](#). Division responsibilities.

378 Practice Guidelines

- 379 A. When a referent identifies an incident of abuse or neglect that occurred in a different
380 state, and the child is not in Utah at the time of the referral, the Intake worker will:
381 1. Inform the referent that the out-of-state allegations should be referred to the child
382 welfare agency in the other state and complete the steps identified below:
383
384

- 385 a. Determine if the referent is willing to make a report to the child welfare
386 agency in the state where the incident occurred. If the referent is willing
387 to make a report, the Intake worker will also:
388 i. Assist the referent by providing the name and phone number of the
389 agency where the report can be made;
390 ii. Document the unaccepted referral.
391 b. If the referent is unable or unwilling to make a report to the other state
392 child welfare agency and it cannot be determined that any failure to
393 protect or other child protection issues are present in the state of Utah, the
394 Intake worker will:
395 i. Obtain all relevant information on the incident of abuse or neglect
396 and make the referral to the child welfare agency in the state where
397 the incident occurred;
398 ii. Document the unaccepted referral.
399
- 400 B. When the referent identifies an incident of abuse or neglect that occurred outside Utah
401 but the child is in Utah at the time of the referral, the CPS caseworker will:
402 1. Obtain all the information needed to complete a referral.
403 2. Determine whether the child is at risk of abuse or neglect from the alleged
404 perpetrator.
405 3. Contact the child protective service agency in the state where the incident of
406 abuse occurred and complete the referral process of that state.
407 4. When requested by the other state assign the referral to a CPS caseworker for a
408 courtesy interview and coordination with the other state's investigation. Courtesy
409 interventions should be opened as an IHS case if there is no allegation of abuse,
410 neglect, or dependency occurring in the state of Utah.
411 5. In domestic violence related child abuse cases, recognize another state's
412 protective order (recognized by full faith and credit).
413 6. If the other state refuses to open an investigation and the child needs services or
414 there are ongoing safety concerns, the referral will be assigned as an IHS case to
415 facilitate an assessment of service needs.
416
- 417 C. When a referent identifies an incident of abuse or neglect that occurred in Utah, and the
418 child is not in Utah at the time of the referral, the Intake worker will:
419 1. Obtain all the information needed to complete a referral.
420 2. Determine the location of the child and the length of time the child will be at their
421 current location. If the child will be outside the state of Utah longer than 30 days,
422 a request for courtesy casework will be made in the state where the child is
423 currently located.
424 3. If the child is determined to be at risk, a request will be made for courtesy
425 casework within the Intake priority time frame. [See: [Section 201.5](#) for priority
426 time frames.]
427

428 **201.7 Case Assignment Based On Child Location**

429 Major objectives:

430 The Intake worker will assign the referral to the appropriate office/ supervisor/ worker for a CPS
431 investigation within the established time frame. [See: [Section 201.5.](#)]

433 **Applicable Law**

434 Utah Code Ann. [§80-2-301](#). Division responsibilities.

436 Practice Guidelines

- 437 A. Child in a permanent location: The Child and Family Services office serving the
438 geographical area in which a child is physically located will be responsible to investigate
439 an allegation of abuse, neglect, or dependency, unless the child's location is temporary
440 (such as visitation with a non-custodial parent or placement in a short-term program).
441
442 B. Child in a temporary location: If the child's location is temporary and the child will be
443 moving to a known location during the 30-day investigative period, the Child and Family
444 Services office serving the geographical area in which the child's parent or guardian
445 resides will be responsible to complete the investigation. The CPS caseworker may
446 request courtesy assistance from another CPS caseworker in the area where the child is
447 initially located to complete the investigative functions related to the child. If a priority
448 1, 1R, or 2 referral is received in the geographical area where the child is located but the
449 parent or guardian resides elsewhere, the receiving office will make the face-to-face
450 contact, determine immediate protection needs, and transfer the case to the area where the
451 child's parent or guardian resides for completion of the investigation.
452
453

454 **201.8 Courtesy Casework Request From An Out-Of-State Agency**

455 Major objectives:

456 Child and Family Services will respond to requests from an out-of-state child welfare agency, law
457 enforcement, or other official investigative agencies to assist in the protection of children.
458

460 **Applicable Law**

461 Utah Code Ann. [§80-2-301](#). Division responsibilities.

463 Practice Guidelines

464 If a request is made for casework activities by an out-of-state child welfare agency, law
465 enforcement, or other official investigative agency, Intake will process the request by complying
466 with relevant Utah Child and Family Services major objectives and completing the following:
467

- 468 A. Intake will obtain the child's name, address, and all information relative to the request for
469 courtesy casework activities.
470
471

- 472 B. The courtesy casework activities requested will be assigned by Intake to the appropriate
473 geographical Child and Family Services supervisor or caseworker.
474
- 475 C. The case will be opened as an IHS case, and all courtesy casework activities will be
476 documented.
477

478 **201.9 Allegation Categories For Abuse, Neglect, Or Dependency**
479 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN THE [DEFINITIONS](#)*
480 *SECTION.)*

482 **201.10 Missed Priority Time Frames**

483 Major objectives:

484 The appropriate Missed Priority Time Frame form/SAFE documentation will be completed when
485 the Intake worker is unable to meet Intake priority time frames established by major objectives.
486 The Intake worker will forward the Missed Priority Time Frame form or documentation along
487 with the reasons the time frame was missed to the Intake supervisor, region director, or designee
488 for review and approval. The approval or non-approval will be documented.
489

491 **Applicable Law**

492 Utah Code Ann. [§80-2-301](#). Division responsibilities.
494

495 Practice Guidelines

496 The Intake worker will notify the Intake supervisor and region director or designee of the missed
497 priority and the reason it was missed.
498

499 **201.11 Referral Of Abuse, Neglect, Or Dependency In Licensed Child**
500 **Care Providers And Out-Of-Home Care Providers**

501 Major objectives:

502 The DHHS Child Care Licensing unit and/or the Office of Licensing and appropriate Child and
503 Family Services staff will be notified by Intake when Child and Family Services receives a
504 referral for an allegation of child abuse, neglect, or dependency against a licensed child care
505 provider, an out-of-home care provider, or a household member residing in a licensed
506 home or facility. The referral will be forwarded to the contract entity for conflict of interest
507 investigations when the allegation involves a child living in substitute care while in protective
508 custody or temporary custody of Child and Family Services and may be forwarded to the contract
509 entity for conflict of interest investigations when the allegation involves a biological or adopted
510 child of a Child and Family Services employee/provider.
511

512 **Applicable Law**

513 Utah Code Ann. [§80-2-301](#). Division responsibilities.
514

515 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
516 reports -- Convening of child protection team -- Coordination with law enforcement --
517 Consultation with child protection team before close of investigation.
518

519 Practice Guidelines

- 520 A. Intake procedure for child care providers: CPS investigation requirements for child care
521 providers will be the same as for other referrals investigated by Child and Family
522 Services. Time frames are the same as for other referrals.
523
- 524 B. Intake procedure for Out-of-Home Care Related Parties Investigations:
- 525 1. Upon receipt of an allegation of child abuse, neglect, or dependency, Intake
526 workers will staff the referral with the Office of Quality and Design (OSR)
527 manager to determine whether there is a conflict of interest. The OSR manager
528 will determine whether there is a conflict of interest and will notify the CPS
529 Intake worker of the decision.. The following duties are to remain the duties of
530 Intake:
- 531 a. Receipt of the referral.
532 b. Research.
533 c. Disposition of the referral.
534 d. Establish priority of the referral.
535 e. Establish allegation categories.
- 536 (1) A child adopted from foster care in need of services that cannot be
537 met by their parents will be referred to post adoption for services.
538 Child and Family Services may not:
- 539 (a) File a petition for removal from the child's home.
540 (b) File a petition for a child protective order.
541 (c) Make a supported finding.
542 (d) Seek a substantiated finding.
543 (e) File a petition alleging a child is abused, neglected,
544 dependent, or abandoned.
545 (f) File a petition for termination of parental rights.
- 546 (2) The child may be removed and categorized as Dependent only if
547 the parents expressly request the child be removed.
- 548 (3) The CPS caseworker will assess during the investigation whether
549 the circumstances require allegations of abuse or neglect be added
550 to the Child Abuse Neglect Report.
- 551 f. SAFE forms for child abuse, neglect, or dependency reporting, including
552 any forms relating to out-of-home abuse.
553 g. Intake Checklist.
554 h. Authorization to Furnish Information and Release from Liability form
555 (between Child and Family Services and the contract investigator).
556 i. Mandatory report form to local law enforcement.
557 j. Notify the DHHS Office of Licensing.
- 558 2. Case assignment, when a contracted Related Parties investigator is not involved:

- 559 a. Notify the law enforcement agency in the area where the incident occurred
560 and request assistance with the investigation; if the law enforcement
561 agency agrees to assist with the investigation, the referral will be assigned
562 according to Major objectives [Section 201.8](#), either to the area in which
563 the child is located if the child is in a permanent location (permanent
564 location being that the child is expected to remain at the current location
565 for at least the next 30 days) or to the area in which the child’s parent or
566 guardian resides if the child is in a temporary location; if the alleged
567 victim is a child in foster care, the CPS caseworker is considered the
568 guardian.
- 569 b. The CPS caseworker assigned to the case will then coordinate with the law
570 enforcement agency to complete the investigation as defined in Major
571 objectives [Section 201.8](#); the only exceptions to the above procedures are
572 referrals with allegations of sexual abuse, which are always assigned to the
573 area that the incident occurred if known.
- 574 c. If the law enforcement agency refuses for any reason to assist in the
575 investigation, Intake will contact another region in order that the referral
576 be assigned for a Related Parties Investigation.
- 577 3. A Child and Family Services investigator may assist the Related Parties
578 investigator as a secondary worker.
- 579 4. The Related Parties investigator will determine whether the allegations are
580 supported, unsupported, without merit, or false. The Related Parties
581 investigator will report the findings to the appropriate Child and Family
582 Services employee to ensure that the findings are entered into the
583 Licensing or Management Information System (SAFE) and that the
584 appropriate Notices of Agency Action are issued.
- 585 5. Record-keeping: Intake will retain the original copy of all documentation gathered
586 during the investigation, and will maintain those documents for case closure,
587 unless otherwise directed by the OSR manager or investigator.
588

589 **201.12 72-Hour Hold By A Physician**
590 *(THIS SECTION HAS BEEN REPLACED BY [SECTION 205.5.](#))*
591

592 **201.13 Protocol For IHS Cases Involving Youth In Out-Of-Home Care**
593 **Age 18 And Older Who Are Identified As Victims Of Abuse Or Neglect**
594

595 Practice Guidelines

- 596 A. Case acceptance and assignment responsibilities:
 - 597 1. Intake will report the case to Adult Protective Services (APS). If the case is
598 accepted for investigation, an IHS case will not be opened by Child and Family
599 Services. The Intake worker will provide APS with the out-of-home care
600 caseworker’s contact information for communication and coordination purposes.
 - 601 2. If the case is not accepted by APS for investigation, an IHS case will be opened
602 and assigned to a CPS caseworker. Intake will inform the associate region

603 director of the IHS case. The associate region director will be responsible for
604 case assignment of the IHS case to the appropriate CPS caseworker.

- 605
- 606 B. IHS assessment responsibilities:
- 607 1. The CPS caseworker will contact law enforcement to investigate in conjunction
608 with the IHS assessment.
- 609 2. The CPS caseworker will inform the out-of-home care caseworker of the open
610 IHS assessment. The CPS caseworker will communicate with the out-of-home
611 care caseworker throughout the IHS assessment and coordinate with them when
612 necessary. The CPS caseworker will inform the out-of-home care caseworker of
613 any identified safety concerns as well as the outcome of their assessment.
- 614 3. The CPS caseworker will interview the foster child.
- 615 4. The CPS caseworker will interview the alleged perpetrator.
- 616 5. The CPS caseworker will interview any appropriate collateral contacts with
617 information regarding the concerns.
- 618 6. The CPS caseworker will document all case activities in the IHS case and copy
619 the information into the out-of-home care case prior to closing the IHS case.
- 620 7. If concerns are identified:
- 621 a. The Office of Licensing will be contacted by the CPS caseworker. They
622 will also contact the region contract specialist and resource family
623 consultant, if applicable.
- 624 b. The out-of-home care caseworker will make appropriate safety
625 arrangements, placement changes, etc.
- 626

627 **201.14 Missing, Runaway, And Abducted Child During A CPS Case –**
628 **Human Trafficking**

629 Major objectives:

630 Children who are missing, have run away, or have been abducted from state’s custody are at an
631 increased risk for exploitation and trauma due to having to meet their own needs in ways that may
632 be unsafe. Every effort must be taken to find missing children and to prevent children from
633 running or being abducted. It is imperative to locate children who are missing. Once located, the
634 children should be assessed for human trafficking, and provided holistic services that meet their
635 needs, including addressing any trauma that may have occurred during the missing, runaway, or
636 abduction period.

637 Since 2012, there has been an increase in the awareness and prevalence of runaway and homeless
638 children, particularly children involved in child welfare systems. Increased awareness includes
639 the Commercial Sexual Exploitation of Children (CSEC), known as human trafficking. These
640 guidelines are intended to help caseworkers incorporate best practices for working with runaway
641 or missing children, homeless children, and children who are victims of CSEC.

642

643 **Applicable Laws**

644 Federal Law: 42 U.S.C. 671(a)(35)(B)

645 Federal Law: 22 U.S.C. 7102
646 Utah Code Ann. [§80-2-301](#). Division responsibilities.
647 Utah Code Ann. [§76-5-307 to 310.1](#). Definitions and human trafficking for labor, sexual
648 exploitation, and penalties.
649 Utah Code Ann. [§76-10-1302](#). Prostitution.
650 Utah Code Ann. [§76-10-1315](#). Safe harbor for children as victims in commercial sex or sexual
651 solicitation.

652

653 Practice Guidelines

654 A. Definitions:

- 655 1. Commercial Sexual Exploitation of Children (CSEC): Occurs when individuals
656 buy, trade, or sell sexual acts with a child. Sex trafficking is the recruitment,
657 harboring, transportation, provision, or obtaining of a person for the purposes of a
658 commercial sex act. Children who are involved in the commercial sex industry
659 are viewed as victims of severe forms of trafficking of persons, which is sex
660 trafficking in which a commercial sex act is induced by force, fraud, or coercion,
661 or in which the person induced to perform such an act has not attained 18 years of
662 age. A commercial sex act is any sex act on account of which anything of value is
663 given to or received by any person.
- 664 2. Runaway: A minor, other than an emancipated minor, who is absent from the
665 home or lawfully prescribed residence of the parent or legal guardian of the minor
666 without the permission of the parent or legal guardian.
- 667 3. Homeless: An individual who lacks housing.
- 668 4. Missing: Federal law (34 U.S.C. §11292) a “missing child” is “any individual
669 less than 18 years of age whose whereabouts are unknown to such individual’s
670 parent” or legal guardian. This broad definition includes “children who may have
671 (1) been abducted by a non-family member; (2) wrongfully taken or retained by a
672 person related to them; (3) wandered away from a safe environment and become
673 lost; (4) been displaced by disaster; (5) run away from a home, foster home, or
674 state care facility; or (6) otherwise gone missing for any reason at all.”
- 675 5. Abducted: Utah Code Ann. [§78b-16-102](#): “the wrongful removal or
676 wrongful retention of a child.” For the purpose of this guideline, this term
677 also includes Child Kidnapped in Utah Code [§76-5-301.1](#) and Kidnapping
678 in Utah Code [§76-5-301](#).
- 679 6. Child Kidnapped: Utah Code Ann. [§76-5-301.1](#): “An actor commits child
680 kidnapping if the actor intentionally or knowingly, without authority of law,
681 and by any means and in any manner, seizes, confines, detains, or
682 transports a child under the age of 14 without the consent of the victim's
683 parent or guardian, or the consent of a person acting in loco parentis.”
- 684 7. Kidnapping: Utah Code Ann. [§76-5-301](#): “An actor commits kidnapping if
685 the actor intentionally or knowingly, without authority of law, and against
686 the will of the victim:
- 687 a. detains or restrains the victim for any substantial period of time.

- 688 b. detains or restrains the victim in circumstances exposing the victim to risk
689 of bodily injury.
690 c. holds the victim in involuntary servitude.
691 d. detains or restrains a minor without the consent of the minor's parent or
692 legal guardian or the consent of a person acting in loco parentis, if the
693 minor is 14 years of age or older but younger than 18 years of age; or
694 e. moves the victim any substantial distance or across a state line.”
695
- 696 B. If at any point during the CPS investigation, the caseworker determines the child is being
697 trafficked or is at risk of being trafficked, the caseworker will continue to follow the
698 appropriate CPS guidelines for their investigation and will also include the following in
699 the case process:
- 700 1. The caseworker will share information regarding services that are available
701 to individuals that are being trafficked or at risk of being trafficked.
- 702 a. Provide the caregiver and the child with information for the National
703 Runaway Safeline to call or live chat at 1-800-runaway or
704 www.1800runaway.org.
- 705 b. Identify a safe place for the child to go if they run
706 (www.nationalsafeplace.org).
- 707 c. Refer to <https://www.missingkids.org/> for information regarding missing
708 and exploited children.
- 709 d. Refer to 211 resources.
- 710 2. Provide specific treatment and therapy available to individuals being trafficked.
- 711 3. Safety plan with the caregiver to address the trafficking concerns if there is no
712 concern with trafficking for individuals in the home.
- 713 4. If the caregiver is the alleged perpetrator, the caseworker must:
- 714 a. Staff the case with their supervisor immediately to determine the next
715 course of action.
- 716 b. Staff with the AAG.
- 717 c. Contact law enforcement if they are not already aware of the
718 circumstance.
719
- 720 C. Response if the child is missing, has run away, or has been abducted during the
721 investigation:
- 722 1. The caseworker will staff the case with their supervisor and the child’s
723 caregiver to determine if the child is missing, has run away, or has been
724 abducted. The caseworker will strive to make this determination within
725 two hours of receiving notification.
- 726 2. If it is determined that the child is missing, has run away, or has been
727 abducted, the caseworker will work with the caregiver to file a Missing Persons
728 Report immediately with the law enforcement agency where the child resides and
729 supply the law enforcement agency with any necessary information that will
730 promote the safe return of the child.

- 731 a. The caseworker will work with law enforcement to determine if an Amber
732 Alert should be issued.
- 733 b. The caseworker will obtain a case record (police report and number) from
734 the law enforcement agency and request that law enforcement place the
735 child on the National Crime Information Center (NCIC).
- 736 3. The caseworker will work with the caregiver to report the child as missing to the
737 National Center for Missing and Exploited Children by going to
738 <https://cmfc.missingkids.org/reportit> within 24 hours of it being known that
739 the child is missing, has run away, or has been abducted and follow the directions
740 online to create a user account. The caseworker will gather case information and
741 relevant materials before starting the report process. Basic information the person
742 filing the report will be asked to provide includes:
- 743 a. Child's full name.
- 744 b. Child's date of birth.
- 745 c. Date child went missing.
- 746 d. City and state from where child went missing.
- 747 e. Guardian information including agency name, and telephone; and
- 748 f. Law enforcement information including agency name and telephone.
- 749 g. A photo of the child.
- 750 h. A description of the child's physical features, such as:
- 751 (1) height.
- 752 (2) weight.
- 753 (3) gender.
- 754 (4) ethnicity/race.
- 755 (5) hair color.
- 756 (6) eye color.
- 757 i. Endangerment information such as:
- 758 (1) pregnancy status.
- 759 (2) prescription medications.
- 760 (3) suicidal tendencies.
- 761 (4) vulnerability to being sex trafficked.
- 762 (5) other health and risk factors.
- 763 j. Circumstances surrounding the incident.
- 764 k. Description of any person who may be with the child.
- 765
- 766 D. Once the child is located, and the CPS case is still open, the caseworker will:
- 767 1. Determine the primary factors that caused or contributed to the child's absence
768 from their home and continue the investigation as outlined in practice guidelines.
- 769 2. Remove or assist the caregiver in removing the child from the National Center for
770 Missing & Exploited Children website
771 (<https://cmfc.missingkids.org/reportit/>).
- 772 3. Request to interview the child to assess if the child is a victim of trafficking. This
773 interview will most likely occur at a CJC. If not, the caseworker will use the
774 forensic interviewing model when interviewing the child.

- 775 4. The caseworker will assess for the items listed below during the interview:
776 “While your whereabouts were unknown:
777 a. did someone control, supervise, or monitor your work/actions?”
778 b. could you leave your job or work situation if you want to?”\
779 c. was your communication ever restricted or monitored?”\
780 d. were you able to access medical care?”
781 e. were you ever allowed to leave the place you were living/working?”
782 f. under what conditions?”
783 g. was your movement outside of your residence/workplace ever monitored
784 or controlled?”
785 h. what did you think would have happened if you left the situation?”
786 i. was there ever a time when you wanted to leave, but felt that you could
787 not?”
788 j. what do you think would have happened if you left without telling
789 anyone?”
790 k. did you feel it was your only option to stay in the situation?”
791 l. did anyone ever force you to do something physically or sexually that you
792 didn’t feel comfortable doing?”
793 m. were you ever physically abused (shoved, slapped, hit, kicked, scratched,
794 punched, burned, etc.) by anyone?”
795 n. were you ever sexually abused (sexual assault/unwanted touching, rape,
796 sexual exploitation, etc.) by anyone?”
797 o. did anyone ever introduce you to or provide you with drugs, alcohol, or
798 medications?”
799 Resources: “Screening Tool for Victims of Human Trafficking,” U.S.
800 Department of Health and Human Services,
801 http://www.justice.gov/usao/ian/htrt/health_screen_questions.pdf.
802 5. If during the interview, the child discloses that CSEC or other human
803 trafficking has occurred and the interview is not being recorded at a CJC,
804 discontinue the interview, explaining to the child the importance of the
805 information they are sharing and the need to change the venue for the
806 interview. Schedule an interview at the CJC.
807 6. If the child reports that they may be victims of trafficking, the caseworker
808 will access the appropriate resources to address the child’s needs. This
809 includes:
810 a. Informing the caregiver that the child may be a victim of trafficking.
811 b. Reporting to law enforcement within 24 hours that the child may be a
812 victim of CSEC or human trafficking and assisting in the investigation.
813 c. Accessing the appropriate mental health care, preferably providing a
814 therapist that specializes in treating victims of CSEC.
815 d. Referring to resources listed in Section B, above.
816
817 E. If as the time approaches for case closure the child is still missing, has run away,
818 or has been abducted, the caseworker will staff the case with their supervisor and

819 AAG, if needed, to determine if all resources have been exhausted in locating the
820 child and to determine if the case will be closed. This may include, but is not
821 limited to, working with law enforcement, family, out of state resources, and
822 other entities involved with the youth. The caseworker will also assess, if the
823 child does return home, if there is a safety concern in the home they would be
824 returning to and how to address the safety concerns. The caseworker will
825 document all efforts in the case.

826
827 F. If the caseworker is notified that the child has been located after the CPS case has
828 closed, the caseworker will staff the case with the supervisor to determine if the
829 prior case should be reopened, or if human trafficking is suspected, if a new case
830 should be initiated through Intake.
831

832 **202 First Contact: Immediate Assessment And Safety**

833

834 **202.1 CPS Investigation And Assessment**

835

Major objectives:

836

The CPS caseworker will assess the threats to safety and the risk of harm to a child. Once contact has been made on a CPS case, the case cannot be reversed as unaccepted. All requirements must be completed for the case. The CPS caseworker will make a finding at case closure based on facts gathered during the investigation.

837

838

839

840

841

842

Applicable Law

843

Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported reports -- Convening of child protection team -- Coordination with law enforcement -- Consultation with child protection team before close of investigation.

844

845

846

Administrative Rule [R512-201](#). Child Protective Services, Investigation Services.

847

848

Practice Guidelines

849

A. A CPS investigation will include (but is not limited to) the following:

850

1. Interviews.

851

2. Assessments, including the SDM Safety Assessment and the SDM Risk Assessment.

852

853

3. A home visit.

854

4. Team consultations/staffings.

855

5. Service coordination.

856

6. Additional Information report added to the case by Intake.

857

7. Documentation of all contacts and information received.

858

8. Case closure.

859

860

B. A CPS investigation cannot be reversed to unaccepted once contact has been made with anyone other than the referent on the case. Documentation must exist to show any involvement or contact by Child and Family Services. If a case is found to be a duplicate, the CPS and Intake supervisor will determine which case will be reversed to unaccepted. Any information in the reversed case will be transferred to the case that remains. The duplicate case will be added as additional information to the active case.

861

862

863

864

865

866

867 **202.2 CPS Investigation Of A Case Receiving Services From Child And**
868 **Family Services**

869 Major objectives:

870 When Child and Family Services receives information regarding a new incident of abuse, neglect,
871 or dependency on a family or child receiving ongoing services, a new referral will be generated
872 and a CPS caseworker will conduct the investigation. The CPS caseworker and ongoing worker,
873 including post adoption, will collaborate to ensure that the investigation is conducted in the best
874 interest of the child.
875

876 The CPS caseworker will notify the Attorney General’s Office and the Guardian ad Litem when
877 the case is under the jurisdiction of the court.
878

879
880 **Applicable Law**

881 Utah Code Ann. [§80-2-301](#). Division responsibilities.
882

883 Practice Guidelines

- 884 1. The CPS caseworker may request that the ongoing caseworker complete some of the
885 requirements of the investigation.
886 2. The CPS caseworker will notify the ongoing caseworker, AAG, and GAL at the
887 conclusion of the case of any safety issues identified and of the case finding(s).
888

889 **202.3 Review Of Prior Records**

890 Major objectives:

891 During the initial phase of the investigation, the CPS caseworker will review all relevant records
892 that are maintained by Child and Family Services and, when possible, by any other agencies or
893 individuals. This includes records on the child, alleged perpetrator, and all members of the
894 household. The CPS caseworker will review the details of the prior Child and Family Services
895 cases.
896

897
898 **Applicable Law**

899 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
900 reports -- Convening of child protection team -- Coordination with law enforcement --
901 Consultation with child protection team before close of investigation.
902

903 Practice Guidelines

904 The CPS caseworker will review the following types of information, when applicable and
905 available:

- 906
907 A. Child and Family Services records.
908
909 B. TANF records.
910

- 911 C. Police and/or court reports, including those for domestic violence (e.g., incident, arrest,
912 protective orders, correction records, etc.).
- 913
- 914 D. Court records relating to custody and visitation.
- 915
- 916 E. BCI/NCIC reports on the alleged perpetrator.
- 917
- 918 F. School records.
- 919
- 920 G. Medical records, including the child’s primary care provider.
- 921
- 922 H. Information as to the eligibility for or membership in a Native American tribe.
- 923
- 924 I. Any other relevant records.
- 925

202.4 Priority Response Time And Face-To-Face Contact

Major objectives:

The priority response time will be based upon the information received at Intake and determined prior to the face-to-face contact with a child. The priority determines the time allotted for the CPS caseworker to make face-to-face contact with the alleged victim to assess safety. In cases involving multiple alleged victims, the allegation driving the highest priority determines the overall priority response time for the referral. All alleged victims on the case need to be seen during the priority time frame that is associated with the specific allegation(s) of each victim. If an additional information referral results in a new allegation, all victims associated with the new allegation(s) will be seen within the new priority time frame, as driven by the new allegation(s).

The purpose of the face-to-face contact is to assess immediate protection and safety needs of the child. The CPS caseworker must gather enough information from the child, parents/guardians, and/or other collateral contacts to identify immediate threats to the safety of the child and what actions and/or interventions are necessary to protect the child from the identified threats.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

- 945 A. The priority response time for the face-to-face contact begins when Intake assigns the
946 referral to the CPS caseworker. An investigative interview is not required at the initial
947 contact, but all information required to make an initial safety decision will be gathered
948 and considered.
 - 949 1. A priority 1 response will be assigned when the child is in need of immediate
950 protection as determined by the Intake worker:

- 951 a. The CPS caseworker has a maximum of 60 minutes from the moment of
952 notification by Intake to make the face-to-face contact with an alleged
953 victim;
- 954 b. In a priority 1R (rural), the CPS caseworker has a maximum of three hours
955 to make the face-to-face contact if the alleged victim is more than 40 miles
956 from the caseworker. The 40-mile factor must be documented.
- 957 2. A priority 2 response will be assigned when physical evidence is at risk of being
958 lost or the child may experience further abuse, neglect, or dependency, but the
959 circumstances do not meet the criteria for a Priority 1 response:
- 960 a. The CPS caseworker has a maximum of 24 hours from the moment of
961 notification by Intake to make face-to-face contact with an alleged victim,
962 and more urgent time frames may be assigned by Intake based on child
963 safety circumstances;
- 964 b. Assignment to the CPS caseworker of a priority 2 referral that is received
965 outside of normal working hours (8:00 a.m. to 5:00 p.m.) will occur by no
966 later than 9:00 a.m. the following morning. This would include a referral
967 of a drug-exposed newborn, as there may not be any immediate threats of
968 harm while hospitalized, but the situation needs to be assessed prior to the
969 child's release to determine if any additional interventions are necessary.
- 970 3. A priority 3 response will be assigned when potential for further harm to the child
971 or the loss of physical evidence is low as determined by the Intake worker:
- 972 a. The CPS caseworker has until midnight of the third working day from the
973 moment Intake assigns the case to complete the face-to-face contact with
974 an alleged victim.
- 975
- 976 B. In order to meet the face-to-face requirement, workers are required to thoroughly assess
977 the child by completing the following:
- 978 1. Non-verbal Children Under the Age of Five Years: The CPS caseworker will
979 assess any non-verbal child under the age of five years in conjunction with the
980 person currently caring for the child. The assessment will include a review of the
981 Centers for Disease Control (CDC) Developmental Milestone checklist, which
982 corresponds with the current age of the child
983 (<http://www.cdc.gov/ncbddd/actearly/milestones>).
- 984 a. The child must be awake for the CPS caseworker to satisfy the face-to-
985 face requirement. This must be clearly documented.
- 986 b. The CPS caseworker will observe and document any alleged injuries or
987 other physical conditions (such as rashes) by following the Practice
988 Guidelines for Visual Assessment of a Child ([Section 203.1b](#)).
- 989 c. If developmental concerns are identified with children under 36 months of
990 age and the case will not be supported, the CPS caseworker will provide
991 the parents/guardians with information about Baby Watch Early
992 Intervention Program (BWEIP).
- 993 2. Verbal Children: The CPS caseworker will interview a verbal child at the time of
994 the initial face-to-face contact whenever possible as outlined in [Section 203.1](#). If
995 an interview is not possible, the CPS caseworker will gather information from

996 parents/guardians or other collateral contacts who would have sufficient
997 information about the safety of the child.
998

- 999 C. A documented reason for failing to meet the priority response time frame for face-to-face
1000 contact must be entered into a SAFE activity log and must include at least one of the
1001 following:
- 1002 1. Reliable collateral information is received that indicates that the family or child is
1003 going to be gone for more than three working days (for example, on vacation,
1004 camp, or relative visit).
 - 1005 2. The caregiver/parent is refusing to allow the CPS caseworker to have contact with
1006 the child, and
 - 1007 a. The caseworker has contacted the police for assistance, but the police have
1008 been unsuccessful in attempts to assist the caseworker in seeing the child,
1009 and
 - 1010 b. The caseworker contacted an Assistant Attorney General to discuss the
1011 legal options for gaining access to the child.
 - 1012 3. The only alleged victim is deceased.
 - 1013 4. The child is out of state and a request for courtesy casework is made and declined
1014 by the out of state child welfare agency and law enforcement in the area and/or
1015 the courtesy caseworker/officer cannot complete a face-to-face contact.
 - 1016 5. The child cannot be located despite reasonable efforts. Reasonable efforts include
1017 (but are not limited to):
 - 1018 a. Visiting the home at least twice at times other than normal business hours.
 - 1019 b. Contacting local schools for contact information.
 - 1020 c. Contacting local and county law enforcement agencies for additional
1021 contact information.
 - 1022 d. Checking public assistance records for additional contact information.
 - 1023 e. Checking with the referent for additional contact information.
 - 1024 f. Searching telephone directories (books and online) for additional contact
1025 information.
 - 1026 g. Contacting the CLEAR license holder in the region to search for
1027 additional address information for the family.

1029 **202.4a Face-To-Face Requirement**

1030 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [SECTION 202.4.](#))*
1031

1032 **202.5 Missed Priority Time Frames**

1033 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [SECTION 202.4.](#))*
1034

202.6 Structured Decision Making (SDM) Safety Assessment

Major objectives:

The SDM Safety Assessment is used to identify possible threats to a child’s safety and interventions necessary to protect a child from threats to their safety. It guides the CPS caseworker through the information gathering and safety decision making process in order to make the most appropriate safety decision. The final outcome of the SDM Safety Assessment helps to guide the decision about the need for ongoing intervention with the family.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a protected record.]

Practice Guidelines

The caseworker will complete the SDM Safety Assessment on all CPS investigations, including out-of-home perpetrator investigations.

The initial SDM Safety Assessment is required DURING the first face-to-face contact with the child victim. In the event the child cannot be seen and/or the caseworker is denied access to the child, the Safety Assessment is completed based on initial face-to-face contacts with the caregiver(s) or other contacts if the family refuses. The Safety Assessment will be recorded in SAFE by the end of the fifth business day.

The caseworker will complete an SDM Safety Plan for all children in the household when any threat to safety has been identified and it is determined a child can be kept safe through effective safety planning.

If the child is Safe with a Plan and the CPS case is closed and additional agency services will not be provided, case documentation will specify how all identified threats to safety were resolved.

If the investigation results in an ongoing case, the CPS caseworker will indicate whether the SDM Safety Plan and interventions are still applicable as part of the case transfer.

202.7 Structured Decision Making (SDM) Risk Assessment

Major objectives:

The SDM Risk Assessment is a research-informed tool that identifies the likelihood a child will experience abuse or neglect in the next 12 to 18 months. The result of the SDM Risk Assessment is part of the consideration for whether or not the agency will offer ongoing services.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

1078 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a
1079 protected record.]

1080
1081 Practice Guidelines

1082 The SDM Risk Assessment will be completed on all CPS investigations of child abuse or
1083 neglect, including new investigations on existing cases except the following:

- 1084
- 1085 A. Cases with a finding of Unable to Locate.
- 1086
- 1087 B. Cases with a finding of Unable to Complete.
- 1088
- 1089 C. Cases with a finding of False Report.

1090
1091 The caseworker assigned to the CPS investigation will complete the SDM Risk Assessment.

1092
1093 Discretionary overrides of the risk level will be reviewed and approved by the caseworker’s
1094 supervisor.

1095
1096 The SDM Risk Assessment will be completed on all CPS cases prior to case closure after the
1097 CPS caseworker has reached a finding regarding the allegation (supported, unsupported, or
1098 without merit) AND prior to a decision to open a case for services or close without further
1099 services.

1100
1101 The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level
1102 guides the decision to close a referral or open an ongoing case.

Final Risk Level	Recommendation
Low	Do Not Open*
Moderate	Do Not Open*
High	Open

1104 *Low and moderate risk cases should be opened if the most recent SDM Safety
1105 Assessment finding was Safe with a Plan or Unsafe. If the planned action differs from
1106 the recommended action, the decision will be staffed with the supervisor or designee and
1107 clearly documented in the SDM Risk Assessment.

1108
1109 For cases opened for ongoing services following the investigation, the risk level is used to
1110 determine the contact requirements for the case (service level).

1111
1112 The SDM Risk Assessment is completed on households. A household includes all persons who
1113 have a familial or intimate relationship with any person in the home and who have significant in-
1114 home contact with the child, excluding employees.

- 1115
- 1116 A. Only one household can be assessed on the risk assessment form.

1117

1118 B. Always assess the household in which the child abuse/neglect/dependency incident is
1119 alleged.

1120
1121 C. A second SDM Risk Assessment will be completed for any non-custodial parents who
1122 will receive reunification services.

1123
1124 Sources of information used to determine the caseworker's score of the item may include
1125 statements by the child, caregiver, or collateral persons; caseworker observations; or reports.

1126
1127 The caseworker will refer to the SDM Risk Assessment Definitions to determine the score for
1128 each item.

1129

1130 202.8 Medical Examination Of The Child

1131

Major objectives:

1132 Child and Family Services staff will ensure timely medical attention to a child when there has
1133 been trauma caused from severe maltreatment, serious physical injury, recent sexual abuse, fetal
1134 addiction, medical neglect, or any exposure to a hazardous environment, including those
1135 involving illegal drug/chemical production.

1136

1137

Applicable Law

1138
1139 Utah Code Ann. [§80-2-702](#). Division post-removal investigation -- Supported or unsupported
1140 reports -- Convening of child protection team -- Cooperation with law enforcement -- Close of
1141 investigation.

1142

Practice Guidelines

1143
1144 A. Child and Family Services staff will obtain all pertinent medical information needed to
1145 provide proper medical care for the child. This would include the child's current medical
1146 diagnosis, allergies, medications, and primary care providers. CPS caseworkers will
1147 request from the caregiver the child's medical history and where all prior medical
1148 attention has been received.

1149

1150 B. When necessary and indicated, a medical examination will be completed within 24 hours
1151 in a priority 1 and 1R investigation, and in a timely manner in priority 2, and 3
1152 investigations.

1153

1154 C. Timely medical attention by a qualified health care provider will be ensured by Child and
1155 Family Services staff when there is:

1156 1. Any inadequately explained serious physical injury, especially in a child under the
1157 age of two years.

1158 2. Serious untreated physical injury regardless of the known cause in children of all
1159 ages.

1160 3. Recent sexual abuse (within 72 hours) where there is an indication of physical
1161 trauma to the child and/or a need to gather evidence.

1162 4. Fetal addiction.

- 1163 5. Medical neglect involving serious medical conditions.
1164 6. Exposure to any hazardous environment, including illegal drug production.
1165 7. In cases involving a serious physical injury, the date of a medical examination
1166 related to the injury will be entered into SAFE prior to case closure. The
1167 examination date may be prior to the case open date as long as it was related to
1168 the injury.
1169
1170 The [DCFS Child Protective Services Preliminary Exam Checklist](#) may be used and can
1171 serve as a guide for the CPS caseworker.
1172
1173 D. If a child has been treated for health concerns related to allegations of abuse or neglect or
1174 if a child has been removed and has received medical treatment including surgeries,
1175 laboratory testing, x-ray studies, and/or hospitalizations within the last seven days or is
1176 receiving medications, the CPS caseworker must contact the child’s health care provider
1177 within 24 hours. If the child has a serious condition, the health care provider should be
1178 contacted immediately. The CPS caseworker should be persistent in contacting the
1179 health care provider.
1180
1181 E. The Health Care Team may assist in collecting medical information.
1182
1183 F. Past history—The CPS caseworker should obtain the following medical information:
1184 1. Prior medical condition for which the child has received medical attention now or
1185 in the past.
1186 2. Nature of the condition and symptoms.
1187 3. Name of treating physician or clinic.
1188 4. Medications (name, strength, frequency, prescribing physician). Bring the
1189 medication container with the client, if available.
1190 5. Allergies, including foods, medications, and environmental allergens.
1191
1192 G. Date the child was last seen by any health care provider.
1193 1. Nature of visit.
1194 2. Required follow-up.
1195
1196 H. Name and location of all health care providers.
1197
1198 I. The CPS caseworker will notify the child’s health care provider of the following:
1199 1. The child’s caregiver contact number.
1200 2. The CPS caseworker contact number.
1201 3. The Health Care Coordinator contact number.
1202 4. The child’s legal guardian or custodian.
1203
1204 J. Medications and treatments including, but not limited to:
1205 1. Prescribed medications.
1206 2. Inhalers, eye drops, dental, or hearing appliances.
1207 3. Over-the-counter medications.

- 1208 4. Herbal or homeopathic treatments.
- 1209 5. Illegal drugs.
- 1210
- 1211 K. Other:
- 1212 1. Immunization record.
- 1213 2. High risk behavioral concerns such as:
- 1214 a. Sleepwalking;
- 1215 b. Self-mutilation.
- 1216
- 1217 L. Medical Neglect Recommendations: When a parent/guardian does not agree with a
- 1218 medical recommendation, they can request, at their cost, a second medical opinion by a
- 1219 licensed medical professional practitioner. The recommendations from the second
- 1220 opinion will be included in staffing the outcome and services for the case. When a parent
- 1221 requests a second medical opinion, but the parent is indigent and cannot pay, Child and
- 1222 Family Services will pay, by court order and with prior administrative approval, for the
- 1223 second opinion. [See: Utah Code Ann. [§80-3-304.](#)]
- 1224

1225 Authorization for Medical Procedures

1226 The CPS caseworker will consult with a health care provider to determine whether specialized
1227 medical tests (i.e., CAT scan, skeletal x-rays, MRI [Magnetic Resonance Imaging], Sonogram,
1228 Ultrasound, etc.) are needed. The health care provider may order the specialized medical tests as
1229 needed. The cost of any test(s) required by Child and Family Services may be the responsibility
1230 of Child and Family Services to pay. Therefore, if tests are recommended, advanced
1231 authorization for payment should be provided by regional administration.

1232

1233 Serious Medical Neglect and Emergency Court Ordered Medical Treatment

- 1234 A. Procedure for investigation of serious medical neglect:
- 1235 1. When Intake receives a referral for serious medical neglect, the Intake worker
- 1236 determines if the medical situation is an emergency requiring immediate action
- 1237 and assigns priority accordingly. The caseworker should determine from a health
- 1238 care provider if death or significant permanent physical or mental damage is the
- 1239 likely outcome of refusal to follow treatment.
- 1240 2. The CPS caseworker will contact the treating medical doctor, verify the referral
- 1241 information, explain the investigation and court process, verify the parents’
- 1242 refusal to obtain treatment, and establish self as the contact for the doctor. They
- 1243 will also verify that treatment of the child’s condition will not be seriously
- 1244 jeopardized while awaiting a court hearing, and they will request immediate
- 1245 notification in the event the child’s situation deteriorates.
- 1246 3. The CPS caseworker will meet with the parents, attempt to negotiate voluntary
- 1247 compliance with medical treatment pending or in lieu of court involvement, and
- 1248 assess and document the parents’ reasons for refusal to treat.
- 1249 4. The CPS caseworker will inform the parents that they have the right to request a
- 1250 second opinion from a licensed professional medical practitioner and that the
- 1251 parent retains responsibility for payment. If the second opinion is requested but

- 1252 the child needs medical treatment sooner than the second opinion can be obtained,
1253 the CPS caseworker will move to step 5.
- 1254 5. The CPS caseworker will initiate court action by contacting the Attorney General
1255 when parents fail to voluntarily comply and medical treatment is necessary.
- 1256 6. In cases where the consequence of the parents' failure to follow treatment may be
1257 death or significant permanent physical or mental damage, the CPS caseworker
1258 will take steps to initiate emergency court proceedings by contacting an Attorney
1259 General immediately and will not attempt to resolve the situation through
1260 voluntary services alone.
- 1261 7. The CPS caseworker will attend all court proceedings related to court orders for
1262 medical treatment and will implement any court orders giving Child and Family
1263 Services responsibility to ensure the child receives necessary medical care until
1264 such time as the case is transferred to an in-home caseworker or is closed.
- 1265 8. The CPS and ongoing caseworker will hold a Child and Family Team Meeting to
1266 involve the family in planning and decision-making.
- 1267
- 1268 B. Criteria for court-ordered medical treatment of a minor:
- 1269 1. The outcome of failure to treat is death, permanent loss of a body function, or
1270 significant physical or mental impairment.
- 1271 2. The parent or guardian has been fully informed of the probable consequences if
1272 the condition is left untreated, the alternative treatments available, the
1273 consequences of each treatment, the risks of each treatment, and the probability of
1274 each alternative outcome.
- 1275 3. In non-emergent situations, the parent or guardian has been given the opportunity
1276 to obtain a second opinion.
- 1277 4. The treatment is well established and well accepted by the medical profession.
- 1278 5. A reasonable parent or guardian would not refuse treatment for the child yet
1279 treatment is refused.
- 1280 6. Delay in treatment increases the probability of harm.
- 1281 7. The probability that the treatment will be successful and that it will provide the
1282 child a good quality of life outweigh possible negative consequences and side
1283 effects.
- 1284 8. No alternative treatment will meet the child's medical needs.
- 1285

1286 Triage Procedures for Medical Care

- 1287 A. Always call 911 in an emergency.
- 1288 1. When there is a question, please consult with a health care provider or Primary
1289 Children's Medical Center (PCMC).
- 1290 2. If the following are present, a health care provider should see the child as soon as
1291 possible:
- 1292 a. Any child who appears acutely ill;
- 1293 b. Suicidal ideation and/or threat with lethal plan and with or without means;
- 1294 c. Need for forensic evidence collection for rape kit (sexual contact within
1295 72 hours);

- 1296 d. Acute vaginal or rectal bleeding, vaginal or rectal pain, and/or genital or
- 1297 anal trauma (includes blood found on diaper or underwear);
- 1298 e. If a drug-facilitated rape is suspected, within 96 hours of "drugging" the
- 1299 collection of blood and urine specimens should be considered.
- 1300 f. Fever above 100.4 degrees in an infant less than three months of age;
- 1301 g. Fever accompanied with seizures or other concerning behavior if over
- 1302 three months;
- 1303 h. Infant with bruising suggestive of fractures;
- 1304 i. Difficulty walking or moving normally;
- 1305 j. Child or youth appears severely neglected, malnourished, deprived of
- 1306 food, or dehydrated;
- 1307 k. Vaginal or penile discharge and the possibility of sexually transmitted
- 1308 disease or a history suggestive for sexually transmitted disease(s) (vaginal
- 1309 or penile discharge may not cause any symptoms but may be noticed by a
- 1310 caregiver on the diaper or underwear; other concerns for sexually
- 1311 transmitted disease include any history of genital ulcers or blisters, or any
- 1312 unusual rash in the genital area);
- 1313 l. Severe dental conditions and/or complaints of pain;
- 1314 m. Exposure to environmental toxins, with a need to collect urine and hair
- 1315 specimens for forensic purposes (e.g. Methamphetamine lab).
- 1316 3. Photo documentation:
- 1317 a. Medical attention takes priority;
- 1318 b. Take photos for forensic use after medical attention has been initiated;
- 1319 c. Photos may be taken by:
- 1320 i. Law enforcement;
- 1321 ii. Medical facility;
- 1322 iii. Child and Family Services.
- 1323
- 1324 B. Non-urgent care:
- 1325 1. Non-urgent medical attention:
- 1326 a. Well-child examination (five days following removal);
- 1327 b. Possible failure to thrive without medical compromise;
- 1328 c. Rash, not associated with fever or an allergic reaction;
- 1329 d. Skeletal survey needed to determine fractures (only in children below the
- 1330 age of three years as medically indicated);
- 1331 e. Medical neglect not involving serious medical conditions (requires
- 1332 medical examination 30 days before or after disposition of referral).
- 1333 2. Exams conducted in a non-emergency room setting can reduce the anxiety
- 1334 surrounding sexual abuse investigations.
- 1335

1336 **202.8a Medical Consultation Protocol When There Is Reasonable**
1337 **Suspicion Of Severe Abuse**

1338 Major objectives:

1339 An investigation involving reasonable suspicion of severe child abuse requires a medical
1340 examination of the primary victim. Caseworkers will investigate all children of the household as
1341 a Sibling or Child at Risk when the injuries on the primary victim are suspected to be severe
1342 abuse and there are concerns related to the caregivers in that household. All non-verbal children
1343 in the household will also be required to receive a medical examination.
1344

1345
1346
1347 Practice Guidelines

1348 A. Cases involving reasonable suspicion of Severe Abuse will include the following
1349 activities:

- 1350 1. Caseworkers will investigate all children of the household as a Sibling or Child at
1351 Risk when the injuries on the primary victim are suspected to be non-accidental
1352 and there are concerns related to the caregivers in that household.
 - 1353 a. As in all cases, caseworkers will list all children of the household in
1354 SAFE.
 - 1355 b. Allegations of Sibling at Risk will be added, with each child of the
1356 household listed as a victim.
 - 1357 c. Caseworkers will request a medical examination for all non-verbal
1358 children of the household from the legal guardians.
 - 1359 d. Caseworkers will document outcomes of medical examination or barriers
1360 to medical examination of children of the household (lack of insurance,
1361 lack of transportation, lack of time, refusal by medical providers, refusal
1362 by caregivers), including steps taken by the caseworker to help the family
1363 overcome those barriers.
 - 1364 e. Caseworkers will give consulting medical providers information regarding
1365 potential abuse exposure and of the potential for unsuspected physical
1366 abuse findings.
- 1367 2. Caseworkers will provide caregivers information regarding the potential mental
1368 health consequences of witnessing abuse and provide referrals to caregivers.
- 1369 3. In all cases involving non-verbal children with severe and/or unexplained injuries,
1370 CPS caseworkers will consult with an independent licensed medical provider with
1371 expertise in the evaluation of child physical abuse regarding those injuries prior to
1372 case closure.
1373

202.9 On-Call Intake And CPS (Non-Business Hours)

Major objectives:

Child and Family Services is required to provide a response to reports of child abuse, neglect, or dependency 24 hours a day, seven days a week. To ensure the appropriate response, CPS on-call is assigned to qualified Child and Family Services child welfare staff to obtain information from the referent, fulfill all responsibilities as outlined in major objectives for Intake, and, as necessary, respond within appropriate time frames to priority 1, 1R and 2 cases. All time requirements are applicable to on-call responses. [See: Major objectives [Section 202.4.](#)]

Applicable Law

Utah Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

The on-call or CPS caseworker assigned to the case will complete the following:

- A. Obtain information from the referent and determine the disposition of the referral (i.e., information only contact, additional information, accepted, unaccepted).
- B. Complete the Intake Checklist on priority 1, 1R, and 2 referrals.
- C. A case involving an alleged victim residing in a domestic violence shelter with a non-offending caretaker should not automatically be assumed to be a priority 3. The case should be screened based on risk and safety factors for the child.
- D. Ensure face-to-face contact with the child within priority time frames.
- E. Conduct a personal interview with or observation of the child, as appropriate.
- F. If the child requests a support person, the CPS caseworker will make reasonable efforts to arrange for the support person, who meets the criteria outlined in Section 203.1, to be present for the interview.
- G. Ensure that the parent/guardian receives notification of the investigation and the interview with the child. [See: Major objectives [Section 203.1.](#)]
- H. If an investigative interview takes place with a child who is able to communicate, and after the child is taken into protective custody, all investigative interviews will be audio and/or videotaped prior to the adjudication hearing.
- I. A child under the age of five years will be personally interviewed by the CPS caseworker if the child is verbal. All investigative interviews will be audio and/or videotaped prior to the adjudication hearing. If the child is non-verbal, the CPS caseworker will follow the protocol outlined in [Section 202.4.](#)

- 1419
1420 J. Complete an SDM Safety Assessment that includes all children in the household.
1421
1422 K. If the safety decision indicates that the child is Safe with a Plan, complete an SDM Safety
1423 Plan as defined in [Section 202.6](#).
1424
1425 L. Complete staffings per major objectives. [See: Major objectives [Section 204.2](#).]
1426
1427 M. Complete all actions to ensure safety and protection for alleged victims and siblings, as
1428 appropriate.
1429
1430 N. Ensure that medical and/or mental health evaluations are completed when appropriate as
1431 required by statute and major objectives for physical injury, severe physical abuse,
1432 medical neglect, or recent sexual abuse. [See: Major objectives [Section 202.8](#).]
1433
1434 O. Ensure that the short-term placement provider has all relevant medical, social, mental
1435 health, and educational information on the child within 24 hours.
1436
1437 P. Complete required documentation in SAFE for Intake and CPS.
1438
1439 Q. Complete removal paperwork, as appropriate.
1440
1441 R. Deliver removal paperwork to the parent/guardian.
1442
1443 S. Complete a personal 48-hour removal visit.
1444
1445 T. Deliver all information to CPS Intake no later than 9:00 a.m. of the following business
1446 day.
1447
1448 U. Attend the 24-hour multidisciplinary team consultation.
1449
1450 V. Attend the Shelter Care Hearing.
1451
1452 W. Attend all other court hearings, as notified by the Attorney General's Office.
1453

1454 **202.10 Court Report Request On Protective Orders**

1455

1456 Major objectives:

1457 Child and Family Services receives requests from both the juvenile and district courts when
1458 parties request protective orders on behalf of children. Child and Family Services will need to
1459 respond to these requests by filing a report with the court and attending court if requested or
1460 subpoenaed.

1461

1462

1463 **Applicable Laws**

1464 Utah Code Ann. [§78B-7-202](#). Abuse or danger of abuse -- Child protective orders -- Ex parte
1465 child protective orders -- Guardian ad litem -- Referral to division.

1466

1467 Practice Guidelines

1468 Child and Family Services receives notification from both the juvenile and district courts when a
1469 protective order has been filed on behalf of a child, a hearing has been scheduled, and the court
1470 asks or orders Child and Family Services to provide a report or appear in person at the hearing to
1471 report on Child and Family Services' involvement with the family.

1472

1473 A. If the request from the court asks Child and Family Services to complete an investigation
1474 and there is no current investigation, Intake will need to be notified. Intake will open a
1475 case if it meets the criteria for an investigation.

1476

1477 B. The CPS caseworker will staff the request with the supervisor and discuss the current
1478 involvement with the family and what should be included in the report to the court.

1479 a. The supervisor and CPS caseworker may staff the case with an AAG if necessary.

1480 b. If the CPS caseworker is no longer with Child and Family Services, the response
1481 will be handled by the supervisor or designee.

1482 c. If Child and Family Services has no current involvement or history with the
1483 family, Child and Family Services will report that fact to the court.

1484 3. The CPS caseworker will:

1485 a. Complete SAFE form CPS34.

1486 b. Review the report with the supervisor and sign the report along with the
1487 supervisor.

1488 c. Upload the report into Content Manager.

1489 d. If there is not a current CPS case, the report will be uploaded into the most
1490 recent CPS case or unaccepted referral.

1491 4. If Child and Family Services has received sufficient notification, the CPS

1492 caseworker will make reasonable efforts to submit the report to the court within
1493 five days of the hearing, or as soon as practicable, and to the AAG if appropriate.

1494 5. The CPS caseworker will attend the hearing if requested by the court.

1495

1496 **202.11 Not Used**

1497

1498 **202.12 Independent Home Study**

1499

1500 Major objectives:

1501 When receiving an Independent Home Study (IHS) case, the CPS caseworker will assess for child
1502 safety, determine services or resources that may be needed by the family, and provide the family
1503 with information needed to access services or resources.

1504

1505 Child and Family Services does not conduct court-ordered home evaluations regarding child
1506 custody issues.

1507

1508

1509 **Applicable Law**

1510 Utah Code Ann. [§80-2-301](#). Division responsibilities.

1511

1512 Practice Guidelines

1513 A. An IHS case will include the following:

1514 1. Contact with at least one biological parent and/or legal guardian within five
1515 business days of the case being opened.

1516 2. Interview the child with consent of the parent.

1517 3. The CPS caseworker will make no collateral contacts without obtaining consent
1518 from a parent/guardian.

1519 4. Offer resource information and additional services if deemed appropriate.

1520 5. All CPS caseworker activities will be logged in SAFE.

1521 6. An IHS case will be open for no more than 60 days unless approved by the region
1522 director or designee.

1523

1524 B. If during the IHS case abuse or neglect is identified, the CPS caseworker will call Intake
1525 and a CPS case will be opened.

1526

1527 **203 Engagement Begins: Initial Interviews And Home Visits**

1528

1529 **203.1 Interviews**

1530

Major objectives:

The CPS caseworker will utilize interviews as part of the investigation.

1531

1532

1533

1534 **Applicable Law**

1535 Utah Code Ann. [§80-2-704](#). Division interview of a child -- Support person for the child --

1536 Notice -- Recording.

1537

1538 Practice Guidelines

1539 Interviews are to follow the statutory requirements indicated below:

1540

1541 A. Referent:

1542 1. The CPS caseworker will interview the person who reported the abuse in order to
1543 gather and/or clarify information, unless the report was made anonymously. This
1544 includes referents for all additional information allegations.

1545 2. When the referent is law enforcement, an interview with law enforcement may
1546 not be necessary if Child and Family Services has a copy of the police report;
1547 however, law enforcement's referral source will be contacted.

1548

1549 B. Child: Any child identified as an alleged victim having the ability to communicate
1550 verbally or through another reliable means (i.e., communication board, American Sign
1551 Language, writing, etc.) will be interviewed. Any other children residing in the
1552 home or cared for by the same caretaker that are reasonably likely to have also
1553 been subjected to similar abuse/neglect based on the specific shared
1554 circumstances, or are reasonably likely to be subjected to abuse/neglect having
1555 the ability to communicate verbally or through another reliable means (i.e.,
1556 communication board, American Sign Language, writing, etc.) will be
1557 interviewed to assess risk, protection, and safety needs. [See: Utah Administrative
1558 Rule R512-201.]

1559

1560 If the child requires a translator for the interview, the CPS caseworker will make
1561 reasonable efforts to have one available. An infant or child who is non-verbal will be
1562 observed and assessed according to [Section 202.4](#). The child must be awake for the CPS
1563 caseworker to satisfy the face-to-face requirement. This must be clearly documented. A
1564 CPS caseworker will not conduct an interview with a child by telephonic means (i.e., e-
1565 mail, telephone, etc.). The interview will take place outside the presence of the alleged
1566 perpetrator. The CPS caseworker may request a courtesy caseworker conduct a personal
1567 interview or to observe the child if the caseworker would have to travel an unreasonable
1568 distance to see the child.

1569 1. Support person:

- 1570 a. The CPS caseworker will assess the child’s level of comfort with the
1571 interview and will make reasonable efforts to ensure the child is
1572 comfortable.
- 1573 (1) The CPS caseworker will ask if the child is comfortable being
1574 alone in the interview with the interviewer.
- 1575 (2) If the child is not comfortable being alone in the interview, the
1576 CPS caseworker shall conduct the interview with a support person
1577 of the child’s choice.
- 1578 (3) The CPS caseworker will make reasonable efforts to arrange for
1579 the support person to be present for the interview.
- 1580 (4) The CPS caseworker will capture this conversation as part of their
1581 recording.
- 1582 (5) If the CPS caseworker is assisting law enforcement in the context
1583 of a crimignal investigation, law enforcement will make the
1584 decision whether or not to allow the child to have a support person
1585 present during the law enforcement interview.
- 1586 b. The support person will:
- 1587 (1) be an adult over the age of 18 years;
- 1588 (2) be reasonably available;
- 1589 (3) be willing and able to be present in the interview without
1590 influencing the child through statements or reactions; and
- 1591 (4) not sit in line of sight of the child during the interview.
- 1592 c. The support person may include, but is not limited to:
- 1593 (1) school teacher or administrator;
- 1594 (2) guidance counselor;
- 1595 (3) child care provider;
- 1596 (4) family member;
- 1597 (5) family advocate; or
- 1598 (6) clergy.
- 1599 d. The support person may not be a person:
- 1600 (1) who is alleged to be, or potentially may be, the alleged perpetrator;
- 1601 or
- 1602 (2) is protective of the perpetrator or unsupportive of the child.
- 1603 e. The CPS caseworker will provide a [CPS05 Support Person Form](#) for the
1604 support person to sign. This document will be maintained in the CPS
1605 record.
- 1606 d. If the non-offending parent serves as the support person, they do not need
1607 to sign the support person confidentiality statement.
- 1608 2. Parent notification of child interview:
- 1609 a. If a child’s parent, stepparent, or parent’s paramour has been identified as
1610 the alleged perpetrator, the CPS caseworker need not notify a parent prior
1611 to the initial interview with the child. In all other instances where the
1612 alleged perpetrator is known, the parent or guardian must be notified prior
1613 to the initial interview with the child.

- 1614 b. If the alleged perpetrator is unknown or if the alleged perpetrator’s
1615 relationship to the child’s family is unknown, the CPS caseworker may
1616 conduct a minimal interview, not to exceed 15 minutes from the time the
1617 interview begins with the child prior to notification of the interview to the
1618 child’s parent. This is designed to allow the CPS caseworker to determine
1619 whether or not the parent, stepparent, or parent’s paramour is the alleged
1620 perpetrator. If the initial disclosure made by the child implicates a parent,
1621 stepparent, or parent’s paramour, the interview is not limited in duration.
1622 Notification may take the form of a phone call documented in activity
1623 records and does not mean permission or approval. The information
1624 imparted to the parent/guardian will include the specific allegations and
1625 the time and place of the interview with the child. If criminal activity is
1626 disclosed, the CPS caseworker will coordinate with law enforcement prior
1627 to notification of the parents so as not to impede the criminal
1628 investigation.
- 1629 c. The CPS caseworker will notify the parent as soon as practicable after the
1630 child has been interviewed, but in no case later than 24 hours after the
1631 interview has taken place.
- 1632 d. The parent will be notified prior to any subsequent interviews of the child.
- 1633 e. Exceptions to notification prior to interview may include:
- 1634 i. Notice to the parent would threaten the safety of a non-offending
1635 parent, the children, or other involved individuals;
- 1636 ii. A parent is incarcerated or there are other legal barriers to
1637 notification (such as court orders, police requests, etc.);
- 1638 iii. If the child is in foster care at the time of the interview;
- 1639 iv. A new allegation or incident involving the parent, stepparent, or
1640 parent’s paramour where they have been identified as the alleged
1641 perpetrator.
- 1642 3. Disclosure of criminal activity: If the disclosure made by the child gives
1643 reasonable cause to believe that the child has been the alleged victim of criminal
1644 activity, the CPS caseworker will immediately contact law enforcement.
- 1645 4. Suicidal ideation: Refer to [Section 700](#) if concerns regarding suicide are identified
1646 in the referral or during an interview.
- 1647
- 1648 C. Parent/guardian:
- 1649 1. The child’s natural parents or other guardian will be personally interviewed
1650 regardless of residence, unless their whereabouts are unknown. If the child’s
1651 natural parents or other guardian are incarcerated at the time of the investigation,
1652 they do not need to be personally interviewed. This interview maybe conducted
1653 with only one parent. Investigation and interview exceptions are as follows:
- 1654 a. Parent(s)/guardian(s) are incarcerated.
- 1655 b. Caseworker is unable to locate parent(s) or guardian(s).
- 1656 c. Parent(s)/guardian(s) are non-cooperative.
- 1657 Documentation of reasons for not interviewing a parent are required.

- 1658 2. Each specific allegation will be discussed. Admissions or denials will be
1659 documented in the activity recording.
- 1660 3. The parents will be asked about the child’s eligibility for or membership in a
1661 Native American tribe.
- 1662
- 1663 D. Third party/collateral contacts:
- 1664 1. Third party/collateral contacts having had direct association with the child, or who
1665 are otherwise knowledgeable about the child’s safety and family’s functioning,
1666 will be interviewed.
- 1667 2. If a third party or collateral contact is identified as an eyewitness or has first-hand
1668 knowledge of the child’s safety and family’s functioning, an interview will be
1669 conducted, including siblings. If the third party can only speak to the allegations,
1670 the CPS caseworker must speak to others who know about the family’s
1671 functioning.
- 1672 3. If the third party is a professional (i.e., medical, therapist, school, law
1673 enforcement) who has provided the CPS caseworker with a report and the report
1674 clearly details the third parties’ involvement with the child/family, the report will
1675 be sufficient and an interview need not be conducted. The CPS caseworker will
1676 upload the report into content management. If the report is not sufficient or there
1677 are additional questions that need to be asked of the third party, an interview shall
1678 be conducted.
- 1679 4. For cases where it is verified the alleged perpetrator does not/will not have access
1680 to the child and there is no identified third party/collateral contact that can provide
1681 additional information regarding the case or safety of the child, a third party
1682 contact is not needed.
- 1683
- 1684 E. Alleged perpetrator:
- 1685 1. The alleged perpetrator will be interviewed by the CPS caseworker.
- 1686 2. When the alleged perpetrator resides in the home of the child or has access to the
1687 child, and when law enforcement has requested that the CPS caseworker not
1688 conduct an interview regarding the allegations, the alleged perpetrator will not be
1689 interviewed by the CPS caseworker until the interview is cleared by law
1690 enforcement.
- 1691 3. The CPS caseworker will not be obligated to conduct an interview when:
- 1692 a. Law enforcement requests the CPS caseworker not conduct an interview
1693 due to a pending criminal investigation in these cases. CPS will
1694 communicate with law enforcement the need to have law enforcement
1695 interview within CPS investigation time frames.
- 1696 b. The alleged perpetrator's identity or location is unknown.
- 1697 c. The safety of the child or the CPS caseworker is a concern, or in domestic
1698 violence cases when the safety of the non-offending parent is a concern, as
1699 determined by the reasonable request of the non-offending parent.
- 1700 d. The alleged perpetrator is incarcerated during the course of the CPS
1701 investigation.
- 1702 4. If the alleged perpetrator is a juvenile:

- 1703 a. The CPS caseworker will seek the permission of the juvenile’s parent or
1704 guardian prior to the interview.
- 1705 b. Whether CPS or law enforcement is conducting the interview, all requests
1706 for interviews of children in the custody of Child and Family Services will
1707 be referred to the Guardian ad Litem assigned to the child. If there is no
1708 Guardian ad Litem appointed for the child, the CPS caseworker will refer
1709 the request to region administration. If the interview is part of a criminal
1710 investigation or could become part of a criminal investigation, either
1711 interviewer would need to seek the permission of the Guardian ad Litem
1712 prior to conducting an interview of a minor in custody who is an alleged
1713 perpetrator. If the Guardian ad Litem does not consent to the interview,
1714 the CPS caseworker will contact the Assistant Attorney General. [See:
1715 Practice Guidelines [Section 306.7.](#)]
- 1716 c. The CPS caseworker will interview a parent or guardian of the juvenile
1717 perpetrator for the purpose of gathering additional information.
- 1718 d. The CPS caseworker will not be obligated to conduct an interview with
1719 the juvenile perpetrator or their family when law enforcement conducts
1720 these interviews and provides CPS with enough information to complete
1721 the significant risk assessment and determine whether or not any safety
1722 concerns exist.
- 1723 e. At the conclusion of the investigation, assess the past victimization of the
1724 juvenile perpetrator and refer for appropriate treatment.
1725
- 1726 F. Interview exceptions: The CPS caseworker may rely on a written report of a prior
1727 interview rather than conducting an additional interview if:
 - 1728 1. Law enforcement has previously conducted a timely and thorough investigation
1729 regarding the alleged abuse, neglect, or dependency and has produced a written
1730 report. When law enforcement requests that CPS conduct no interview, the CPS
1731 caseworker may review the case with a supervisor for evaluation and
1732 determination of the next step.
 - 1733 2. The investigation included one or more of the interviews required by Utah Code
1734 Ann. [§80-2-702.](#)
 - 1735 3. It is determined that an additional interview is not in the best interest of the child.
1736
- 1737 G. Additional victims revealed: If during the course of an interview a child reveals the
1738 possibility of another alleged victim of abuse or neglect, the CPS caseworker will do the
1739 following:
 - 1740 1. The CPS caseworker will ask the child for further clarification regarding the
1741 identity of the additional alleged victim.
 - 1742 2. If the CPS caseworker is able to identify the additional alleged victim or a means
1743 for locating this alleged victim, and the victim is identified as a child residing
1744 outside the home of the primary victim, the CPS caseworker will contact the
1745 Intake office to determine if the allegations meet the criteria for opening a new
1746 case.

- 1747 3. If the CPS caseworker is able to identify the additional alleged victim or a means
1748 for locating this alleged victim, and the victim is a sibling residing in the same
1749 home as the primary victim, the new victim will be added to the existing CPS case
1750 if the allegation meets the criteria for investigation.
- 1751 4. If the child does not reveal the name of the additional alleged victim or does not
1752 provide a means for locating this alleged victim, the CPS caseworker will make
1753 efforts to try to identify the additional alleged victim with the limited information
1754 acquired. This may include talking with a collateral contact, parent, or relative
1755 that may know the identity of the additional alleged victim.
- 1756 5. If the CPS caseworker is unable to identify the additional alleged victim
1757 mentioned in the interview, the CPS caseworker will contact the Intake office to
1758 provide the information that is available.
- 1759 6. The Intake worker will determine if there is additional information available
1760 through data inquiries that may assist in identifying the additional alleged victim.
- 1761 7. If the Intake worker is able to identify the identity of the additional alleged victim
1762 and the information meets the criteria for investigation, Intake will open the case.
- 1763 8. If the Intake worker is unable to identify the additional alleged victim, the Intake
1764 worker will notify the CPS caseworker calling in the referral that the case has
1765 been unaccepted so that the referring CPS caseworker can document this
1766 information in the case logs.
- 1767

203.1a Recording Interviews

Major objectives:

Child and Family Services will make an accurate recording of interviews conducted with children during an investigation into allegations of child abuse or neglect. Information gathered during the interview will be documented in SAFE.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

- 1779 A. All investigative interviews of children involving allegations of sexual abuse and/or
1780 serious physical abuse are to be videotaped and/or audio recorded. This does not apply to
1781 initial or minimal interviews. The videotaping requirements are as follows:
 - 1782 1. The child and the interviewer will be simultaneously videotaped.
 - 1783 2. Videotaping will be continuous and will log the date, place, and time.
 - 1784 3. Videotaping must be for the duration of the interview.
 - 1785 4. Interviews are to be conducted in a Children’s Justice Center (CJC) if possible, or,
1786 if necessary, a soft (non-threatening) interview room.
 - 1787 5. If videotape equipment and a soft (non-threatening) interview room are
1788 unavailable, the interview will be audio taped in accordance to sections B and C.
 - 1789 6. Even if videotaping, an audio file compliant with the SAFE system must be
1790 created for every Child and Family Services conducted interview. If the interview
1791 location creating the video does not have the ability to provide Child and Family

- 1792 Services with a correctly formatted digital audio of the interview, the caseworker
1793 should simultaneously audio record the interview for download into the SAFE
1794 system.
1795
- 1796 B. All other interviews will be audio recorded by Child and Family Services in a SAFE
1797 compliant digital format unless there are exceptions as noted in sections D and E.
1798
- 1799 C. Information to be recorded at the beginning of each interview is as follows:
1800 1. The name of the caseworker conducting the interview.
1801 2. The place of the interview.
1802 3. The time and date of the interview.
1803 4. The full name and age of the child being interviewed.
1804 5. All other persons present in the interview and their roles during the interview (i.e.,
1805 support person, police officer, caseworker, etc.).
1806
- 1807 D. The recording will be continuous unless:
1808 1. At some point in the interview the child requests that the recording device be
1809 turned off or refuses to be recorded.
1810 2. There are circumstances that require the interview to be interrupted or terminated.
1811
- 1812 E. If the child refuses to be recorded, the caseworker is to complete the following steps:
1813 1. Explain that the recording helps the caseworker remember what was said, assures
1814 accurate information, and takes the place of notes.
1815 2. If necessary, ask the child if they would feel more comfortable being recorded if a
1816 support person was in the room with them.
1817 3. If the child still refuses to be recorded, and:
1818 a. The child is over age 9, the caseworker will attempt to get the child's
1819 refusal on the digital audio recording and/or will document in the activity
1820 logs the child's reasons why they do not want to be recorded, and then
1821 continue with the interview, without recording, to assess the child's safety.
1822 The caseworker will document all pertinent information regarding safety
1823 from the interview in the activity logs.
1824 b. If the child is under the age of 9, the caseworker will make reasonable
1825 efforts to put the child at ease with being recorded and continue the
1826 interview, as suggested in section E. If the child again refuses to have the
1827 interview taped, the caseworker will attempt to get the child's refusal on
1828 the digital audio recording, will discontinue the interview, and:
1829 (1) Discuss with the child who they can talk to if they feel unsafe in
1830 the future, and
1831 (2) Document the refusal and the concerns in the activity log.
1832
- 1833 F. Activity Recording documentation:
1834 1. If the allegation involved sexual or serious physical abuse and was not videotaped
1835 at the CJC, the caseworker will document the alternate soft (non-threatening)
1836 location where the interview occurred and why it could not occur at the CJC.

- 1837 2. The caseworker will document in the Activity Recordings the information listed
- 1838 in section C and a brief description of the evidence or information gathered during
- 1839 the interview that would provide support, if any, to the allegation.
- 1840 3. If for any reason the interview recording is not continuous or complete, the
- 1841 caseworker will document the reasons why the interruption and/or non-
- 1842 completion occurred.
- 1843 4. All Child and Family Services conducted victim’s interview will include a digital
- 1844 audio recording that will be uploaded into SAFE.
- 1845
- 1846 G. The audio and video recordings and any interview information can be shared and/or
- 1847 copied for police officers and detectives that are investigating child abuse or neglect.
- 1848
- 1849 H. Audio and video recordings made at any Children’s Justice Center cannot be distributed,
- 1850 released, or displayed to anyone without a court order as defined in Utah Code Ann. [§77-](#)
- 1851 [37-4](#). All requests for recordings must go through the Government Records and
- 1852 Management Act (GRAMA) specialist.
- 1853

203.1b Visual Assessment Of A Child

Major objectives:

When physical abuse, sexual abuse, or neglect with an injury or other physical manifestation is alleged, the child’s body will be observed or examined for evidence of the alleged manifestation or injury (physical trauma, such as bruises, welts, or burns; or physical condition, such as bug or rodent bites, rashes, malnutrition, body dirt, or sexual abuse) in a way that is sensitive to the child’s age, gender, and emotional well-being. Examination/observation for sexual abuse allegations is to be conducted by a medical professional only.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

- 1868 A. When a visual assessment of the child is necessary, the child’s body will be observed in
- 1869 the least intrusive manner, and the documentation will be conducted in a way that is
- 1870 sensitive to that child’s age and gender according to the standards below.
- 1871 1. If a child has injuries or manifestations that need immediate medical attention,
- 1872 notify the non-offending parent/guardian and assess their willingness to transport
- 1873 the child for an immediate medical assessment.
- 1874 2. If the child does not need immediate medical care and the injury or physical
- 1875 manifestation can be readily seen on the child without repositioning clothing,
- 1876 move ahead with photographing and/or documenting the injuries. If the child
- 1877 refuses to allow photographs, refer to section B.
- 1878 3. If the injury or physical manifestation is on non-private areas of the body that can
- 1879 be accessed by minimal repositioning of the clothing:

- 1880 a. If the child is under the age of three years and/or is non-verbal, ask the
1881 parent or caregiver to reveal the place of alleged abuse on the child's body
1882 for photographing and/or documentation.
1883 b. If the child is verbal and/or over the age of three years, ask the child if
1884 they are comfortable displaying the injury and, if the child agrees,
1885 photograph and/or document the injury or manifestation.
1886 c. If the child refuses to display the injuries, refer to section B.
1887 4. If the injury or physical manifestation occurred on the buttock or stomach **area** of
1888 the child's body and the child has disclosed that the abuse occurred and/or the
1889 child or another person has seen the injury or manifestation:
1890 a. Have another adult present (i.e., another professional or caregiver) when
1891 possible, and
1892 b. Ask the child if they are comfortable showing the area or a partial area of
1893 the abuse to be photographed and/or documented, and document if the
1894 child agrees.
1895 c. If the child refuses to display any part of the injury, refer to section B.
1896 5. If the injury or physical manifestation occurred in a private area of the child's
1897 body and the child has disclosed the abuse and possible injury is indicated, refer
1898 the non-offending parent/guardian to obtain a medical exam for the child. If the
1899 parent refuses, staff the case with a supervisor and Assistant Attorney General to
1900 determine whether the allegation circumstances require that a warrant or
1901 investigative subpoena should be pursued to ensure the child's safety.
1902 6. If there is alleged sexual abuse with a possible injury or physical evidence
1903 indicated, arrange for a sexual abuse exam where a qualified medical professional
1904 can conduct an exam and determine whether there is evidence of sexual abuse
1905 and/or injury. If there has already been a sexual abuse exam conducted by a
1906 qualified professional, use the results of that exam and do not require another
1907 exam. If the parent refuses, staff the case with a supervisor and Assistant
1908 Attorney General to determine whether the allegation circumstances require that a
1909 warrant or investigative subpoena should be pursued to ensure the child's safety.
1910
1911 B. If the child refuses to display the injuries or manifestations:
1912 1. Offer to have a non-offending parent/guardian or another adult support person of
1913 the child's choice present.
1914 2. If the child continues to refuse and/or the parent/guardian or support person
1915 refuses to allow the injury or manifestation to be displayed, contact law
1916 enforcement to refer the case and gather evidence. Obtain a copy of this evidence
1917 for the CPS record.
1918 3. If law enforcement refuses the case, contact the supervisor and staff with an
1919 Assistant Attorney General to determine whether the allegation circumstances
1920 require that a warrant or investigative subpoena should be pursued to ensure the
1921 child's safety.
1922
1923 C. The taking of photographs is an accepted practice in documenting evidence of physical
1924 abuse or neglect. The taking of photographs is subject to the same restrictions listed

1925 above for visual assessment. Photographs of children that involve abuse to the genitalia
1926 or female breast area may only be taken by a qualified medical professional during a
1927 medical examination.
1928

203.1c Images Of Child Pornography Obtained By Child and Family Services

Practice Guidelines

1932 When images of a child are obtained by Child and Family Services staff as part of their regular
1933 job function which meet the definition of child pornography (Utah Code Ann. [§76-5b-103](#)), the
1934 images will be immediately reported to the Internet Crimes Against Children investigative unit
1935 through the Office of the Attorney General. Any image meeting the definition of child
1936 pornography will not be uploaded in SAFE.
1937

203.2 Home Visits

Major objectives:

The CPS caseworker will complete a home visit during the course of each investigation in order to make a thorough assessment of the family. The caseworker will assess for safety, risk, health, and well-being of the child and family.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Unscheduled Home Visits

1949 CPS caseworkers will complete unscheduled home visits in cases with allegations involving
1950 Domestic Violence, Child Endangerment (when there are concerns of drug use or drug activity in
1951 the home), Environmental Neglect, Non-Supervision, and Physical Neglect. Unscheduled home
1952 visits will occur on cases involving other allegation types when the information gathered would
1953 indicate a need for an unscheduled visit to the home.
1954

Scheduled Home Visits

1955 A scheduled home visit will be completed on all cases where an unscheduled home visit is not
1956 required. If the alleged perpetrator is a parent or guardian of the victim, the scheduled home visit
1957 will occur in the household of the alleged perpetrator. If the alleged perpetrator is not a parent or
1958 guardian of the victim but has or is likely to have access to the victim, the scheduled home visit
1959 will be completed where the child primarily resides.
1960

Exceptions to Completing an Unscheduled or Scheduled Home Visit

- 1961
- 1962 A. The family has moved out of state and the child currently resides with the family in
1963 another state.
 - 1964 B. The child has been placed in foster care prior to the closure of the CPS case.
1965
1966
1967
1968

- 1969 C. The parent/guardian refuses access to the home or is unwilling to make an appointment
1970 for a visit to occur.
1971
1972 D. If during the investigation it is verified the alleged perpetrator does not have access to
1973 any home where the child may reside and is not anticipated to have access at any time in
1974 the future to any home where the child may reside and the caregiver is making efforts to
1975 protect the child to best of their ability from contact with the alleged perpetrator.
1976
1977 Practice Guidelines
- 1978 A. An unscheduled or scheduled home visit may take place anytime during the course of the
1979 investigation.
1980
1981 B. The CPS caseworker may request to observe, in the company of the parent/guardian,
1982 areas of the residence where the child has access to or sleeps, plays, and spends time.
1983 The CPS caseworker will discuss any conditions observed that impact the health or safety
1984 of the child. [See: CPS Practice Guidelines [Section 204.5a.](#)]
1985
1986 C. The CPS caseworker will document the observations made as to the conditions of the
1987 home and of any health and/or safety issues identified. It is not required for the CPS
1988 caseworker to observe the contents of the following, unless the allegations give specific
1989 need to ensure availability of food and/or clothing, or to ensure that conditions do not
1990 pose a threat to the child's safety:
1991 1. Cupboards and drawers.
1992 2. Refrigerator and/or freezer.
1993 3. Areas of the home usually closed to the view of visitors.
1994
1995 The CPS caseworker will obtain the parents' consent prior to looking in the areas
1996 mentioned above.
1997
1998 D. If, after trying to engage with the family, access to the home or the child is denied, and if
1999 there is credible evidence of conditions that must be investigated, the CPS caseworker
2000 will staff the case with the supervisor to determine whether or not the case should be
2001 reviewed with the Attorney General's Office.
2002
2003 E. If the CPS caseworker makes an unscheduled home visit but does not locate anyone
2004 home, the CPS caseworker will continue to return at times when families are normally
2005 found to be at home. If the CPS caseworker is unsuccessful, the CPS caseworker may
2006 leave a business card or other written information at the time of the second visit that
2007 requests the parent or guardian to contact the CPS caseworker.
2008

203.3 Entry Into The Child's Home

Major objectives:

CPS caseworkers have authority to enter upon public or private premises, using appropriate legal processes, to investigate reports of alleged child abuse, neglect, or dependency.

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Applicable Law

Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported reports -- Convening of child protection team -- Coordination with law enforcement -- Consultation with child protection team before close of investigation.

Practice Guidelines

- A. The CPS caseworker may enter the residence under the following circumstances:
 - 1. When invited by the parent or guardian.
 - 2. If the parent or guardian is not at home: The CPS caseworker may enter the home if invited by a child or temporary caregiver to assess immediate threats to safety by asking for basic information about the whereabouts of the parent or guardian, appropriateness of arrangements for care of children, etc. A child or temporary caregiver does not normally have authority to consent to a search or examination of the home.

- B. If the CPS caseworker is denied entry into the home and entry into the home is necessary to ensure the safety of a child, the caseworker may:
 - 1. In an emergency summon law enforcement to the home.
 - 2. Consult with an Assistant Attorney General about options to gain entry into the home or access to a child.

203.4 Assessment Of Safe Sleep For Children 12 Months And Under

Major objectives:
Safe Sleep Assessments are utilized to promote child safety and prevent unsafe sleep fatalities. Sleeping arrangements for any child 12 months and under should be discussed with every caregiver regarding places where the child may sleep.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

The caseworker may request to observe, in the company of the parent/guardian, areas of the residence where the child sleeps. The caseworker will discuss any conditions observed that impact the potential for an unsafe sleep environment.

- A. Complete a safe sleep assessment when the following conditions exist:
 - 1. You have a case involving a mother who is pregnant or there is a child 12 months old or under in the home.
 - 2. The child will not/does not have a place of their own to sleep (discovered after viewing the home or having a discussion with the parent/caregiver about where the infant sleeps/will sleep).

- 2059 B. Assessment of safe sleep:
2060 1. Discuss where the child will be sleeping, both at nighttime and for napping.
2061 2. Visually confirm that the child has a safe sleep area.
2062 3. Discuss concerns about co-sleeping, even for naps.
2063 a. If the case involves substances use, even legally prescribed medications,
2064 discuss how these can lead to unintentional injury related to co-sleeping.
2065 b. If the child has a medical condition or disability, discuss any special
2066 circumstances regarding safe sleep as per their physician.
2067
- 2068 C. Resources: The caseworker will:
2069 1. Provide the parent/caregiver with information regarding local resources available
2070 for parents/guardians with infants.
2071 2. Provide and discuss the **Safe Sleep and Your Baby** pamphlet with the
2072 parent/caregiver and make sure to discuss:
2073 a. Place baby on their back to sleep.
2074 b. Sleep on firm surface.
2075 c. All soft objects out of crib.
2076 d. Sleep in the same room but not same bed as baby.
2077 3. Explore possible funds available to purchase items such as cribs, playpens, or
2078 other approved safe sleep options based on the need of the family.
2079
- 2080 D. Documentation: The assessment of the existence/non-existence of a safe sleep
2081 environment for all children 12 months and younger will be documented in SAFE. The
2082 caseworker will select the Safe Sleep Environment policy button to indicate this
2083 assessment was completed.
2084

2085 **204 The Investigation: Assessment And Making Informed Decisions**

2086
2087 The purpose of assessment is to assist the CPS caseworker during the investigation to determine
2088 the immediate protection, safety, risk, and services needed by the child and family. The CPS
2089 caseworker will consider the issues of enduring safety and permanency (long-term view) in
2090 making these decisions and providing all parties with due process of the law.

2091
2092 **204.1 Assessments And Investigation Tools**

2093 Major objectives:

2094 A. The following assessment tools will be used by the CPS caseworker to determine
2095 the immediate threats to safety and risk of future harm:

- 2096 1. SDM Safety Assessment.
- 2097 2. SDM Risk Assessment.

2098 B. In cases involving alleged juvenile perpetrators, the following assessment tools
2099 may be used:

- 2100 1. Significant Risk Assessment.
2101 For use in cases involving supported allegations of:
2102
 - 2103 • Sexual Abuse;
 - 2104 • Sexual Exploitation;
 - 2105 • Lewdness;
 - 2106 • Inappropriate Sexual Conduct.
- 2107 2. Serious Physical Abuse Assessment.

2108
2109
2110 **Applicable Law**

2111 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
2112 reports -- Convening of child protection team -- Coordination with law enforcement --
2113 Consultation with child protection team before close of investigation.

2114
2115 Practice Guidelines

2116 A. SDM Safety Assessment: The CPS caseworker will complete this assessment tool on
2117 every case during the face-to-face contact and enter the information into SAFE by the end
2118 of the fifth business day.

2119 B. SDM Risk Assessment:

- 2120 1. The SDM Risk Assessment will be completed on all initial CPS investigations of
2121 child abuse or neglect. [See: [Section 202.7.](#)] The finding of the SDM Risk
2122 Assessment will be used in formulating an ongoing service plan for supported
2123 cases or cases determined to need other child welfare services beyond CPS.
- 2124 2. Each allegation identified at Intake and any discovered during the investigation
2125 will be assessed for each alleged victim.

- 2129 C. The final safety determination of the SDM Safety Assessment and the final risk level of
2130 the SDM Risk Assessment will be used in determining whether the family needs further
2131 involvement with Child and Family Services.
2132
- 2133 D. Significant Risk Assessment: When there is a supported finding of sexual abuse, sexual
2134 exploitation, lewdness, or inappropriate sexual conduct involving a juvenile perpetrator,
2135 the CPS caseworker will complete the Significant Risk Assessment to determine whether
2136 a juvenile is a significant risk to other children or the community.
 - 2137 1. The assessment is not to be used to determine whether the investigation is
2138 supported or unsupported; a juvenile does not need to be found a significant risk
2139 in order for the case finding to be supported.
 - 2140 2. The assessment must be based upon the facts of the case that are present during
2141 the investigation, not after the minor has been removed from the home or any
2142 other intervention that has occurred.
 - 2143 3. The juvenile’s age alone is not a reason for determining the juvenile is not a
2144 significant risk.
2145
- 2146 E. Serious Physical Abuse Assessment: When there is a supported finding of serious
2147 physical abuse involving a juvenile perpetrator, the CPS caseworker will complete the
2148 Serious Physical Abuse Assessment to determine whether a juvenile is a significant risk
2149 to other children or the community.
2150
- 2151 F. When an Administrative Hearing is requested on a supported case or a case that was
2152 substantiated prior to May 6, 2002 involving a juvenile perpetrator or an adult who was a
2153 juvenile at the time of the incident, and the Significant Risk Assessment or the Serious
2154 Physical Abuse Assessment was not completed,
2155 Child and Family Services will be responsible to complete the appropriate assessment
2156 based on the facts at the time of the investigation.
2157

204.2 Case Staffings

Major objectives:

The CPS caseworker will obtain direction and support to identify needed interventions, services, and resources for the child and family and for assistance in making casework decisions.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

- 2168 A. The CPS caseworker will staff with a Child and Family Services supervisor in addition to
2169 or in conjunction with other professionals when any of the following apply:
 - 2170 1. When the SDM Safety Assessment indicates that the child is Safe with a Plan or
2171 Unsafe.

- 2172 2. Unless it would jeopardize the safety of a child, the Child and Family Services
2173 caseworker will staff with a Child and Family Services supervisor prior to
2174 removal.
- 2175 3. If the child, family, or alleged perpetrator is receiving services from Child and
2176 Family Services, the case staffing will include the assigned Child and Family
2177 Services in-home, post adoption, out-of-home, or domestic violence specialist.
- 2178 4. If the family receives assistance in the form of TANF, the case staffing may
2179 include the Department of Workforce Services employment counselor or self-
2180 sufficiency caseworker.
- 2181 5. When there are concerns related to domestic violence, the Child and Family
2182 Services supervisor will determine if a staffing with a domestic violence specialist
2183 is necessary.
- 2184 6. When the child is identified as Native American and the case may be screened for
2185 court involvement, the CPS caseworker will review the case with the Child and
2186 Family Services supervisor and the Indian Child Welfare state specialist.
- 2187 7. When an infant has been exposed to or is dependent upon harmful substances as a
2188 result of the mother's use of illegal substances or abuse of prescribed medications
2189 during pregnancy, the CPS caseworker will staff the case with an Assistant Attorney
2190 General.
- 2191 8. When there is a fatality or near fatality that is the result of non-accidental trauma
2192 or the manner of death is undetermined by law enforcement or medical
2193 professionals and there are surviving siblings, the case will be staffed jointly with
2194 a Child and Family Services supervisor, region director, and an Assistant
2195 Attorney General within 24 hours of first knowledge of the incident. This review
2196 does not change the priority time frame of the investigation.
- 2197 9. When there is a need to coordinate the efforts of several investigators, agencies,
2198 or others toward the common goal of protection of the child.
- 2199 10. When there is a supported finding of chronic/severe physical, sexual or emotional
2200 abuse, or chronic/severe neglect or medical neglect resulting in death, disability,
2201 or somber illness the CPS caseworker will staff with a Child and Family Services
2202 supervisor and an Assistant Attorney General.
- 2203 11. When there has been a prior adjudicated finding of child abuse, neglect, or
2204 dependency relevant to new supported findings of abuse, neglect, or dependency,
2205 the CPS caseworker will staff with a Child and Family Services supervisor. The
2206 CPS caseworker and supervisor will make a safety decision based on the
2207 information gathered. If the safety decision made identifies that there is a threat
2208 to safety and that court involvement is necessary, the CPS caseworker will staff
2209 the case with an Assistant Attorney General.
- 2210 12. When there is a supported finding of drug production or manufacturing, the CPS
2211 caseworker may staff with a Child and Family Services supervisor as described in
2212 10 above. If a safety decision is made that requires law enforcement and/or an
2213 Assistant Attorney General, the CPS caseworker will discuss with them the safety
2214 decision made to determine what needs to occur to ensure enduring safety and
2215 permanency for the child.

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13. When there are siblings in the same home where a removal is considered, the CPS caseworker will staff with a Child and Family Services supervisor to discuss threats to safety and whether court involvement is necessary. If there is an imminent threat to safety that cannot be mitigated through a safety plan, the CPS caseworker will staff the safety decision with an Assistant Attorney General to determine the next steps.
 14. If the need for services has been identified through safety and risk assessment, and the family refuses to accept services, the CPS caseworker will staff the case with an Assistant Attorney General.
 15. When the referral involves an adopted child whose parents are not able to meet the child's needs, post adoption will be brought into the staffing to help determine if services could defer the child coming into custody.
 16. When the CPS caseworker needs legal advice concerning the sufficiency of the evidence to make a supported finding or to pursue a substantiated finding, the CPS caseworker will staff with a Child and Family Services supervisor and Assistant Attorney General.
 17. If during the investigation the caseworker determines the child may come into foster care and the primary reason for care is to address the minor's ungovernable or other behavior, mental health, or disability, they will do the following:
 - a. Contact their supervisor and request to staff the case with the local multi-agency committee.
 - b. Staff the case with the multi-agency committee and ensure all local resources have been considered prior to considering removal of the child.
 - c. If the child may still come into foster care, contact the supervisor and request to staff the case with the DHS Integrated Services Team.
 - d. Staff the case with the DHS Integrated Services Team and ensure all state-level resources have been considered prior to considering removal of the child.
 - e. Obtain a final determination from the DHS Integrated Services Team.
 - f. The caseworker will continue their assessment and will make a finding based on the assessment. A supported finding may be abuse, neglect, and/or dependency. The assessment and finding is independent of the final determination from the DHS Integrated Services Team. Once the assessment and determination is completed and Child and Family Services is in agreement that foster care is the least restrictive option to meet the child's need, the child may be placed in foster care.

2253 **204.3 Sibling Or Child At Risk**

2254 Major objectives:

2255 The CPS caseworker will assess the other siblings/children in a household when a child in
2256 the same household has been a victim of abuse, neglect, or dependency. Assessment and
2257 documentation must be specific for each child.
2258

2259
2260 **Applicable Law**

2261 Utah Code Ann. [§80-3-204](#). Protective custody of a child after a petition is filed -- Grounds.
2262

2263 Practice Guidelines

- 2264 A. In cases where the mother is pregnant and delivers the newborn and the newborn's
2265 siblings are in custody, or have been determined to be abused, neglected, or dependent,
2266 the CPS caseworker will complete a new SDM Safety Assessment.
2267
- 2268 B. The CPS caseworker will complete the following with each sibling or child to determine
2269 if the sibling or child requires immediate protection or services:
- 2270 1. Complete the SDM Safety Assessment.
 - 2271 2. Conduct a face-to-face interview with each child having verbal or other
2272 communication skills or observe non-verbal children.
 - 2273 3. If law enforcement objects to a Child and Family Services investigation (for
2274 example, in a child fatality investigation), the CPS caseworker will review the
2275 case with the Attorney General's Office to determine legal options to ensure the
2276 safety of other siblings.
2277

2278 **204.4 Coordination With Law Enforcement**

2279 Major objectives:

2280 Child and Family Services will coordinate with law enforcement to protect children and families
2281 when abuse, neglect, or dependency is alleged. This coordination will also serve to protect CPS
2282 caseworkers and keep the peace throughout the investigation.
2283

2284
2285 **Applicable Law**

2286 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
2287 reports -- Convening of child protection team -- Coordination with law enforcement --
2288 Consultation with child protection team before close of investigation.
2289

2290 Practice Guidelines

2291 The CPS caseworker will coordinate with law enforcement in the following ways:
2292

- 2293 A. Notification: If, during the course of the investigation, the CPS caseworker becomes
2294 aware of criminal activity, law enforcement will be notified.
2295

- 2296 B. Child placed into protective custody: When a child is to be taken into protective custody,
2297 the CPS caseworker will be accompanied by law enforcement if a peace officer is
2298 reasonably available.
- 2299
- 2300 C. Entry into the child’s home: Neither law enforcement officers nor CPS caseworkers can
2301 enter a home uninvited without a search warrant issued by a court unless there is an
2302 emergency requiring entry be made without a warrant. If the CPS caseworker is denied
2303 entry into the child’s home by the parent or caregiver, a request will be made to law
2304 enforcement to accompany the CPS caseworker to the home in an attempt to gain entry.
2305 Should the parent continue to deny entry, the CPS caseworker will coordinate efforts with
2306 law enforcement and the Attorney General's Office to secure a search warrant. [See:
2307 Major objectives [Section 203.3.](#)]
- 2308

204.5 Domestic Violence Related Child Abuse

Major objectives:

When children have witnessed domestic violence, Child and Family Services will assess the safety needs of the family and provide interventions and education to the family. CPS caseworkers will respect and support the role of the non-offending caregiver to protect themselves and the child who witnessed domestic violence between the caregiver and abuser.

Cases involving Domestic Violence Related Child Abuse will be reviewed with a Child and Family Services supervisor and if the supervisor deems it necessary by a domestic violence specialist.

The Domestic Violence Related Safety Plan information and Risk of Danger information for the non-offending adult/caregiver as well as the child are protected records under Utah Code Ann. [§63G-2-305](#) and will not be released when CPS records are requested because such release may pose a danger to the child and/or non-offending caregiver.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

Upon the identification of Domestic Violence Related Child Abuse, the CPS caseworker or Child and Family Services domestic violence caseworker will proceed as follows:

- 2332 A. Investigation: Identify and document in the case record the services, assessments, and
2333 education given to the family. These will include:
 - 2334 1. Assisting the non-offending adult/caregiver by providing them with a list of
2335 available resources and supports, educating them on the domestic violence cycle,
2336 safety planning with the client, and holding a Risk of Danger discussion to
2337 determine the level of lethal risk. Resources should include information on
2338 protective orders, domestic violence advocates, financial assistance such as CVR,
2339 shelters, crisis nursery, counseling or support groups, etc.

- 2340 2. Assisting the offending partner by holding a Risk of Danger discussion, finding
2341 support systems, giving treatment resources, safety planning, and educating them
2342 on the domestic violence cycle.
- 2343 3. Safety planning with child, if appropriate. A safety plan cannot rely on a child
2344 alone.
- 2345 4. Explaining to each caregiver that:
- 2346 a. Immediate and long-range harm may result from exposing a child to
2347 domestic violence;
- 2348 b. According to Utah State law, a person is criminally liable for committing
2349 domestic abuse in the presence of a child;
- 2350 c. Domestic abuse in the presence of a child is "child abuse" and therefore
2351 such conduct may result in juvenile court intervention and an abuse record
2352 in the Child and Family Services database.
2353
- 2354 B. Protective Order: If the non-offending caregiver has obtained a protective order:
- 2355 1. Notify the Assistant Attorney General of the protective order and request a
2356 bifurcated hearing in juvenile court.
- 2357 2. Do not conduct conjoint mediation, Child and Family Team Meetings, treatment
2358 planning, service planning, safety planning, or assessments between the protected
2359 party and the abuser.
2360
- 2361 C. Domestic Violence Shelter: If the caseworker has knowledge that the child and non-
2362 offending caregiver have relocated to a domestic violence shelter, explain to the non-
2363 offending caregiver and the domestic violence shelter staff that it is the caregiver's and,
2364 where appropriate, the domestic violence shelter's responsibility to immediately contact
2365 the caseworker if they leave the domestic violence shelter.
2366
- 2367 D. Failure to Protect: When the CPS caseworker and Child and Family Services domestic
2368 violence caseworker staff a case and agree to make a finding of Failure to Protect against
2369 the non-offending caregiver, the CPS caseworker will document in the case record the
2370 reasons for that finding.
2371
- 2372 E. Notice of Agency Action (NAA) Letter: This letter will be sent to the offending partner in
2373 all supported CPS cases within agency timelines (Practice Guideline [Section 204.15](#)).
2374 The NAA Letter involving domestic violence related child abuse allegations will be sent
2375 to the perpetrator of the abuse in the same manner that all other agency action letters are
2376 sent. Before an NAA Letter is sent, individual safety planning to the non-offending
2377 partner, children, and offending partner will be provided in preparation for the receipt of
2378 this letter, due to the possible significant risk placed on the non-offending parent and child.
2379 The CPS caseworker will:
- 2380 1. Notify the non-offending caregiver that the letter will be sent and review safety
2381 measures.
- 2382 2. Document this notification in the case record.
2383

- 2384 F. Case Requirement and Documentation Exceptions: A CPS caseworker may make an
2385 exception to CPS requirements for documentation when it is determined to be a safety
2386 concern (such as unscheduled home visits, priority timeframes on the face-to-face contact
2387 with the adult victim or child, etc.). Prior to making that decision, staff with a Child and
2388 Family Services supervisor and domestic violence caseworker for agreement that those
2389 requirements could pose a potential threat of harm to the child or non-offending
2390 caregiver. Documentation of staffing and approval are required.
2391
- 2392 G. Family/Friend Disturbance: An altercation between extended family members or other
2393 non-related adults in the presence of a child may be considered emotional abuse and not
2394 domestic violence, if it is determined to have:
- 2395 1. Elements that meet the definition of Emotional Abuse.
 - 2396 2. Does not involve a pattern of domestic violence power and control.
2397
- 2398 H. Homicide/Suicide: Child and Family Services will respond to situations in which there
2399 has been a homicide and/or suicide as a result of domestic violence when either party has
2400 children that were living with them at the time, whether or not the children witnessed or
2401 were present during the incident. These referrals will be assigned and conducted as a
2402 DVS or CPS case according to [Section 201.4](#).
2403

2404 **204.5a Environmental Neglect**

2405 Major objectives:

2406 Child and Family Services will respond to concerns about the child’s home environment when
2407 there is reason to believe that there is a threat to a child’s physical health or safety due to possible
2408 neglect or abuse. The Child and Family Services caseworker will respond to these allegations
2409 using positive engagement skills and a solution-focused view.
2410

2412 **Applicable Law**

2413 Utah Code Ann. [§80-2-301](#). Division responsibilities.
2415

2416 Practice Guidelines

2417 These Practice Guidelines provide parameters for the CPS caseworker to follow in the various
2418 circumstances possible when there are concerns related to the child’s environment. The
2419 assessment will determine whether the environment poses a threat to the physical health or safety
2420 of the child. The CPS caseworker may contact other community resources and/or evaluators to
2421 determine if and to what degree the environment poses a safety threat to the child. If necessary,
2422 the CPS caseworker will provide assistance and education for enhancing safety and preventing
2423 the reoccurrence of the neglect. The assessment will include the following.
2424

- 2425 A. The CPS caseworker will use positive engagement skills with the family and complete an
2426 unscheduled home visit to assess the environment.
2427

- 2428 B. The CPS caseworker will assess whether the environment is safe for the children
2429 involved, considering:
- 2430 1. Threats to safety:
- 2431 a. Duration or length of the situation (chronic).
2432 b. Volume, quantity, or toxicity of the potential hazard.
2433 c. Severity of the threat to the child.
2434 d. Child's access to the potential hazards.
2435 e. The age of the child.
2436 f. The developmental level of the child.
2437 g. The medical condition of the child.
2438 h. Other expert opinions (health department, pharmacist, doctor, zoning, fire
2439 department, etc.).
2440 i. The extent to which the child's extended family may provide needed
2441 protection.
2442
- 2443 C. The CPS caseworker will assess whether the environment poses safety concerns. The
2444 CPS caseworker will team with the family to access services or interventions that will
2445 address the safety issues.
2446
- 2447 D. Service and education resources and/or on-site assessment contacts may include, but are
2448 not limited to, the following:
2449

Concerns	Agency/Resources	Assessment, Education, or Services
Pest infestation, sewage/ water issues, urine/ feces	Health & Human Services	Pest infestation, repair/ cleanup/ health
Heat issues, safe heat sources, carbon monoxide	Gas Company	Gas/ carbon monoxide issues, HEAT program assistance
Fire/ electrical dangers	Fire Department	Fire/ electrical dangers and safety code
Sewage/ water issues, lack of access to water	Water Department	Water/ sewage issues
Issues that exacerbate medical conditions (mold, smoke, effects of dangers/ hygiene on medical condition)	Physician or Medical Assistance	Environmental impact on medical condition
Lack of access to food	Food Assistance Program	Subsidizing or providing education on food and nutrition
Poisonous/ toxic chemicals	Poison Control	Exposure to toxic/ poisonous chemicals
Only spoiled foods are available, choking hazards, hygiene, nurturing, housecleaning issues	Parent Education and Advocacy	Safe and healthy parenting
Health and safety issues regarding animals or dangerous animal issues	Animal Control	Containment of excessive or dangerous animals
Drugs, paraphernalia, drug labs	Law Enforcement	Cleanup of drugs, drug labs, or paraphernalia
Access to firearms/ ammunition, danger of firearms issues	Firearm Safety Education	Firearm safety
Dangerous structural issues, construction, code violations	Health & Human Services and Zoning	Dangerous structural, construction, code violation
Cleanup assistance, respite, safety plan monitoring, provisions, financial assistance	Kin, church, neighbors, crisis nursery, or other community agencies	Formal and informal supports

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The CPS caseworker may find services and/or agencies by calling 211 or accessing the United Way website at <http://www.uw.org/211/>.

2454 **204.6 False Allegations Of Child Abuse Or Neglect**

2455 Major objectives:

2456 If Child and Family Services determines that an individual has knowingly submitted a false report
2457 of child abuse or neglect, the CPS caseworker will consult with law enforcement.
2458

2459
2460 **Applicable Law**

2461 Utah Code Ann. [§80-2-611](#). False reports -- Investigation -- Notice of Penalty.
2462

2463 Practice Guidelines

- 2464 A. At the conclusion of a CPS investigation, the CPS caseworker will determine (after
2465 consultation with the Attorney General's Office, if needed):
2466 1. Whether the referent's allegation of child abuse or neglect was false.
2467 2. Whether it is more likely than not that the referent knew, at the time of making
2468 the allegation, that the allegation was false.
2469 3. Whether the referent has knowingly made a prior false allegation about the same
2470 alleged victim or alleged perpetrator.
2471 4. Whether the referent's address is known or reasonably available.
2472
- 2473 B. If the CPS caseworker finds that the referent probably knew, at the time of making the
2474 allegation, that the allegation was false, and that the referent has knowingly made a prior
2475 false allegation about the same alleged victim or alleged perpetrator, the CPS caseworker
2476 will:
2477 1. Inform and consult with law enforcement regarding the false allegations made by
2478 the referent and determine whether informing the alleged perpetrator about the
2479 false allegations is likely to jeopardize law enforcement efforts or the health or
2480 safety of any individual.
2481 2. Inform the alleged perpetrator about the false allegations made by the referent, to
2482 the extent that such disclosure does not unreasonably jeopardize law enforcement
2483 efforts or the health and safety of individuals.
2484
- 2485 C. If the CPS caseworker finds that the referent probably knew, at the time of making the
2486 allegation, that the allegation was false, and if the referent's address is available, the CPS
2487 caseworker will send the referent a certified letter that informs the referent that:
2488 1. The CPS caseworker has investigated the referent's allegation of abuse or neglect
2489 and has determined that the allegation was false and that the referent probably
2490 knew that the allegation was false at the time of making the allegation.
2491 2. Utah Code Ann. [§76-8-506](#) and other laws impose criminal and civil penalties for
2492 knowingly making a false allegation of abuse or neglect.
2493 3. CPS has a statutory obligation to inform law enforcement and the alleged
2494 perpetrator.
2495

2496 **204.7 Child Fatalities And Near Fatalities**

2497 Major objectives:

2498 Upon report of a child fatality, the CPS caseworker will notify law enforcement, Child and
2499 Family Services administration and DHHS administration and take necessary steps to ensure that
2500 any other children in the household are safe. Upon report of a near fatality, the CPS caseworker
2501 will notify the Safe and Healthy Families Team at Primary Children’s Medical Center.
2502

2503
2504 **Applicable Law**

2505 Utah Code Ann. [§80-2-604](#). Death of child reporting requirements.

2506 Utah Code Ann. [§26B-1-5](#). Fatality Review.
2507

2508 Practice Guidelines

- 2509 A. The CPS caseworker will immediately notify law enforcement, the Child and Family
2510 Services director or designee, and the Fatality Review Coordinator when a client on an
2511 open CPS case dies:
- 2512 1. All notifications will occur within 24 hours of first knowledge of a death and may
2513 be accomplished through phone calls, e-mail, or written communication and will
2514 be documented in the activity recording.
 - 2515 2. A Deceased Client/Employee Report form will be completed by the CPS
2516 caseworker and a notice will be sent to the Child and Family Services director and
2517 Fatality Review Coordinator within three days of knowledge of the fatality.
2518
- 2519 B. Upon a report made to Child and Family Services on a child death determined to be a
2520 result of child abuse or neglect or when the cause of death is undetermined and wherein
2521 there are surviving siblings, the CPS caseworker will also immediately notify the region
2522 director or designee. Notification may be accomplished through phone calls, e-mail, or
2523 written communication and will be included in the activity recording. The CPS
2524 caseworker will assess siblings and children in the household or other children the
2525 alleged perpetrator may have access to.
2526
- 2527 C. Within seven days of the date that a report is made to Child and Family Services of the
2528 death of a child whose family has received any child welfare services within the year
2529 preceding the date of the death, the caseworker will fill out the Deceased Client
2530 /Employee Report found in SAFE. The caseworker will submit the report to the region
2531 director or designee, and the region director or designee will submit the information to
2532 the DHHS child fatality review coordinator within those same seven days.
2533

2534 **204.8 Extension Granted To A CPS Investigation**

2535 Major objectives:

2536 If an investigation cannot be completed within 30 days from the disposition of the case to CPS,
2537 the CPS caseworker will make a request for an extension prior to expiration of the initial 30-day
2538 period.
2539

2540
2541 **Applicable Law**

2542 Utah Code Ann. [§80-2-301](#). Division responsibilities.
2543

2544 Practice Guidelines

- 2545 A. The supervisor or designee may grant one extension of up to 30 days when more
2546 information is needed to make a thorough and accurate assessment.
2547
2548 B. An extension will not be granted for overdue documentation.
2549
2550 C. An additional extension of 30 days may be requested where extenuating circumstances
2551 exist.
2552

2553 **204.9 Unable To Locate Within The State Of Utah**

2554 Major objectives:

2555 A CPS caseworker will close an investigation as Unable to Locate after reasonable efforts have
2556 been made by the caseworker to locate the child and family members.
2557

2558
2559 **Applicable Law**

2560 Utah Code Ann. [§80-2-301](#). Division responsibilities.
2561

2562 Practice Guidelines

- 2563 A finding of Unable to Locate can be made only when reasonable efforts have been completed.
2564
2565 A. Reasonable efforts include (but are not limited to):
2566 1. Visiting the home at least twice at times other than normal work hours.
2567 2. Contacting local schools for additional contact and address information
2568 3. Contacting local and county law enforcement agencies to gain any additional
2569 address information.
2570 4. Checking public assistance records for additional address or contact information.
2571 5. Checking with the referent for additional address information.
2572 6. Send the name and any other information regarding the family to the CLEAR (kin
2573 locator) license holder in the region for an internet search for additional address
2574 information
2575
2576 B. Prior to making a finding of Unable to Locate, the caseworker will document and follow-
2577 up on any new information from the above sources regarding the whereabouts of the

2578 child and family. If additional address information is found, the CPS caseworker will
2579 make visits to that address in order to find the child.

2580
2581 C. No face-to-face contact can be conducted on an Unable to Locate case. If the caseworker
2582 has completed a face-to-face on the case and cannot subsequently locate the family, see
2583 practice guideline 204.9a, Unable to Complete.

2584

2585 **204.9a Unable To Complete**

2586 Major objectives:

2587 The CPS caseworker will close an investigation as Unable to Complete only if
2588 reasonable efforts have been made to pursue the assessment and there is insufficient
2589 information to make a finding.

2590

2591

2592 **Applicable Law**

2593 Utah Code Ann. [§80-2-301](#). Division responsibilities.

2594 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
2595 reports -- Convening of child protection team -- Coordination with law enforcement --
2596 Consultation with child protection team before close of investigation.

2597

2598 Practice Guidelines

2599 Reasonable efforts have been made if one of the following situations exists:

2600

- 2601 A. Face-to-face may or may not have occurred, and all of the following apply:
- 2602 1. Whereabouts of the child and family are known but the parent/guardian refuses to
2603 allow the child to be seen and/or interviewed;
 - 2604 2. The caseworker has contacted the police for assistance, but the police have been
2605 unsuccessful in attempts to assist the caseworker in seeing the child;
 - 2606 3. The caseworker has contacted an Assistant Attorney General to staff whether a
2607 warrant or petition can be obtained with the information available, but it was
2608 determined that a warrant or petition was not appropriate;
 - 2609 4. There is insufficient information to make a finding.

2610

- 2611 B. No face-to-face has occurred, and the following apply:
- 2612 1. The child and/or family move outside the state, whereabouts known (note: if
2613 whereabouts of the child and family are unknown, fulfill the requirements of
2614 practice guideline 204.9, Unable to Locate, and close the case as Unable to
2615 Locate);
 - 2616 2. A request for courtesy work is requested and declined;
 - 2617 3. The caseworker cannot complete the assessment through telephone or other
2618 contact with the family or collaterals;
 - 2619 4. There is insufficient information to make a finding.

2620

- 2621 C. A face-to-face has occurred, and one of the following apply:
- 2622 1. The child and family moved out-of-state, whereabouts known:

- 2623 a. A request for courtesy work is requested and declined;
- 2624 b. The caseworker cannot complete the assessment through telephone or
- 2625 other contact with the family or collaterals;
- 2626 c. There is insufficient information to make a finding.
- 2627 2. The child and family moved, whereabouts unknown:
- 2628 a. The child and/or family have moved;
- 2629 b. The whereabouts of the child and/or family are unknown;
- 2630 c. The caseworker has fulfilled the requirements of practice guideline 204.9,
- 2631 Unable to Locate;
- 2632 d. There is insufficient information to make a finding.
- 2633

204.10 Case Findings

Major objectives:

At the conclusion of a CPS investigation, a finding will be made for each allegation identified at the time of Intake or identified during the investigation. Each alleged victim in the case will be linked to a specific allegation or allegations and to an alleged perpetrator or alleged perpetrators.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

- 2645 A. Acceptable findings include:
- 2646 1. Supported.
- 2647 2. Unsupported.
- 2648 3. Without Merit.
- 2649 4. Unable to Locate.
- 2650 5. Unable to Complete Investigation.
- 2651 6. False Report.
- 2652
- 2653 B. Case findings are determined as follows:
- 2654 1. A case finding of Supported will be used when there is reasonable basis to
- 2655 conclude that abuse, neglect, or dependency occurred, even if the alleged
- 2656 perpetrator is unknown.
- 2657 a. A finding of chronic/severe will be considered when a child was taken into
- 2658 protective custody or protective action was pursued through the juvenile
- 2659 court or any time the circumstances meet the definition of chronic/severe
- 2660 abuse or neglect.
- 2661 b. An adopted child in need of services that cannot be met by their parents
- 2662 will be categorized as Dependency. The CPS caseworker will assess
- 2663 during the investigation whether the circumstances require allegations of
- 2664 abuse or neglect to be added to the Child Abuse Neglect Report.
- 2665 2. A case finding of Unsupported will be used when there is insufficient evidence to
- 2666 conclude that abuse, neglect, or dependency occurred.

- 2667 3. A case finding of Without Merit will be used when there is evidence that abuse,
2668 neglect, or dependency did not occur or that the alleged perpetrator was not
2669 responsible.
- 2670 4. A case finding of Unable to Locate will be used in the following two situations:
2671 a) The CPS caseworker was unable to complete the face-to-face contact with the
2672 alleged victim and b) The CPS caseworker made all reasonable efforts to locate
2673 the child and was unable to do so.
- 2674 5. A case finding of Unable to Complete Investigation will be made when the child
2675 and/or family move outside the state and a request for courtesy work is requested
2676 and declined and there is insufficient information to make a finding, or when the
2677 child and/or family move outside the state after the face-to-face contact is made
2678 with the child and there is insufficient information to make a finding because the
2679 whereabouts of the child and/or family are unknown, or when the child and/or
2680 family move within the state, the face-to-face with the child was made but there is
2681 insufficient information to make a finding and the whereabouts of the child and/or
2682 family are unknown.
- 2683 6. A case finding of False Report will be made when the Child and Family Services
2684 caseworker finds that the report of abuse, neglect, or dependency was made by a
2685 referent who “more likely than not knew that the report was false at the time the
2686 person submitted the report.”
- 2687
- 2688 C. The case finding decision may be based on the child’s statements alone; corroborating
2689 evidence will not be required in all cases.
- 2690
- 2691 D. If the case is supported, a summary of the facts that met the definition for abuse, neglect,
2692 or dependency that led to the supported finding will be documented in the activity record.
2693 Ensure the incident date listed on the case is accurate.
- 2694 a. If the referent or child reports multiple incidents over time, use the most recent
2695 date.
- 2696 b. If the child does not remember when the abuse/neglect occurred, use an
2697 approximate date, as close to the child’s description as possible. Remember to ask
2698 third parties or a non-offending parent for precision on the incident date. If the
2699 child does not remember the time of year, use 01/01/year.
- 2700 c. If the child is in foster care when they report past abuse (abuse/neglect that
2701 occurred prior to the child’s removal) and they do not remember when, use a date
2702 prior to the removal date.
- 2703
- 2704 E. The opinion of the alleged victim’s primary care physician, a licensed physician or
2705 physician’s assistant, or nurse practitioner working under the direction of a physician will
2706 be requested in situations outlined in [Section 202.9](#).
- 2707
- 2708 F. If the case is supported, the CPS caseworker will provide a certified Notice of Agency
2709 Action letter and other relevant forms to the alleged perpetrator once the case is closed.
2710 If law enforcement is involved with the investigation, Child and Family Services will
2711 notify law enforcement when a case will be closed and that the Notice of Agency Action

2712 letter will be sent out if a supported finding is being made. If law enforcement asks Child
2713 and Family Services to hold onto the Notice of Agency Action letter, the CPS caseworker
2714 may request their supervisor extend the case until the letter can be sent. If the case has
2715 reached its maximum extensions, the CPS caseworker will notify law enforcement, close
2716 the case, and send the letter.

2717
2718 G. The CPS caseworker will provide a Notice of Agency Action letter to the perpetrator or
2719 legal guardian if the perpetrator is a juvenile through personal service by a third party not
2720 involved in the action (documenting date, time, manner, and location of service) if a
2721 supported finding of one of the following exists: sexual abuse, lewdness, sexual
2722 exploitation, chronic/severe abuse or chronic/severe neglect or abandonment. [See: Utah
2723 Rules of Civil Procedure [Rule 4.](#)]

2724
2725 H. A case finding of Unsupported will not be made solely because the CPS caseworker was
2726 unable to identify the alleged perpetrator when the evidence shows that abuse, neglect, or
2727 dependency occurred.

2728
2729 I. The determination of acceptable findings will be based on the facts of the case obtained
2730 at the time of the investigation.

2731
2732 J. An allegation will not be considered Unsupported or Without Merit because the family
2733 corrected the conditions that caused the abuse, neglect, or dependency while the
2734 investigation was pending.

2735
2736 K. The conclusions of the health care professional regarding an abusive injury, sexual abuse,
2737 or medical neglect will be considered by the CPS caseworker in making case findings.
2738 Child and Family Services and the family may obtain a second opinion. If the family
2739 requests a second opinion, they must do so at their own expense.

2740
2741 L. Chronic/severe child abuse or neglect in [Section 204.11\(A\)](#) does not include a person's
2742 conduct that:
2743 1. Is justified under Utah Code Ann. [§76-2-401](#) regarding the use of reasonable and
2744 necessary physical restraint or force by an educator.
2745 2. Constitutes the use of reasonable and necessary physical restraint or force in self-
2746 defense or otherwise appropriate to the circumstances to obtain possession of a
2747 weapon or other dangerous object in the possession or under the control of a child
2748 or to protect the child or another person from physical injury.

2750 204.11 Court Findings

2751 Major objectives:

2752 The juvenile court has the authority to Substantiate a DCFS Supported finding.
2753
2754

2755 **Applicable Law**

2756 Utah Code Ann. [§80-3-404](#). Finding of severe child abuse or neglect -- Order delivered to
2757 division -- Court records.

2758
2759 Practice Guidelines

- 2760 A. The juvenile court may Substantiate a DCFS Supported finding.
2761
2762 B. The court order will be given to the region administrative hearing tracker by the
2763 caseworker or supervisor. The administrative hearing tracker will enter the Substantiated
2764 finding and date it was ordered by the court in the coinciding allegation(s) section in
2765 SAFE, and import a copy of the court order into content manager.
2766
2767 C. Any appeal of the Substantiated finding will have to be made through the juvenile court.
2768

2769 **204.12 Changing A Finding On A Closed Case**

2770 Major objectives:

2771 A previously closed CPS case will be amended to reflect the current finding.
2772

2773
2774 **Applicable Law**

2775 Utah Code Ann. [§80-2-301](#). Division responsibilities.
2776

2777 Practice Guidelines

- 2778 A. If an Unsupported finding is amended to Supported, the Administrative Hearing tracker
2779 or designee will:
2780 1. Document the new information and all consultations held on the case in the
2781 activity recording.
2782 2. Enter the amended finding into SAFE. [See: [Section 204.15.](#)]
2783 3. Send a Notice of Agency Action letter to the perpetrator.
2784
2785 B. If the previous finding is amended from Supported to Unsupported, the Administrative
2786 Hearing tracker or designee will:
2787 1. Document the new information and consultations held on the case in the activity
2788 recording.
2789 2. Send a letter that outlines or states the newly obtained information for which an
2790 amendment of the original case finding is being made.
2791 3. Ensure that a GRAMA request is provided to the alleged perpetrator.
2792 4. Enter the amended finding into SAFE.
2793

2794 **204.13 Documentation Of Investigation**

2795 Major objectives:

2796 The CPS caseworker will record all casework activities and information obtained on a CPS case.
2797
2798

2799 **Applicable Law**

2800 Utah Code Ann. [§80-2-301](#). Division responsibilities.

2801

2802 Practice Guidelines

2803 CPS documentation will include, but is not limited to, the following:

2804

2805 A. The date, time, place, and type of casework activity being completed. The specific
2806 source of information will be documented.

2807

2808 B. A complete description of all casework activities and the rationale for conclusions made,
2809 which may include the following unless an exception applies and is documented:

2810 1. Review of information contained in all prior Child and Family Services records.

2811 2. Review of any Additional Information reports added to the case by Intake. Any
2812 new allegations will be added to the case.

2813 3. Results of the SDM Safety Assessment and Risk Assessment, including the
2814 details of the Safety Plan, if applicable.

2815 4. Unscheduled and scheduled home visits, including documentation of the
2816 conditions of the residence and/or the specific areas of the home the CPS
2817 caseworker observed.

2818 5. The identity of any support person participating in the interview.

2819 6. Face-to-face contact with the alleged victim, including incidents when face-to-
2820 face contact was not completed within the priority time frame or was not possible.

2821 7. Interviews with the child that include statements made regarding the specific
2822 allegations or incidents of abuse, neglect, or dependency; and any other
2823 information regarding the assessment of child safety, risk, and family functioning.

2824 8. Interview of the alleged perpetrator(s) and any admissions or denials to the
2825 allegations.

2826 9. Interview with the parents or guardian regarding the specific allegations or
2827 incidents of abuse, neglect, or dependency and any other information regarding
2828 the assessment of child safety, risk, and family functioning.

2829 10. All collateral or third party contacts, including the referent if they have first-hand
2830 knowledge of the child's safety, risk, and/or family functioning.

2831 11. All case staffings, the identity of persons participating in the staffing, and any
2832 decisions made.

2833 12. Extensions granted with documentation regarding the need for the extension.

2834 13. The appropriate closure notification provided to the referent, which includes law
2835 enforcement.

2836 14. Notice of Agency Action sent or served to the alleged perpetrator that includes the
2837 appropriate blank forms for a GRAMA Request and Request for Administrative
2838 Hearing.

2839 15. The caseworker will document all case activities in the activity logs. All other
2840 information and/or correspondence associated with the CPS case will be uploaded
2841 into SAFE, including Safety Plans.

2842

204.14 Determination Of A CPS Case For Ongoing Services

Major objectives:
 Every child and family with protection or safety needs, or who are at continued risk, will be considered for ongoing services through Child and Family Services or community partners. SDM Safety and Risk Assessments help inform the decision to open a case for ongoing services.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.
 Administrative Rule [R512-100](#). In-Home Services.

Practice Guidelines

The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level helps guide the decision to close a referral or open an ongoing case.

Final Risk Level	Recommendation
Low	Do Not Open*
Moderate	Do Not Open*
High	Open

- *The SDM Safety and Risk Assessments used in combination will recommend an ongoing case if any of the following conditions exist:
- The SDM Safety Assessment final safety decision is Unsafe. This would likely result in a removal.
 - The SDM Safety Assessment final safety decision is Safe with a Plan.
 - If the final safety decision is Safe, but the SDM Risk Assessment concludes the risk is High.

For cases opened for ongoing services following the investigation, the risk level is used to determine the contact requirements for the case (service level).

After calculating the scored risk level, determine if any overrides apply.

Mandatory overrides. Mandatory overrides reflect the seriousness of the incident and child vulnerability concerns and have been determined by Child and Family Services to be cases that warrant the highest level of service regardless of the scored risk level. If the scored risk level is low or moderate, review the mandatory override conditions to see if any apply. Mark any mandatory override reasons that are present. The final risk level is then increased to high.

- Sexual abuse victims in this case AND perpetrator is likely to have access to child. One or more of the children in this household are victims of sexual abuse and actions by the caregivers indicate that the perpetrator is likely to have access to the child, resulting in danger to the child.
- Non-accidental injury to a child younger than 36 months old. Any child under the age of 36 months in the household has a physical injury resulting from the actions or inactions of a caregiver.

- 2883 • Serious non-accidental injury. Any child in the household has a serious physical
2884 injury resulting from the action or inaction of the caregiver. The caregiver caused
2885 serious injury, defined as brain damage, skull or bone fracture, subdural hemorrhage
2886 or hematoma, dislocations, sprains, internal injuries, poisoning, burns, scalds, severe
2887 cuts; and the child requires medical treatment.
- 2888 • Previous termination of parental rights. The court has terminated parental rights for
2889 either caregiver due to abuse or neglect at any time in the past.
- 2890 • Caregiver(s) action or inaction resulted in death of a child due to abuse or neglect
2891 (previous or current). Any child in the household has died as a result of actions or
2892 inactions by the caregiver. This child death may be in the current incident or
2893 investigation, or may have occurred at any time in the past.

2894
2895 Discretionary override: A discretionary override is applied by the social worker to increase the
2896 risk level in any case where the social worker believes the scored risk level is too low. This
2897 should represent a unique situation not considered elsewhere on the risk assessment that
2898 increases the likelihood of a future incident of child maltreatment in this household.

2899 Discretionary overrides may only increase the risk level by one level (e.g., from low to moderate,
2900 or moderate to high, but NOT low to high). Use of a discretionary override means there is a
2901 clinical judgment that the likelihood of future harm is higher than scored, and requires a reason,
2902 supervisory consultation, and approval. Supervisor approval of the discretionary override is
2903 indicated when the supervisor reviews and approves the risk assessment.

2904
2905 Planned Action: If the planned action to open or not open an ongoing case differs from the SDM
2906 recommended action, provide a clear and detailed explanation in the SDM Risk Assessment.

2907 2908 **204.14a Case Transfer Process**

2909 Requirements for All Case Transfers from CPS

- 2910 A. An ongoing worker will be identified to work with the family within five business days
2911 of the referral from a Child Protective Services (CPS) case.
- 2912
2913 B. The CPS worker is responsible for following up to ensure the safety plan is being
2914 followed and/or to meet any contact standards defined by SDM until the case is opened to
2915 the ongoing worker.
- 2916
2917 C. The first face-to-face contact with the family will be done by both the CPS and ongoing
2918 worker and will be completed within ten business days of the ongoing worker being
2919 identified.
 - 2920 1. Members of the Child and Family Team will be identified during this contact and
2921 the meeting will be scheduled with the family. The CPS case will remain open
2922 until this first contact has been completed.
- 2923
2924 D. The ongoing worker will take over meeting the SDM contact standards and/or other case
2925 requirements at the time of case transfer.

2926

2927 E. A Child and Family Team Meeting will be held with both the CPS and ongoing workers
2928 within 15 business days of case assignment to the ongoing worker. The purpose of the
2929 meeting is to discuss the safety and risk factors identified during the CPS case, as well as
2930 the items in the UFACET.

2931

2932 Protective Supervision Collaborative

2933 A. The PSC case will not be opened and assigned to the ongoing worker until after the first
2934 contact with the family is made.

2935

2936 B. The case needs to be opened for PSC within two business days after the first contact with
2937 the family was made. The start date of the PSC case will be the date the first contact with
2938 the family occurred.

2939

2940 C. If the family chooses not to participate in PSC services at the time of the first visit, a PSC
2941 case will not be opened. The CPS worker will maintain an open CPS case and staff the
2942 case with a supervisor regarding the necessity of a PSS petition or other course of
2943 action. If it is decided a PSS petition is warranted, the CPS worker will contact an
2944 AAG. The CPS worker is responsible for ensuring the safety plan is being followed
2945 and/or will meet any contact standards defined by SDM until the PSS petition has gone to
2946 court and orders have been made.

2947 1. If orders are made by the court, a PSS case will be opened to the ongoing worker
2948 within two business days and will be responsible for meeting the recommended
2949 SDM contact standards.

2950 2. The CPS and ongoing worker are both responsible for attending court hearings
2951 and/or mediation until the petition has been adjudicated.

2952

2953 D. If the family chooses not to participate in PSC any time after the first visit but within 14
2954 days of case creation, the CPS worker is responsible for staffing the case with a
2955 supervisor and the AAG for a PSS petition, or other course of action, based upon a
2956 current safety assessment of the child. This staffing will include the CPS and ongoing
2957 workers.

2958

2959 E. If the family chooses not to participate in PSC after 14 days of case creation, the ongoing
2960 worker is responsible for staffing the case with the supervisors and the AAG for a PSS
2961 petition, or other course of action, based upon a current safety assessment of the child.
2962 This staffing should include the CPS and ongoing workers. The PSC case will be closed.

2963

2964 Protective Supervision Services

2965 A. The CPS worker is responsible for following up to ensure the safety plan is being
2966 followed and to meet any contact standards defined by SDM until the PSC/PSS case is
2967 opened to the ongoing worker.

2968

2969 B. The individual that will be listed as primary on the case will be the individual that is
2970 listed as the primary caregiver on the SDM, or

2971

- 2972 C. If no services are being provided to the primary caregiver on the SDM, the case will be
2973 open to the primary caregiver in the home where services are ordered, or
2974
2975 D. If there are children in multiple homes and services are needed in each of the homes,
2976 consider the need for multiple cases.
2977
2978 E. If the family is willing to begin services prior to the petition being heard, then a PSC case
2979 shall be opened (follow the PSC guidelines).
2980
2981 F. The CPS case will remain open until the PSC case is opened or the court orders interim
2982 PSC or PSS.
2983

2984 Protective Supervision Family Preservation (PFP)

- 2985 A. Follow the guidelines for either PSC or PSS depending on whether or not the case is
2986 court ordered.
2987

2988 Protective Services for Families at Risk (PFR)

- 2989 A. If during a Court Ordered Determination Assessment (CODA) it is determined a PFR
2990 case is necessary, the worker will follow the procedure for opening a PSS case.
2991

2992 Out-of-Home (SCF)

- 2993 A. CPS will complete all required visits with the child in their placement (48 hour visit,
2994 weekly visits) until the case has been transferred. After case transfer, the ongoing worker
2995 will be responsible for completing the visits.
2996
2997 B. The CPS and ongoing workers are both responsible for attending court hearings and/or
2998 mediation until the petition has been adjudicated.
2999
3000 C. The removing worker will ensure a SCF case is opened and the current placement
3001 information for the child is entered within 24 hours of the removal.
3002

3003 Kinship

- 3004 A. CPS to PSS placement where child is in the temporary custody of a relative while DCFS
3005 works on reunification services with the parent(s).
3006 1. If possible, prior to placement, options and resources to the family will be
3007 explained by the CPS worker and/or a kinship specialist.
3008 2. The ongoing worker or designee will record the Kinship Placement in SAFE.
3009 (Kinship Caregiver KR, Kinship Child KC). Placement with a non-custodial
3010 parent will be coded as NCP. Placement with a kinship caregiver/friend will be
3011 coded as BHR. [See: Kinship Practice Guidelines Section 510.]
3012 3. The ongoing worker and/or kinship specialists will link the relative caregiver to
3013 resources in the community, such as DWS and Grandfamilies.
3014
3015 B. CPS to SCF cases where the child was placed with a relative or friend in a preliminary
3016 placement and DCFS was given temporary custody.

- 3017 1. Before the kinship placement is made the CPS worker will ensure that:
- 3018 a. All adults and juveniles in the home have approved background checks. If
- 3019 needed, the Region Background Screening Committee will convene to
- 3020 review applicant’s background.
- 3021 b. A Limited Home Inspection KBS16 will be completed.
- 3022 c. The CPS worker will have the parent sign the Parent/Guardian Agreement
- 3023 KBS03. If the parent refuses to sign, the worker will document refusal.
- 3024 d. The CPS worker will have the kin caregiver sign the Kinship Caregiver
- 3025 Agreement KBS04. This must be signed by the kin caregiver.
- 3026 2. If an emergency kinship placement is made (before shelter), the CPS worker or
- 3027 Kinship worker will provide the Placement Report KBS21 to the court at the
- 3028 Shelter Hearing.
- 3029 3. A kinship specialist will attend the initial CFTM to explore kinship options and
- 3030 resources.
- 3031 4. Efforts to identify, locate, and engage all possible kin for placement or connection
- 3032 will take place within 30 days of removal, and ongoing efforts will be
- 3033 documented in activity logs in SAFE by the current worker assigned to the case
- 3034 using the policy button “Efforts Made to Locate Possible Kinship Placements.”
- 3035 5. Kin Locate information, including KBS12 letters to relatives and friends who are
- 3036 present at the CFTM, will be gathered by the CPS worker or kinship specialist
- 3037 and returned to the Kin Locator.
- 3038 6. The caseworkers and kinship specialist will go over timeframes and requirements
- 3039 for reunification and the kinship process with the kin caregiver.
- 3040 7. The CPS worker or the ongoing worker (if case has been transferred) will
- 3041 complete a Request from Worker for Kinship Support Services (KBSO9).
- 3042 8. If the child has been placed with a friend, the CPS or kinship worker will educate
- 3043 the placement regarding timelines for friends to be licensed.
- 3044 9. If a new preliminary placement is made or there is a change from one preliminary
- 3045 placement to another, the assigned worker will provide notice to the court using
- 3046 the Court Notification of Preliminary Placement or Preliminary Placement
- 3047 Change (KBS07) form.
- 3048

3049 **204.15 Case Closure**

3050 Major objectives:

3051 A CPS case will be closed no later than 30 days from disposition of the case by Intake to CPS.

3052 [See: [Section 204.8](#), Extension Granted To A CPS Investigation.]

3053

3054

3055 **Applicable Law**

3056 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3057

3058 Practice Guidelines

3059 The CPS caseworker will complete the following prior to case closure:

3060

- 3061 A. Complete activity recording and documentation in SAFE.

- 3062
3063 B. Finalize all SDM Safety Assessments and SDM Risk Assessments.
3064
3065 C. Ensure that supporting documents such as safety plans and agreements, letters, forms,
3066 law enforcement reports, medical reports, etc. are contained in the file.
3067
3068 D. Determine the case finding and if the case is supported, the following will be documented
3069 in the activity recording and closure statement:
3070 1. The facts, evidence, and rationale that support the findings of the case.
3071 2. A summary of the initial threats to safety and if/how any have changed by the end
3072 of the case. Use multiple SDM Safety Assessments to document the change. If
3073 threats to safety were identified in the SDM Safety Assessment, document the
3074 Safety Plan put in place to address them.
3075 3. Ensure the incident date listed on the case is accurate.
3076 a. If the referent or child reports multiple incidents over time, use the most
3077 recent date.
3078 b. If the child does not remember when the abuse/neglect occurred, use an
3079 approximate date, as close to the child’s description as possible.
3080 Remember to ask third parties or a non-offending parent for precision on
3081 the incident date. If the child does not remember the time of year, use
3082 01/01/year.
3083 c. If the child is in foster care when they report past abuse (abuse/neglect that
3084 occurred prior to the child’s removal) and they do not remember when,
3085 use a date prior to the removal date.
3086
3087 E. In conjunction with the Child Abuse Prevention and Treatment Act (CAPTA)
3088 requirements (Public Law [108-446](#), Section 637(a)(6)), any child 34 months or younger,
3089 with a supported finding of abuse or neglect, will be automatically referred to the
3090 DHHS’s Baby Watch Early Intervention Program (BWEIP). SAFE will send a list of all
3091 children meeting these criteria to BWEIP. A letter will be automatically generated and
3092 sent to the parents or guardians of the child to inform them of the referral.
3093 (1) The CPS caseworker will ensure all parent/guardian information is current in
3094 SAFE, including name, address, and contact information.
3095
3096 F. If the case is supported for sexual abuse, lewdness, sexual exploitation, chronic/severe
3097 physical abuse, chronic/severe emotional abuse, chronic/severe neglect or medical
3098 neglect resulting in death, disability, or serious illness, staff with an Assistant Attorney
3099 General and determine if a petition should be filed in juvenile court to request a
3100 substantiated finding.
3101
3102 G. Provide written or verbal notification of the case closure to the referent, unless
3103 anonymous, within five working days of the case closure.
3104
3105 H. If the case is supported, send or initiate service of the Notice of Agency Action and other
3106 relevant forms to the alleged perpetrator once the case is closed. If law enforcement is

3107 involved with the investigation, Child and Family Services will notify law enforcement
3108 when a case will be closed and that the Notice of Agency Action letter will be sent out if
3109 a supported finding is being made. If law enforcement asks Child and Family Services to
3110 hold onto the Notice of Agency Action letter, the CPS caseworker may request their
3111 supervisor extend the case until the letter can be sent. If the case has reached its
3112 maximum extensions, the CPS caseworker will notify law enforcement, close the case,
3113 and send the letter.

3114

3115 **204.16 Amending CPS Cases**

3116

3117 Practice Guidelines

3118 Cases will not be closed prior to all the work on the case being completed and documented. In
3119 the event changes to the case are necessary after the case has been closed, the following
3120 procedures will be followed.

3121

3122 A. Fixing Errors. When fixing errors to logs in a closed CPS case, the case will not be
3123 reopened. A new log will be added to make note of the error and add the correct
3124 information. The date of the log will reflect the date the new log was created.

3125

3126 B. Adding Information. When adding information or completing items on a closed CPS
3127 case, a log will be added to document the information. The date of the log will reflect the
3128 date the new log was created. The date the item was actually completed can be
3129 documented in the log if it is different than the date the log was entered.

3130

3131 C. Items Needing to be Completed. If additional work needs to be completed on a closed
3132 CPS case, the case should be reopened and the appropriate items completed. If possible,
3133 the case will be extended until the work is completed and appropriately documented. If
3134 an extension is not possible, the items needing to be completed will be completed and
3135 appropriately documented as quickly as possible. The reason the case was reopened will
3136 be clearly documented. The case will be closed with the original closure date.

3137

3138 D. Changing Allegation Findings ([Section 204.12](#)). If additional information is brought
3139 forward after a case has been closed, which would change the finding(s) of the
3140 allegations, the allegations will be amended. This would not include allegation changes
3141 due to new information or as result of an Internal Review, Administrative Hearing,
3142 Judicial Review, or an approved expungement.

3143 1. The finding will be changed by the Administrative Hearing tracker or designee by
3144 selecting the Review button for the specific allegation that is being changed.

3145 a. A log will be added to provide an explanation for the change to the
3146 allegation(s). The explanation will include the new information that led to
3147 the change being made.

3148 b. The Allegation Description Text will be updated to reflect the changed
3149 allegation and the information that led to the change being made. The
3150 updated information will be added to the Review section to explain the
3151 reason for the change.

- 3152 c. The case will be re-closed with the original date of closure.
- 3153 d. If the finding is changed to Supported, a NAA letter will be sent to the
- 3154 perpetrator.
- 3155 e. If the finding is changed to Unsupported or expunged, a letter will be sent
- 3156 to the alleged perpetrator to notify them of the change.
- 3157

204.17 Failure To Report By A Professional

Major objectives:

Child and family services will file a complaint with the appropriate agency when there are grounds to believe suspected abuse and neglect was not reported by specific professionals

Applicable Laws

Utah Code Ann. [§80-2-609](#). Failure to report -- Threats and intimidation -- Penalty.

- 3168 A. If Child and Family Services has substantial grounds to believe that an individual has
- 3169 knowingly failed to report suspected abuse, neglect, fetal alcohol syndrome, or fetal drug
- 3170 dependency, Child and Family Services shall file a complaint with:
 - 3171 1. The Division of Occupational and Professional Licensing if the individual is a
 - 3172 health care provider or mental health therapist (<https://dopl.utah.gov/>).
 - 3173 2. The appropriate law enforcement agency if the individual is a law enforcement
 - 3174 officer.
 - 3175 3. The State Board of Education if the individual is an educator. The complaint will
 - 3176 be sent to the UPPAC executive secretary at uppac@schools.utah.gov.
 - 3177

- 3178 B. ~~[The caseworker will need to staff with their supervisor and AAG prior to filing a formal~~
- 3179 ~~complaint with the respective agency. If it is determined a complaint needs to be filed,~~
- 3180 ~~the CPS caseworker and supervisor will draft a formal complaint with the AAG. The~~
- 3181 ~~CPS caseworker will submit the letter to the CPS program administrator, and the CPS~~
- 3182 ~~program administrator will file the complaint with the appropriate agency.]The~~
- 3183 ~~caseworker will need to staff with their supervisor and AAG prior to filing a formal~~
- 3184 ~~complaint with the respective agency. If it is determined a complaint needs to be filed,~~
- 3185 ~~the CPS caseworker and supervisor will draft a formal complaint with the AAG. Child~~
- 3186 ~~and Family Services may provide information deemed necessary to the specific agency in~~
- 3187 ~~regards to the complaint. The CPS caseworker will submit the letter to the CPS program~~
- 3188 ~~administrator, and the CPS program administrator will file the complaint with the~~
- 3189 ~~appropriate agency.~~
- 3190

3191 **205 Removals: Safety And Permanency Considerations**

3192
3193 This section provides guidance for CPS caseworkers who must remove a child from their home.
3194

3195 **205.1 Grounds For Removal/Placement Of A Child Into Protective**
3196 **Custody**

3197 Major objectives:

3198 The Child and Family Services caseworker will obtain a warrant from a court of competent
3199 jurisdiction to facilitate the removal and subsequent placement of a child into protective custody,
3200 unless there are exigent circumstances that demonstrate a substantial, immediate threat to the
3201 health or safety of a child, unless a court order to remove is already in place, or unless a parent
3202 gives consent for removal. A caseworker will consult the Office of the Attorney General for all
3203 removals.
3204

3205 The CPS caseworker will use the SDM Safety Assessment to determine if the child is unsafe. If
3206 the child is determined to be unsafe, then the Child and Family Services CPS caseworker will
3207 review the reasons for removal and other available options with a supervisor or other personnel
3208 designated by the region director and an Assistant Attorney General. [See: [Section 208.1](#) for
3209 ICWA procedures]
3210

3211
3212 **Applicable Law**

3213 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3214 Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker -
3215 - Search warrants -- Protective custody and temporary care of a child.
3216

3217 Practice Guidelines

3218 The following have authority to place a child into protective custody:

- 3219
- 3220 A. A court of competent jurisdiction issuing a warrant.
 - 3221
 - 3222 B. A Child and Family Services caseworker, without a warrant, in accordance with the
3223 exigent circumstance requirements of Utah Code Ann. [§80-2a-202](#).
 - 3224
 - 3225 C. A law enforcement/peace officer.
 - 3226
 - 3227 D. A physician or person in charge of a medical facility may place the child on a medical
3228 hold for up to 72 hours.
 - 3229

3230 A child may be removed from the custody of parents or guardians without a warrant from a court
3231 of competent jurisdiction and placed into protective custody when one or more of the following
3232 circumstances exist:

- 3233
- 3234 A. A parent or guardian consents to the removal of the child.

- 3235 1. Consent removals do not require a written agreement or written consent from a
3236 parent. Verbal consent is sufficient.
3237 a. The verbal consent must be documented in activity logs.
3238 2. Consent removals are not voluntary. [Refer to: [Section 704.2](#) for information on
3239 voluntary placements.] A parent may not withdraw consent once a child is
3240 removed. Once a child is removed based on consent, the child remains removed
3241 until a court orders something different.
3242 a. Consent removals trigger juvenile court action and require 24-hour
3243 meetings, notice, and shelter hearings.
3244
3245 B. There is imminent danger to the physical health or safety of the minor, and the health or
3246 safety of the minor may not be protected without removing the minor from the custody of
3247 the minor's parent or guardian.
3248
3249 C. There is substantial risk to the minor of being physically or sexually abused by a parent,
3250 guardian, or another person known to the parent or guardian.
3251
3252 D. The parent or guardian is unwilling to have physical custody of the minor.
3253
3254 E. The minor has been abandoned without provision for the minor's support.
3255
3256 F. The parent or guardian has been incarcerated or institutionalized and has not arranged or
3257 cannot arrange for safe and appropriate care for the child.
3258
3259 G. A relative or other adult custodian with whom the parent or guardian has left the child is
3260 unwilling or unable to provide care or support for the child, and the whereabouts of the
3261 parent or guardian are unknown, and reasonable efforts to locate the parent or guardian
3262 have been unsuccessful.
3263
3264 H. An infant has been abandoned, as defined in Utah Code Ann. [§80-4-203](#).
3265

3266 Warrant Request

3267 A warrant may be requested by Child and Family Services in the following circumstances:
3268

- 3269 A. If a child has previously been adjudicated as abused, neglected, or dependent, and a
3270 subsequent incident of abuse, neglect, or dependency has occurred involving the same
3271 alleged abuser or under similar circumstance as the previous abuse, that fact constitutes
3272 prima facie evidence that the child cannot safely remain in the custody of the child's
3273 parent.
3274
3275 B. A parent or guardian engages in or threatens a child with unreasonable conduct that could
3276 be expected to cause the child to suffer emotional damage.
3277
3278 C. A child/sibling at risk of being abused or neglected because another child in the same
3279 home or with the same caregiver has been or is being abused or neglected.

- 3280
3281 D. If a parent or guardian has received actual notice that abuse and neglect by a person
3282 known to the parent has occurred, and there is evidence that the parent or guardian failed
3283 to protect the child by allowing the child to be in the physical presence of the alleged
3284 abuser, that fact constitutes prima facie evidence that the child is at substantial risk of
3285 being abused or neglected.
3286
3287 E. The child is in immediate need of urgent medical care.
3288
3289 F. A parent or guardian’s actions, omissions, or habitual action create an environment that
3290 poses a threat to the child’s health or safety.
3291
3292 G. A parent or guardian’s action in leaving a child unattended would reasonably pose a
3293 threat to the child’s health or safety.
3294
3295 H. The parent, guardian, or an adult residing in the same household as the parent or
3296 guardian, has been charged or arrested pursuant to the Clandestine Drug Lab Act or any
3297 clandestine laboratory operation was located in the residence or on the property where the
3298 child resided. If it is determined that the child is in imminent danger, the Child and
3299 Family Services caseworker may remove without a warrant.
3300
3301 I. There is imminent danger to the physical health or safety of the child and the child’s
3302 physical health or safety may not be protected without removing the child.
3303
3304 J. The child’s welfare is otherwise endangered.
3305
3306 K. When the parents of a child adopted from foster care indicate they can no longer meet the
3307 needs of the child and request the child be removed, unless there are indications of abuse
3308 or neglect, the case will be supported as Dependency.
3309

3310 A child may not be removed from the child’s home or taken into custody solely on the basis of
3311 mental illness or poverty of the parent or guardian or educational neglect, truancy, or failure to
3312 comply with a court order to attend school or parents of a child adopted from foster care are
3313 requesting services or interventions.

3314
3315 **A child may also not be removed solely based on a parent’s agreement or disagreement with a**
3316 **minor child’s assertion that their gender identity is different from the child’s biological sex or**
3317 **practice of having or expressing a different gender identity than the child’s biological sex.**
3318

3319 A Child and Family Services caseworker may not take a child into protective custody when
3320 motivated solely by intent to seize or obtain evidence unrelated to the potential abuse or neglect
3321 allegation.
3322

3323 A child removed from the custody of the child’s parent or guardian may not be placed or kept in
3324 a secure detention facility pending further court proceedings unless the child can be detained
3325 based on procedures set forth by the Division of Youth Corrections.

3326
3327 Child and Family Services caseworkers request a warrant from a court of competent jurisdiction
3328 through the Assistant Attorney General’s Office.
3329

3330 **205.2 Actions Required Upon Removal Of A Child**

3331 Major objectives:

3332 Upon removal of a child from the custody of their parent/guardian, the Child and Family Services
3333 caseworker will make reasonable efforts to receive and provide appropriate procedural, court, and
3334 child information to the parent/guardian and placement and to provide comforting measures for
3335 the child through contact, visitation where appropriate, and information.
3336

3337 **Applicable Law**

3338 Utah Code Ann. [§80-2a-203](#). Notice upon removal of a child -- Locating noncustodial parent --
3339 Information provided to parent, guardian, or responsible adult.
3340

3341 Practice Guidelines

3342 The Child and Family Services caseworker will take diligent steps to:
3343

- 3344
- 3345 A. Notify both parents, if their whereabouts are known (including a putative father and non-
3346 custodial parent), and any legal guardian within 24 hours of removal informing them of
3347 the reasons for removal and placement into protective custody.
3348
 - 3349 B. Give the parents/caregivers the following information:
3350 1. Notice of Removal and a telephone number where the parents may access further
3351 information.
3352 2. Parents’ procedural rights.
3353 3. Information pamphlet entitled, "What Happens When Your Child Is Removed
3354 From Your Care" (available in SAFE).
3355
 - 3356 C. Make reasonable efforts to obtain information essential to the safety and well-being of
3357 the child using Form CPS23 and give this information to the provider within 24 hours of
3358 the child’s placement into protective custody. This information should follow the child to
3359 their first assessment. If the child is an infant, include the hospital of birth and the birth
3360 weight if this information is available.
3361
 - 3362 D. Audio/videotape investigative interviews initiated by Child and Family Services with
3363 children following placement into protective custody and prior to adjudication.
3364
 - 3365 E. Visit the child in their placement by midnight of the second day after the date of removal
3366 from the child’s parents/guardians. The caseworker will assess the child’s adjustment to
3367 the placement and their well-being. If the case has been assigned to an ongoing

3368 caseworker, the ongoing caseworker or RN assigned to the case can complete the visit for
3369 the CPS caseworker. The CPS caseworker is responsible to ensure this visit is
3370 completed, and the CPS caseworker and ongoing or RN caseworker need to consult on
3371 the visit within 24 hours of the visit.

3372
3373 F. Open a new SCF case and enter the placement of the child within 24 hours of the
3374 removal.

3375
3376 G. Purposeful and frequent visitation with parents and siblings is a child’s right, not a
3377 privilege or something to be earned or denied based on behavior of the child or the
3378 parent. Supervised visits will only occur in situations where safety or emotional well-
3379 being of the child is in question and will be conducted by caseworkers, kin, or out-of-
3380 home caregivers, trained assistants, or other qualified individuals. Offer the
3381 parents/guardians a visit with the child within three working days of removal, if
3382 appropriate.

3383
3384 H. After the first visit in placement is completed, the CPS caseworker will visit the child in
3385 their placement once a week until the case is transferred to an ongoing caseworker. Once
3386 the case has been transferred, the ongoing caseworker will be responsible for any further
3387 visits.

3388
3389 I. Record all of the above actions in SAFE with the date that they were accomplished.
3390

3391 **205.3 Removal Of A Child From A Home Where Methamphetamine Or**
3392 **Other Illicit Drugs Are Manufactured**

3393 Major objectives:
3394 Children/youth located where there is manufacturing of methamphetamines and/or other illicit
3395 drugs will be taken into protective custody where law enforcement determines the child is present
3396 and is at risk due to exposure or access to chemicals or other substances used in the production,
3397 manufacture, or distribution of these drugs. This may include situations in which the child has
3398 been exposed to a contaminated environment.
3399

3400
3401
3402 **Applicable Law**

3403 Utah Code Ann. [§80-2-301](#). Division responsibilities.
3404

3405 Practice Guidelines

3406 For removal of children from methamphetamine or other illicit drug homes, the following will
3407 apply:
3408

3409 A. Intake receives the information, staffs the referral with a supervisor, and assigns the case
3410 as a priority 1, 1R, or 2 to a CPS caseworker.
3411

- 3412 B. The CPS caseworker will contact the officer in charge. The officer in charge determines
3413 if it is safe for entry. If not safe, the officer in charge will bring the child out to the CPS
3414 caseworker.
3415
- 3416 C. The CPS caseworker will document, or assure that law enforcement will document, the
3417 following, preferably by photographs:
3418 1. The height of each child.
3419 2. Safety hazards, such as:
3420 a. Counter height where chemicals/drugs are observed;
3421 b. Areas where children have access to chemicals/drugs;
3422 c. Proximity of food, toys, or clothing to chemicals, needles, etc.
3423 3. Safety attempts, such as door locks/devices utilized to prevent access to
3424 chemicals/drugs.
3425 4. Play area.
3426 5. Each room:
3427 a. Include walls, floors, ceiling, and objects within each room;
3428 b. Describe odors associated with each photograph.
3429
- 3430 D. Obtain a checklist of chemicals/drugs at the scene as identified by law enforcement.
3431
- 3432 E. Specifically for methamphetamine cases: The CPS caseworker should consult with the
3433 officer in charge regarding removal of possessions (including medication) or clothing
3434 from the residence. Removal of possessions or clothing from the residence is prohibited
3435 except for prescription medications that are clearly labeled as a medication for the child.
3436 Any medication taken from the scene should be placed and secured in a plastic bag.
3437 1. The CPS caseworker will call the prescribing doctor as soon as possible.
3438 2. The CPS caseworker will inform the physician of the child's exposure to
3439 chemicals and placement into protective custody and will request that the
3440 medications prescribed be re-prescribed to the child.
3441 3. The CPS caseworker will request instructions from law enforcement on how to
3442 dispose of the exposed medication.
3443 4. The CPS caseworker will ensure that the new prescriptions will be picked up from
3444 the pharmacy and delivered to the child.
3445
- 3446 F. Specifically for methamphetamine cases: Determine with law enforcement if gross
3447 contamination of the child exists. If gross contamination exists, the CPS caseworker will
3448 coordinate with law enforcement to ensure that the child is decontaminated. The child
3449 will then be transported to a medical facility for evaluation.
3450
- 3451 G. The CPS caseworker will notify the foster care provider of the specific circumstances of
3452 the removal and any medical needs of the child.
3453
- 3454 H. Complete the required paperwork. Assure that the law enforcement officer in charge of
3455 the case is given a copy of the Child and Family Services paperwork.
3456

3457 **205.4 CPS Caseworker Safety When Exposed To A Methamphetamine**
3458 **Lab**

3459 Major objectives:

3460 CPS caseworkers will take actions to reduce potential exposure to chemicals or drugs when
3461 intervening to assess the safety of children in situations where methamphetamines may have been
3462 manufactured.
3463
3464
3465
3466
3467

3468 **Applicable Law**

3469 Utah Code Ann. [§80-2-301](#). Division responsibilities.
3470

3471 Practice Guidelines

3472 A. CPS caseworkers responding to situations where exposure to harmful chemicals or drugs
3473 may be present will take the following precautions:

- 3474 1. Wear clothing that can be laundered and avoid wearing open-toe shoes.
- 3475 2. Contact law enforcement if there is a suspicion that methamphetamines are being
3476 manufactured in a home.
- 3477 3. Immediately leave the home if there is any observation of indicators that an active
3478 methamphetamine lab may be in operation, and call 911 for assistance.
- 3479 4. Coordinate child safety with the responding officer(s).
3480

3481 B. CPS caseworkers will use the following appropriate methods to avoid further exposure
3482 when intervening in situations that involve exposure to harmful chemicals or drugs:

- 3483 1. Whenever possible, a child will be wrapped in a clean blanket or, if necessary,
3484 changed into clothing that has not been contaminated.
 - 3485 a. CPS caseworkers should not take any clothing, blankets, or other items for
3486 a child from a home that is suspected to be contaminated.
 - 3487 b. Wrapping a child in a clean blanket or dressing them in new clothes
3488 obtained from somewhere other than the residence provides adequate
3489 protection to the caseworker and vehicle.
- 3490 2. When preparing to leave the scene, whenever possible CPS caseworkers will
3491 place plastic or another covering on the seat of the car.
- 3492 3. CPS caseworkers will take off clothes/shoes worn at the scene and launder the
3493 clothing separately in a washing machine using hot water and laundry detergent,
3494 then dry the clothing in a clothes dryer.
- 3495 4. CPS caseworkers will shower using mild soap, ensuring that the entire body and
3496 hair are thoroughly washed.
- 3497 5. CPS caseworkers will apply fresh clothing.
 - 3498 a. CPS caseworkers should not attempt to clean themselves (or a child) with
3499 baby wipes, as it adds moisture and may cause toxins to be absorbed into
3500 the skin.

3501
3502 C. CPS caseworkers should immediately contact their supervisor if there is a suspicion that
3503 they have been exposed to methamphetamines.

- 3504
3505 D. When a CPS caseworker has been exposed to methamphetamines, regardless of the
3506 appearance of symptoms, they should contact their local Human Resource (HR)
3507 technician as soon as possible. The HR technician will gather required information from
3508 the CPS caseworker and complete the on-line Employer’s First Report of Injury or Illness
3509 form, which is submitted directly to Workers Compensation Fund on the employee’s
3510 behalf. The HR technician will then send both an email and a hard copy of the report to
3511 the CPS caseworker and the HR specialist assigned to Child and Family Services.
3512
3513 E. If a CPS caseworker experiences any symptoms from possible exposure (acute exposure:
3514 shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation,
3515 or burns to skin, eyes, nose, and mouth; less severe exposure: headache, nausea, fatigue,
3516 lethargy, and dizziness), they will immediately go to the nearest hospital to seek medical
3517 attention.
3518

3519 **205.5 72-Hour Hold By A Physician**

3520 Major objectives:
3521 A physician has the legal authority to place a child on a 72-hour hold in a medical facility. Upon
3522 notification of a 72-hour hold on a child, the CPS caseworker will respond within a priority 1, 1R,
3523 or 2 response time frame based upon the protection factors identified in the case.
3524
3525
3526

3527 **Applicable Law**

3528 Utah Code Ann. [§80-2-301](#). Division responsibilities.
3529

3530 Practice Guidelines

3531 The CPS caseworker will:
3532

- 3533 A. Immediately open an investigation of the circumstances surrounding the 72-hour hold
3534 and coordinate with the medical facility and the assigned Assistant Attorney General.
3535
3536 B. Obtain all relevant medical information on the child.
3537
3538 C. Obtain all relevant information on the child’s parents or guardians and the circumstances
3539 that required the physician to invoke the 72-hour hold.
3540
3541 D. Provide any written instructions for inclusion in the child’s medical chart, including the
3542 name of the CPS caseworker and a way to contact the caseworker.
3543

3544 **205.6 Shelter Hearing**

3545 Major objectives:

3546 A juvenile court shelter hearing will be held within 72 hours after removal of the child from his
3547 or her home, excluding weekends and holidays.
3548

3549
3550 **Applicable Law**

3551 Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.

3552 Utah Code Ann. [§80-3-306](#). Outstanding arrest warrant check before return of custody.
3553

3554 Practice Guidelines

- 3555 A. If the child is in the protective custody of Child and Family Services, a petition will be
3556 filed with the juvenile court, which will include the following information:
- 3557 1. The reasons why the child was removed from the custody of the parents or
3558 guardian including the threats of harm, the child’s vulnerabilities, and the
3559 protective capacities of the caregiver, or,
 - 3560 2. The reasons the child would have been removed if the parent had not accessed a
3561 domestic violence shelter at the request of Child and Family Services. [*See:*
3562 [Section 204.5.](#)]
 - 3563 3. Reasonable efforts provided to the child and his or her family to prevent removal.
 - 3564 4. The need, if any, for continued custody.
 - 3565 5. The available services that could facilitate the return of the child to the custody of
3566 his or her parents or guardian.
 - 3567 6. Whether the child has any relatives who may be able and willing to take
3568 temporary custody.
3569
- 3570 B. The child will be present at the shelter hearing, unless the Guardian ad Litem determines
3571 it would be detrimental for the child. Kin identified as emergency kinship placement will
3572 also be present at the shelter hearing, if possible.
3573
- 3574 C. In cases where sexual abuse, abandonment, chronic/severe physical abuse, chronic/severe
3575 neglect, or medical neglect resulting in death, disability, or serious illness are involved or
3576 when the child has been previously removed from the same caregiver, Child and Family
3577 Services may recommend to the court that reunification services not be provided to the
3578 parents.
3579
- 3580 D. Child and Family Services is required by Utah Code Ann. [§80-3-306](#) to conduct a
3581 felony warrant check through the National Crime Information Center (NCIC) prior to
3582 recommending that a child be returned to a parent or guardian. This includes when Child
3583 and Family Services is recommending a child be returned to a guardian that we have
3584 removed from or a noncustodial or non-offending parent. If Child and Family Services
3585 will be recommending that the child be returned to a parent or guardian at the shelter
3586 hearing, the following process will need to be complete before the recommendation is
3587 provided to the court:

- 3588 1. The Child and Family Services caseworker will complete and submit the “DCFS
- 3589 Parent/Guardian Felony Warrant Check Request” form as soon as the
- 3590 determination is made to provide the recommendation to the court to return the
- 3591 child to a parent/guardian. The form may be found at
- 3592 https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5F0rAWBPW
- 3593 [kawNOIHYGcpONOI1ZMqrWKfQ/viewform?usp=sf_link](https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5F0rAWBPW).
- 3594 2. The Background Screening Coordinator at the Child and Family Services state
- 3595 office will complete the felony warrant check. The results will be emailed to both
- 3596 the Assistant Attorney General (AAG) and the caseworker assigned to the case.
- 3597 The AAG will file the results with the court.
- 3598

205.7 24-Hour Multi-Disciplinary Staffing

Major objectives:
 A multi-disciplinary team staffing will be convened within 24 hours after placing a child into protective custody, or requesting a shelter hearing, excluding weekends and holidays. The staffing team members will review the circumstances regarding removal of the child from their home and prepare the testimony and evidence that will be required of Child and Family Services at the shelter hearing in accordance with Utah Code Ann. [§80-3-301](#). In addition, the CPS caseworker will discuss family support systems, and possible kinship placements.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

- A. The multi-disciplinary team staffing will be chaired by Child and Family Services. Members of the team will include, but not be limited to, the following:
 - 1. The CPS caseworker assigned to the case and the CPS caseworker who made the decision to remove the child, if not the same person.
 - 2. A representative of the school or school district in which the child attends school.
 - 3. The peace officer who removed the child from the home.
 - 4. A representative of the appropriate Children’s Justice Center if one is established within the county where the child resides.
 - 5. Local mental health provider or therapist, or a therapist or counselor who is familiar with the child’s circumstances, if known.
 - 6. A member of the Health Care Team.
 - 7. Any other individual as determined to be appropriate and necessary by the team coordinator and chair, such as Child and Family Services clinical staff, health care provider, Guardian ad Litem, domestic violence specialist, etc.
 - 8. Consider inviting family members when legal circumstances permit.
- B. Child and Family Services, when possible, will have available for review and consideration the complete CPS and foster care history of the child and the child’s parents and siblings.

- 3633 C. The team will determine if there are services that may be made available to the family to
3634 enable the child to return home.
3635
- 3636 D. The team will develop a short-term case plan and assign responsibilities for completion,
3637 if the family is present.
3638
- 3639 E. The team will consider the possibility of placing the child with a non-custodial parent or
3640 in a kinship placement after checking the SAFE database and BCI.
3641
- 3642 F. The team will consider whether the facts of the case meet the criteria for not offering
3643 reunification. [See: Utah Code Ann. [§80-3-406](#).]
3644
- 3645 G. The team will collect available educational and health information on the child.
3646
- 3647 H. The team will determine if the child may be immediately returned to the custody of a
3648 parent or legal guardian due to a change in circumstances or new information that
3649 changes the threats to safety that has become available since the decision was made to
3650 take protective custody. Notification to the court will still be required even if the child is
3651 returned home.
3652

3653 205.8 Safe Relinquishment Of A Newborn Child

- 3654
- 3655 A. A parent or a parent’s designee may safely relinquish a newborn child at a hospital in
3656 accordance with the requirements of Utah Code Ann. [§80-4-502](#) and retain complete
3657 anonymity, as long as the newborn child has not been subjected to abuse or neglect. Safe
3658 relinquishment of a newborn child, who has not otherwise been subjected to abuse or
3659 neglect, will not, in and of itself, constitute neglect [Utah Code Ann. [§80-1-102](#)], and
3660 the newborn child will not be considered a neglected child as long as the relinquishment
3661 has been made in substantial compliance with the guidelines of that section, which
3662 provides that: (a) a newborn child is defined by the statute as a child who is
3663 approximately 30 days of age or younger, as determined within a reasonable degree of
3664 medical certainty; and (b) the child is to be relinquished at a general acute hospital, which
3665 is equipped with an emergency room, is open 24 hours a day and seven days a week, and
3666 employs full time health care professionals who have emergency medical services
3667 training.
- 3668 B. Statutory responsibilities of Child and Family Services following the safe relinquishment
3669 of a newborn child are as follows: Immediately upon notice from the hospital, Child and
3670 Family Services will assume care and custody of a relinquished newborn child.
 - 3671 1. As long as Child and Family Services determines there is no abuse or neglect of
3672 the newborn child, neither the newborn child nor the child’s parents are to be
3673 subjected to the provisions contained in Utah Code Ann. [§80-2-701](#), or the
3674 provisions of Utah Code Ann. [§80-3](#).
 - 3675 2. Unless identifying information relating to the non-relinquishing parent of the
3676 newborn child has been provided, Child and Family Services will work with local

- 3677 law enforcement and the Bureau of Criminal Identification within the Department
3678 of Public Safety in an effort to ensure that the newborn child has not been
3679 identified as a missing child.
- 3680 3. Unless identifying information relating to the non-relinquishing parent of the
3681 newborn child has been provided, Child and Family Services will immediately
3682 place or contract for placement of the newborn child in a potential adoptive home
3683 and, within 10 days after the day on which the child is received, file a petition for
3684 termination of parental rights. [See: Utah Code Ann. [§80-4-203.](#)]
- 3685 4. Unless identifying information relating to the non-relinquishing parent of the
3686 newborn child has been provided, Child and Family Services will direct the
3687 Office of Vital Records and Statistics within the DHHS to: (1) conduct a search
3688 for a birth certificate for the newborn child; and (2) conduct an Initiation of
3689 Proceedings to Establish Paternity Registry for unmarried biological fathers in the
3690 registry maintained by the Office of Vital Records and Statistics [See: Utah Code
3691 Ann. [§78B-15, Part 4.](#)] Child and Family Services will then provide notice to
3692 each potential father identified on the registry described in Subsection (5)(a)(iii)
3693 in accordance with Utah Code Ann. [§78B-15, Part 4](#)
- 3694 5. If no individual has affirmatively identified himself within two weeks after the
3695 day on which notice under Subsection (5)(a)(iv) is complete and established
3696 paternity by scientific testing within as expeditious a time frame as practicable, a
3697 hearing on the petition for termination of parental rights will be scheduled and
3698 notice provided in accordance with Utah Code Ann. [§80-4.](#)
- 3699 6. If a non-relinquishing parent is not identified, relinquishment of a newborn child
3700 pursuant to the provisions of this part shall be considered grounds for termination
3701 of parental rights of both the relinquishing and nonrelinquishing parents under
3702 Utah Code Ann. [§80-4.](#)
- 3703
- 3704 C. If a parent decides to reverse their safe relinquishment within the allowed time frame
3705 referenced in Utah Code Ann. [§80-4-307](#), the caseworker will staff the case with the
3706 AAG. If the request meets the reversal criteria, the caseworker will notify the state office
3707 eligibility administrator. The eligibility administrator will serve as a liaison with the
3708 Office of Vital Statistics in order to assure that the correct information will be added to
3709 the registration of the birth. If the Office of Vital Statistics learns of the reversal, they
3710 will contact the eligibility administrator to ensure that Child and Family Services has the
3711 necessary information.
- 3712

3713 **206 Kinship: Safety And Permanency**

3714

3715 **206.1 Kinship**

3716

Major objectives:

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3723

When a child is placed into protective custody, the CPS caseworker will initiate the kinship process. The CPS caseworker will consider kinship options that include a non-custodial parent, the putative father, and/or other relatives as defined by statute. The CPS caseworker will also consider kinship under ICWA when appropriate. The CPS caseworker will provide information obtained about possible kinship placements to the court at the time of the shelter hearing.

3724

Applicable Law

3725

Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.

3726

3727

Practice Guidelines

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3730

At the shelter hearing the CPS caseworker will request that the child's parents provide names, addresses, and phone numbers of all possible kinship placements within five days. [See: Utah Code Ann. [§80-3-302](#).]

3731

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3735

[See: Utah Code Ann. [§80-3-301](#).] [See also: [Section 703](#) ICPC (Interstate Compact for the Placement of Children) Major objectives and Procedures, and [Section 500](#) Kinship Major objectives.]

3736

206.2 Emergency Kinship Placement

3737

Major objectives:

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Prior to placing a child in a foster home placement, the CPS caseworker may place a child in a temporary emergency kinship placement (referred to in Practice Guidelines Section 500 as a Preliminary Kinship Placement). Safety, health, and best interest of the child should drive this decision.

3743

3744

Applicable Law

3745

[See: [Section 206.1](#).]

3746

3747

Refer to Kinship Practice Guidelines for Preliminary Placement in [Section 502](#).

3748

3749 **207 Conflict Of Interest And Related Parties Investigations**
3750 *(PLEASE SEE ADMINISTRATIVE GUIDELINES [SECTION 020.13](#) FOR APPROPRIATE*
3751 *PROTOCOL.)*

3752
3753 This section provides guidance for Child and Family Services when a child in the custody of the
3754 state is alleged to have been the victim of abuse, neglect, or dependency (Conflict of Interest
3755 case); or when the case involves a Child and Family Services employee or employee’s child
3756 (Related Parties case).

3757
3758 **207.1 Investigation Involving A Licensed Out-Of-Home Provider Or**
3759 **Child And Family Services Employee**

3760
3761 *(THIS SECTION HAS BEEN REPLACED WITH ADMINISTRATIVE GUIDELINES [SECTION](#)*
3762 *[020.13.](#))*

3763
3764 **207.2 Investigation Involving A Child Care Provider Or Child Care**
3765 **Center**

3766 Major objectives:
3767 CPS will investigate reports of abuse, neglect, or dependency that occur in licensed child care
3768 facilities.
3769

3770
3771 **Applicable Law**
3772 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported
3773 reports -- Convening of child protection team -- Coordination with law enforcement --
3774 Consultation with child protection team before close of investigation.

3775
3776 Practice Guidelines

- 3777 A. The DHHS, Child Care Licensing unit will be contacted by the CPS caseworker.
3778
3779 B. The CPS caseworker will coordinate with the DHHS regarding licensing violations.
3780
3781 C. CPS investigation requirements for child care providers will be the same as for other
3782 referrals investigated by Child and Family Services.
3783

3784 **207.3 Information Sharing With The Department of Health & Human**
3785 **Services Licensing**
3786

3787 Major objectives:

3788 When concerns arise involving incidents of abuse, neglect, or child fatalities at licensed facilities,
3789 Child and Family Services will make contact with Licensing in order to facilitate collaboration
3790 regarding each other’s respective investigations and make the most appropriate finding.

3791 Information shared will also assist Licensing in understanding the best course of action for them
3792 regarding any actions that may need to be taken against the facility. Information shared needs to
3793 be pertinent to the respective investigations.
3794

3795
3796
3797 **Applicable Laws**

3798 Utah Code Ann. [§80-2-1005](#). Classification of reports of alleged abuse or neglect -- Confidential
3799 identity of a person who reports -- Access -- Admitting reports into evidence -- Unlawful release
3800 and use -- Penalty.

3801 Utah Code Ann. [§80-2-1002](#). Licensing Information System -- Contents – Access -- Unlawful
3802 release -- Penalty.

3803 Utah Code Ann. [§63G-2-202](#). Access to private, controlled, and protected documents.

3804 Records associated with Child Protective Services (CPS) are “private, protected, or controlled”
3805 under the provisions of GRAMA and “may only be made available” to certain individuals and
3806 organizations under specific conditions”. Specific restrictions are placed on the sharing of CPS
3807 records gathered and stored in the MIS/LIS database.
3808

3809 **Applicable DHHS Policy**

3810 Policy: 06-10

3811 This policy serves as the executive director’s approval on a need-to-know basis for records
3812 sharing within the department where the director’s approval is required.
3813

3814 Practice Guidelines

3815 A. Once there is an identified case involving abuse or neglect at a licensed care facility, the
3816 CPS caseworker will reach out to Licensing to collaborate with them on the investigation.

3817 1. Licensing may be able to provide/assist the CPS caseworker with:

3818 a. The agency’s contract and guidelines to help the CPS caseworker
3819 understand if any guidelines or policies were not followed.

3820 b. Identifying the individual responsible for the abuse or neglect, whether
3821 that be a staff member, supervisor, director, or the agency.

3822 c. Communicating with the facility if the facility is unwilling to
3823 communicate with Child and Family Services or cooperate with the
3824 investigation.

3825 2. Child and Family Services can share pertinent information with Licensing to
3826 assist in understanding the concerns of the case so they can take action to assist or
3827 sanction the facility.

3828

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3832

- B. If there is question about who should be listed as the perpetrator (director, workers, agency, or unknown), the CPS caseworker and supervisor will staff the case with legal and the state office for guidance.

3833 **208 Indian Child Welfare Act (ICWA): Protecting Native American**
3834 **Culture**

3835
3836 **208.1 Placement Of A Native American Child Into Protective Custody**

3837
3838 Major objectives:

3839 A CPS investigation will be completed in compliance with ICWA procedures in order to show
3840 deference to the cultural needs of Native American families in Utah. CPS investigations will be
3841 completed in compliance with ICWA standards. The CPS caseworker will determine whether the
3842 child and family are Native American, complete an investigation that respects the cultural
3843 standard of the tribe, and notify the tribe immediately of any legal action taken during the
3844 investigation.

3845
3846 With regard to an Native American child who resides on a reservation but is temporarily located
3847 off the reservation from his or her parent or Native American custodian, nothing will prevent the
3848 emergency removal of a Native American child or the emergency placement of such child in a
3849 foster home or institution under applicable state law in order to prevent imminent physical injury
3850 or harm to the child. The state authority, official, or agency involved will ensure that the
3851 emergency removal or placement terminates immediately when removal or placement is no
3852 longer necessary to prevent imminent physical injury or harm to the child.

3853
3854 During the initial contact with all families under investigation, the CPS caseworker will ask if
3855 there is any Native American lineage that might make the child eligible for membership in any
3856 Native American Tribe.

3857
3858
3859 **Applicable Law**

3860 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3861
3862 Practice Guidelines

3863 Found in [Section 705](#), ICWA.

3864

3865 **209 Case Transfers And Courtesy Services**

3866
3867 This section provides guidance regarding CPS case transfers and courtesy services for another
3868 state or agency.
3869

3870 **209.1 Request For Courtesy Casework Within The State Of Utah**

3871 Major objectives:

3872 A CPS caseworker may request courtesy assistance for completion of investigative activities on
3873 an open CPS case when the child or other individual related to the case is not accessible to the
3874 assigned CPS caseworker.
3875

3876
3877 **Applicable Law**

3878 Utah Code Ann. [§80-2-301](#). Division responsibilities.
3879

3880 Practice Guidelines

3881 When a courtesy casework request within the state of Utah is made, the requesting CPS
3882 caseworker will complete the following:
3883

- 3884 A. Notify their supervisor or designee of the need for courtesy casework. The supervisor of
3885 the requesting CPS caseworker will ask the receiving supervisor to assign a courtesy CPS
3886 caseworker.
- 3887 1. The requesting CPS caseworker will staff with the receiving CPS caseworker to
3888 coordinate investigative activities and give as much notice as possible for
3889 completion of the courtesy activity.
 - 3890 2. The requesting CPS caseworker will maintain responsibility for the case and for
3891 decisions made on the case, such as determination as to the case finding.
 - 3892 3. The courtesy caseworker will be assigned as a secondary caseworker to complete
3893 the case activity requested.
3894
- 3895 B. Within five days of completing the courtesy activity, the receiving CPS caseworker will
3896 enter the activity logs in SAFE.
3897

3898 **209.2 Transfer Of A Case When A Child Has Moved Within The State**
3899 **Of Utah**

3900 Major objectives:

3901 Child and Family Services offices will cooperate to ensure that a CPS investigation is not
3902 interrupted and children are not placed in danger when an alleged victim has moved within the
3903 State of Utah.
3904

3905
3906 **Applicable Law**

3907 Utah Code Ann. [§80-2-301](#). Division responsibilities.

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Practice Guidelines

The following procedures will be used to determine when a case will be transferred to a different office when it has been determined that the child has moved:

- A. If the child and family moved within the same regional boundaries during the course of the investigation, the CPS caseworker originally assigned to the case will complete all remaining investigative activities and ensure that the case is closed per major objectives. If distance makes continuation and/or completion of the investigation impractical, the case may be transferred to the office where the child resides. The transferring and receiving supervisors must coordinate the transfer.
- B. If the child and the family moved within the state of Utah but outside of the regional boundaries, the case may be transferred to the new region or a request may be made for courtesy casework.
- C. If the child and family moved after the CPS caseworker has made the face-to-face contact with the alleged victim and the whereabouts of the child and family are unknown, the CPS caseworker will make reasonable efforts to locate the family in order to complete the investigation. Once reasonable efforts have been made, the case may be closed as “Unable to Complete Investigation.”

209.3 Request For Courtesy Casework From Another State

Major objectives:
CPS may respond to another state’s request for courtesy assistance to complete investigative activities when the child or other individual related to the case is in Utah.

Applicable Law

Utah Code Ann. [§80-2-301](#). Division responsibilities.

Practice Guidelines

When a CPS caseworker is assigned a request for courtesy casework from another state, the CPS caseworker will keep a record of all activities and will forward another copy of the information to the requesting agency within the time frames identified by the requesting source.

209.4 Transfer Of A Case When A Child Has Moved Out Of The State Of Utah

Major objectives:
Child and Family Services will make reasonable efforts to ensure that a CPS investigation is not interrupted when an alleged victim has moved out of the state.

3951 **Applicable Law**

3952 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3953

3954 Practice Guidelines

3955 The following steps will be used when the child and family can no longer be located within the
3956 state of Utah.

3957

3958 A. If the child and family move outside the state of Utah before the CPS caseworker is able
3959 to make the face-to-face contact with the child and the new location of the child and
3960 family is known, the CPS caseworker will contact the state child welfare agency where
3961 the family has moved and request courtesy casework. The CPS caseworker may also
3962 contact law enforcement in the state where the child has moved to complete investigative
3963 interviews. If the state child welfare agency where the family has moved refuses to
3964 complete courtesy casework and law enforcement is unable or unwilling to complete
3965 interviews, the case will be closed "unable to complete investigation". If the receiving
3966 state child welfare agency agrees to complete the courtesy casework, the CPS caseworker
3967 will make the appropriate finding based on information from the receiving state. If a
3968 finding of supported is made against one or both of the parents/caregivers, upon case
3969 closure a Notice of Agency Action will be sent to the address of family in the current
3970 state of residence.

3971

3972 B. If the child and family move outside the state of Utah after the CPS caseworker has made
3973 the face-to-face contact with the alleged victim and the whereabouts of the child and
3974 family are known, the CPS caseworker will contact the state child welfare agency where
3975 the family has moved and will make a request for courtesy casework, providing the
3976 information that was obtained in the investigation. The CPS caseworker may also contact
3977 law enforcement in the state where the child has moved to complete investigative
3978 interviews. If the state child welfare agency where the family has moved refuses to
3979 complete courtesy casework and law enforcement is unable or unwilling to complete the
3980 interviews, the case will be closed as "unable to complete investigation." If the receiving
3981 state child welfare agency agrees to complete the courtesy casework, the CPS caseworker
3982 will make the appropriate finding based on information from the receiving state and
3983 casework completed in Utah. If a finding of supported is made against one or both of the
3984 parents/caregivers, upon case closure a Notice of Agency Action will be sent to the
3985 address of family in the current state of residence.

3986

3987 C. If the child and family move out of the state of Utah after the CPS caseworker has made
3988 the face-to-face contact with the alleged victim and the whereabouts of the child and
3989 family are unknown, the CPS caseworker will make reasonable efforts to locate the
3990 family in order to make a request for courtesy casework from the state child welfare
3991 agency where the family now resides. If the receiving state child welfare agency is not
3992 able to find the location of the child, the CPS caseworker will close the investigation
3993 "unable to complete investigation".

3994

3995 D. If the child and family move out of the state of Utah, the CPS caseworker has not made
3996 the face-to-face contact with the alleged victim, and the whereabouts of the child and
3997 family are unknown, the CPS caseworker will make reasonable efforts to locate the
3998 family in order to make a request for courtesy casework from the state child welfare
3999 agency where the family now resides. If the receiving state child welfare agency is not
4000 able to find the location of the child, the CPS caseworker will close the investigation
4001 “unable to locate”.

4002
4003 If the facts of the investigation establish reason to suspect the child is in imminent danger, the
4004 CPS caseworker will make appropriate referrals to CPS and law enforcement in the other state
4005 and screen the case with the Assistant Attorney General.
4006

4007 **210 Child Protective Services Records: Confidentiality And Rights To**
4008 **Review**

4009
4010 This section provides guidance to CPS caseworkers who must maintain the confidentiality of
4011 records and advise clients or others of their rights and restrictions concerning confidential
4012 records.

4013
4014 **210.1 Confidentiality Of CPS Records**

4015 Major objectives:

4016 Reports of child abuse, neglect, or dependency, as well as any other information in the possession
4017 of Child and Family Services, obtained as the result of a report of child abuse, neglect, or
4018 dependency, is confidential and may only be made available in accordance with Utah Code Ann.
4019 [§80-2-1001](#).

4020
4021
4022 **Applicable Law**

4023 Utah Code Ann. [§80-2-1001](#). Management Information System -- Contents -- Classification of
4024 records -- Access.

4025 g

4026 Practice Guidelines

4027 A. Under Utah Code Ann. [§80-2-1001](#), reports of child abuse, neglect, or dependency and
4028 all information related to the report will only be available to:

- 4029 1. A police or law enforcement agency investigating a report of known or suspected
4030 child abuse, neglect, or dependency.
- 4031 2. A physician who reasonably believes that a child may be the subject of abuse,
4032 neglect, or dependency.
- 4033 3. An agency that has the responsibility or authority to care for, treat, or supervise a
4034 child who is the subject of a report.
- 4035 4. A contract provider that has a written contract with Child and Family Services to
4036 render services to a child who is the subject of a report.
- 4037 5. Any subject of the report, the natural parents of the minor, the Office of Guardian
4038 ad Litem, and CASA.
- 4039 6. A court, upon a finding that access to the records may be necessary for the
4040 determination of an issue before it, provided that in a divorce, custody, or related
4041 proceeding between private parties the record alone is:
 - 4042 a. Limited to objective or undisputed facts that were verified at the time of
4043 the investigation;
 - 4044 b. Devoid of conclusions drawn by Child and Family Services or any of its
4045 social workers on the ultimate issue of whether or not a person's acts or
4046 omissions constituted any level of abuse, neglect, or dependency of
4047 another person.
- 4048 7. An office of the public prosecutor or its deputies in performing an official duty.
- 4049 8. A person authorized by a Children's Justice Center for the purposes described in
4050 Utah Code Ann. [§67-5b-102](#).

- 4051 9. A person engaged in bona fide research, when approved by the director of Child
4052 and Family Services, if the information does not include names and addresses.
4053 10. The state Office of Education, acting on behalf of itself or on behalf of a school
4054 district, for the purpose of evaluating whether an individual should be permitted
4055 to obtain or retain a license as an educator or serve as an employee or volunteer in
4056 a school, limited to information with substantiated findings involving an alleged
4057 sexual offense, an alleged felony or class A misdemeanor drug offense, or any
4058 alleged offense against the person under Title 76, Chapter 5, Offenses Against the
4059 Person, and with the understanding that the office must provide the subject of a
4060 report received under Subsection (1)(k) with an opportunity to respond to the
4061 report before making a decision concerning licensure or employment.
4062 11. Any person identified in the report as an alleged perpetrator or possible
4063 perpetrator of child abuse, neglect, or dependency after being advised of the
4064 screening prohibition.
4065
4066 B. No person, unless listed above, may request another person to obtain or release a report
4067 or any other information in the possession of Child and Family Services obtained as a
4068 result of the report that is available under Subsection (1)(k) to screen for potential
4069 perpetrators of child abuse, neglect, or dependency.
4070
4071 C. A person who requests information knowing that it is a violation of Subsection (2)(e) to
4072 do so is subject to the criminal penalty in Subsection (4).
4073
4074 D. Except as provided in Utah Code Ann. [§80-2-1005](#) Child and Family Services and law
4075 enforcement officials will ensure the anonymity of the person or persons making the
4076 initial report and any others involved in its subsequent investigation.
4077
4078 E. Any person who willfully permits or aides and abets the release of data or information
4079 obtained as a result of this part, in the possession of Child and Family Services, or
4080 contained on any part of the management information system, in violation of this part or
4081 Utah Code Ann. [§80-2-1005](#), is guilty of a class C misdemeanor.
4082
4083 F. The physician/patient privilege is not grounds for excluding evidence regarding a child's
4084 injuries or the cause of those injuries in any proceeding resulting from a report made in
4085 good faith pursuant to this part.
4086

4087 **210.2 Request For CPS Records**

4088 Major objectives:

4089 Individuals or agencies identified by Utah Code Ann. [§80-2-1001](#) may request a copy of the CPS
4090 record, excluding third party information. This copy must first be edited according to GRAMA
4091 regulations. Exceptions to GRAMA may be found in Utah Code Ann. [§80-2-1001](#).
4092
4093
4094

4095 **Applicable Law**
4096 [See: [Section 210.1.](#)]

4097
4098 Practice Guidelines

4099 A. The individual making the request will complete a GRAMA request form, a Request for
4100 Administrative Hearing form, or provide a request in another written form.

4101
4102 B. The records will be released in accordance with Utah Code Ann. [§63G-2-202.](#)
4103

4104 **210.3 Process For Internal Agency Review Of Case Findings**

4105 Major objectives:

4106 Internal Agency Reviews of case findings will be conducted when a request is made by an
4107 identified perpetrator for the sole purpose of reviewing the finding. The Internal Agency Review
4108 will not be used to make determinations related to employment, child placement, or licensure.
4109 The review process will be determined per Utah statute and Child and Family Services Practice
4110 Guidelines.
4111

4112
4113 **Applicable Law**

4114 Utah Code Ann. [§80-2-707.](#) Supported finding of child abuse or neglect after division
4115 investigation -- Notice to alleged perpetrator -- Rights of alleged perpetrator -- Administrative
4116 review -- Joinder in juvenile court.

4117 Utah Code Ann. [§80-2-708.](#) Supported finding of a severe type of child abuse or neglect after
4118 division investigation -- Notation in Licensing Information System -- Juvenile court petition or
4119 notice to alleged perpetrator -- Rights of alleged perpetrator.

4120 Utah Code Ann. [§80-3-504.](#) Petition for substantiation – Court findings -- Expedited hearing --
4121 Records of an appeal.

4122
4123 Practice Guidelines

4124 Based upon applicable law, a perpetrator may request an Internal Agency Review, an
4125 Administrative Hearing, or both unless there has been a court determination upholding the Child
4126 and Family Services’ finding. If the juvenile court has previously made a determination on a
4127 Child and Family Services’ finding, the requestor will be directed to pursue an appeal through
4128 the juvenile court, if available. The deadlines for pursuing these avenues of review are specified
4129 below.

4130
4131 A. Internal Agency Reviews will be conducted by an Internal Review Panel.

- 4132 1. The agency Internal Review Panel will be comprised of the following:
- 4133 a. CPS caseworker who completed the investigation, if still employed by
4134 Child and Family Services,
 - 4135 b. Supervisor at the time of the investigation, if still employed by Child and
4136 Family Services,
 - 4137 c. Designated Child Welfare Administrator (CWA),
 - 4138 d. Assistant Attorney General (AAG), when applicable and/or available,
 - 4139 e. Administrative hearing tracker, when applicable and/or needed,

- 4140 f. Any other agency staff the region deems appropriate and/or necessary.
- 4141 2. All decisions made by the Internal Review Panel will be documented in a log in
- 4142 the identified CPS case in SAFE. Documentation will include the final decision
- 4143 reached by the panel, as well as how the Internal Review Panel reached their
- 4144 decision.
- 4145 3. The decision of the Internal Review Panel will be recorded under the
- 4146 Administrative Hearing Tab of the identified CPS case.
- 4147 4. Internal Agency Reviews will be conducted at the written request of a perpetrator
- 4148 who makes a request within the specified time frames, but can also be conducted
- 4149 if the agency determines an Internal Agency Review is necessary.
- 4150 5. The Office of Quality and Design will conduct requested reviews for all cases that
- 4151 have been identified as having a conflict of interest for Child and Family Services.
- 4152

4153 B. For all cases in which the perpetrator is listed on the Licensing Information System:

4154 **Findings Prior to May 6, 2002:**

4155 If there has been no prior court finding or plea, the Internal Review Panel can make one

4156 of the following determinations:

- 4157 1. Uphold the finding. The finding will remain Supported or Substantiated in the
- 4158 Management Information System and the Licensing Information System.
- 4159 a. If the identified perpetrator disagrees with the decision of the Internal
- 4160 Review Panel, they will be redirected to pursue recourse through the
- 4161 juvenile court.
- 4162 b. If appropriate, a petition for substantiation should be filed by Child and
- 4163 Family Services with the juvenile court. The petition should be filed
- 4164 within 14 days of the decision of the Internal Review Panel.
- 4165 2. Uphold the finding in the Management Information System, but remove the
- 4166 perpetrator from the Licensing Information System for the identified case. The
- 4167 finding will remain Supported or Substantiated in the Management Information
- 4168 System, but the perpetrator will no longer appear in the Licensing Information
- 4169 System for the identified case.
- 4170 This can be done only when the Internal Review Panel determines the abuse or
- 4171 neglect was not severe or chronic, or there is not enough information to uphold
- 4172 severe/chronic findings.
- 4173 a. If the identified perpetrator disagrees with the decision of the Internal
- 4174 Review Panel, they will be directed to pursue recourse through the Office
- 4175 of Administrative Hearings.
- 4176 3. Amend the finding to Unsupported.
- 4177
- 4178

4179 **Findings After May 6, 2002:**

4180 The requestor has one year from the notification of the Severe/Chronic finding to file a

4181 request for an Internal Agency Review or petition the Juvenile Court. If neither of these

4182 requests are made within one year, the finding will remain on the Licensing Information

4183 System.

- 4184 1. If the case qualifies as a Severe/Chronic type of abuse or neglect and if the court
4185 has previously made a finding on an allegation, the requestor will be redirected to
4186 pursue recourse through the juvenile court.
- 4187 2. If there has been no prior court finding, the Internal Review Panel may make one
4188 of the following determinations:
- 4189 a. Change the finding to Unsupported.
- 4190 b. File a petition for substantiation.
- 4191 c. To uphold the finding in the Management Information System but remove
4192 the case from the Licensing Information System on the basis that it does
4193 not qualify as Severe/Chronic, and direct the requestor to pursue an
4194 Administrative Hearing to amend the finding to Unsupported.
- 4195 d. Maintain the finding in both the Management Information System and the
4196 Licensing Information System. Direct the requestor to pursue recourse
4197 through the juvenile court.
- 4198
- 4199 C. For ALL cases with a Non-Severe/Non-Chronic finding, the Internal Review Panel can
4200 determine one of the following:
- 4201 1. To uphold the finding, thus requiring the requestor to pursue an amendment
4202 through the Office of Administrative Hearings, or
- 4203 2. To amend the finding, generally from Supported or Substantiated to Unsupported.
- 4204
- 4205 D. If the requestor disagrees with an Internal Review Panel amended finding, they may
4206 request that another review be completed or pursue an Administrative Hearing unless the
4207 amended finding was Severe/Chronic, then the requestor would need to pursue recourse
4208 through the juvenile court.
- 4209
- 4210 E. In addition to the procedures outlined above, if the requestor was a juvenile at the time a
4211 Supported or Substantiated finding was made against them, they can follow the
4212 procedures outlined in Utah Code Ann. [§80-6-1004](#) to make a request through the
4213 Juvenile Court for their case(s) to be expunged.
- 4214
- 4215 F. Other interested parties involved with a CPS case are not entitled to an Internal Agency
4216 Review, but can follow the process outlined in Administrative Guidelines [Section 010.5](#)
4217 if they have concerns regarding the finding made during the course of a CPS
4218 investigation.
- 4219
- 4220 G. An individual may submit a written request to expunge an allegation in which they are
4221 identified as a perpetrator or alleged perpetrator in the Management Information System
4222 (MIS) and the Licensing Information System (LIS). The criteria, processes, and
4223 procedures for expungement can be found in Administrative Rule [R512-76](#) Expungement
4224 of DCFS Allegations.
- 4225