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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 The Division of Child and Family Services (DCFS) will maintain a child welfare management  
127 information system (SAFE) for receiving referrals or reports about child abuse, neglect, or  
128 dependency when there is reasonable cause to believe that abuse, neglect, or dependency  
129 occurred.  
130

131  
132 **Applicable Law**

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

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

137 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.  
138

139 Practice Guidelines

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

143  
144 If DCFS receives a report concerning a runaway child, the Intake worker will gather information  
145 to determine if there is an allegation of abuse, neglect, or dependency that requires a CPS referral  
146 or refer the caller to contact the Youth Services Agency.  
147

148 **201.2 Receiving And Researching The Referral**

149 Major objectives:

150 Each call received by DCFS regarding concerns of possible abuse, neglect, or dependency  
151 involving a child will be considered a potential referral and will be documented by Intake in  
152 SAFE. The Intake worker will research all available additional sources to gather more pertinent  
153 complete information to help establish the validity, credibility, necessity, and priority of the  
154 referral information.  
155

156  
157 **Applicable Law**

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

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

161 Consultation with child protection team before close of investigation.  
162

163 Practice Guidelines

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

- 166
- 167 A. A narrative description of a specific occurrence or allegation of abuse, neglect, or  
168 dependency, which falls into at least one of the defined categories in Major objectives  
169 [Section 201.11](#).
- 170
- 171 B. A means of identifying an alleged victim under the age of 18 years for each allegation. If  
172 the reported concerns involve an unborn child and there are no threats to the safety of the  
173 other children in the home, a child must be born before a case can be opened.
- 174
- 175 C. A means of locating (address or contact person) the alleged victim.
- 176
- 177 D. Every referral requires a query of SAFE and EREP.
- 178
- 179 E. Where possible, the following information is preferred in addition to the minimum  
180 required information:
- 181 1. Where the abuse, neglect, or dependency occurred.
- 182 2. When the incident occurred.
- 183 3. Any witness to the incident.
- 184 4. Physical evidence.
- 185 5. Alleged victim name, address, phone number, birth date, and primary language.
- 186 6. Parent name, address, phone number, birth date, and primary language of alleged  
187 victim.
- 188 7. Alleged perpetrator name, address, phone number, and birth date. Include sex  
189 offender registry information if the allegations are related to Sexual Abuse.
- 190 8. Referent name, address, and phone number.
- 191 9. Every known member of the alleged victim's immediate family/household. All  
192 siblings should be identified on the referral, regardless of whether or not they  
193 reside in the same home as the alleged victim.
- 194 10. Accessibility of the alleged perpetrator to the alleged victim.
- 195 11. School/child care information for the alleged victim and where the alleged victim  
196 can be located.
- 197 12. Employment information and schedule for the parents.
- 198 13. How the referent obtained the information regarding the allegation.
- 199 14. Willingness of the referent to testify.
- 200 15. Special circumstances/precautions recommended for investigation.
- 201 a. Including adopted children who may need services.
- 202 16. Third-party/collateral contacts.
- 203 17. History or occurrence of domestic violence.
- 204 18. Indicate whether or not the family has had prior DCFS involvement. If there is  
205 currently an open case, document the type of service and 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 DCFS until the information received is determined to be one of the  
222 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 DCFS has been assigned  
236 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 DCFS employee, volunteer, or contractor of the Utah Department of  
286 Health Human Services (DHHS) has a relationship with the alleged victim,  
287 alleged perpetrator, or another person named in the investigation such that there is  
288 or might be a conflict of interest, the appearance of a conflict of interest,  
289 impropriety, or the appearance of impropriety if CPS or DCFS performed the  
290 investigation, will be forwarded to the Office of Quality and Design Related  
291 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

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

### 376 **Applicable Law**

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

### 378 Practice Guidelines

- 379  
380 A. When a referent identifies an incident of abuse or neglect that occurred in a different  
381 state, and the child is not in Utah at the time of the referral, the Intake worker will:
- 382 1. Inform the referent that the out-of-state allegations should be referred to the child  
383 welfare agency in the other state and complete the steps identified below:  
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 DCFS office serving the geographical area in which a  
438 child is physically located will be responsible to investigate an allegation of abuse,  
439 neglect, or dependency, unless the child's location is temporary (such as  
440 **visitation**]family-time with a non-custodial parent or placement in a short-term  
441 program).

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 DCFS office  
444 serving the geographical area in which the child's parent or guardian resides will be  
445 responsible to complete the investigation. The CPS caseworker may request courtesy  
446 assistance from another CPS caseworker in the area where the child is initially located to  
447 complete the investigative functions related to the child. If a priority 1, 1R, or 2 referral  
448 is received in the geographical area where the child is located but the parent or guardian  
449 resides elsewhere, the receiving office will make the face-to-face contact, determine  
450 immediate protection needs, and transfer the case to the area where the child's parent or  
451 guardian resides for completion of the investigation.

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

455 Major objectives:

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

460 **Applicable Law**

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

462 Practice Guidelines

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

466 A. Intake will obtain the child's name, address, and all information relative to the request for  
467 courtesy casework activities.

- 472
- 473 B. The courtesy casework activities requested will be assigned by Intake to the appropriate
- 474 geographical DCFS supervisor or caseworker.
- 475
- 476 C. The case will be opened as an I HS case, and all courtesy casework activities will be
- 477 documented.
- 478

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

482

483 **201.10 Missed Priority Time Frames**

484 Major objectives:

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

491

492

493 **Applicable Law**

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

495

496 Practice Guidelines

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

499

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

502 Major objectives:

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

511

512

513

514 **Applicable Law**

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

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

519

520 Practice Guidelines

521 A. Intake procedure for child care providers: CPS investigation requirements for child care  
522 providers will be the same as for other referrals investigated by DCFS. Time frames are  
523 the same as for other referrals.

524

525 B. Intake procedure for Out-of-Home Care Related Parties Investigations:

526 1. Upon receipt of an allegation of child abuse, neglect, or dependency, Intake  
527 workers will staff the referral with the Office of Quality and Design (OSR)  
528 manager to determine whether there is a conflict of interest. The OSR manager  
529 will determine whether there is a conflict of interest and will notify the CPS  
530 Intake worker of the decision.. The following duties are to remain the duties of  
531 Intake:

532

a. Receipt of the referral.

533

b. Research.

534

c. Disposition of the referral.

535

d. Establish priority of the referral.

536

e. Establish allegation categories.

537

(1) A child adopted from foster care in need of services that cannot be  
538 met by their parents will be referred to post adoption for services.  
539 DCFS may not:

540

(a) File a petition for removal from the child's home.

541

(b) File a petition for a child protective order.

542

(c) Make a supported finding.

543

(d) Seek a substantiated finding.

544

(e) File a petition alleging a child is abused, neglected,  
545 dependent, or abandoned.

546

(f) File a petition for termination of parental rights.

547

(2) The child may be removed and categorized as Dependent only if  
548 the parents expressly request the child be removed.

549

(3) The CPS caseworker will assess during the investigation whether  
550 the circumstances require allegations of abuse or neglect be added  
551 to the Child Abuse Neglect Report.

552

f. SAFE forms for child abuse, neglect, or dependency reporting, including  
553 any forms relating to out-of-home abuse.

554

g. Intake Checklist.

555

h. Authorization to Furnish Information and Release from Liability form  
556 (between DCFS and the contract investigator).

557

i. Mandatory report form to local law enforcement.

558

j. Notify the DHHS Office of Licensing.

559

2. Case assignment, when a contracted Related Parties investigator is not involved:

- 560 a. Notify the law enforcement agency in the area where the incident occurred
- 561 and request assistance with the investigation; if the law enforcement
- 562 agency agrees to assist with the investigation, the referral will be assigned
- 563 according to Major objectives [Section 201.8](#), either to the area in which
- 564 the child is located if the child is in a permanent location (permanent
- 565 location being that the child is expected to remain at the current location
- 566 for at least the next 30 days) or to the area in which the child’s parent or
- 567 guardian resides if the child is in a temporary location; if the alleged
- 568 victim is a child in foster care, the CPS caseworker is considered the
- 569 guardian.
- 570 b. The CPS caseworker assigned to the case will then coordinate with the law
- 571 enforcement agency to complete the investigation as defined in Major
- 572 objectives [Section 201.8](#); the only exceptions to the above procedures are
- 573 referrals with allegations of sexual abuse, which are always assigned to the
- 574 area that the incident occurred if known.
- 575 c. If the law enforcement agency refuses for any reason to assist in the
- 576 investigation, Intake will contact another region in order that the referral
- 577 be assigned for a Related Parties Investigation.
- 578 3. A DCFS investigator may assist the Related Parties investigator as a
- 579 secondary worker.
- 580 4. The Related Parties investigator will determine whether the allegations are
- 581 supported, unsupported, without merit, or false. The Related Parties
- 582 investigator will report the findings to the appropriate DCFS employee to
- 583 ensure that the findings are entered into the Licensing or Management
- 584 Information System (SAFE) and that the appropriate Notices of Agency
- 585 Action are issued.
- 586 5. Record-keeping: Intake will retain the original copy of all documentation gathered
- 587 during the investigation, and will maintain those documents for case closure,
- 588 unless otherwise directed by the OSR manager or investigator.
- 589

590 **201.12 72-Hour Hold By A Physician**

591 *(THIS SECTION HAS BEEN REPLACED BY SECTION 205.5.)*

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

595 Practice Guidelines

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

604 director of the IHS case. The associate region director will be responsible for  
605 case assignment of the IHS case to the appropriate CPS caseworker.  
606

607 B. IHS assessment responsibilities:

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

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

630 Major objectives:

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

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

643 **Applicable Laws**

644 Federal Law: 42 U.S.C. 671(a)(35)(B)  
645



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

653

654 Practice Guidelines

655 A. Definitions:

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

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

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

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

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

827  
828 F. If the caseworker is notified that the child has been located after the CPS case has  
829 closed, the caseworker will staff the case with the supervisor to determine if the  
830 prior case should be reopened, or if human trafficking is suspected, if a new case  
831 should be initiated through Intake.  
832

833 **202 First Contact: Immediate Assessment And Safety**

834

835 **202.1 CPS Investigation And Assessment**

836

Major objectives:

837 The CPS caseworker will assess the threats to safety and the risk of harm to a child. Once contact  
838 has been made on a CPS case, the case cannot be reversed as unaccepted. All requirements must  
839 be completed for the case. The CPS caseworker will make a finding at case closure based on  
840 facts gathered during the investigation.  
841

842

843 **Applicable Law**

844 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported  
845 reports -- Convening of child protection team -- Coordination with law enforcement --  
846 Consultation with child protection team before close of investigation.  
847 Administrative Rule [R512-201](#). Child Protective Services, Investigation Services.  
848

849 Practice Guidelines

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

- 851 1. Interviews.
- 852 2. Assessments, including the SDM Safety Assessment and the SDM Risk  
853 Assessment.
- 854 3. A home visit.
- 855 4. Team consultations/staffings.
- 856 5. Service coordination.
- 857 6. Additional Information report added to the case by Intake.
- 858 7. Documentation of all contacts and information received.
- 859 8. Case closure.

860

861 B. A CPS investigation cannot be reversed to unaccepted once contact has been made with  
862 anyone other than the referent on the case. Documentation must exist to show any  
863 involvement or contact by DCFS. If a case is found to be a duplicate, the CPS and Intake  
864 supervisor will determine which case will be reversed to unaccepted. Any information in  
865 the reversed case will be transferred to the case that remains. The duplicate case will be  
866 added as additional information to the active case.  
867

868 **202.2 CPS Investigation Of A Case Receiving Services From the**  
869 **Division of Child And Family Services**

870 Major objectives:

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

876  
877 The CPS caseworker will notify the Attorney General’s Office and the Guardian ad Litem when  
878 the case is under the jurisdiction of the court.  
879

880  
881 **Applicable Law**

882 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
883

884 Practice Guidelines

- 885 1. The CPS caseworker may request that the ongoing caseworker complete some of the  
886 requirements of the investigation.  
887 2. The CPS caseworker will notify the ongoing caseworker, AAG, and GAL at the  
888 conclusion of the case of any safety issues identified and of the case finding(s).  
889

890 **202.3 Review Of Prior Records**

891 Major objectives:

892 During the initial phase of the investigation, the CPS caseworker will review all relevant records  
893 that are maintained by DCFS and, when possible, by any other agencies or individuals. This  
894 includes records on the child, alleged perpetrator, and all members of the household. The CPS  
895 caseworker will review the details of the prior DCFS cases.  
896  
897  
898

899 **Applicable Law**

900 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported  
901 reports -- Convening of child protection team -- Coordination with law enforcement --  
902 Consultation with child protection team before close of investigation.  
903

904 Practice Guidelines

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

- 907  
908 A. DCFS records.  
909  
910 B. TANF records.  
911

- 912 C. Police and/or court reports, including those for domestic violence (e.g., incident, arrest,  
913 protective orders, correction records, etc.).
- 914
- 915 D. Court records relating to custody and **visitation** family-time.
- 916
- 917 E. BCI/NCIC reports on the alleged perpetrator.
- 918
- 919 F. School records.
- 920
- 921 G. Medical records, including the child’s primary care provider.
- 922
- 923 H. Information as to the eligibility for or membership in a Native American tribe.
- 924
- 925 I. Any other relevant records.
- 926

## 927 **202.4 Priority Response Time And Face-To-Face Contact**

928 Major objectives:

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

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

941

### 942 **Applicable Law**

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

944

### 945 Practice Guidelines

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



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

997 parents/guardians or other collateral contacts who would have sufficient  
998 information about the safety of the child.  
999

- 1000 C. A documented reason for failing to meet the priority response time frame for face-to-face  
1001 contact must be entered into a SAFE activity log and must include at least one of the  
1002 following:
- 1003 1. Reliable collateral information is received that indicates that the family or child is  
1004 going to be gone for more than three working days (for example, on vacation,  
1005 camp, or relative visit).
  - 1006 2. The caregiver/parent is refusing to allow the CPS caseworker to have contact with  
1007 the child, and
    - 1008 a. The caseworker has contacted the police for assistance, but the police have  
1009 been unsuccessful in attempts to assist the caseworker in seeing the child,  
1010 and
    - 1011 b. The caseworker contacted an Assistant Attorney General to discuss the  
1012 legal options for gaining access to the child.
  - 1013 3. The only alleged victim is deceased.
  - 1014 4. The child is out of state and a request for courtesy casework is made and declined  
1015 by the out of state child welfare agency and law enforcement in the area and/or  
1016 the courtesy caseworker/officer cannot complete a face-to-face contact.
  - 1017 5. The child cannot be located despite reasonable efforts. Reasonable efforts include  
1018 (but are not limited to):
    - 1019 a. Visiting the home at least twice at times other than normal business hours.
    - 1020 b. Contacting local schools for contact information.
    - 1021 c. Contacting local and county law enforcement agencies for additional  
1022 contact information.
    - 1023 d. Checking public assistance records for additional contact information.
    - 1024 e. Checking with the referent for additional contact information.
    - 1025 f. Searching telephone directories (books and online) for additional contact  
1026 information.
    - 1027 g. Contacting the CLEAR license holder in the region to search for  
1028 additional address information for the family.

1030 **202.4a Face-To-Face Requirement**

1031 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [SECTION 202.4.](#))*  
1032

1033 **202.5 Missed Priority Time Frames**

1034 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [SECTION 202.4.](#))*  
1035

## 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.

1079 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a  
1080 protected record.]

1081  
1082 Practice Guidelines

1083 The SDM Risk Assessment will be completed on all CPS investigations of child abuse or  
1084 neglect, including new investigations on existing cases except the following:

- 1085
- 1086 A. Cases with a finding of Unable to Locate.
- 1087
- 1088 B. Cases with a finding of Unable to Complete.
- 1089
- 1090 C. Cases with a finding of False Report.

1091  
1092 The caseworker assigned to the CPS investigation will complete the SDM Risk Assessment.

1093  
1094 Discretionary overrides of the risk level will be reviewed and approved by the caseworker’s  
1095 supervisor.

1096  
1097 The SDM Risk Assessment will be completed on all CPS cases prior to case closure after the  
1098 CPS caseworker has reached a finding regarding the allegation (supported, unsupported, or  
1099 without merit) AND prior to a decision to open a case for services or close without further  
1100 services.

1101  
1102 The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level  
1103 guides the decision to close a referral or open an ongoing case.

1104

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

1105 \*Low and moderate risk cases should be opened if the most recent SDM Safety  
1106 Assessment finding was Safe with a Plan or Unsafe. If the planned action differs from  
1107 the recommended action, the decision will be staffed with the supervisor or designee and  
1108 clearly documented in the SDM Risk Assessment.

1109  
1110 For cases opened for ongoing services following the investigation, the risk level is used to  
1111 determine the contact requirements for the case (service level).

1112  
1113 The SDM Risk Assessment is completed on households. A household includes all persons who  
1114 have a familial or intimate relationship with any person in the home and who have significant in-  
1115 home contact with the child, excluding employees.

- 1116
- 1117 A. Only one household can be assessed on the risk assessment form.

1118

1119 B. Always assess the household in which the child abuse/neglect/dependency incident is  
1120 alleged.

1121  
1122 C. A second SDM Risk Assessment will be completed for any non-custodial parents who  
1123 will receive reunification services.

1124  
1125 Sources of information used to determine the caseworker's score of the item may include  
1126 statements by the child, caregiver, or collateral persons; caseworker observations; or reports.

1127  
1128 The caseworker will refer to the SDM Risk Assessment Definitions to determine the score for  
1129 each item.

1130

## 1131 **202.8 Medical Examination Of The Child**

1132

Major objectives:

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

1137

1138

1139

### **Applicable Law**

1140 Utah Code Ann. [§80-2-702](#). Division post-removal investigation -- Supported or unsupported  
1141 reports -- Convening of child protection team -- Cooperation with law enforcement -- Close of  
1142 investigation.

1143

1144

### Practice Guidelines

1145

A. DCFS staff will obtain all pertinent medical information needed to provide proper  
1146 medical care for the child. This would include the child's current medical diagnosis,  
1147 allergies, medications, and primary care providers. CPS caseworkers will request from  
1148 the caregiver the child's medical history and where all prior medical attention has been  
1149 received.

1150

1151

B. When necessary and indicated, a medical examination will be completed within 24 hours  
1152 in a priority 1 and 1R investigation, and in a timely manner in priority 2, and 3  
1153 investigations.

1154

1155

C. Timely medical attention by a qualified health care provider will be ensured by DCFS  
1156 staff when there is:

1157

1. Any inadequately explained serious physical injury, especially in a child under the  
1158 age of two years.

1159

2. Serious untreated physical injury regardless of the known cause in children of all  
1160 ages.

1161

3. Recent sexual abuse (within 72 hours) where there is an indication of physical  
1162 trauma to the child and/or a need to gather evidence.

1163

4. Fetal addiction.

- 1164 5. Medical neglect involving serious medical conditions.  
1165 6. Exposure to any hazardous environment, including illegal drug production.  
1166 7. In cases involving a serious physical injury, the date of a medical examination  
1167 related to the injury will be entered into SAFE prior to case closure. The  
1168 examination date may be prior to the case open date as long as it was related to  
1169 the injury.  
1170

1171 The [DCFS Child Protective Services Preliminary Exam Checklist](#) may be used and can  
1172 serve as a guide for the CPS caseworker.  
1173

1174 D. If a child has been treated for health concerns related to allegations of abuse or neglect or  
1175 if a child has been removed and has received medical treatment including surgeries,  
1176 laboratory testing, x-ray studies, and/or hospitalizations within the last seven days or is  
1177 receiving medications, the CPS caseworker must contact the child’s health care provider  
1178 within 24 hours. If the child has a serious condition, the health care provider should be  
1179 contacted immediately. The CPS caseworker should be persistent in contacting the  
1180 health care provider.  
1181

1182 E. The Health Care Team may assist in collecting medical information.  
1183

1184 F. Past history—The CPS caseworker should obtain the following medical information:  
1185 1. Prior medical condition for which the child has received medical attention now or  
1186 in the past.  
1187 2. Nature of the condition and symptoms.  
1188 3. Name of treating physician or clinic.  
1189 4. Medications (name, strength, frequency, prescribing physician). Bring the  
1190 medication container with the client, if available.  
1191 5. Allergies, including foods, medications, and environmental allergens.  
1192

1193 G. Date the child was last seen by any health care provider.  
1194 1. Nature of visit.  
1195 2. Required follow-up.  
1196

1197 H. Name and location of all health care providers.  
1198

1199 I. The CPS caseworker will notify the child’s health care provider of the following:  
1200 1. The child’s caregiver contact number.  
1201 2. The CPS caseworker contact number.  
1202 3. The Health Care Coordinator contact number.  
1203 4. The child’s legal guardian or custodian.  
1204

1205 J. Medications and treatments including, but not limited to:  
1206 1. Prescribed medications.  
1207 2. Inhalers, eye drops, dental, or hearing appliances.  
1208 3. Over-the-counter medications.

- 1209 4. Herbal or homeopathic treatments.
- 1210 5. Illegal drugs.
- 1211
- 1212 K. Other:
- 1213 1. Immunization record.
- 1214 2. High risk behavioral concerns such as:
- 1215 a. Sleepwalking;
- 1216 b. Self-mutilation.
- 1217
- 1218 L. Medical Neglect Recommendations: When a parent/guardian does not agree with a
- 1219 medical recommendation, they can request, at their cost, a second medical opinion by a
- 1220 licensed medical professional practitioner. The recommendations from the second
- 1221 opinion will be included in staffing the outcome and services for the case. When a parent
- 1222 requests a second medical opinion, but the parent is indigent and cannot pay, DCFS will
- 1223 pay, by court order and with prior administrative approval, for the second opinion. [See:
- 1224 Utah Code Ann. [§80-3-304.](#)]
- 1225

1226 Authorization for Medical Procedures

1227 The CPS caseworker will consult with a health care provider to determine whether specialized  
1228 medical tests (i.e., CAT scan, skeletal x-rays, MRI [Magnetic Resonance Imaging], Sonogram,  
1229 Ultrasound, etc.) are needed. The health care provider may order the specialized medical tests as  
1230 needed. The cost of any test(s) required by DCFS may be the responsibility of DCFS to pay.  
1231 Therefore, if tests are recommended, advanced authorization for payment should be provided by  
1232 regional administration.

1233

1234 Serious Medical Neglect and Emergency Court Ordered Medical Treatment

- 1235 A. Procedure for investigation of serious medical neglect:
- 1236 1. When Intake receives a referral for serious medical neglect, the Intake worker
- 1237 determines if the medical situation is an emergency requiring immediate action
- 1238 and assigns priority accordingly. The caseworker should determine from a health
- 1239 care provider if death or significant permanent physical or mental damage is the
- 1240 likely outcome of refusal to follow treatment.
- 1241 2. The CPS caseworker will contact the treating medical doctor, verify the referral
- 1242 information, explain the investigation and court process, verify the parents’
- 1243 refusal to obtain treatment, and establish self as the contact for the doctor. They
- 1244 will also verify that treatment of the child’s condition will not be seriously
- 1245 jeopardized while awaiting a court hearing, and they will request immediate
- 1246 notification in the event the child’s situation deteriorates.
- 1247 3. The CPS caseworker will meet with the parents, attempt to negotiate voluntary
- 1248 compliance with medical treatment pending or in lieu of court involvement, and
- 1249 assess and document the parents’ reasons for refusal to treat.
- 1250 4. The CPS caseworker will inform the parents that they have the right to request a
- 1251 second opinion from a licensed professional medical practitioner and that the
- 1252 parent retains responsibility for payment. If the second opinion is requested but

- 1253 the child needs medical treatment sooner than the second opinion can be obtained,  
1254 the CPS caseworker will move to step 5.
- 1255 5. The CPS caseworker will initiate court action by contacting the Attorney General  
1256 when parents fail to voluntarily comply and medical treatment is necessary.
- 1257 6. In cases where the consequence of the parents' failure to follow treatment may be  
1258 death or significant permanent physical or mental damage, the CPS caseworker  
1259 will take steps to initiate emergency court proceedings by contacting an Attorney  
1260 General immediately and will not attempt to resolve the situation through  
1261 voluntary services alone.
- 1262 7. The CPS caseworker will attend all court proceedings related to court orders for  
1263 medical treatment and will implement any court orders giving DCFS  
1264 responsibility to ensure the child receives necessary medical care until such time  
1265 as the case is transferred to an in-home caseworker or is closed.
- 1266 8. The CPS and ongoing caseworker will hold a Child and Family Team Meeting to  
1267 involve the family in planning and decision-making.
- 1268
- 1269 B. Criteria for court-ordered medical treatment of a minor:
- 1270 1. The outcome of failure to treat is death, permanent loss of a body function, or  
1271 significant physical or mental impairment.
- 1272 2. The parent or guardian has been fully informed of the probable consequences if  
1273 the condition is left untreated, the alternative treatments available, the  
1274 consequences of each treatment, the risks of each treatment, and the probability of  
1275 each alternative outcome.
- 1276 3. In non-emergent situations, the parent or guardian has been given the opportunity  
1277 to obtain a second opinion.
- 1278 4. The treatment is well established and well accepted by the medical profession.
- 1279 5. A reasonable parent or guardian would not refuse treatment for the child yet  
1280 treatment is refused.
- 1281 6. Delay in treatment increases the probability of harm.
- 1282 7. The probability that the treatment will be successful and that it will provide the  
1283 child a good quality of life outweigh possible negative consequences and side  
1284 effects.
- 1285 8. No alternative treatment will meet the child's medical needs.
- 1286

1287 Triage Procedures for Medical Care

- 1288 A. Always call 911 in an emergency.
- 1289 1. When there is a question, please consult with a health care provider or Primary  
1290 Children's Medical Center (PCMC).
- 1291 2. If the following are present, a health care provider should see the child as soon as  
1292 possible:
- 1293 a. Any child who appears acutely ill;
- 1294 b. Suicidal ideation and/or threat with lethal plan and with or without means;
- 1295 c. Need for forensic evidence collection for rape kit (sexual contact within  
1296 72 hours);



- 1297 d. Acute vaginal or rectal bleeding, vaginal or rectal pain, and/or genital or  
1298 anal trauma (includes blood found on diaper or underwear);  
1299 e. If a drug-facilitated rape is suspected, within 96 hours of "drugging" the  
1300 collection of blood and urine specimens should be considered.  
1301 f. Fever above 100.4 degrees in an infant less than three months of age;  
1302 g. Fever accompanied with seizures or other concerning behavior if over  
1303 three months;  
1304 h. Infant with bruising suggestive of fractures;  
1305 i. Difficulty walking or moving normally;  
1306 j. Child or youth appears severely neglected, malnourished, deprived of  
1307 food, or dehydrated;  
1308 k. Vaginal or penile discharge and the possibility of sexually transmitted  
1309 disease or a history suggestive for sexually transmitted disease(s) (vaginal  
1310 or penile discharge may not cause any symptoms but may be noticed by a  
1311 caregiver on the diaper or underwear; other concerns for sexually  
1312 transmitted disease include any history of genital ulcers or blisters, or any  
1313 unusual rash in the genital area);  
1314 l. Severe dental conditions and/or complaints of pain;  
1315 m. Exposure to environmental toxins, with a need to collect urine and hair  
1316 specimens for forensic purposes (e.g. Methamphetamine lab).  
1317 3. Photo documentation:  
1318 a. Medical attention takes priority;  
1319 b. Take photos for forensic use after medical attention has been initiated;  
1320 c. Photos may be taken by:  
1321 i. Law enforcement;  
1322 ii. Medical facility;  
1323 iii. DCFS.  
1324  
1325 B. Non-urgent care:  
1326 1. Non-urgent medical attention:  
1327 a. Well-child examination (five days following removal);  
1328 b. Possible failure to thrive without medical compromise;  
1329 c. Rash, not associated with fever or an allergic reaction;  
1330 d. Skeletal survey needed to determine fractures (only in children below the  
1331 age of three years as medically indicated);  
1332 e. Medical neglect not involving serious medical conditions (requires  
1333 medical examination 30 days before or after disposition of referral).  
1334 2. Exams conducted in a non-emergency room setting can reduce the anxiety  
1335 surrounding sexual abuse investigations.  
1336

1337 **202.8a Medical Consultation Protocol When There Is Reasonable**  
1338 **Suspicion Of Severe Abuse**

1339 Major objectives:

1340 An investigation involving reasonable suspicion of severe child abuse requires a medical  
1341 examination of the primary victim. Caseworkers will investigate all children of the household as  
1342 a Sibling or Child at Risk when the injuries on the primary victim are suspected to be severe  
1343 abuse and there are concerns related to the caregivers in that household. All non-verbal children  
1344 in the household will also be required to receive a medical examination.  
1345  
1346

1347  
1348 Practice Guidelines

1349 A. Cases involving reasonable suspicion of Severe Abuse will include the following  
1350 activities:

- 1351 1. Caseworkers will investigate all children of the household as a Sibling or Child at  
1352 Risk when the injuries on the primary victim are suspected to be non-accidental  
1353 and there are concerns related to the caregivers in that household.
  - 1354 a. As in all cases, caseworkers will list all children of the household in  
1355 SAFE.
  - 1356 b. Allegations of Sibling at Risk will be added, with each child of the  
1357 household listed as a victim.
  - 1358 c. Caseworkers will request a medical examination for all non-verbal  
1359 children of the household from the legal guardians.
  - 1360 d. Caseworkers will document outcomes of medical examination or barriers  
1361 to medical examination of children of the household (lack of insurance,  
1362 lack of transportation, lack of time, refusal by medical providers, refusal  
1363 by caregivers), including steps taken by the caseworker to help the family  
1364 overcome those barriers.
  - 1365 e. Caseworkers will give consulting medical providers information regarding  
1366 potential abuse exposure and of the potential for unsuspected physical  
1367 abuse findings.
- 1368 2. Caseworkers will provide caregivers information regarding the potential mental  
1369 health consequences of witnessing abuse and provide referrals to caregivers.
- 1370 3. In all cases involving non-verbal children with severe and/or unexplained injuries,  
1371 CPS caseworkers will consult with an independent licensed medical provider with  
1372 expertise in the evaluation of child physical abuse regarding those injuries prior to  
1373 case closure.  
1374

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

Major objectives:

DCFS 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 DCFS 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.](#)

- 1420  
1421 J. Complete an SDM Safety Assessment that includes all children in the household.  
1422  
1423 K. If the safety decision indicates that the child is Safe with a Plan, complete an SDM Safety  
1424 Plan as defined in [Section 202.6](#).  
1425  
1426 L. Complete staffings per major objectives. [See: Major objectives [Section 204.2](#).]  
1427  
1428 M. Complete all actions to ensure safety and protection for alleged victims and siblings, as  
1429 appropriate.  
1430  
1431 N. Ensure that medical and/or mental health evaluations are completed when appropriate as  
1432 required by statute and major objectives for physical injury, severe physical abuse,  
1433 medical neglect, or recent sexual abuse. [See: Major objectives [Section 202.8](#).]  
1434  
1435 O. Ensure that the short-term placement provider has all relevant medical, social, mental  
1436 health, and educational information on the child within 24 hours.  
1437  
1438 P. Complete required documentation in SAFE for Intake and CPS.  
1439  
1440 Q. Complete removal paperwork, as appropriate.  
1441  
1442 R. Deliver removal paperwork to the parent/guardian.  
1443  
1444 S. Complete a personal 48-hour removal visit.  
1445  
1446 T. Deliver all information to CPS Intake no later than 9:00 a.m. of the following business  
1447 day.  
1448  
1449 U. Attend the 24-hour multidisciplinary team consultation.  
1450  
1451 V. Attend the Shelter Care Hearing.  
1452  
1453 W. Attend all other court hearings, as notified by the Attorney General's Office.  
1454

1455 **202.10 Court Report Request On Protective Orders**

1456  
1457 Major objectives:

1458 DCFS receives requests from both the juvenile and district courts when parties request protective  
1459 orders on behalf of children. DCFS will need to respond to these requests by filing a report with  
1460 the court and attending court if requested or subpoenaed.  
1461  
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1464 **Applicable Laws**

1465 Utah Code Ann. [§78B-7-202](#). Abuse or danger of abuse -- Child protective orders -- Ex parte  
1466 child protective orders -- Guardian ad litem -- Referral to division.  
1467

1468 Practice Guidelines

1469 DCFS receives notification from both the juvenile and district courts when a protective order has  
1470 been filed on behalf of a child, a hearing has been scheduled, and the court asks or orders DCFS  
1471 to provide a report or appear in person at the hearing to report on DCFS' involvement with the  
1472 family.  
1473

- 1474 A. If the request from the court asks DCFS to complete an investigation and there is no  
1475 current investigation, Intake will need to be notified. Intake will open a case if it meets  
1476 the criteria for an investigation.  
1477
- 1478 B. The CPS caseworker will staff the request with the supervisor and discuss the current  
1479 involvement with the family and what should be included in the report to the court.
- 1480 a. The supervisor and CPS caseworker may staff the case with an AAG if necessary.
  - 1481 b. If the CPS caseworker is no longer with DCFS, the response will be handled by  
1482 the supervisor or designee.
  - 1483 c. If DCFS has no current involvement or history with the family, DCFS will report  
1484 that fact to the court.
  - 1485 3. The CPS caseworker will:
    - 1486 a. Complete SAFE form CPS34.
    - 1487 b. Review the report with the supervisor and sign the report along with the  
1488 supervisor.
    - 1489 c. Upload the report into Content Manager.
    - 1490 d. If there is not a current CPS case, the report will be uploaded into the most  
1491 recent CPS case or unaccepted referral.
  - 1492 4. If DCFS has received sufficient notification, the CPS caseworker will make  
1493 reasonable efforts to submit the report to the court within five days of the hearing,  
1494 or as soon as practicable, and to the AAG if appropriate.
  - 1495 5. The CPS caseworker will attend the hearing if requested by the court.  
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1497 **202.11 Not Used**

1499 **202.12 Independent Home Study**

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Major objectives:  
When receiving an Independent Home Study (IHS) case, the CPS caseworker will assess for child safety, determine services or resources that may be needed by the family, and provide the family with information needed to access services or resources.  
  
DCFS does not conduct court-ordered home evaluations regarding child custody issues.

**Applicable Law**

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

Practice Guidelines

- A. An IHS case will include the following:
  - 1. Contact with at least one biological parent and/or legal guardian within five business days of the case being opened.
  - 2. Interview the child with consent of the parent.
  - 3. The CPS caseworker will make no collateral contacts without obtaining consent from a parent/guardian.
  - 4. Offer resource information and additional services if deemed appropriate.
  - 5. All CPS caseworker activities will be logged in SAFE.
  - 6. An IHS case will be open for no more than 60 days unless approved by the region director or designee.
  
- B. If during the IHS case abuse or neglect is identified, the CPS caseworker will call Intake and a CPS case will be opened.

1528 **203 Engagement Begins: Initial Interviews And Home Visits**

1529

1530 **203.1 Interviews**

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Major objectives:

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

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**Applicable Law**

1536 Utah Code Ann. [§80-2-704](#). Division interview of a child -- Support person for the child --

1537 Notice -- Recording.

1538

Practice Guidelines

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1540 Interviews are to follow the statutory requirements indicated below:

1541

A. Referent:

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

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2. When the referent is law enforcement, an interview with law enforcement may not be necessary if DCFS has a copy of the police report; however, law enforcement's referral source will be contacted.

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

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

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1. Support person:

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- 1571 a. The CPS caseworker will assess the child’s level of comfort with the  
1572 interview and will make reasonable efforts to ensure the child is  
1573 comfortable.  
1574 (1) The CPS caseworker will ask if the child is comfortable being  
1575 alone in the interview with the interviewer.  
1576 (2) If the child is not comfortable being alone in the interview, the  
1577 CPS caseworker shall conduct the interview with a support person  
1578 of the child’s choice.  
1579 (3) The CPS caseworker will make reasonable efforts to arrange for  
1580 the support person to be present for the interview.  
1581 (4) The CPS caseworker will capture this conversation as part of their  
1582 recording.  
1583 (5) If the CPS caseworker is assisting law enforcement in the context  
1584 of a crimignal investigation, law enforcement will make the  
1585 decision whether or not to allow the child to have a support person  
1586 present during the law enforcement interview.  
1587 b. The support person will:  
1588 (1) be an adult over the age of 18 years;  
1589 (2) be reasonably available;  
1590 (3) be willing and able to be present in the interview without  
1591 influencing the child through statements or reactions; and  
1592 (4) not sit in line of sight of the child during the interview.  
1593 c. The support person may include, but is not limited to:  
1594 (1) school teacher or administrator;  
1595 (2) guidance counselor;  
1596 (3) child care provider;  
1597 (4) family member;  
1598 (5) family advocate; or  
1599 (6) clergy.  
1600 d. The support person may not be a person:  
1601 (1) who is alleged to be, or potentially may be, the alleged perpetrator;  
1602 or  
1603 (2) is protective of the perpetrator or unsupportive of the child.  
1604 e. The CPS caseworker will provide a [CPS05 Support Person Form](#) for the  
1605 support person to sign. This document will be maintained in the CPS  
1606 record.  
1607 d. If the non-offending parent serves as the support person, they do not need  
1608 to sign the support person confidentiality statement.  
1609 2. Parent notification of child interview:  
1610 a. If a child’s parent, stepparent, or parent’s paramour has been identified as  
1611 the alleged perpetrator, the CPS caseworker need not notify a parent prior  
1612 to the initial interview with the child. In all other instances where the  
1613 alleged perpetrator is known, the parent or guardian must be notified prior  
1614 to the initial interview with the child.



- 1615           b.       If the alleged perpetrator is unknown or if the alleged perpetrator’s  
1616           relationship to the child’s family is unknown, the CPS caseworker may  
1617           conduct a minimal interview, not to exceed 15 minutes from the time the  
1618           interview begins with the child prior to notification of the interview to the  
1619           child’s parent. This is designed to allow the CPS caseworker to determine  
1620           whether or not the parent, stepparent, or parent’s paramour is the alleged  
1621           perpetrator. If the initial disclosure made by the child implicates a parent,  
1622           stepparent, or parent’s paramour, the interview is not limited in duration.  
1623           Notification may take the form of a phone call documented in activity  
1624           records and does not mean permission or approval. The information  
1625           imparted to the parent/guardian will include the specific allegations and  
1626           the time and place of the interview with the child. If criminal activity is  
1627           disclosed, the CPS caseworker will coordinate with law enforcement prior  
1628           to notification of the parents so as not to impede the criminal  
1629           investigation.
- 1630           c.       The CPS caseworker will notify the parent as soon as practicable after the  
1631           child has been interviewed, but in no case later than 24 hours after the  
1632           interview has taken place.
- 1633           d.       The parent will be notified prior to any subsequent interviews of the child.
- 1634           e.       Exceptions to notification prior to interview may include:
- 1635                   i.       Notice to the parent would threaten the safety of a non-offending  
1636                   parent, the children, or other involved individuals;
- 1637                   ii.       A parent is incarcerated or there are other legal barriers to  
1638                   notification (such as court orders, police requests, etc.);
- 1639                   iii.       If the child is in foster care at the time of the interview;
- 1640                   iv.       A new allegation or incident involving the parent, stepparent, or  
1641                   parent’s paramour where they have been identified as the alleged  
1642                   perpetrator.
- 1643           3.       Disclosure of criminal activity: If the disclosure made by the child gives  
1644           reasonable cause to believe that the child has been the alleged victim of criminal  
1645           activity, the CPS caseworker will immediately contact law enforcement.
- 1646           4.       Suicidal ideation: Refer to [Section 700](#) if concerns regarding suicide are identified  
1647           in the referral or during an interview.
- 1648
- 1649   C.       Parent/guardian:
- 1650           1.       The child’s natural parents or other guardian will be personally interviewed  
1651           regardless of residence, unless their whereabouts are unknown. If the child’s  
1652           natural parents or other guardian are incarcerated at the time of the investigation,  
1653           they do not need to be personally interviewed. This interview maybe conducted  
1654           with only one parent. Investigation and interview exceptions are as follows:
- 1655                   a.       Parent(s)/guardian(s) are incarcerated.
- 1656                   b.       Caseworker is unable to locate parent(s) or guardian(s).
- 1657                   c.       Parent(s)/guardian(s) are non-cooperative.
- 1658           Documentation of reasons for not interviewing a parent are required.

- 1659 2. Each specific allegation will be discussed. Admissions or denials will be  
1660 documented in the activity recording.
- 1661 3. The parents will be asked about the child’s eligibility for or membership in a  
1662 Native American tribe.  
1663
- 1664 D. Third party/collateral contacts:
- 1665 1. Third party/collateral contacts having had direct association with the child, or who  
1666 are otherwise knowledgeable about the child’s safety and family’s functioning,  
1667 will be interviewed.
- 1668 2. If a third party or collateral contact is identified as an eyewitness or has first-hand  
1669 knowledge of the child’s safety and family’s functioning, an interview will be  
1670 conducted, including siblings. If the third party can only speak to the allegations,  
1671 the CPS caseworker must speak to others who know about the family’s  
1672 functioning.
- 1673 3. If the third party is a professional (i.e., medical, therapist, school, law  
1674 enforcement) who has provided the CPS caseworker with a report and the report  
1675 clearly details the third parties’ involvement with the child/family, the report will  
1676 be sufficient and an interview need not be conducted. The CPS caseworker will  
1677 upload the report into content management. If the report is not sufficient or there  
1678 are additional questions that need to be asked of the third party, an interview shall  
1679 be conducted.
- 1680 4. For cases where it is verified the alleged perpetrator does not/will not have access  
1681 to the child and there is no identified third party/collateral contact that can provide  
1682 additional information regarding the case or safety of the child, a third party  
1683 contact is not needed.  
1684
- 1685 E. Alleged perpetrator:
- 1686 1. The alleged perpetrator will be interviewed by the CPS caseworker.
- 1687 2. When the alleged perpetrator resides in the home of the child or has access to the  
1688 child, and when law enforcement has requested that the CPS caseworker not  
1689 conduct an interview regarding the allegations, the alleged perpetrator will not be  
1690 interviewed by the CPS caseworker until the interview is cleared by law  
1691 enforcement.
- 1692 3. The CPS caseworker will not be obligated to conduct an interview when:
- 1693 a. Law enforcement requests the CPS caseworker not conduct an interview  
1694 due to a pending criminal investigation in these cases. CPS will  
1695 communicate with law enforcement the need to have law enforcement  
1696 interview within CPS investigation time frames.
- 1697 b. The alleged perpetrator's identity or location is unknown.
- 1698 c. The safety of the child or the CPS caseworker is a concern, or in domestic  
1699 violence cases when the safety of the non-offending parent is a concern, as  
1700 determined by the reasonable request of the non-offending parent.
- 1701 d. The alleged perpetrator is incarcerated during the course of the CPS  
1702 investigation.
- 1703 4. If the alleged perpetrator is a juvenile:

- 1704 a. The CPS caseworker will seek the permission of the juvenile’s parent or  
1705 guardian prior to the interview.
- 1706 b. Whether CPS or law enforcement is conducting the interview, all requests  
1707 for interviews of children in the custody of DCFS will be referred to the  
1708 Guardian ad Litem assigned to the child. If there is no Guardian ad Litem  
1709 appointed for the child, the CPS caseworker will refer the request to  
1710 region administration. If the interview is part of a criminal investigation  
1711 or could become part of a criminal investigation, either interviewer would  
1712 need to seek the permission of the Guardian ad Litem prior to conducting  
1713 an interview of a minor in custody who is an alleged perpetrator. If the  
1714 Guardian ad Litem does not consent to the interview, the CPS caseworker  
1715 will contact the Assistant Attorney General. [*See: Practice Guidelines*  
1716 [Section 306.7.](#)]
- 1717 c. The CPS caseworker will interview a parent or guardian of the juvenile  
1718 perpetrator for the purpose of gathering additional information.
- 1719 d. The CPS caseworker will not be obligated to conduct an interview with  
1720 the juvenile perpetrator or their family when law enforcement conducts  
1721 these interviews and provides CPS with enough information to complete  
1722 the significant risk assessment and determine whether or not any safety  
1723 concerns exist.
- 1724 e. At the conclusion of the investigation, assess the past victimization of the  
1725 juvenile perpetrator and refer for appropriate treatment.  
1726
- 1727 F. Interview exceptions: The CPS caseworker may rely on a written report of a prior  
1728 interview rather than conducting an additional interview if:
- 1729 1. Law enforcement has previously conducted a timely and thorough investigation  
1730 regarding the alleged abuse, neglect, or dependency and has produced a written  
1731 report. When law enforcement requests that CPS conduct no interview, the CPS  
1732 caseworker may review the case with a supervisor for evaluation and  
1733 determination of the next step.
- 1734 2. The investigation included one or more of the interviews required by Utah Code  
1735 Ann. [§80-2-702.](#)
- 1736 3. It is determined that an additional interview is not in the best interest of the child.  
1737
- 1738 G. Additional victims revealed: If during the course of an interview a child reveals the  
1739 possibility of another alleged victim of abuse or neglect, the CPS caseworker will do the  
1740 following:
- 1741 1. The CPS caseworker will ask the child for further clarification regarding the  
1742 identity of the additional alleged victim.
- 1743 2. If the CPS caseworker is able to identify the additional alleged victim or a means  
1744 for locating this alleged victim, and the victim is identified as a child residing  
1745 outside the home of the primary victim, the CPS caseworker will contact the  
1746 Intake office to determine if the allegations meet the criteria for opening a new  
1747 case.

- 1748 3. If the CPS caseworker is able to identify the additional alleged victim or a means  
1749 for locating this alleged victim, and the victim is a sibling residing in the same  
1750 home as the primary victim, the new victim will be added to the existing CPS case  
1751 if the allegation meets the criteria for investigation.
- 1752 4. If the child does not reveal the name of the additional alleged victim or does not  
1753 provide a means for locating this alleged victim, the CPS caseworker will make  
1754 efforts to try to identify the additional alleged victim with the limited information  
1755 acquired. This may include talking with a collateral contact, parent, or relative  
1756 that may know the identity of the additional alleged victim.
- 1757 5. If the CPS caseworker is unable to identify the additional alleged victim  
1758 mentioned in the interview, the CPS caseworker will contact the Intake office to  
1759 provide the information that is available.
- 1760 6. The Intake worker will determine if there is additional information available  
1761 through data inquiries that may assist in identifying the additional alleged victim.
- 1762 7. If the Intake worker is able to identify the identity of the additional alleged victim  
1763 and the information meets the criteria for investigation, Intake will open the case.
- 1764 8. If the Intake worker is unable to identify the additional alleged victim, the Intake  
1765 worker will notify the CPS caseworker calling in the referral that the case has  
1766 been unaccepted so that the referring CPS caseworker can document this  
1767 information in the case logs.
- 1768

1769 **203.1a Recording Interviews**

1770 Major objectives:

1771 DCFS will make an accurate recording of interviews conducted with children during an  
1772 investigation into allegations of child abuse or neglect. Information gathered during the interview  
1773 will be documented in SAFE.  
1774

1775

1776 **Applicable Law**

1777 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
1778

1779 Practice Guidelines

- 1780 A. All investigative interviews of children involving allegations of sexual abuse and/or  
1781 serious physical abuse are to be videotaped and/or audio recorded. This does not apply to  
1782 initial or minimal interviews. The videotaping requirements are as follows:
  - 1783 1. The child and the interviewer will be simultaneously videotaped.
  - 1784 2. Videotaping will be continuous and will log the date, place, and time.
  - 1785 3. Videotaping must be for the duration of the interview.
  - 1786 4. Interviews are to be conducted in a Children’s Justice Center (CJC) if possible, or,  
1787 if necessary, a soft (non-threatening) interview room.
  - 1788 5. If videotape equipment and a soft (non-threatening) interview room are  
1789 unavailable, the interview will be audio taped in accordance to sections B and C.
  - 1790 6. Even if videotaping, an audio file compliant with the SAFE system must be  
1791 created for every DCFS conducted interview. If the interview location creating  
1792 the video does not have the ability to provide DCFS with a correctly formatted

- 1793 digital audio of the interview, the caseworker should simultaneously audio record  
1794 the interview for download into the SAFE system.  
1795
- 1796 B. All other interviews will be audio recorded by DCFS in a SAFE compliant digital format  
1797 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 DCFS conducted victim’s interview will include a digital audio recording that  
1844 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

1854 **203.1b Visual Assessment Of A Child**

1855 Major objectives:

1856 When physical abuse, sexual abuse, or neglect with an injury or other physical manifestation is  
1857 alleged, the child’s body will be observed or examined for evidence of the alleged manifestation  
1858 or injury (physical trauma, such as bruises, welts, or burns; or physical condition, such as bug or  
1859 rodent bites, rashes, malnutrition, body dirt, or sexual abuse) in a way that is sensitive to the  
1860 child’s age, gender, and emotional well-being. Examination/observation for sexual abuse  
1861 allegations is to be conducted by a medical professional only.

1862

1863

1864 **Applicable Law**

1865 Utah Code Ann. [§80-2-301](#). Division responsibilities.

1866

1867 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 DCFS

#### Practice Guidelines

1930  
1931  
1932 When images of a child are obtained by DCFS staff as part of their regular job function which  
1933 meet the definition of child pornography (Utah Code Ann. [§76-5b-103](#)), the images will be  
1934 immediately reported to the Internet Crimes Against Children investigative unit through the  
1935 Office of the Attorney General. Any image meeting the definition of child pornography will not  
1936 be uploaded in SAFE.

### 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

1945  
1946 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
1947

#### Unscheduled Home Visits

1948  
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  
1956 A scheduled home visit will be completed on all cases where an unscheduled home visit is not  
1957 required. If the alleged perpetrator is a parent or guardian of the victim, the scheduled home visit  
1958 will occur in the household of the alleged perpetrator. If the alleged perpetrator is not a parent or  
1959 guardian of the victim but has or is likely to have access to the victim, the scheduled home visit  
1960 will be completed where the child primarily resides.  
1961

#### Exceptions to Completing an Unscheduled or Scheduled Home Visit

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



- 1968 C. The parent/guardian refuses access to the home or is unwilling to make an appointment
- 1969 for a visit to occur.
- 1970
- 1971 D. If during the investigation it is verified the alleged perpetrator does not have access to
- 1972 any home where the child may reside and is not anticipated to have access at any time in
- 1973 the future to any home where the child may reside and the caregiver is making efforts to
- 1974 protect the child to best of their ability from contact with the alleged perpetrator.
- 1975

1976 Practice Guidelines

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

2008 **203.3 Entry Into The Child’s Home**

2009 Major objectives:

2010 CPS caseworkers have authority to enter upon public or private premises, using appropriate legal

2011 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).

- 2058 B. Assessment of safe sleep:  
2059 1. Discuss where the child will be sleeping, both at nighttime and for napping.  
2060 2. Visually confirm that the child has a safe sleep area.  
2061 3. Discuss concerns about co-sleeping, even for naps.  
2062 a. If the case involves substances use, even legally prescribed medications,  
2063 discuss how these can lead to unintentional injury related to co-sleeping.  
2064 b. If the child has a medical condition or disability, discuss any special  
2065 circumstances regarding safe sleep as per their physician.  
2066
- 2067 C. Resources: The caseworker will:  
2068 1. Provide the parent/caregiver with information regarding local resources available  
2069 for parents/guardians with infants.  
2070 2. Provide and discuss the **Safe Sleep and Your Baby** pamphlet with the  
2071 parent/caregiver and make sure to discuss:  
2072 a. Place baby on their back to sleep.  
2073 b. Sleep on firm surface.  
2074 c. All soft objects out of crib.  
2075 d. Sleep in the same room but not same bed as baby.  
2076 3. Explore possible funds available to purchase items such as cribs, playpens, or  
2077 other approved safe sleep options based on the need of the family.  
2078
- 2079 D. Documentation: The assessment of the existence/non-existence of a safe sleep  
2080 environment for all children 12 months and younger will be documented in SAFE. The  
2081 caseworker will select the Safe Sleep Environment policy button to indicate this  
2082 assessment was completed.  
2083

2084 **204 The Investigation: Assessment And Making Informed Decisions**

2085  
2086 The purpose of assessment is to assist the CPS caseworker during the investigation to determine  
2087 the immediate protection, safety, risk, and services needed by the child and family. The CPS  
2088 caseworker will consider the issues of enduring safety and permanency (long-term view) in  
2089 making these decisions and providing all parties with due process of the law.  
2090

2091 **204.1 Assessments And Investigation Tools**

2092 Major objectives:

- 2093 A. The following assessment tools will be used by the CPS caseworker to determine  
2094 the immediate threats to safety and risk of future harm:  
2095 1. SDM Safety Assessment.  
2096 2. SDM Risk Assessment.  
2097  
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  
2120 B. SDM Risk Assessment:  
2121 1. The SDM Risk Assessment will be completed on all initial CPS investigations of  
2122 child abuse or neglect. [See: [Section 202.7.](#)] The finding of the SDM Risk  
2123 Assessment will be used in formulating an ongoing service plan for supported  
2124 cases or cases determined to need other child welfare services beyond CPS.  
2125 2. Each allegation identified at Intake and any discovered during the investigation  
2126 will be assessed for each alleged victim.  
2127

- 2128 C. The final safety determination of the SDM Safety Assessment and the final risk level of  
2129 the SDM Risk Assessment will be used in determining whether the family needs further  
2130 involvement with DCFS.  
2131
- 2132 D. Significant Risk Assessment: When there is a supported finding of sexual abuse, sexual  
2133 exploitation, lewdness, or inappropriate sexual conduct involving a juvenile perpetrator,  
2134 the CPS caseworker will complete the Significant Risk Assessment to determine whether  
2135 a juvenile is a significant risk to other children or the community.  
2136 1. The assessment is not to be used to determine whether the investigation is  
2137 supported or unsupported; a juvenile does not need to be found a significant risk  
2138 in order for the case finding to be supported.  
2139 2. The assessment must be based upon the facts of the case that are present during  
2140 the investigation, not after the minor has been removed from the home or any  
2141 other intervention that has occurred.  
2142 3. The juvenile’s age alone is not a reason for determining the juvenile is not a  
2143 significant risk.  
2144
- 2145 E. Serious Physical Abuse Assessment: When there is a supported finding of serious  
2146 physical abuse involving a juvenile perpetrator, the CPS caseworker will complete the  
2147 Serious Physical Abuse Assessment to determine whether a juvenile is a significant risk  
2148 to other children or the community.  
2149
- 2150 F. When an Administrative Hearing is requested on a supported case or a case that was  
2151 substantiated prior to May 6, 2002 involving a juvenile perpetrator or an adult who was a  
2152 juvenile at the time of the incident, and the Significant Risk Assessment or the Serious  
2153 Physical Abuse Assessment was not completed,  
2154 DCFS will be responsible to complete the appropriate assessment based on the facts at  
2155 the time of the investigation.  
2156

## 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

- 2167 A. The CPS caseworker will staff with a DCFS supervisor in addition to or in conjunction  
2168 with other professionals when any of the following apply:  
2169 1. When the SDM Safety Assessment indicates that the child is Safe with a Plan or  
2170 Unsafe.  
2171 2. Unless it would jeopardize the safety of a child, the DCFS caseworker will staff  
2172 with a DCFS supervisor prior to removal.

- 2173 3. If the child, family, or alleged perpetrator is receiving services from DCFS, the  
2174 case staffing will include the assigned DCFS in-home, post adoption, out-of-  
2175 home, or domestic violence specialist.
- 2176 4. If the family receives assistance in the form of TANF, the case staffing may  
2177 include the Department of Workforce Services employment counselor or self-  
2178 sufficiency caseworker.
- 2179 5. When there are concerns related to domestic violence, the DCFS supervisor will  
2180 determine if a staffing with a domestic violence specialist is necessary.
- 2181 6. When the child is identified as Native American and the case may be screened for  
2182 court involvement, the CPS caseworker will review the case with the DCFS  
2183 supervisor and the Indian Child Welfare state specialist.
- 2184 7. When an infant has been exposed to or is dependent upon harmful substances as a  
2185 result of the mother's use of illegal substances or abuse of prescribed medications  
2186 during pregnancy, the CPS caseworker will staff the case with an Assistant Attorney  
2187 General.
- 2188 8. When there is a fatality or near fatality that is the result of non-accidental trauma  
2189 or the manner of death is undetermined by law enforcement or medical  
2190 professionals and there are surviving siblings, the case will be staffed jointly with  
2191 a DCFS supervisor, region director, and an Assistant Attorney General within 24  
2192 hours of first knowledge of the incident. This review does not change the priority  
2193 time frame of the investigation.
- 2194 9. When there is a need to coordinate the efforts of several investigators, agencies,  
2195 or others toward the common goal of protection of the child.
- 2196 10. When there is a supported finding of chronic/severe physical, sexual or emotional  
2197 abuse, or chronic/severe neglect or medical neglect resulting in death, disability,  
2198 or somber illness the CPS caseworker will staff with a DCFS supervisor and an  
2199 Assistant Attorney General.
- 2200 11. When there has been a prior adjudicated finding of child abuse, neglect, or  
2201 dependency relevant to new supported findings of abuse, neglect, or dependency,  
2202 the CPS caseworker will staff with a DCFS supervisor. The CPS caseworker and  
2203 supervisor will make a safety decision based on the information gathered. If the  
2204 safety decision made identifies that there is a threat to safety and that court  
2205 involvement is necessary, the CPS caseworker will staff the case with an  
2206 Assistant Attorney General.
- 2207 12. When there is a supported finding of drug production or manufacturing, the CPS  
2208 caseworker may staff with a DCFS supervisor as described in 10 above. If a  
2209 safety decision is made that requires law enforcement and/or an Assistant  
2210 Attorney General, the CPS caseworker will discuss with them the safety decision  
2211 made to determine what needs to occur to ensure enduring safety and permanency  
2212 for the child.
- 2213 13. When there are siblings in the same home where a removal is considered, the CPS  
2214 caseworker will staff with a DCFS supervisor to discuss threats to safety and  
2215 whether court involvement is necessary. If there is an imminent threat to safety  
2216 that cannot be mitigated through a safety plan, the CPS caseworker will staff the  
2217 safety decision with an Assistant Attorney General to determine the next steps.

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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 DCFS 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 DCFS 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.

2249 **204.3 Sibling Or Child At Risk**

2250 Major objectives:

2251 The CPS caseworker will assess the other siblings/children in a household when a child in  
2252 the same household has been a victim of abuse, neglect, or dependency. Assessment and  
2253 documentation must be specific for each child.  
2254

2255  
2256 **Applicable Law**

2257 Utah Code Ann. [§80-3-204](#). Protective custody of a child after a petition is filed -- Grounds.  
2258

2259 Practice Guidelines

- 2260 A. In cases where the mother is pregnant and delivers the newborn and the newborn's  
2261 siblings are in custody, or have been determined to be abused, neglected, or dependent,  
2262 the CPS caseworker will complete a new SDM Safety Assessment.  
2263
- 2264 B. The CPS caseworker will complete the following with each sibling or child to determine  
2265 if the sibling or child requires immediate protection or services:
- 2266 1. Complete the SDM Safety Assessment.
  - 2267 2. Conduct a face-to-face interview with each child having verbal or other  
2268 communication skills or observe non-verbal children.
  - 2269 3. If law enforcement objects to a DCFS investigation (for example, in a child  
2270 fatality investigation), the CPS caseworker will review the case with the Attorney  
2271 General's Office to determine legal options to ensure the safety of other siblings.  
2272

2273 **204.4 Coordination With Law Enforcement**

2274 Major objectives:

2275 DCFS will coordinate with law enforcement to protect children and families when abuse, neglect,  
2276 or dependency is alleged. This coordination will also serve to protect CPS caseworkers and keep  
2277 the peace throughout the investigation.  
2278

2279  
2280 **Applicable Law**

2281 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported  
2282 reports -- Convening of child protection team -- Coordination with law enforcement --  
2283 Consultation with child protection team before close of investigation.  
2284

2285 Practice Guidelines

2286 The CPS caseworker will coordinate with law enforcement in the following ways:

- 2287
- 2288 A. Notification: If, during the course of the investigation, the CPS caseworker becomes  
2289 aware of criminal activity, law enforcement will be notified.  
2290



- 2291 B. Child placed into protective custody: When a child is to be taken into protective custody,  
2292 the CPS caseworker will be accompanied by law enforcement if a peace officer is  
2293 reasonably available.  
2294
- 2295 C. Entry into the child’s home: Neither law enforcement officers nor CPS caseworkers can  
2296 enter a home uninvited without a search warrant issued by a court unless there is an  
2297 emergency requiring entry be made without a warrant. If the CPS caseworker is denied  
2298 entry into the child’s home by the parent or caregiver, a request will be made to law  
2299 enforcement to accompany the CPS caseworker to the home in an attempt to gain entry.  
2300 Should the parent continue to deny entry, the CPS caseworker will coordinate efforts with  
2301 law enforcement and the Attorney General's Office to secure a search warrant. [See:  
2302 Major objectives [Section 203.3.](#)]  
2303

## 204.5 Domestic Violence Related Child Abuse

Major objectives:

When children have witnessed domestic violence, DCFS 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 DCFS 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 DCFS domestic violence caseworker will proceed as follows:

- 2327 A. Investigation: Identify and document in the case record the services, assessments, and  
2328 education given to the family. These will include:  
2329 1. Assisting the non-offending adult/caregiver by providing them with a list of  
2330 available resources and supports, educating them on the domestic violence cycle,  
2331 safety planning with the client, and holding a Risk of Danger discussion to  
2332 determine the level of lethal risk. Resources should include information on  
2333 protective orders, domestic violence advocates, financial assistance such as CVR,  
2334 shelters, crisis nursery, counseling or support groups, etc.

- 2335 2. Assisting the offending partner by holding a Risk of Danger discussion, finding  
2336 support systems, giving treatment resources, safety planning, and educating them  
2337 on the domestic violence cycle.
- 2338 3. Safety planning with child, if appropriate. A safety plan cannot rely on a child  
2339 alone.
- 2340 4. Explaining to each caregiver that:
- 2341 a. Immediate and long-range harm may result from exposing a child to  
2342 domestic violence;
- 2343 b. According to Utah State law, a person is criminally liable for committing  
2344 domestic abuse in the presence of a child;
- 2345 c. Domestic abuse in the presence of a child is "child abuse" and therefore  
2346 such conduct may result in juvenile court intervention and an abuse record  
2347 in the DCFS database.
- 2348
- 2349 B. Protective Order: If the non-offending caregiver has obtained a protective order:
- 2350 1. Notify the Assistant Attorney General of the protective order and request a  
2351 bifurcated hearing in juvenile court.
- 2352 2. Do not conduct conjoint mediation, Child and Family Team Meetings, treatment  
2353 planning, service planning, safety planning, or assessments between the protected  
2354 party and the abuser.
- 2355
- 2356 C. Domestic Violence Shelter: If the caseworker has knowledge that the child and non-  
2357 offending caregiver have relocated to a domestic violence shelter, explain to the non-  
2358 offending caregiver and the domestic violence shelter staff that it is the caregiver's and,  
2359 where appropriate, the domestic violence shelter's responsibility to immediately contact  
2360 the caseworker if they leave the domestic violence shelter.
- 2361
- 2362 D. Failure to Protect: When the CPS caseworker and DCFS domestic violence caseworker  
2363 staff a case and agree to make a finding of Failure to Protect against the non-offending  
2364 caregiver, the CPS caseworker will document in the case record the reasons for that  
2365 finding.
- 2366
- 2367 E. Notice of Agency Action (NAA) Letter: This letter will be sent to the offending partner in  
2368 all supported CPS cases within agency timelines (Practice Guideline [Section 204.15](#)).  
2369 The NAA Letter involving domestic violence related child abuse allegations will be sent  
2370 to the perpetrator of the abuse in the same manner that all other agency action letters are  
2371 sent. Before an NAA Letter is sent, individual safety planning to the non-offending  
2372 partner, children, and offending partner will be provided in preparation for the receipt of  
2373 this letter, due to the possible significant risk placed on the non-offending parent and child.  
2374 The CPS caseworker will:
- 2375 1. Notify the non-offending caregiver that the letter will be sent and review safety  
2376 measures.
- 2377 2. Document this notification in the case record.
- 2378

- 2379 F. Case Requirement and Documentation Exceptions: A CPS caseworker may make an  
2380 exception to CPS requirements for documentation when it is determined to be a safety  
2381 concern (such as unscheduled home visits, priority timeframes on the face-to-face contact  
2382 with the adult victim or child, etc.). Prior to making that decision, staff with a DCFS  
2383 supervisor and domestic violence caseworker for agreement that those requirements  
2384 could pose a potential threat of harm to the child or non-offending caregiver.  
2385 Documentation of staffing and approval are required.  
2386
- 2387 G. Family/Friend Disturbance: An altercation between extended family members or other  
2388 non-related adults in the presence of a child may be considered emotional abuse and not  
2389 domestic violence, if it is determined to have:  
2390 1. Elements that meet the definition of Emotional Abuse.  
2391 2. Does not involve a pattern of domestic violence power and control.  
2392
- 2393 H. Homicide/Suicide: DCFS will respond to situations in which there has been a homicide  
2394 and/or suicide as a result of domestic violence when either party has children that were  
2395 living with them at the time, whether or not the children witnessed or were present during  
2396 the incident. These referrals will be assigned and conducted as a DVS or CPS case  
2397 according to [Section 201.4](#).  
2398

### 204.5a Environmental Neglect

Major objectives:

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

#### **Applicable Law**

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

#### Practice Guidelines

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

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

- 2423 B. The CPS caseworker will assess whether the environment is safe for the children  
2424 involved, considering:  
2425 1. Threats to safety:  
2426 a. Duration or length of the situation (chronic).  
2427 b. Volume, quantity, or toxicity of the potential hazard.  
2428 c. Severity of the threat to the child.  
2429 d. Child's access to the potential hazards.  
2430 e. The age of the child.  
2431 f. The developmental level of the child.  
2432 g. The medical condition of the child.  
2433 h. Other expert opinions (health department, pharmacist, doctor, zoning, fire  
2434 department, etc.).  
2435 i. The extent to which the child's extended family may provide needed  
2436 protection.  
2437  
2438 C. The CPS caseworker will assess whether the environment poses safety concerns. The  
2439 CPS caseworker will team with the family to access services or interventions that will  
2440 address the safety issues.  
2441  
2442 D. Service and education resources and/or on-site assessment contacts may include, but are  
2443 not limited to, the following:  
2444

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

2445  
2446  
2447  
2448

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

2449 **204.6 False Allegations Of Child Abuse Or Neglect**

2450 Major objectives:

2451 If DCFS determines that an individual has knowingly submitted a false report of child abuse or  
2452 neglect, the CPS caseworker will consult with law enforcement.  
2453

2454  
2455 **Applicable Law**

2456 Utah Code Ann. [§80-2-611](#). False reports -- Investigation -- Notice of Penalty.  
2457

2458 Practice Guidelines

- 2459 A. At the conclusion of a CPS investigation, the CPS caseworker will determine (after  
2460 consultation with the Attorney General's Office, if needed):
- 2461 1. Whether the referent's allegation of child abuse or neglect was false.
  - 2462 2. Whether it is more likely than not that the referent knew, at the time of making  
2463 the allegation, that the allegation was false.
  - 2464 3. Whether the referent has knowingly made a prior false allegation about the same  
2465 alleged victim or alleged perpetrator.
  - 2466 4. Whether the referent's address is known or reasonably available.  
2467
- 2468 B. If the CPS caseworker finds that the referent probably knew, at the time of making the  
2469 allegation, that the allegation was false, and that the referent has knowingly made a prior  
2470 false allegation about the same alleged victim or alleged perpetrator, the CPS caseworker  
2471 will:
- 2472 1. Inform and consult with law enforcement regarding the false allegations made by  
2473 the referent and determine whether informing the alleged perpetrator about the  
2474 false allegations is likely to jeopardize law enforcement efforts or the health or  
2475 safety of any individual.
  - 2476 2. Inform the alleged perpetrator about the false allegations made by the referent, to  
2477 the extent that such disclosure does not unreasonably jeopardize law enforcement  
2478 efforts or the health and safety of individuals.  
2479
- 2480 C. If the CPS caseworker finds that the referent probably knew, at the time of making the  
2481 allegation, that the allegation was false, and if the referent's address is available, the CPS  
2482 caseworker will send the referent a certified letter that informs the referent that:
- 2483 1. The CPS caseworker has investigated the referent's allegation of abuse or neglect  
2484 and has determined that the allegation was false and that the referent probably  
2485 knew that the allegation was false at the time of making the allegation.
  - 2486 2. Utah Code Ann. [§76-8-506](#) and other laws impose criminal and civil penalties for  
2487 knowingly making a false allegation of abuse or neglect.
  - 2488 3. CPS has a statutory obligation to inform law enforcement and the alleged  
2489 perpetrator.  
2490

2491 **204.7 Child Fatalities And Near Fatalities**

2492 Major objectives:

2493 Upon report of a child fatality, the CPS caseworker will notify law enforcement, DCFS  
2494 administration and DHHS administration and take necessary steps to ensure that any other  
2495 children in the household are safe. Upon report of a near fatality, the CPS caseworker will notify  
2496 the Safe and Healthy Families Team at Primary Children’s Medical Center.  
2497

2498  
2499 **Applicable Law**

2500 Utah Code Ann. [§80-2-604](#). Death of child reporting requirements.

2501 Utah Code Ann. [§26B-1-5](#). Fatality Review.  
2502

2503 Practice Guidelines

- 2504 A. The CPS caseworker will immediately notify law enforcement, the DCFS director or  
2505 designee, and the Fatality Review Coordinator when a client on an open CPS case dies:
- 2506 1. All notifications will occur within 24 hours of first knowledge of a death and may  
2507 be accomplished through phone calls, e-mail, or written communication and will  
2508 be documented in the activity recording.
  - 2509 2. A Deceased Client/Employee Report form will be completed by the CPS  
2510 caseworker and a notice will be sent to the DCFS director and Fatality Review  
2511 Coordinator within three days of knowledge of the fatality.  
2512
- 2513 B. Upon a report made to DCFS on a child death determined to be a result of child abuse or  
2514 neglect or when the cause of death is undetermined and wherein there are surviving  
2515 siblings, the CPS caseworker will also immediately notify the region director or designee.  
2516 Notification may be accomplished through phone calls, e-mail, or written communication  
2517 and will be included in the activity recording. The CPS caseworker will assess siblings  
2518 and children in the household or other children the alleged perpetrator may have access  
2519 to.  
2520
- 2521 C. Within seven days of the date that a report is made to DCFS of the death of a child whose  
2522 family has received any child welfare services within the year preceding the date of the  
2523 death, the caseworker will fill out the Deceased Client /Employee Report found in SAFE.  
2524 The caseworker will submit the report to the region director or designee, and the region  
2525 director or designee will submit the information to the DHHS child fatality review  
2526 coordinator within those same seven days.  
2527

2528 **204.8 Extension Granted To A CPS Investigation**

2529 Major objectives:

2530 If an investigation cannot be completed within 30 days from the disposition of the case to CPS,  
2531 the CPS caseworker will make a request for an extension prior to expiration of the initial 30-day  
2532 period.  
2533

2534  
2535 **Applicable Law**

2536 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2537

2538 Practice Guidelines

2539 A. The supervisor or designee may grant one extension of up to 30 days when more  
2540 information is needed to make a thorough and accurate assessment.

2541  
2542 B. An extension will not be granted for overdue documentation.

2543  
2544 C. An additional extension of 30 days may be requested where extenuating circumstances  
2545 exist.  
2546

2547 **204.9 Unable To Locate Within The State Of Utah**

2548 Major objectives:

2549 A CPS caseworker will close an investigation as Unable to Locate after reasonable efforts have  
2550 been made by the caseworker to locate the child and family members.  
2551

2552  
2553 **Applicable Law**

2554 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2555

2556 Practice Guidelines

2557 A finding of Unable to Locate can be made only when reasonable efforts have been completed.  
2558

2559 A. Reasonable efforts include (but are not limited to):

- 2560 1. Visiting the home at least twice at times other than normal work hours.
- 2561 2. Contacting local schools for additional contact and address information
- 2562 3. Contacting local and county law enforcement agencies to gain any additional  
2563 address information.
- 2564 4. Checking public assistance records for additional address or contact information.
- 2565 5. Checking with the referent for additional address information.
- 2566 6. Send the name and any other information regarding the family to the CLEAR (kin  
2567 locator) license holder in the region for an internet search for additional address  
2568 information

2569  
2570 B. Prior to making a finding of Unable to Locate, the caseworker will document and follow-  
2571 up on any new information from the above sources regarding the whereabouts of the



2572 child and family. If additional address information is found, the CPS caseworker will  
2573 make visits to that address in order to find the child.

2574  
2575 C. No face-to-face contact can be conducted on an Unable to Locate case. If the caseworker  
2576 has completed a face-to-face on the case and cannot subsequently locate the family, see  
2577 practice guideline 204.9a, Unable to Complete.

2578

### 2579 **204.9a Unable To Complete**

2580 Major objectives:

2581 The CPS caseworker will close an investigation as Unable to Complete only if  
2582 reasonable efforts have been made to pursue the assessment and there is insufficient  
2583 information to make a finding.

2584

2585

#### 2586 **Applicable Law**

2587 Utah Code Ann. [§80-2-301](#). Division responsibilities.

2588 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported  
2589 reports -- Convening of child protection team -- Coordination with law enforcement --  
2590 Consultation with child protection team before close of investigation.

2591

#### 2592 Practice Guidelines

2593 Reasonable efforts have been made if one of the following situations exists:

2594

- 2595 A. Face-to-face may or may not have occurred, and all of the following apply:
- 2596 1. Whereabouts of the child and family are known but the parent/guardian refuses to  
2597 allow the child to be seen and/or interviewed;
  - 2598 2. The caseworker has contacted the police for assistance, but the police have been  
2599 unsuccessful in attempts to assist the caseworker in seeing the child;
  - 2600 3. The caseworker has contacted an Assistant Attorney General to staff whether a  
2601 warrant or petition can be obtained with the information available, but it was  
2602 determined that a warrant or petition was not appropriate;
  - 2603 4. There is insufficient information to make a finding.

2604

- 2605 B. No face-to-face has occurred, and the following apply:
- 2606 1. The child and/or family move outside the state, whereabouts known (note: if  
2607 whereabouts of the child and family are unknown, fulfill the requirements of  
2608 practice guideline 204.9, Unable to Locate, and close the case as Unable to  
2609 Locate);
  - 2610 2. A request for courtesy work is requested and declined;
  - 2611 3. The caseworker cannot complete the assessment through telephone or other  
2612 contact with the family or collaterals;
  - 2613 4. There is insufficient information to make a finding.

2614

- 2615 C. A face-to-face has occurred, and one of the following apply:
- 2616 1. The child and family moved out-of-state, whereabouts known:

- 2617 a. A request for courtesy work is requested and declined;
- 2618 b. The caseworker cannot complete the assessment through telephone or
- 2619 other contact with the family or collaterals;
- 2620 c. There is insufficient information to make a finding.
- 2621 2. The child and family moved, whereabouts unknown:
- 2622 a. The child and/or family have moved;
- 2623 b. The whereabouts of the child and/or family are unknown;
- 2624 c. The caseworker has fulfilled the requirements of practice guideline 204.9,
- 2625 Unable to Locate;
- 2626 d. There is insufficient information to make a finding.
- 2627

## 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

- 2639 A. Acceptable findings include:
- 2640 1. Supported.
- 2641 2. Unsupported.
- 2642 3. Without Merit.
- 2643 4. Unable to Locate.
- 2644 5. Unable to Complete Investigation.
- 2645 6. False Report.
- 2646
- 2647 B. Case findings are determined as follows:
- 2648 1. A case finding of Supported will be used when there is reasonable basis to
- 2649 conclude that abuse, neglect, or dependency occurred, even if the alleged
- 2650 perpetrator is unknown.
- 2651 a. A finding of chronic/severe will be considered when a child was taken into
- 2652 protective custody or protective action was pursued through the juvenile
- 2653 court or any time the circumstances meet the definition of chronic/severe
- 2654 abuse or neglect.
- 2655 b. An adopted child in need of services that cannot be met by their parents
- 2656 will be categorized as Dependency. The CPS caseworker will assess
- 2657 during the investigation whether the circumstances require allegations of
- 2658 abuse or neglect to be added to the Child Abuse Neglect Report.
- 2659 2. A case finding of Unsupported will be used when there is insufficient evidence to
- 2660 conclude that abuse, neglect, or dependency occurred.

- 2661 3. A case finding of Without Merit will be used when there is evidence that abuse,  
2662 neglect, or dependency did not occur or that the alleged perpetrator was not  
2663 responsible.
- 2664 4. A case finding of Unable to Locate will be used in the following two situations:  
2665 a) The CPS caseworker was unable to complete the face-to-face contact with the  
2666 alleged victim and b) The CPS caseworker made all reasonable efforts to locate  
2667 the child and was unable to do so.
- 2668 5. A case finding of Unable to Complete Investigation will be made when the child  
2669 and/or family move outside the state and a request for courtesy work is requested  
2670 and declined and there is insufficient information to make a finding, or when the  
2671 child and/or family move outside the state after the face-to-face contact is made  
2672 with the child and there is insufficient information to make a finding because the  
2673 whereabouts of the child and/or family are unknown, or when the child and/or  
2674 family move within the state, the face-to-face with the child was made but there is  
2675 insufficient information to make a finding and the whereabouts of the child and/or  
2676 family are unknown.
- 2677 6. A case finding of False Report will be made when the DCFS caseworker finds  
2678 that the report of abuse, neglect, or dependency was made by a referent who  
2679 “more likely than not knew that the report was false at the time the person  
2680 submitted the report.”
- 2681
- 2682 C. The case finding decision may be based on the child’s statements alone; corroborating  
2683 evidence will not be required in all cases.
- 2684
- 2685 D. If the case is supported, a summary of the facts that met the definition for abuse, neglect,  
2686 or dependency that led to the supported finding will be documented in the activity record.  
2687 Ensure the incident date listed on the case is accurate.
- 2688 a. If the referent or child reports multiple incidents over time, use the most recent  
2689 date.
- 2690 b. If the child does not remember when the abuse/neglect occurred, use an  
2691 approximate date, as close to the child’s description as possible. Remember to ask  
2692 third parties or a non-offending parent for precision on the incident date. If the  
2693 child does not remember the time of year, use 01/01/year.
- 2694 c. If the child is in foster care when they report past abuse (abuse/neglect that  
2695 occurred prior to the child’s removal) and they do not remember when, use a date  
2696 prior to the removal date.
- 2697
- 2698 E. The opinion of the alleged victim’s primary care physician, a licensed physician or  
2699 physician’s assistant, or nurse practitioner working under the direction of a physician will  
2700 be requested in situations outlined in [Section 202.8](#).
- 2701
- 2702 F. If the case is supported, the CPS caseworker will provide a certified Notice of Agency  
2703 Action letter and other relevant forms to the alleged perpetrator once the case is closed.  
2704 If law enforcement is involved with the investigation, DCFS will notify law enforcement  
2705 when a case will be closed and that the Notice of Agency Action letter will be sent out if

2706 a supported finding is being made. If law enforcement asks DCFS to hold onto the Notice  
2707 of Agency Action letter, the CPS caseworker may request their supervisor extend the case  
2708 until the letter can be sent. If the case has reached its maximum extensions, the CPS  
2709 caseworker will notify law enforcement, close the case, and send the letter.  
2710

2711 G. The CPS caseworker will provide a Notice of Agency Action letter to the perpetrator or  
2712 legal guardian if the perpetrator is a juvenile through personal service by a third party not  
2713 involved in the action (documenting date, time, manner, and location of service) if a  
2714 supported finding of one of the following exists: sexual abuse, lewdness, sexual  
2715 exploitation, chronic/severe abuse or chronic/severe neglect or abandonment. [See: Utah  
2716 Rules of Civil Procedure [Rule 4.](#)]  
2717

2718 H. A case finding of Unsupported will not be made solely because the CPS caseworker was  
2719 unable to identify the alleged perpetrator when the evidence shows that abuse, neglect, or  
2720 dependency occurred.  
2721

2722 I. The determination of acceptable findings will be based on the facts of the case obtained  
2723 at the time of the investigation.  
2724

2725 J. An allegation will not be considered Unsupported or Without Merit because the family  
2726 corrected the conditions that caused the abuse, neglect, or dependency while the  
2727 investigation was pending.  
2728

2729 K. The conclusions of the health care professional regarding an abusive injury, sexual abuse,  
2730 or medical neglect will be considered by the CPS caseworker in making case findings.  
2731 DCFS and the family may obtain a second opinion. If the family requests a second  
2732 opinion, they must do so at their own expense.  
2733

2734 L. Chronic/severe child abuse or neglect in [Section 204.11\(A\)](#) does not include a person’s  
2735 conduct that:  
2736 1. Is justified under Utah Code Ann. [§76-2-401](#) regarding the use of reasonable and  
2737 necessary physical restraint or force by an educator.  
2738 2. Constitutes the use of reasonable and necessary physical restraint or force in self-  
2739 defense or otherwise appropriate to the circumstances to obtain possession of a  
2740 weapon or other dangerous object in the possession or under the control of a child  
2741 or to protect the child or another person from physical injury.  
2742

## 204.11 Court Findings

Major objectives:

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

### Applicable Law

2748 Utah Code Ann. [§80-3-404](#). Finding of severe child abuse or neglect -- Order delivered to  
2749 division -- Court records.  
2750

- 2751  
2752 Practice Guidelines  
2753 A. The juvenile court may Substantiate a DCFS Supported finding.  
2754  
2755 B. The court order will be given to the region administrative hearing tracker by the  
2756 caseworker or supervisor. The administrative hearing tracker will enter the Substantiated  
2757 finding and date it was ordered by the court in the coinciding allegation(s) section in  
2758 SAFE, and import a copy of the court order into content manager.  
2759  
2760 C. Any appeal of the Substantiated finding will have to be made through the juvenile court.  
2761

## 204.12 Changing A Finding On A Closed Case

2762  
2763 Major objectives:

2764 A previously closed CPS case will be amended to reflect the current finding.  
2765  
2766

### Applicable Law

2767 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2768  
2769

### Practice Guidelines

- 2770  
2771 A. If an Unsupported finding is amended to Supported, the Administrative Hearing tracker  
2772 or designee will:  
2773 1. Document the new information and all consultations held on the case in the  
2774 activity recording.  
2775 2. Enter the amended finding into SAFE. [See: [Section 204.15.](#)]  
2776 3. Send a Notice of Agency Action letter to the perpetrator.  
2777  
2778 B. If the previous finding is amended from Supported to Unsupported, the Administrative  
2779 Hearing tracker or designee will:  
2780 1. Document the new information and consultations held on the case in the activity  
2781 recording.  
2782 2. Send a letter that outlines or states the newly obtained information for which an  
2783 amendment of the original case finding is being made.  
2784 3. Ensure that a GRAMA request is provided to the alleged perpetrator.  
2785 4. Enter the amended finding into SAFE.  
2786

## 204.13 Documentation Of Investigation

2787  
2788 Major objectives:

2789 The CPS caseworker will record all casework activities and information obtained on a CPS case.  
2790  
2791

### Applicable Law

2792 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2793  
2794

2795 Practice Guidelines

2796 CPS documentation will include, but is not limited to, the following:

2797

2798 A. The date, time, place, and type of casework activity being completed. The specific  
2799 source of information will be documented.

2800

2801 B. A complete description of all casework activities and the rationale for conclusions made,  
2802 which may include the following unless an exception applies and is documented:

2803

1. Review of information contained in all prior DCFS records.

2804

2. Review of any Additional Information reports added to the case by Intake. Any  
2805 new allegations will be added to the case.

2806

3. Results of the SDM Safety Assessment and Risk Assessment, including the  
2807 details of the Safety Plan, if applicable.

2808

4. Unscheduled and scheduled home visits, including documentation of the  
2809 conditions of the residence and/or the specific areas of the home the CPS  
2810 caseworker observed.

2811

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

2812

6. Face-to-face contact with the alleged victim, including incidents when face-to-  
2813 face contact was not completed within the priority time frame or was not possible.

2814

7. Interviews with the child that include statements made regarding the specific  
2815 allegations or incidents of abuse, neglect, or dependency; and any other  
2816 information regarding the assessment of child safety, risk, and family functioning.

2817

8. Interview of the alleged perpetrator(s) and any admissions or denials to the  
2818 allegations.

2819

9. Interview with the parents or guardian regarding the specific allegations or  
2820 incidents of abuse, neglect, or dependency and any other information regarding  
2821 the assessment of child safety, risk, and family functioning.

2822

10. All collateral or third party contacts, including the referent if they have first-hand  
2823 knowledge of the child's safety, risk, and/or family functioning.

2824

11. All case staffings, the identity of persons participating in the staffing, and any  
2825 decisions made.

2826

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

2827

13. The appropriate closure notification provided to the referent, which includes law  
2828 enforcement.

2828

14. Notice of Agency Action sent or served to the alleged perpetrator that includes the  
2829 appropriate blank forms for a GRAMA Request and Request for Administrative  
2830 Hearing.

2831

15. The caseworker will document all case activities in the activity logs. All other  
2832 information and/or correspondence associated with the CPS case will be uploaded  
2833 into SAFE, including Safety Plans.

2833

2834

2835

2836 **204.14 Determination Of A CPS Case For Ongoing Services**

2837

Major objectives:

2838

Every child and family with protection or safety needs, or who are at continued risk, will be  
2839 considered for ongoing services through DCFS or community partners. SDM Safety and Risk  
Assessments help inform the decision to open a case for ongoing services.

2839

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**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

2851  
2852  
2853  
2854  
2855  
2856  
2857  
2858

\*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.

2859  
2860  
2861

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

2862  
2863

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

2864  
2865  
2866  
2867  
2868

Mandatory overrides. Mandatory overrides reflect the seriousness of the incident and child vulnerability concerns and have been determined by DCFS 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.

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- 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.
- Serious non-accidental injury. Any child in the household has a serious physical injury resulting from the action or inaction of the caregiver. The caregiver caused serious injury, defined as brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocations, sprains, internal injuries, poisoning, burns, scalds, severe cuts; and the child requires medical treatment.

- 2881 • Previous termination of parental rights. The court has terminated parental rights for  
2882 either caregiver due to abuse or neglect at any time in the past.
- 2883 • Caregiver(s) action or inaction resulted in death of a child due to abuse or neglect  
2884 (previous or current). Any child in the household has died as a result of actions or  
2885 inactions by the caregiver. This child death may be in the current incident or  
2886 investigation, or may have occurred at any time in the past.

2887  
2888 Discretionary override: A discretionary override is applied by the social worker to increase the  
2889 risk level in any case where the social worker believes the scored risk level is too low. This  
2890 should represent a unique situation not considered elsewhere on the risk assessment that  
2891 increases the likelihood of a future incident of child maltreatment in this household.

2892 Discretionary overrides may only increase the risk level by one level (e.g., from low to moderate,  
2893 or moderate to high, but NOT low to high). Use of a discretionary override means there is a  
2894 clinical judgment that the likelihood of future harm is higher than scored, and requires a reason,  
2895 supervisory consultation, and approval. Supervisor approval of the discretionary override is  
2896 indicated when the supervisor reviews and approves the risk assessment.

2897  
2898 Planned Action: If the planned action to open or not open an ongoing case differs from the SDM  
2899 recommended action, provide a clear and detailed explanation in the SDM Risk Assessment.

2900

## 2901 **204.14a Case Transfer Process**

### 2902 Requirements for All Case Transfers from CPS

- 2903 A. An ongoing worker will be identified to work with the family within five business days  
2904 of the referral from a Child Protective Services (CPS) case.
- 2905  
2906 B. The CPS worker is responsible for following up to ensure the safety plan is being  
2907 followed and/or to meet any contact standards defined by SDM until the case is opened to  
2908 the ongoing worker.
- 2909  
2910 C. The first face-to-face contact with the family will be done by both the CPS and ongoing  
2911 worker and will be completed within ten business days of the ongoing worker being  
2912 identified.
  - 2913 1. Members of the Child and Family Team will be identified during this contact and  
2914 the meeting will be scheduled with the family. The CPS case will remain open  
2915 until this first contact has been completed.
- 2916  
2917 D. The ongoing worker will take over meeting the SDM contact standards and/or other case  
2918 requirements at the time of case transfer.
- 2919  
2920 E. A Child and Family Team Meeting will be held with both the CPS and ongoing workers  
2921 within 15 business days of case assignment to the ongoing worker. The purpose of the  
2922 meeting is to discuss the safety and risk factors identified during the CPS case, as well as  
2923 the items in the UFACET.

2924



2925 Protective Supervision Collaborative

- 2926 A. The PSC case will not be opened and assigned to the ongoing worker until after the first  
2927 contact with the family is made.  
2928
- 2929 B. The case needs to be opened for PSC within two business days after the first contact with  
2930 the family was made. The start date of the PSC case will be the date the first contact with  
2931 the family occurred.  
2932
- 2933 C. If the family chooses not to participate in PSC services at the time of the first visit, a PSC  
2934 case will not be opened. The CPS worker will maintain an open CPS case and staff the  
2935 case with a supervisor regarding the necessity of a PSS petition or other course of  
2936 action. If it is decided a PSS petition is warranted, the CPS worker will contact an  
2937 AAG. The CPS worker is responsible for ensuring the safety plan is being followed  
2938 and/or will meet any contact standards defined by SDM until the PSS petition has gone to  
2939 court and orders have been made.
- 2940 1. If orders are made by the court, a PSS case will be opened to the ongoing worker  
2941 within two business days and will be responsible for meeting the recommended  
2942 SDM contact standards.
- 2943 2. The CPS and ongoing worker are both responsible for attending court hearings  
2944 and/or mediation until the petition has been adjudicated.  
2945
- 2946 D. If the family chooses not to participate in PSC any time after the first visit but within 14  
2947 days of case creation, the CPS worker is responsible for staffing the case with a  
2948 supervisor and the AAG for a PSS petition, or other course of action, based upon a  
2949 current safety assessment of the child. This staffing will include the CPS and ongoing  
2950 workers.  
2951
- 2952 E. If the family chooses not to participate in PSC after 14 days of case creation, the ongoing  
2953 worker is responsible for staffing the case with the supervisors and the AAG for a PSS  
2954 petition, or other course of action, based upon a current safety assessment of the child.  
2955 This staffing should include the CPS and ongoing workers. The PSC case will be closed.  
2956

2957 Protective Supervision Services

- 2958 A. The CPS worker is responsible for following up to ensure the safety plan is being  
2959 followed and to meet any contact standards defined by SDM until the PSC/PSS case is  
2960 opened to the ongoing worker.  
2961
- 2962 B. The individual that will be listed as primary on the case will be the individual that is  
2963 listed as the primary caregiver on the SDM, or  
2964
- 2965 C. If no services are being provided to the primary caregiver on the SDM, the case will be  
2966 open to the primary caregiver in the home where services are ordered, or  
2967
- 2968 D. If there are children in multiple homes and services are needed in each of the homes,  
2969 consider the need for multiple cases.

2970  
2971 E. If the family is willing to begin services prior to the petition being heard, then a PSC case  
2972 shall be opened (follow the PSC guidelines).

2973  
2974 F. The CPS case will remain open until the PSC case is opened or the court orders interim  
2975 PSC or PSS.

2976  
2977 Protective Supervision Family Preservation (PFP)

2978 A. Follow the guidelines for either PSC or PSS depending on whether or not the case is  
2979 court ordered.

2980  
2981 Protective Services for Families at Risk (PFR)

2982 A. If during a Court Ordered Determination Assessment (CODA) it is determined a PFR  
2983 case is necessary, the worker will follow the procedure for opening a PSS case.

2984  
2985 Out-of-Home (SCF)

2986 A. CPS will complete all required visits with the child in their placement (48 hour visit,  
2987 weekly visits) until the case has been transferred. After case transfer, the ongoing worker  
2988 will be responsible for completing the visits.

2989  
2990 B. The CPS and ongoing workers are both responsible for attending court hearings and/or  
2991 mediation until the petition has been adjudicated.

2992  
2993 C. The removing worker will ensure a SCF case is opened and the current placement  
2994 information for the child is entered within 24 hours of the removal.

2995  
2996 Kinship

2997 A. CPS to PSS placement where child is in the temporary custody of a relative while DCFS  
2998 works on reunification services with the parent(s).

2999 1. If possible, prior to placement, options and resources to the family will be  
3000 explained by the CPS worker and/or a kinship specialist.

3001 2. The ongoing worker or designee will record the Kinship Placement in SAFE.  
3002 (Kinship Caregiver KR, Kinship Child KC). Placement with a non-custodial  
3003 parent will be coded as NCP. Placement with a kinship caregiver/friend will be  
3004 coded as BHR. [See: Kinship Practice Guidelines Section 510.]

3005 3. The ongoing worker and/or kinship specialists will link the relative caregiver to  
3006 resources in the community, such as DWS and Grandfamilies.

3007  
3008 B. CPS to SCF cases where the child was placed with a relative or friend in a preliminary  
3009 placement and DCFS was given temporary custody.

3010 1. Before the kinship placement is made the CPS worker will ensure that:

3011 a. All adults and juveniles in the home have approved background checks. If  
3012 needed, the Region Background Screening Committee will convene to  
3013 review applicant's background.

3014 b. A Limited Home Inspection KBS16 will be completed.

- 3015 c. The CPS worker will have the parent sign the Parent/Guardian Agreement
- 3016 KBS03. If the parent refuses to sign, the worker will document refusal.
- 3017 d. The CPS worker will have the kin caregiver sign the Kinship Caregiver
- 3018 Agreement KBS04. This must be signed by the kin caregiver.
- 3019 2. If an emergency kinship placement is made (before shelter), the CPS worker or
- 3020 Kinship worker will provide the Placement Report KBS21 to the court at the
- 3021 Shelter Hearing.
- 3022 3. A kinship specialist will attend the initial CFTM to explore kinship options and
- 3023 resources.
- 3024 4. Efforts to identify, locate, and engage all possible kin for placement or connection
- 3025 will take place within 30 days of removal, and ongoing efforts will be
- 3026 documented in activity logs in SAFE by the current worker assigned to the case
- 3027 using the policy button “Efforts Made to Locate Possible Kinship Placements.”
- 3028 5. Kin Locate information, including KBS12 letters to relatives and friends who are
- 3029 present at the CFTM, will be gathered by the CPS worker or kinship specialist
- 3030 and returned to the Kin Locator.
- 3031 6. The caseworkers and kinship specialist will go over timeframes and requirements
- 3032 for reunification and the kinship process with the kin caregiver.
- 3033 7. The CPS worker or the ongoing worker (if case has been transferred) will
- 3034 complete a Request from Worker for Kinship Support Services (KBSO9).
- 3035 8. If the child has been placed with a friend, the CPS or kinship worker will educate
- 3036 the placement regarding timelines for friends to be licensed.
- 3037 9. If a new preliminary placement is made or there is a change from one preliminary
- 3038 placement to another, the assigned worker will provide notice to the court using
- 3039 the Court Notification of Preliminary Placement or Preliminary Placement
- 3040 Change (KBS07) form.
- 3041

## 204.15 Case Closure

Major objectives:

A CPS case will be closed no later than 30 days from disposition of the case by Intake to CPS.  
[See: [Section 204.8](#), Extension Granted To A CPS Investigation.]

### **Applicable Law**

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

### Practice Guidelines

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

- 3054 A. Complete activity recording and documentation in SAFE.
- 3055
- 3056 B. Finalize all SDM Safety Assessments and SDM Risk Assessments.
- 3057
- 3058 C. Ensure that supporting documents such as safety plans and agreements, letters, forms,
- 3059 law enforcement reports, medical reports, etc. are contained in the file.

- 3060  
3061 D. Determine the case finding and if the case is supported, the following will be documented  
3062 in the activity recording and closure statement:
- 3063 1. The facts, evidence, and rationale that support the findings of the case.
  - 3064 2. A summary of the initial threats to safety and if/how any have changed by the end  
3065 of the case. Use multiple SDM Safety Assessments to document the change. If  
3066 threats to safety were identified in the SDM Safety Assessment, document the  
3067 Safety Plan put in place to address them.
  - 3068 3. Ensure the incident date listed on the case is accurate.
    - 3069 a. If the referent or child reports multiple incidents over time, use the most  
3070 recent date.
    - 3071 b. If the child does not remember when the abuse/neglect occurred, use an  
3072 approximate date, as close to the child's description as possible.  
3073 Remember to ask third parties or a non-offending parent for precision on  
3074 the incident date. If the child does not remember the time of year, use  
3075 01/01/year.
    - 3076 c. If the child is in foster care when they report past abuse (abuse/neglect that  
3077 occurred prior to the child's removal) and they do not remember when,  
3078 use a date prior to the removal date.
- 3079
- 3080 E. In conjunction with the Child Abuse Prevention and Treatment Act (CAPTA)  
3081 requirements (Public Law [108-446](#), Section 637(a)(6)), any child 34 months or younger,  
3082 with a supported finding of abuse or neglect, will be automatically referred to the  
3083 DHHS's Baby Watch Early Intervention Program (BWEIP). SAFE will send a list of all  
3084 children meeting these criteria to BWEIP. A letter will be automatically generated and  
3085 sent to the parents or guardians of the child to inform them of the referral.
- 3086 (1) The CPS caseworker will ensure all parent/guardian information is current in  
3087 SAFE, including name, address, and contact information.
- 3088
- 3089 F. If the case is supported for sexual abuse, lewdness, sexual exploitation, chronic/severe  
3090 physical abuse, chronic/severe emotional abuse, chronic/severe neglect or medical  
3091 neglect resulting in death, disability, or serious illness, staff with an Assistant Attorney  
3092 General and determine if a petition should be filed in juvenile court to request a  
3093 substantiated finding.
- 3094
- 3095 G. Provide written or verbal notification of the case closure to the referent, unless  
3096 anonymous, within five working days of the case closure.
- 3097
- 3098 H. If the case is supported, send or initiate service of the Notice of Agency Action and other  
3099 relevant forms to the alleged perpetrator once the case is closed. If law enforcement is  
3100 involved with the investigation, DCFS will notify law enforcement when a case will be  
3101 closed and that the Notice of Agency Action letter will be sent out if a supported finding  
3102 is being made. If law enforcement asks DCFS to hold onto the Notice of Agency Action  
3103 letter, the CPS caseworker may request their supervisor extend the case until the letter

3104 can be sent. If the case has reached its maximum extensions, the CPS caseworker will  
3105 notify law enforcement, close the case, and send the letter.  
3106

## 3107 204.16 Amending CPS Cases

### 3108 Practice Guidelines

3109 Cases will not be closed prior to all the work on the case being completed and documented. In  
3110 the event changes to the case are necessary after the case has been closed, the following  
3111 procedures will be followed.  
3112

- 3113
- 3114 A. Fixing Errors. When fixing errors to logs in a closed CPS case, the case will not be  
3115 reopened. A new log will be added to make note of the error and add the correct  
3116 information. The date of the log will reflect the date the new log was created.  
3117
  - 3118 B. Adding Information. When adding information or completing items on a closed CPS  
3119 case, a log will be added to document the information. The date of the log will reflect the  
3120 date the new log was created. The date the item was actually completed can be  
3121 documented in the log if it is different than the date the log was entered.  
3122
  - 3123 C. Items Needing to be Completed. If additional work needs to be completed on a closed  
3124 CPS case, the case should be reopened and the appropriate items completed. If possible,  
3125 the case will be extended until the work is completed and appropriately documented. If  
3126 an extension is not possible, the items needing to be completed will be completed and  
3127 appropriately documented as quickly as possible. The reason the case was reopened will  
3128 be clearly documented. The case will be closed with the original closure date.  
3129
  - 3130 D. Changing Allegation Findings ([Section 204.12](#)). If additional information is brought  
3131 forward after a case has been closed, which would change the finding(s) of the  
3132 allegations, the allegations will be amended. This would not include allegation changes  
3133 due to new information or as result of an Internal Review, Administrative Hearing,  
3134 Judicial Review, or an approved expungement.
    - 3135 1. The finding will be changed by the Administrative Hearing tracker or designee by  
3136 selecting the Review button for the specific allegation that is being changed.
      - 3137 a. A log will be added to provide an explanation for the change to the  
3138 allegation(s). The explanation will include the new information that led to  
3139 the change being made.
      - 3140 b. The Allegation Description Text will be updated to reflect the changed  
3141 allegation and the information that led to the change being made. The  
3142 updated information will be added to the Review section to explain the  
3143 reason for the change.
      - 3144 c. The case will be re-closed with the original date of closure.
      - 3145 d. If the finding is changed to Supported, a NAA letter will be sent to the  
3146 perpetrator.
      - 3147 e. If the finding is changed to Unsupported or expunged, a letter will be sent  
3148 to the alleged perpetrator to notify them of the change.

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## 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.

- A. If DCFS has substantial grounds to believe that an individual has knowingly failed to report suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, DCFS shall file a complaint with:
  - 1. The Division of Occupational and Professional Licensing if the individual is a health care provider or mental health therapist (<https://dopl.utah.gov/>).
  - 2. The appropriate law enforcement agency if the individual is a law enforcement officer.
  - 3. The State Board of Education if the individual is an educator. The complaint will be sent to the UPPAC executive secretary at [uppac@schools.utah.gov](mailto:uppac@schools.utah.gov).
  
- B. The caseworker will need to staff with their supervisor and AAG prior to filing a formal complaint with the respective agency. If it is determined a complaint needs to be filed, the CPS caseworker and supervisor will draft a formal complaint with the AAG. DCFS may provide information deemed necessary to the specific agency in regards to the complaint. The CPS caseworker will submit the letter to the CPS program administrator, and the CPS program administrator will file the complaint with the appropriate agency.

3180 **205 Removals: Safety And Permanency Considerations**

3181  
3182 This section provides guidance for CPS caseworkers who must remove a child from their home.

3184 **205.1 Grounds For Removal/Placement Of A Child Into Protective**  
3185 **Custody**

3186 Major objectives:

3187 The DCFS caseworker will obtain a warrant from a court of competent jurisdiction to facilitate  
3188 the removal and subsequent placement of a child into protective custody, unless there are exigent  
3189 circumstances that demonstrate a substantial, immediate threat to the health or safety of a child,  
3190 unless a court order to remove is already in place, or unless a parent gives consent for removal. A  
3191 caseworker will consult the Office of the Attorney General for all removals.

3193 The CPS caseworker will use the SDM Safety Assessment to determine if the child is unsafe. If  
3194 the child is determined to be unsafe, then the DCFS CPS caseworker will review the reasons for  
3195 removal and other available options with a supervisor or other personnel designated by the region  
3196 director and an Assistant Attorney General. [See: [Section 208.1](#) for ICWA procedures]

3200  
3201 **Applicable Law**

3202 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3203 Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker -  
3204 - Search warrants -- Protective custody and temporary care of a child.

3205  
3206 Practice Guidelines

3207 The following have authority to place a child into protective custody:

- 3208  
3209 A. A court of competent jurisdiction issuing a warrant.  
3210  
3211 B. A DCFS caseworker, without a warrant, in accordance with the exigent circumstance  
3212 requirements of Utah Code Ann. [§80-2a-202](#).  
3213  
3214 C. A law enforcement/peace officer.  
3215  
3216 D. A physician or person in charge of a medical facility may place the child on a medical  
3217 hold for up to 72 hours.

3218  
3219 A child may be removed from the custody of parents or guardians without a warrant from a court  
3220 of competent jurisdiction and placed into protective custody when one or more of the following  
3221 circumstances exist:

- 3222  
3223 A. A parent or guardian consents to the removal of the child.

- 3224 1. Consent removals do not require a written agreement or written consent from a  
3225 parent. Verbal consent is sufficient.  
3226 a. The verbal consent must be documented in activity logs.  
3227 2. Consent removals are not voluntary. [Refer to: [Section 704.2](#) for information on  
3228 voluntary placements.] A parent may not withdraw consent once a child is  
3229 removed. Once a child is removed based on consent, the child remains removed  
3230 until a court orders something different.  
3231 a. Consent removals trigger juvenile court action and require 24-hour  
3232 meetings, notice, and shelter hearings.  
3233  
3234 B. There is imminent danger to the physical health or safety of the minor, and the health or  
3235 safety of the minor may not be protected without removing the minor from the custody of  
3236 the minor's parent or guardian.  
3237  
3238 C. There is substantial risk to the minor of being physically or sexually abused by a parent,  
3239 guardian, or another person known to the parent or guardian.  
3240  
3241 D. The parent or guardian is unwilling to have physical custody of the minor.  
3242  
3243 E. The minor has been abandoned without provision for the minor's support.  
3244  
3245 F. The parent or guardian has been incarcerated or institutionalized and has not arranged or  
3246 cannot arrange for safe and appropriate care for the child.  
3247  
3248 G. A relative or other adult custodian with whom the parent or guardian has left the child is  
3249 unwilling or unable to provide care or support for the child, and the whereabouts of the  
3250 parent or guardian are unknown, and reasonable efforts to locate the parent or guardian  
3251 have been unsuccessful.  
3252  
3253 H. An infant has been abandoned, as defined in Utah Code Ann. [§80-4-203](#).  
3254

3255 Warrant Request

3256 A warrant may be requested by DCFS in the following circumstances:  
3257

- 3258 A. If a child has previously been adjudicated as abused, neglected, or dependent, and a  
3259 subsequent incident of abuse, neglect, or dependency has occurred involving the same  
3260 alleged abuser or under similar circumstance as the previous abuse, that fact constitutes  
3261 prima facie evidence that the child cannot safely remain in the custody of the child's  
3262 parent.  
3263  
3264 B. A parent or guardian engages in or threatens a child with unreasonable conduct that could  
3265 be expected to cause the child to suffer emotional damage.  
3266  
3267 C. A child/sibling at risk of being abused or neglected because another child in the same  
3268 home or with the same caregiver has been or is being abused or neglected.



- 3269  
3270 D. If a parent or guardian has received actual notice that abuse and neglect by a person  
3271 known to the parent has occurred, and there is evidence that the parent or guardian failed  
3272 to protect the child by allowing the child to be in the physical presence of the alleged  
3273 abuser, that fact constitutes prima facie evidence that the child is at substantial risk of  
3274 being abused or neglected.  
3275
- 3276 E. The child is in immediate need of urgent medical care.  
3277
- 3278 F. A parent or guardian’s actions, omissions, or habitual action create an environment that  
3279 poses a threat to the child’s health or safety.  
3280
- 3281 G. A parent or guardian’s action in leaving a child unattended would reasonably pose a  
3282 threat to the child’s health or safety.  
3283
- 3284 H. The parent, guardian, or an adult residing in the same household as the parent or  
3285 guardian, has been charged or arrested pursuant to the Clandestine Drug Lab Act or any  
3286 clandestine laboratory operation was located in the residence or on the property where the  
3287 child resided. If it is determined that the child is in imminent danger, the DCFS  
3288 caseworker may remove without a warrant.  
3289
- 3290 I. There is imminent danger to the physical health or safety of the child and the child’s  
3291 physical health or safety may not be protected without removing the child.  
3292
- 3293 J. The child’s welfare is otherwise endangered.  
3294
- 3295 K. When the parents of a child adopted from foster care indicate they can no longer meet the  
3296 needs of the child and request the child be removed, unless there are indications of abuse  
3297 or neglect, the case will be supported as Dependency.  
3298
- 3299 A child may not be removed from the child’s home or taken into custody solely on the basis of  
3300 mental illness or poverty of the parent or guardian or educational neglect, truancy, or failure to  
3301 comply with a court order to attend school or parents of a child adopted from foster care are  
3302 requesting services or interventions.  
3303
- 3304 A child may also not be removed solely based on a parent’s agreement or disagreement with a  
3305 minor child’s assertion that their gender identity is different from the child’s biological sex or  
3306 practice of having or expressing a different gender identity than the child’s biological sex.  
3307
- 3308 A DCFS caseworker may not take a child into protective custody when motivated solely by  
3309 intent to seize or obtain evidence unrelated to the potential abuse or neglect allegation.  
3310
- 3311 A child removed from the custody of the child’s parent or guardian may not be placed or kept in  
3312 a secure detention facility pending further court proceedings unless the child can be detained  
3313 based on procedures set forth by the Division of Youth Corrections.

3314  
3315 DCFS caseworkers request a warrant from a court of competent jurisdiction through the  
3316 Assistant Attorney General's Office.  
3317

## 3318 **205.2 Actions Required Upon Removal Of A Child**

### 3319 Major objectives:

3320 Upon removal of a child from the custody of their parent/guardian, the DCFS caseworker will  
3321 make reasonable efforts to receive and provide appropriate procedural, court, and child  
3322 information to the parent/guardian and placement and to provide comforting measures for the  
3323 child through contact, **visitation** family-time where appropriate, and information.  
3324

### 3325 **Applicable Law**

3326 Utah Code Ann. [§80-2a-203](#). Notice upon removal of a child -- Locating noncustodial parent --  
3327 Information provided to parent, guardian, or responsible adult.  
3328

### 3329 Practice Guidelines

3330 The DCFS caseworker will take diligent steps to:

- 3331  
3332
- 3333 A. Notify both parents, if their whereabouts are known (including a putative father and non-  
3334 custodial parent), and any legal guardian within 24 hours of removal informing them of  
3335 the reasons for removal and placement into protective custody.  
3336
  - 3337 B. Give the parents/caregivers the following information:
    - 3338 1. Notice of Removal and a telephone number where the parents may access further  
3339 information.
    - 3340 2. Parents' procedural rights.
    - 3341 3. Information pamphlet entitled, "What Happens When Your Child Is Removed  
3342 From Your Care" (available in SAFE).  
3343
  - 3344 C. Make reasonable efforts to obtain information essential to the safety and well-being of  
3345 the child using Form CPS23 and give this information to the provider within 24 hours of  
3346 the child's placement into protective custody. This information should follow the child to  
3347 their first assessment. If the child is an infant, include the hospital of birth and the birth  
3348 weight if this information is available.  
3349
  - 3350 D. Audio/videotape investigative interviews initiated by DCFS with children following  
3351 placement into protective custody and prior to adjudication.  
3352
  - 3353 E. Visit the child in their placement by midnight of the second day after the date of removal  
3354 from the child's parents/guardians. The caseworker will assess the child's adjustment to  
3355 the placement and their well-being. If the case has been assigned to an ongoing  
3356 caseworker, the ongoing caseworker or RN assigned to the case can complete the visit for  
3357 the CPS caseworker. The CPS caseworker is responsible to ensure this visit is

- 3358 completed, and the CPS caseworker and ongoing or RN caseworker need to consult on  
3359 the visit within 24 hours of the visit.  
3360
- 3361 F. Open a new SCF case and enter the placement of the child within 24 hours of the  
3362 removal.  
3363
- 3364 G. Purposeful and frequent **[visitation]family-time** with parents and siblings is a child’s  
3365 right, not a privilege or something to be earned or denied based on behavior of the child  
3366 or the parent. Supervised **[visits]family-time** will only occur in situations where safety or  
3367 emotional well-being of the child is in question and will be conducted by caseworkers,  
3368 kin, or out-of-home caregivers, trained assistants, or other qualified individuals. Offer  
3369 the parents/guardians **[a-visit]family-time** with the child within three working days of  
3370 removal, if appropriate.  
3371
- 3372 H. After the first visit in placement is completed, the CPS caseworker will visit the child in  
3373 their placement once a week until the case is transferred to an ongoing caseworker. Once  
3374 the case has been transferred, the ongoing caseworker will be responsible for any further  
3375 visits.  
3376
- 3377 I. Record all of the above actions in SAFE with the date that they were accomplished.  
3378

3379 **205.3 Removal Of A Child From A Home Where Methamphetamine Or**  
3380 **Other Illicit Drugs Are Manufactured**

3381 Major objectives:

3382 Children/youth located where there is manufacturing of methamphetamines and/or other illicit  
3383 drugs will be taken into protective custody where law enforcement determines the child is present  
3384 and is at risk due to exposure or access to chemicals or other substances used in the production,  
3385 manufacture, or distribution of these drugs. This may include situations in which the child has  
3386 been exposed to a contaminated environment.  
3387

3388

3389

3390 **Applicable Law**

3391 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
3392

3393 Practice Guidelines

3394 For removal of children from methamphetamine or other illicit drug homes, the following will  
3395 apply:  
3396

- 3397 A. Intake receives the information, staffs the referral with a supervisor, and assigns the case  
3398 as a priority 1, 1R, or 2 to a CPS caseworker.  
3399

- 3400 B. The CPS caseworker will contact the officer in charge. The officer in charge determines  
3401 if it is safe for entry. If not safe, the officer in charge will bring the child out to the CPS  
3402 caseworker.  
3403
- 3404 C. The CPS caseworker will document, or assure that law enforcement will document, the  
3405 following, preferably by photographs:  
3406 1. The height of each child.  
3407 2. Safety hazards, such as:  
3408 a. Counter height where chemicals/drugs are observed;  
3409 b. Areas where children have access to chemicals/drugs;  
3410 c. Proximity of food, toys, or clothing to chemicals, needles, etc.  
3411 3. Safety attempts, such as door locks/devices utilized to prevent access to  
3412 chemicals/drugs.  
3413 4. Play area.  
3414 5. Each room:  
3415 a. Include walls, floors, ceiling, and objects within each room;  
3416 b. Describe odors associated with each photograph.  
3417
- 3418 D. Obtain a checklist of chemicals/drugs at the scene as identified by law enforcement.  
3419
- 3420 E. Specifically for methamphetamine cases: The CPS caseworker should consult with the  
3421 officer in charge regarding removal of possessions (including medication) or clothing  
3422 from the residence. Removal of possessions or clothing from the residence is prohibited  
3423 except for prescription medications that are clearly labeled as a medication for the child.  
3424 Any medication taken from the scene should be placed and secured in a plastic bag.  
3425 1. The CPS caseworker will call the prescribing doctor as soon as possible.  
3426 2. The CPS caseworker will inform the physician of the child's exposure to  
3427 chemicals and placement into protective custody and will request that the  
3428 medications prescribed be re-prescribed to the child.  
3429 3. The CPS caseworker will request instructions from law enforcement on how to  
3430 dispose of the exposed medication.  
3431 4. The CPS caseworker will ensure that the new prescriptions will be picked up from  
3432 the pharmacy and delivered to the child.  
3433
- 3434 F. Specifically for methamphetamine cases: Determine with law enforcement if gross  
3435 contamination of the child exists. If gross contamination exists, the CPS caseworker will  
3436 coordinate with law enforcement to ensure that the child is decontaminated. The child  
3437 will then be transported to a medical facility for evaluation.  
3438
- 3439 G. The CPS caseworker will notify the foster care provider of the specific circumstances of  
3440 the removal and any medical needs of the child.  
3441
- 3442 H. Complete the required paperwork. Assure that the law enforcement officer in charge of  
3443 the case is given a copy of the DCFS paperwork.  
3444

3445 **205.4 CPS Caseworker Safety When Exposed To A Methamphetamine**  
3446 **Lab**

3447 Major objectives:

3448 CPS caseworkers will take actions to reduce potential exposure to chemicals or drugs when  
3449 intervening to assess the safety of children in situations where methamphetamines may have been  
3450 manufactured.  
3451  
3452  
3453  
3454  
3455

3456 **Applicable Law**

3457 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
3458

3459 Practice Guidelines

3460 A. CPS caseworkers responding to situations where exposure to harmful chemicals or drugs  
3461 may be present will take the following precautions:

- 3462 1. Wear clothing that can be laundered and avoid wearing open-toe shoes.
- 3463 2. Contact law enforcement if there is a suspicion that methamphetamines are being  
3464 manufactured in a home.
- 3465 3. Immediately leave the home if there is any observation of indicators that an active  
3466 methamphetamine lab may be in operation, and call 911 for assistance.
- 3467 4. Coordinate child safety with the responding officer(s).  
3468

3469 B. CPS caseworkers will use the following appropriate methods to avoid further exposure  
3470 when intervening in situations that involve exposure to harmful chemicals or drugs:

- 3471 1. Whenever possible, a child will be wrapped in a clean blanket or, if necessary,  
3472 changed into clothing that has not been contaminated.
  - 3473 a. CPS caseworkers should not take any clothing, blankets, or other items for  
3474 a child from a home that is suspected to be contaminated.
  - 3475 b. Wrapping a child in a clean blanket or dressing them in new clothes  
3476 obtained from somewhere other than the residence provides adequate  
3477 protection to the caseworker and vehicle.
- 3478 2. When preparing to leave the scene, whenever possible CPS caseworkers will  
3479 place plastic or another covering on the seat of the car.
- 3480 3. CPS caseworkers will take off clothes/shoes worn at the scene and launder the  
3481 clothing separately in a washing machine using hot water and laundry detergent,  
3482 then dry the clothing in a clothes dryer.
- 3483 4. CPS caseworkers will shower using mild soap, ensuring that the entire body and  
3484 hair are thoroughly washed.
- 3485 5. CPS caseworkers will apply fresh clothing.
  - 3486 a. CPS caseworkers should not attempt to clean themselves (or a child) with  
3487 baby wipes, as it adds moisture and may cause toxins to be absorbed into  
3488 the skin.

3490 C. CPS caseworkers should immediately contact their supervisor if there is a suspicion that  
3491 they have been exposed to methamphetamines.

- 3492  
3493 D. When a CPS caseworker has been exposed to methamphetamines, regardless of the  
3494 appearance of symptoms, they should contact their local Human Resource (HR)  
3495 technician as soon as possible. The HR technician will gather required information from  
3496 the CPS caseworker and complete the on-line Employer’s First Report of Injury or Illness  
3497 form, which is submitted directly to Workers Compensation Fund on the employee’s  
3498 behalf. The HR technician will then send both an email and a hard copy of the report to  
3499 the CPS caseworker and the HR specialist assigned to DCFS.  
3500  
3501 E. If a CPS caseworker experiences any symptoms from possible exposure (acute exposure:  
3502 shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation,  
3503 or burns to skin, eyes, nose, and mouth; less severe exposure: headache, nausea, fatigue,  
3504 lethargy, and dizziness), they will immediately go to the nearest hospital to seek medical  
3505 attention.  
3506

## 205.5 72-Hour Hold By A Physician

Major objectives:

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

### **Applicable Law**

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

### Practice Guidelines

The CPS caseworker will:

- 3521 A. Immediately open an investigation of the circumstances surrounding the 72-hour hold  
3522 and coordinate with the medical facility and the assigned Assistant Attorney General.  
3523  
3524 B. Obtain all relevant medical information on the child.  
3525  
3526 C. Obtain all relevant information on the child’s parents or guardians and the circumstances  
3527 that required the physician to invoke the 72-hour hold.  
3528  
3529 D. Provide any written instructions for inclusion in the child’s medical chart, including the  
3530 name of the CPS caseworker and a way to contact the caseworker.  
3531

3532 **205.6 Shelter Hearing**

3533 Major objectives:

3534 A juvenile court shelter hearing will be held within 72 hours after removal of the child from his  
3535 or her home, excluding weekends and holidays.  
3536

3537  
3538 **Applicable Law**

3539 Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.

3540 Utah Code Ann. [§80-3-306](#). Outstanding arrest warrant check before return of custody.  
3541

3542 Practice Guidelines

3543 A. If the child is in the protective custody of DCFS, a petition will be filed with the juvenile  
3544 court, which will include the following information:

- 3545 1. The reasons why the child was removed from the custody of the parents or  
3546 guardian including the threats of harm, the child’s vulnerabilities, and the  
3547 protective capacities of the caregiver, or,  
3548 2. The reasons the child would have been removed if the parent had not accessed a  
3549 domestic violence shelter at the request of DCFS. [See: [Section 204.5](#).]  
3550 3. Reasonable efforts provided to the child and his or her family to prevent removal.  
3551 4. The need, if any, for continued custody.  
3552 5. The available services that could facilitate the return of the child to the custody of  
3553 his or her parents or guardian.  
3554 6. Whether the child has any relatives who may be able and willing to take  
3555 temporary custody.  
3556

3557 B. The child will be present at the shelter hearing, unless the Guardian ad Litem determines  
3558 it would be detrimental for the child. Kin identified as emergency kinship placement will  
3559 also be present at the shelter hearing, if possible.  
3560

3561 C. In cases where sexual abuse, abandonment, chronic/severe physical abuse, chronic/severe  
3562 neglect, or medical neglect resulting in death, disability, or serious illness are involved or  
3563 when the child has been previously removed from the same caregiver, DCFS may  
3564 recommend to the court that reunification services not be provided to the parents.  
3565

3566 D. DCFS is required by Utah Code Ann. [§80-3-306](#) to conduct a felony warrant check  
3567 through the National Crime Information Center (NCIC) prior to recommending that a  
3568 child be returned to a parent or guardian. This includes when DCFS is recommending a  
3569 child be returned to a guardian that we have removed from or a noncustodial or non-  
3570 offending parent. If DCFS will be recommending that the child be returned to a parent or  
3571 guardian at the shelter hearing, the following process will need to be complete before the  
3572 recommendation is provided to the court:

- 3573 1. The DCFS caseworker will complete and submit the “DCFS Parent/Guardian  
3574 Felony Warrant Check Request” form as soon as the determination is made to  
3575 provide the recommendation to the court to return the child to a parent/guardian.  
3576 The form may be found at

3577 [https://docs.google.com/forms/d/e/1FAIpQLScXndX7K\\_nnREa9M5F0rAWBPW](https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5F0rAWBPW)  
3578 [kawNOIHYGcpONOI1ZMqrWKfQ/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5F0rAWBPW).

3579 2. The Background Screening Coordinator at the DCFS state office will complete  
3580 the felony warrant check. The results will be emailed to both the Assistant  
3581 Attorney General (AAG) and the caseworker assigned to the case. The AAG will  
3582 file the results with the court.

3583

## 3584 205.7 24-Hour Multi-Disciplinary Staffing

3585

### Major objectives:

3586 A multi-disciplinary team staffing will be convened within 24 hours after placing a child into  
3587 protective custody, or requesting a shelter hearing, excluding weekends and holidays. The  
3588 staffing team members will review the circumstances regarding removal of the child from their  
3589 home and prepare the testimony and evidence that will be required of DCFS at the shelter hearing  
3590 in accordance with Utah Code Ann. [§80-3-301](#). In addition, the CPS caseworker will discuss  
3591 family support systems, and possible kinship placements.  
3592

3593

### Applicable Law

3594 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3595

### Practice Guidelines

3596

3597 A. The multi-disciplinary team staffing will be chaired by DCFS. Members of the team will  
3598 include, but not be limited to, the following:

- 3600 1. The CPS caseworker assigned to the case and the CPS caseworker who made the  
3601 decision to remove the child, if not the same person.
- 3602 2. A representative of the school or school district in which the child attends school.
- 3603 3. The peace officer who removed the child from the home.
- 3604 4. A representative of the appropriate Children’s Justice Center if one is established  
3605 within the county where the child resides.
- 3606 5. Local mental health provider or therapist, or a therapist or counselor who is  
3607 familiar with the child’s circumstances, if known.
- 3608 6. A member of the Health Care Team.
- 3609 7. Any other individual as determined to be appropriate and necessary by the team  
3610 coordinator and chair, such as DCFS clinical staff, health care provider, Guardian  
3611 ad Litem, domestic violence specialist, etc.
- 3612 8. Consider inviting family members when legal circumstances permit.

3613

3614 B. DCFS, when possible, will have available for review and consideration the complete CPS  
3615 and foster care history of the child and the child’s parents and siblings.

3616

3617 C. The team will determine if there are services that may be made available to the family to  
3618 enable the child to return home.

3619

3620 D. The team will develop a short-term case plan and assign responsibilities for completion,  
3621 if the family is present.



- 3622
- 3623 E. The team will consider the possibility of placing the child with a non-custodial parent or
- 3624 in a kinship placement after checking the SAFE database and BCI.
- 3625
- 3626 F. The team will consider whether the facts of the case meet the criteria for not offering
- 3627 reunification. [See: Utah Code Ann. [§80-3-406.](#)]
- 3628
- 3629 G. The team will collect available educational and health information on the child.
- 3630
- 3631 H. The team will determine if the child may be immediately returned to the custody of a
- 3632 parent or legal guardian due to a change in circumstances or new information that
- 3633 changes the threats to safety that has become available since the decision was made to
- 3634 take protective custody. Notification to the court will still be required even if the child is
- 3635 returned home.
- 3636

3637 **205.8 Safe Relinquishment Of A Newborn Child**

3638

- 3639 A. A parent or a parent’s designee may safely relinquish a newborn child at a hospital in
- 3640 accordance with the requirements of Utah Code Ann. [§80-4-502](#) and retain complete
- 3641 anonymity, as long as the newborn child has not been subjected to abuse or neglect. Safe
- 3642 relinquishment of a newborn child, who has not otherwise been subjected to abuse or
- 3643 neglect, will not, in and of itself, constitute neglect [Utah Code Ann. [§80-1-102](#)], and
- 3644 the newborn child will not be considered a neglected child as long as the relinquishment
- 3645 has been made in substantial compliance with the guidelines of that section, which
- 3646 provides that: (a) a newborn child is defined by the statute as a child who is
- 3647 approximately 30 days of age or younger, as determined within a reasonable degree of
- 3648 medical certainty; and (b) the child is to be relinquished at a general acute hospital, which
- 3649 is equipped with an emergency room, is open 24 hours a day and seven days a week, and
- 3650 employs full time health care professionals who have emergency medical services
- 3651 training.
- 3652 B. Statutory responsibilities of DCFS following the safe relinquishment of a newborn child
- 3653 are as follows: Immediately upon notice from the hospital, DCFS will assume care and
- 3654 custody of a relinquished newborn child.
- 3655 1. As long as DCFS determines there is no abuse or neglect of the newborn child,
- 3656 neither the newborn child nor the child’s parents are to be subjected to the
- 3657 provisions contained in Utah Code Ann. [§80-2-701](#), or the provisions of Utah
- 3658 Code Ann. [§80-3](#).
- 3659 2. Unless identifying information relating to the non-relinquishing parent of the
- 3660 newborn child has been provided, DCFS will work with local law enforcement
- 3661 and the Bureau of Criminal Identification within the Department of Public Safety
- 3662 in an effort to ensure that the newborn child has not been identified as a missing
- 3663 child.
- 3664 3. Unless identifying information relating to the non-relinquishing parent of the
- 3665 newborn child has been provided, DCFS will immediately place or contract for

- 3666 placement of the newborn child in a potential adoptive home and, within 10 days  
3667 after the day on which the child is received, file a petition for termination of  
3668 parental rights. [See: Utah Code Ann. [§80-4-203](#).]
- 3669 4. Unless identifying information relating to the non-relinquishing parent of the  
3670 newborn child has been provided, DCFS will direct the Office of Vital Records  
3671 and Statistics within the DHHS to: (1) conduct a search for a birth certificate for  
3672 the newborn child; and (2) conduct an Initiation of Proceedings to Establish  
3673 Paternity Registry for unmarried biological fathers in the registry maintained by  
3674 the Office of Vital Records and Statistics [See: Utah Code Ann. [§78B-15, Part 4](#).]  
3675 DCFS will then provide notice to each potential father identified on the registry  
3676 described in Subsection (5)(a)(iii) in accordance with Utah Code Ann. [§78B-15,](#)  
3677 [Part 4](#)
- 3678 5. If no individual has affirmatively identified himself within two weeks after the  
3679 day on which notice under Subsection (5)(a)(iv) is complete and established  
3680 paternity by scientific testing within as expeditious a time frame as practicable, a  
3681 hearing on the petition for termination of parental rights will be scheduled and  
3682 notice provided in accordance with Utah Code Ann. [§80-4](#).
- 3683 6. If a non-relinquishing parent is not identified, relinquishment of a newborn child  
3684 pursuant to the provisions of this part shall be considered grounds for termination  
3685 of parental rights of both the relinquishing and nonrelinquishing parents under  
3686 Utah Code Ann. [§80-4](#).
- 3687
- 3688 C. If a parent decides to reverse their safe relinquishment within the allowed time frame  
3689 referenced in Utah Code Ann. [§80-4-307](#), the caseworker will staff the case with the  
3690 AAG. If the request meets the reversal criteria, the caseworker will notify the state office  
3691 eligibility administrator. The eligibility administrator will serve as a liaison with the  
3692 Office of Vital Statistics in order to assure that the correct information will be added to  
3693 the registration of the birth. If the Office of Vital Statistics learns of the reversal, they  
3694 will contact the eligibility administrator to ensure that DCFS has the necessary  
3695 information.  
3696

3697 **206 Kinship: Safety And Permanency**

3698  
3699 **206.1 Kinship**

3700 Major objectives:

3701 When a child is placed into protective custody, the CPS caseworker will initiate the kinship  
3702 process. The CPS caseworker will consider kinship options that include a non-custodial parent,  
3703 the putative father, and/or other relatives as defined by statute. The CPS caseworker will also  
3704 consider kinship under ICWA when appropriate. The CPS caseworker will provide information  
3705 obtained about possible kinship placements to the court at the time of the shelter hearing.  
3706

3707  
3708 **Applicable Law**

3709 Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.  
3710

3711 Practice Guidelines

3712 At the shelter hearing the CPS caseworker will request that the child's parents provide names,  
3713 addresses, and phone numbers of all possible kinship placements within five days. [See: Utah  
3714 Code Ann. [§80-3-302](#).]

3715  
3716 [See: Utah Code Ann. [§80-3-301](#).] [See also: [Section 703](#) ICPC (Interstate Compact for the  
3717 Placement of Children) Major objectives and Procedures, and [Section 500](#) Kinship Major  
3718 objectives.]  
3719

3720 **206.2 Emergency Kinship Placement**

3721 Major objectives:

3722 Prior to placing a child in a foster home placement, the CPS caseworker may place a child in a  
3723 temporary emergency kinship placement (referred to in Practice Guidelines Section 500 as a  
3724 Preliminary Kinship Placement. Safety, health, and best interest of the child should drive this  
3725 decision.  
3726

3727  
3728 **Applicable Law**

3729 [See: [Section 206.1](#).]  
3730

3731 Refer to Kinship Practice Guidelines for Preliminary Placement in [Section 502](#).  
3732

3733 **207 Conflict Of Interest And Related Parties Investigations**  
3734 *(PLEASE SEE ADMINISTRATIVE GUIDELINES [SECTION 020.13](#) FOR APPROPRIATE*  
3735 *PROTOCOL.)*

3736  
3737 This section provides guidance for DCFS when a child in the custody of the state is alleged to  
3738 have been the victim of abuse, neglect, or dependency (Conflict of Interest case); or when the  
3739 case involves a DCFS employee or employee’s child (Related Parties case).

3740  
3741 **207.1 Investigation Involving A Licensed Out-Of-Home Provider Or**  
3742 **Child And Family Services Employee**

3743  
3744 *(THIS SECTION HAS BEEN REPLACED WITH ADMINISTRATIVE GUIDELINES [SECTION](#)*  
3745 *[020.13](#).)*

3746  
3747 **207.2 Investigation Involving A Child Care Provider Or Child Care**  
3748 **Center**

3749 Major objectives:

3750 CPS will investigate reports of abuse, neglect, or dependency that occur in licensed child care  
3751 facilities.  
3752

3753  
3754 **Applicable Law**

3755 Utah Code Ann. [§80-2-701](#). Division preremoval investigation -- Supported or unsupported  
3756 reports -- Convening of child protection team -- Coordination with law enforcement --  
3757 Consultation with child protection team before close of investigation.

3758  
3759 Practice Guidelines

- 3760 A. The DHHS, Child Care Licensing unit will be contacted by the CPS caseworker.  
3761  
3762 B. The CPS caseworker will coordinate with the DHHS regarding licensing violations.  
3763  
3764 C. CPS investigation requirements for child care providers will be the same as for other  
3765 referrals investigated by DCFS.  
3766

3767 **207.3 Information Sharing With The Department of Health & Human**  
3768 **Services Licensing**  
3769

3770 Major objectives:

3771 When concerns arise involving incidents of abuse, neglect, or child fatalities at licensed facilities,  
3772 DCFS will make contact with Licensing in order to facilitate collaboration regarding each other’s  
3773 respective investigations and make the most appropriate finding. Information shared will also  
3774 assist Licensing in understanding the best course of action for them regarding any actions that  
3775 may need to be taken against the facility. Information shared needs to be pertinent to the  
3776 respective investigations.  
3777

3778  
3779  
3780 **Applicable Laws**

3781 Utah Code Ann. [§80-2-1005](#). Classification of reports of alleged abuse or neglect -- Confidential  
3782 identity of a person who reports -- Access -- Admitting reports into evidence -- Unlawful release  
3783 and use -- Penalty.

3784 Utah Code Ann. [§80-2-1002](#). Licensing Information System -- Contents – Access -- Unlawful  
3785 release -- Penalty.

3786 Utah Code Ann. [§63G-2-202](#). Access to private, controlled, and protected documents.

3787 Records associated with Child Protective Services (CPS) are “private, protected, or controlled”  
3788 under the provisions of GRAMA and “may only be made available” to certain individuals and  
3789 organizations under specific conditions”. Specific restrictions are placed on the sharing of CPS  
3790 records gathered and stored in the MIS/LIS database.  
3791

3792 **Applicable DHHS Policy**

3793 Policy: 06-10

3794 This policy serves as the executive director’s approval on a need-to-know basis for records  
3795 sharing within the department where the director’s approval is required.  
3796

3797 Practice Guidelines

3798 A. Once there is an identified case involving abuse or neglect at a licensed care facility, the  
3799 CPS caseworker will reach out to Licensing to collaborate with them on the investigation.

3800 1. Licensing may be able to provide/assist the CPS caseworker with:

3801 a. The agency’s contract and guidelines to help the CPS caseworker  
3802 understand if any guidelines or policies were not followed.

3803 b. Identifying the individual responsible for the abuse or neglect, whether  
3804 that be a staff member, supervisor, director, or the agency.

3805 c. Communicating with the facility if the facility is unwilling to  
3806 communicate with DCFS or cooperate with the investigation.

3807 2. DCFS can share pertinent information with Licensing to assist in understanding  
3808 the concerns of the case so they can take action to assist or sanction the facility.  
3809

- 3810 B. If there is question about who should be listed as the perpetrator (director, workers,  
3811 agency, or unknown), the CPS caseworker and supervisor will staff the case with legal  
3812 and the state office for guidance.  
3813

3814 **208 Indian Child Welfare Act (ICWA): Protecting Native American**  
3815 **Culture**

3816  
3817 **208.1 Placement Of A Native American Child Into Protective Custody**  
3818

3819 Major objectives:

3820 A CPS investigation will be completed in compliance with ICWA procedures in order to show  
3821 deference to the cultural needs of Native American families in Utah. CPS investigations will be  
3822 completed in compliance with ICWA standards. The CPS caseworker will determine whether the  
3823 child and family are Native American, complete an investigation that respects the cultural  
3824 standard of the tribe, and notify the tribe immediately of any legal action taken during the  
3825 investigation.

3826  
3827 With regard to an Native American child who resides on a reservation but is temporarily located  
3828 off the reservation from his or her parent or Native American custodian, nothing will prevent the  
3829 emergency removal of a Native American child or the emergency placement of such child in a  
3830 foster home or institution under applicable state law in order to prevent imminent physical injury  
3831 or harm to the child. The state authority, official, or agency involved will ensure that the  
3832 emergency removal or placement terminates immediately when removal or placement is no  
3833 longer necessary to prevent imminent physical injury or harm to the child.

3834  
3835 During the initial contact with all families under investigation, the CPS caseworker will ask if  
3836 there is any Native American lineage that might make the child eligible for membership in any  
3837 Native American Tribe.  
3838

3839  
3840 **Applicable Law**

3841 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3842  
3843 Practice Guidelines

3844 Found in [Section 705](#), ICWA.  
3845

3846 **209 Case Transfers And Courtesy Services**

3847  
3848 This section provides guidance regarding CPS case transfers and courtesy services for another  
3849 state or agency.

3851 **209.1 Request For Courtesy Casework Within The State Of Utah**

3852 Major objectives:

3853 A CPS caseworker may request courtesy assistance for completion of investigative activities on  
3854 an open CPS case when the child or other individual related to the case is not accessible to the  
3855 assigned CPS caseworker.

3857  
3858 **Applicable Law**

3859 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3860  
3861 Practice Guidelines

3862 When a courtesy casework request within the state of Utah is made, the requesting CPS  
3863 caseworker will complete the following:

- 3864  
3865 A. Notify their supervisor or designee of the need for courtesy casework. The supervisor of  
3866 the requesting CPS caseworker will ask the receiving supervisor to assign a courtesy CPS  
3867 caseworker.
- 3868 1. The requesting CPS caseworker will staff with the receiving CPS caseworker to  
3869 coordinate investigative activities and give as much notice as possible for  
3870 completion of the courtesy activity.
  - 3871 2. The requesting CPS caseworker will maintain responsibility for the case and for  
3872 decisions made on the case, such as determination as to the case finding.
  - 3873 3. The courtesy caseworker will be assigned as a secondary caseworker to complete  
3874 the case activity requested.
- 3875  
3876 B. Within five days of completing the courtesy activity, the receiving CPS caseworker will  
3877 enter the activity logs in SAFE.

3878  
3879 **209.2 Transfer Of A Case When A Child Has Moved Within The State**  
3880 **Of Utah**

3881 Major objectives:

3882 DCFS offices will cooperate to ensure that a CPS investigation is not interrupted and children are  
3883 not placed in danger when an alleged victim has moved within the State of Utah.

3884  
3885  
3886  
3887 **Applicable Law**

3888 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:  
DCFS will make reasonable efforts to ensure that a CPS investigation is not interrupted when an alleged victim has moved out of the state.

3932 **Applicable Law**

3933 Utah Code Ann. [§80-2-301](#). Division responsibilities.

3934

3935 Practice Guidelines

3936 The following steps will be used when the child and family can no longer be located within the  
3937 state of Utah.

3938

3939 A. If the child and family move outside the state of Utah before the CPS caseworker is able  
3940 to make the face-to-face contact with the child and the new location of the child and  
3941 family is known, the CPS caseworker will contact the state child welfare agency where  
3942 the family has moved and request courtesy casework. The CPS caseworker may also  
3943 contact law enforcement in the state where the child has moved to complete investigative  
3944 interviews. If the state child welfare agency where the family has moved refuses to  
3945 complete courtesy casework and law enforcement is unable or unwilling to complete  
3946 interviews, the case will be closed "unable to complete investigation". If the receiving  
3947 state child welfare agency agrees to complete the courtesy casework, the CPS caseworker  
3948 will make the appropriate finding based on information from the receiving state. If a  
3949 finding of supported is made against one or both of the parents/caregivers, upon case  
3950 closure a Notice of Agency Action will be sent to the address of family in the current  
3951 state of residence.

3952

3953 B. If the child and family move outside the state of Utah after the CPS caseworker has made  
3954 the face-to-face contact with the alleged victim and the whereabouts of the child and  
3955 family are known, the CPS caseworker will contact the state child welfare agency where  
3956 the family has moved and will make a request for courtesy casework, providing the  
3957 information that was obtained in the investigation. The CPS caseworker may also contact  
3958 law enforcement in the state where the child has moved to complete investigative  
3959 interviews. If the state child welfare agency where the family has moved refuses to  
3960 complete courtesy casework and law enforcement is unable or unwilling to complete the  
3961 interviews, the case will be closed as "unable to complete investigation." If the receiving  
3962 state child welfare agency agrees to complete the courtesy casework, the CPS caseworker  
3963 will make the appropriate finding based on information from the receiving state and  
3964 casework completed in Utah. If a finding of supported is made against one or both of the  
3965 parents/caregivers, upon case closure a Notice of Agency Action will be sent to the  
3966 address of family in the current state of residence.

3967

3968 C. If the child and family move out of the state of Utah after the CPS caseworker has made  
3969 the face-to-face contact with the alleged victim and the whereabouts of the child and  
3970 family are unknown, the CPS caseworker will make reasonable efforts to locate the  
3971 family in order to make a request for courtesy casework from the state child welfare  
3972 agency where the family now resides. If the receiving state child welfare agency is not  
3973 able to find the location of the child, the CPS caseworker will close the investigation  
3974 "unable to complete investigation".

3975

3976 D. If the child and family move out of the state of Utah, the CPS caseworker has not made  
3977 the face-to-face contact with the alleged victim, and the whereabouts of the child and  
3978 family are unknown, the CPS caseworker will make reasonable efforts to locate the  
3979 family in order to make a request for courtesy casework from the state child welfare  
3980 agency where the family now resides. If the receiving state child welfare agency is not  
3981 able to find the location of the child, the CPS caseworker will close the investigation  
3982 “unable to locate”.

3983  
3984 If the facts of the investigation establish reason to suspect the child is in imminent danger, the  
3985 CPS caseworker will make appropriate referrals to CPS and law enforcement in the other state  
3986 and screen the case with the Assistant Attorney General.  
3987

3988 **210 Child Protective Services Records: Confidentiality And Rights To**  
3989 **Review**

3990  
3991 This section provides guidance to CPS caseworkers who must maintain the confidentiality of  
3992 records and advise clients or others of their rights and restrictions concerning confidential  
3993 records.

3994  
3995 **210.1 Confidentiality Of CPS Records**

3996 Major objectives:

3997 Reports of child abuse, neglect, or dependency, as well as any other information in the possession  
3998 of DCFS, obtained as the result of a report of child abuse, neglect, or dependency, is confidential  
3999 and may only be made available in accordance with Utah Code Ann. [§80-2-1001](#).  
4000

4001  
4002  
4003 **Applicable Law**

4004 Utah Code Ann. [§80-2-1001](#). Management Information System -- Contents -- Classification of  
4005 records -- Access.

4006 g

4007 Practice Guidelines

4008 A. Under Utah Code Ann. [§80-2-1001](#), reports of child abuse, neglect, or dependency and  
4009 all information related to the report will only be available to:

- 4010 1. A police or law enforcement agency investigating a report of known or suspected  
4011 child abuse, neglect, or dependency.
- 4012 2. A physician who reasonably believes that a child may be the subject of abuse,  
4013 neglect, or dependency.
- 4014 3. An agency that has the responsibility or authority to care for, treat, or supervise a  
4015 child who is the subject of a report.
- 4016 4. A contract provider that has a written contract with DCFS to render services to a  
4017 child who is the subject of a report.
- 4018 5. Any subject of the report, the natural parents of the minor, the Office of Guardian  
4019 ad Litem, and CASA.
- 4020 6. A court, upon a finding that access to the records may be necessary for the  
4021 determination of an issue before it, provided that in a divorce, custody, or related  
4022 proceeding between private parties the record alone is:
  - 4023 a. Limited to objective or undisputed facts that were verified at the time of  
4024 the investigation;
  - 4025 b. Devoid of conclusions drawn by DCFS or any of its social workers on the  
4026 ultimate issue of whether or not a person's acts or omissions constituted  
4027 any level of abuse, neglect, or dependency of another person.
- 4028 7. An office of the public prosecutor or its deputies in performing an official duty.
- 4029 8. A person authorized by a Children's Justice Center for the purposes described in  
4030 Utah Code Ann. [§67-5b-102](#).

- 4031 9. A person engaged in bona fide research, when approved by the director of DCFS,  
4032 if the information does not include names and addresses.
- 4033 10. The state Office of Education, acting on behalf of itself or on behalf of a school  
4034 district, for the purpose of evaluating whether an individual should be permitted  
4035 to obtain or retain a license as an educator or serve as an employee or volunteer in  
4036 a school, limited to information with substantiated findings involving an alleged  
4037 sexual offense, an alleged felony or class A misdemeanor drug offense, or any  
4038 alleged offense against the person under Title 76, Chapter 5, Offenses Against the  
4039 Person, and with the understanding that the office must provide the subject of a  
4040 report received under Subsection (1)(k) with an opportunity to respond to the  
4041 report before making a decision concerning licensure or employment.
- 4042 11. Any person identified in the report as an alleged perpetrator or possible  
4043 perpetrator of child abuse, neglect, or dependency after being advised of the  
4044 screening prohibition.
- 4045
- 4046 B. No person, unless listed above, may request another person to obtain or release a report  
4047 or any other information in the possession of DCFS obtained as a result of the report that  
4048 is available under Subsection (1)(k) to screen for potential perpetrators of child abuse,  
4049 neglect, or dependency.
- 4050
- 4051 C. A person who requests information knowing that it is a violation of Subsection (2)(e) to  
4052 do so is subject to the criminal penalty in Subsection (4).
- 4053
- 4054 D. Except as provided in Utah Code Ann. [§80-2-1005](#) DCFS and law enforcement officials  
4055 will ensure the anonymity of the person or persons making the initial report and any  
4056 others involved in its subsequent investigation.
- 4057
- 4058 E. Any person who willfully permits or aides and abets the release of data or information  
4059 obtained as a result of this part, in the possession of DCFS, or contained on any part of  
4060 the management information system, in violation of this part or Utah Code Ann. [§80-2-](#)  
4061 [1005](#), is guilty of a class C misdemeanor.
- 4062
- 4063 F. The physician/patient privilege is not grounds for excluding evidence regarding a child's  
4064 injuries or the cause of those injuries in any proceeding resulting from a report made in  
4065 good faith pursuant to this part.
- 4066

## 210.2 Request For CPS Records

Major objectives:

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

4075 **Applicable Law**

4076 [See: [Section 210.1.](#)]

4077

4078 Practice Guidelines

4079 A. The individual making the request will complete a GRAMA request form, a Request for  
4080 Administrative Hearing form, or provide a request in another written form.

4081

4082 B. The records will be released in accordance with Utah Code Ann. [§63G-2-202.](#)

4083

4084 **210.3 Process For Internal Agency Review Of Case Findings**

4085

4086 Major objectives:

4087 Internal Agency Reviews of case findings will be conducted when a request is made by an  
4088 identified perpetrator for the sole purpose of reviewing the finding. The Internal Agency Review  
4089 will not be used to make determinations related to employment, child placement, or licensure.  
4090 The review process will be determined per Utah statute and DCFS Practice Guidelines.

4091

4092

4093

4093 **Applicable Law**

4094 Utah Code Ann. [§80-2-707.](#) Supported finding of child abuse or neglect after division  
4095 investigation -- Notice to alleged perpetrator -- Rights of alleged perpetrator -- Administrative  
4096 review -- Joinder in juvenile court.

4097 Utah Code Ann. [§80-2-708.](#) Supported finding of a severe type of child abuse or neglect after  
4098 division investigation -- Notation in Licensing Information System -- Juvenile court petition or  
4099 notice to alleged perpetrator -- Rights of alleged perpetrator.

4100 Utah Code Ann. [§80-3-504.](#) Petition for substantiation – Court findings -- Expedited hearing --  
4101 Records of an appeal.

4102

4103

4103 Practice Guidelines

4104 Based upon applicable law, a perpetrator may request an Internal Agency Review, an  
4105 Administrative Hearing, or both unless there has been a court determination upholding the  
4106 DCFS’ finding. If the juvenile court has previously made a determination on a DCFS’ finding,  
4107 the requestor will be directed to pursue an appeal through the juvenile court, if available. The  
4108 deadlines for pursuing these avenues of review are specified below.

4109

4110 A. Internal Agency Reviews will be conducted by an Internal Review Panel.

4111 1. The agency Internal Review Panel will be comprised of the following:

4112 a. CPS caseworker who completed the investigation, if still employed by  
4113 DCFS,

4114 b. Supervisor at the time of the investigation, if still employed by DCFS,

4115 c. Designated Child Welfare Administrator (CWA),

4116 d. Assistant Attorney General (AAG), when applicable and/or available,

4117 e. Administrative hearing tracker, when applicable and/or needed,

4118 f. Any other agency staff the region deems appropriate and/or necessary.

- 4119 2. All decisions made by the Internal Review Panel will be documented in a log in  
4120 the identified CPS case in SAFE. Documentation will include the final decision  
4121 reached by the panel, as well as how the Internal Review Panel reached their  
4122 decision.
- 4123 3. The decision of the Internal Review Panel will be recorded under the  
4124 Administrative Hearing Tab of the identified CPS case.
- 4125 4. Internal Agency Reviews will be conducted at the written request of a perpetrator  
4126 who makes a request within the specified time frames, but can also be conducted  
4127 if the agency determines an Internal Agency Review is necessary.
- 4128 5. The Office of Quality and Design will conduct requested reviews for all cases that  
4129 have been identified as having a conflict of interest for DCFS.  
4130

4131 B. For all cases in which the perpetrator is listed on the Licensing Information System:  
4132

4133 **Findings Prior to May 6, 2002:**

4134 If there has been no prior court finding or plea, the Internal Review Panel can make one  
4135 of the following determinations:

- 4136 1. Uphold the finding. The finding will remain Supported or Substantiated in the  
4137 Management Information System and the Licensing Information System.
  - 4138 a. If the identified perpetrator disagrees with the decision of the Internal  
4139 Review Panel, they will be redirected to pursue recourse through the  
4140 juvenile court.
  - 4141 b. If appropriate, a petition for substantiation should be filed by DCFS with  
4142 the juvenile court. The petition should be filed within 14 days of the  
4143 decision of the Internal Review Panel.
- 4144 2. Uphold the finding in the Management Information System, but remove the  
4145 perpetrator from the Licensing Information System for the identified case. The  
4146 finding will remain Supported or Substantiated in the Management Information  
4147 System, but the perpetrator will no longer appear in the Licensing Information  
4148 System for the identified case.  
4149 This can be done only when the Internal Review Panel determines the abuse or  
4150 neglect was not severe or chronic, or there is not enough information to uphold  
4151 severe/chronic findings.
  - 4152 a. If the identified perpetrator disagrees with the decision of the Internal  
4153 Review Panel, they will be directed to pursue recourse through the Office  
4154 of Administrative Hearings.
- 4155 3. Amend the finding to Unsupported.  
4156

4157 **Findings After May 6, 2002:**

4158 The requestor has one year from the notification of the Severe/Chronic finding to file a  
4159 request for an Internal Agency Review or petition the Juvenile Court. If neither of these  
4160 requests are made within one year, the finding will remain on the Licensing Information  
4161 System.

- 4162 1. If the case qualifies as a Severe/Chronic type of abuse or neglect and if the court  
4163 has previously made a finding on an allegation, the requestor will be redirected to  
4164 pursue recourse through the juvenile court.
- 4165 2. If there has been no prior court finding, the Internal Review Panel may make one  
4166 of the following determinations:
- 4167 a. Change the finding to Unsupported.
- 4168 b. File a petition for substantiation.
- 4169 c. To uphold the finding in the Management Information System but remove  
4170 the case from the Licensing Information System on the basis that it does  
4171 not qualify as Severe/Chronic, and direct the requestor to pursue an  
4172 Administrative Hearing to amend the finding to Unsupported.
- 4173 d. Maintain the finding in both the Management Information System and the  
4174 Licensing Information System. Direct the requestor to pursue recourse  
4175 through the juvenile court.
- 4176
- 4177 C. For ALL cases with a Non-Severe/Non-Chronic finding, the Internal Review Panel can  
4178 determine one of the following:
- 4179 1. To uphold the finding, thus requiring the requestor to pursue an amendment  
4180 through the Office of Administrative Hearings, or
- 4181 2. To amend the finding, generally from Supported or Substantiated to Unsupported.
- 4182
- 4183 D. If the requestor disagrees with an Internal Review Panel amended finding, they may  
4184 request that another review be completed or pursue an Administrative Hearing unless the  
4185 amended finding was Severe/Chronic, then the requestor would need to pursue recourse  
4186 through the juvenile court.
- 4187
- 4188 E. In addition to the procedures outlined above, if the requestor was a juvenile at the time a  
4189 Supported or Substantiated finding was made against them, they can follow the  
4190 procedures outlined in Utah Code Ann. [§80-6-1004](#) to make a request through the  
4191 Juvenile Court for their case(s) to be expunged.
- 4192
- 4193 F. Other interested parties involved with a CPS case are not entitled to an Internal Agency  
4194 Review, but can follow the process outlined in Administrative Guidelines [Section 010.5](#)  
4195 if they have concerns regarding the finding made during the course of a CPS  
4196 investigation.
- 4197
- 4198 G. An individual may submit a written request to expunge an allegation in which they are  
4199 identified as a perpetrator or alleged perpetrator in the Management Information System  
4200 (MIS) and the Licensing Information System (LIS). The criteria, processes, and  
4201 procedures for expungement can be found in Administrative Rule [R512-76](#) Expungement  
4202 of DCFS Allegations.
- 4203