 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	4 – Child Protective Services (CPS)
	<b>Part No./Name</b>	12 – Investigations in Foster Homes
	<b>Section No./Name</b>	Investigations in Foster Homes
	<b>Document No./Name</b>	4-1240 <b>Staffing and Procedure to Remove a Foster Child</b>
	<b>Effective Date</b>	May 1, 2021

## I. STATEMENT OF POLICY

\* It is the policy of the Department of Family Services (DCFS) that when the investigation determines abuse or neglect has occurred and/or that a child is at risk of future maltreatment, a staffing is held to discuss the investigation findings; and, determine the appropriate action for the children placed in the home.

## II. PROCEDURES

### A. STAFFING FOLLOWING A VALID, INCONCLUSIVE, INVALID WITH SERIOUS CONCERNS FINAL FINDING, OR AN IN-HOME INVESTIGATION OF A FOSTER PARENT

A staffing is required for the following circumstances for DCFS certified and non-certified foster homes: \*\*


- The final finding for an investigation is valid,
- Inconclusive; \*\*\*
- Invalid but there are serious concerns regarding the foster home; \*\*\* \* and/or, \*\*
- \*\*\* An in-home investigation as the result of allegations of abuse/neglect of a foster parent's biological, adopted, or other custodial child and the investigation was not terminated after the preliminary investigation \*\*\* regardless of the final finding for the full investigation.

The staffing is scheduled by the \* CPS \*\* supervisor and is held prior to offering an exit \*\*\* interview with the foster parents.

When the final finding for an investigation of a provider agency foster home is valid or inconclusive, the \* CPS worker is responsible for advising the provider agency of the finding and offering a staffing between DCFS and the agency prior to any exit interview with the foster parents. If the provider agency requests a staffing, one will be scheduled as soon as possible.

#### 1. The following persons are invited and represented at the staffing for both DCFS and provider agency foster homes:

- CPS Worker
- CPS \*\* Supervisor
- All FC/AD Workers with children placed in the home
- All FC/AD Supervisors of FC/AD Workers with children placed in the home


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- e. HD Worker in the case of a certified foster home
- f. HD Supervisor in the case of a certified foster home
- g. Regional Program Specialist
- h. **\* DCFS** liaison worker for a provider agency foster home
- i. Provider agency administrator and/or caseworker for a provider agency foster home
- j. District Manager(s)
- k. Regional Placement Specialist for a provider agency foster home

The **CPS \*\*** supervisor is responsible for notifying the appropriate District Managers **\*\*\*** when the staffing has been scheduled.

## 2. The purposes of the staffing are the following:

- a. To discuss the findings of the investigation;
- b. To identify **\* any safety and risk issues** in the home and assess their impact on the children who live there;
- c. To determine what actions may be necessary to protect any children still in the home, and if removal is necessary whether or not the situation requires an emergency removal;
- d. To determine whether support services may be provided to **decrease a risk of future maltreatment \*\*** rather than the child, thus preserving the foster family as a resource for the child, when doing so is consistent with the child's safety;
- e. To decide whether to recommend the development of a corrective action plan with the foster parents or noncertified caretaker, or to recommend closure of the home;
- f. To develop an initial corrective action plan for the home which includes identification of tasks to be completed and the person responsible for each task when that is the plan for the home;
- g. To delegate the monitoring responsibilities for each recommended corrective action;

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- h. To discuss the notification of the valid abuse and/or neglect incident \* **(once the perpetrator's appeal rights have been exhausted)** to the biological parent, along with the agency decisions, any treatment the child may have received, any action taken by the agency to protect the child, and the rationale for either removing and replacing the child or allowing the child to remain in the foster home which will be shared with the biological parent; and,
- i. To discuss the findings of the in-home investigation of the foster parent that are pertinent to the care and safety of the foster children who are currently placed in the home and those who may be placed in the home in the future; and, to determine if any action is advisable regarding the foster children currently placed in the home.

The HD Supervisor or Worker is responsible for facilitating the staffing when it concerns a certified foster home.

The FC supervisor is responsible for facilitating the staffing when it concerns **a** noncertified foster home. Although it is not necessary for a HD worker and supervisor to attend a staffing for a noncertified placement, they may be contacted for placement suggestions, if needed.


The **CPS** worker/supervisor is responsible for preparing a staffing confirmation which documents the date of the staffing, those in attendance, general areas discussed and a general summary of any agreements and/or decisions reached during the staffing. A copy of the staffing confirmation is sent to the District Manager(s) for **CPS** and FC and, if appropriate, HD. Copies shall also be filed in the **CPS** (attached to the ACCESS investigation case **and \*\*** filed in the paper case record when a paper record was established), FC and HB or SP/SN records.

### **3. Factors to Consider When Deciding Whether to Remove the Child Victim and Other Foster Children in the Home**

**\*\*\*** The primary considerations shall be the safety of the child and the potential consequences of the removal and replacement.

The following are specific factors which should be examined during the staffing to make the decision:


- a. The severity of the abuse/neglect, and its degree of physical and emotional trauma to each child;

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- b. Any evidence that the children are **\* unsafe \*\*** and/or would be more seriously harmed by removal than by continuing to live in the home;
- c. The recommendation of the assigned foster care worker as to the advisability of leaving the foster child in the home;
- d. The potential for further abuse or neglect of the child victim and any other foster child in the home;
- e. The age and functioning of each child;
- f. Any history of abuse/neglect in the foster home or repeated problems **\*\*\*** such as corporal punishment;
- g. The strength of the attachment of the child to the foster parent/caretaker;
- h. The willingness and ability of the foster parent/caretaker to accept responsibility for his culpability in any validated allegation of maltreatment, and to work with the agency to correct the problems;
- i. Access of the perpetrator to any remaining children;
- j. The circumstances under which the maltreatment took place;
- k. The concerns with an inconclusive or invalid finding that may place the alleged victim or other children in the home at a future risk of maltreatment; and
- l. Any extenuating circumstances which, if addressed by services, might reduce the risk of harm to the child to one of less than serious concern

**\*\*\* \* When \*\*** it is in a child's best interest to remain in a foster home **\*\*\* \* with** a valid finding **\*\*** or when the foster parents unwillingness to acknowledge responsibility for maltreatment contributed to an inconclusive finding of abuse or neglect, the decision to permit this is an extremely serious one which should not be made by a worker or supervisor acting alone. **\*\*\*** A decision to retain a child in a foster home where valid abuse or neglect has occurred or there is evidence that abuse/neglect may have occurred as where an inconclusive finding must be made with the approval of the FC District Manager, **\* if the foster parent(s) retain their certification. \*\***

A decision about the safety of leaving the child in the home shall be made for each child victim, and for every other foster child who is living in the home. The FC worker is responsible for documenting the reasons for recommending that the foster child (ren) remain in the home in the child's case record when that is the recommendation. The

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decision and the rationale will be documented in the FC record. A copy of the documentation is filed in the HD record. If there is a paper case record for the investigation, a copy is filed in the investigation record. When the ACCESS investigation case is the record, a copy is attached to the ACCESS investigation case.

The decision as to whether to remove the child victim(s) is made jointly by the **\* CPS \*\*** worker and supervisor and the Foster Care/Adoption worker(s) and supervisor(s) during the staffing. Should these persons be unable to reach an agreement, the FC District Manager for the child is responsible for the final decision.

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## **B. PROCEDURE FOR REMOVAL OF FOSTER CHILD \*\*\***

Once the decision has been made to remove any of the children, the FC worker or the **\* CPS** worker responsible for removing the child is responsible for giving a clear explanation of the reasons for the move to the child and the foster parent/caretaker.

When a court order mandates child's placement in a particular home, the agency shall take action to assure the child's safety and then notify the court. Notification of the court is the responsibility of the **CPS** worker.

### **1. Removal and Replacement in Emergency Situations**

If the emergency removal occurs during regular working hours, the FC worker(s) are expected to assist the **CPS** working in the removal and replacement of the child (ren). If the emergency removal occurs after hours, the **CPS** worker has the ultimate responsibility for removal and replacement; however, an attempt should be made to contact the FC worker(s) for the child (ren). The FC worker should assist in the removal and replacement after hours, if available.

### **2. Removal Procedure in Nonemergency Situations**

The FC worker is responsible to remove and replace foster children in nonemergency situations. **The FC worker is** also responsible for giving a clear explanation of the reasons for the move to the child and the foster parent/caretaker as well as preparing the child for the removal and replacement.

## **III. FORMS AND INSTRUCTIONS**

**There are no forms and instructions associated with this policy.**

## **IV. REFERENCES**

**There are no references associated with this policy. \*\***