

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

January 21, 2016

M E M O R A N D U M

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CAN Conclusion Summaries
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TO: REGIONAL DIRECTORS, FIELD SUPPORT MANAGERS,
 CIRCUIT MANAGERS AND SUPERVISORS

FROM: TIM DECKER, DIRECTOR

SUBJECT: CA/N CONCLUSION SUMMARIES; REVISIONS TO THE CA/N
 DISPOSITION FORM LETTER (CS-21) AND FAMILY
 ASSESSMENT DISPOSITION NOTIFICATION LETTER (CS-
 21A); CHANGES TO THE ADMINISTRATIVE REVIEW
 PROCESS

DISCUSSION:

The purpose of this memorandum is to introduce changes to the disposition of child abuse/neglect reports and the administrative review process. These changes are intended to enhance practice with regards to due process concerns. The CS-21 and the CS-21a have been revised. These revisions will be effective beginning with January 19th report dates.

Child Abuse/Neglect Conclusion Summaries

When writing a preponderance of the evidence (POE) investigative conclusion summary, staff must include the **category** of abuse or neglect, list the elements of the corresponding category, and provide a succinct summary of the evidence proving each element of either abuse or neglect. Other information should not be placed in the conclusion summary of investigations. Information regarding prior history, protective capacities, cultural diversity, etc. should not be used to make a determination on an investigation and should be placed in the narrative. The investigative conclusion summary should only include factual information based on the evidence.

There are four general categories which the Division may reach a determination of child abuse or neglect by a POE in accordance with the law. The four categories are:

1. Physical Abuse
2. Sexual Abuse
3. Emotional Abuse
4. Neglect

There may be multiple abuse or neglect *codes* alleged within the same category. Examples of codes include: skull fracture, fondling/touching, rejection through indifference, lack of food, etc. The individual conclusion screen in FACES requires a finding for each code. However, it is the overall finding for the **category** that is to be summarized in the conclusion summary.

For example: A hotline alleges unsanitary living conditions and lack of supervision. The worker must make a finding in regards to concerns of neglect in the conclusion summary. If there is no concern for the unsanitary living condition allegation, but the worker finds lack of supervision occurred by a preponderance of the evidence, the determination is POE for neglect.

Codes can fall under different categories of abuse or neglect, depending on the situation. However, each code is mapped to a specific category in FACES as outlined below. FACES utilizes this mapping to generate the CS-21.

Physical Abuse	Neglect	Emotional Abuse	Sexual Abuse
Bruises, welts, red marks	Exposure, freezing, heat exhaustion	Rejection through indifference	Sexually transmitted disease
Abrasions, lacerations	Malnutrition (due to improper feeding)	Blaming, verbal abuse, threatening	Fondling/touching
Wounds, cuts, punctures	Locking in or out, expelling from home	Exploitation (non-sexual)	Oral sex, sodomy
Sprains, dislocations	Abandonment		Digital penetration
Internal injuries	Failure to thrive (due to neglect)		Intercourse
Fractures (other than skull)	Lack of supervision		Genital or anal bleeding
Skull fracture	Lack of food		Pornography
Subdural Hemorrhage/hematoma	Lack of/inappropriate clothing		Prostitution
Brain damage	Poor hygiene (health threatening)		Other sexual abuse
Repeated ingestions	Lack of heat		
Poisoning	Unsafe/Inadequate shelter		
Inappropriately giving drugs	Unsanitary living conditions		
Other physical abuse or injury	Failure to protect		
Child fatality (residence in-state)	Untreated illness/injury		
Shaking	Severe untreated dental		
Meth lab exposure	Failure to give medication		
	Parents indifferent to educational needs		

When making a determination, staff should first consider the appropriate category and *then* determine the appropriate code under the category. Staff may have to add a more appropriate code under a different category to make the correct finding of abuse or neglect in FACES.

For Example: Meth lab exposure is mapped in FACES to physical abuse due to the possibility of physical harm to the child. There may be no physical harm to the child, but the home environment is unsafe due to the meth lab. The worker would substantiate the physical abuse code of meth lab and add the neglect code of unsafe/inadequate shelter in order to correctly find POE for neglect.

The POE conclusion templates in [Section 2, Chapter 4.1.8.1.4](#) of the Child Welfare Manual have been revised to remove reference to the abuse and neglect codes. Staff should update all versions of templates being used locally.

Unsubstantiated Findings

When there is insufficient evidence to support a preliminary finding of child abuse or neglect by a POE, the following statement should be entered into the conclusion summary:

"The Investigation has been completed under Sections 210.110-210.165, RSMo., and the Division has determined there is insufficient evidence to conclude (Alleged Victim Child) was the victim of (physical abuse, sexual abuse, emotional abuse, and/or neglect) perpetrated by (Alleged Perpetrator)."

In addition, staff should state why the abuse or neglect concern was unsubstantiated by explaining how at least one (1) of the legal elements of abuse or neglect was not met by a POE.

For example: There was no physical injury. The alleged perpetrator did not have care, custody, or control. The injury was accidental.

Unsubstantiated-Preventive Services Indicated

In addition to the statement and explanation described above, staff should provide their rationale for recommending preventive services. This statement may be included in the text box on the CS-21.

Revisions to the CA/N Disposition Form Letter (CS-21) and Family Assessment Disposition Notification Letter (CS-21a)

The CS-21 and CS-21a have been revised to reflect updated legal language that is easier to understand. The CS-21 revisions should also make it easier for the reader to determine what the Division found during the course of the investigation.

FACES will automatically populate the elements of abuse or neglect on the CS-21 for POE findings. Each element has a corresponding text field where staff must input their succinct summary of the evidence proving each element.

When an entire investigation is unsubstantiated, FACES will automatically populate a text box where staff must input an explanation of why the elements of abuse or neglect were not met by a POE.

When there is a mix of POE and unsubstantiated findings, FACES will populate a generic summary of the unsubstantiated findings. FACES will also populate the elements of abuse or neglect for the POE findings. Staff will only be required to provide a summary of the elements for the POE findings.

Staff will now be able to generate the CS-21 after submitting the conclusion for supervisory review and prior to the supervisor approving the conclusion. Supervisors must review all CS-21s to ensure accuracy prior to letters being mailed. Note: FACES does not have the ability to save the CS-21 after it is printed.

Notifications for Assessment Dispositions

There may be situations in which the alleged perpetrator on an assessment is not a parent and not a member of the household. FACES will generate the CS-21a for that perpetrator, but staff is only required to provide the CS-21a to a parent and/or a household member or to anyone staff provided the Description of the Family Assessment (CS-24a).

Notifications for Investigation Dispositions

This is a reminder to staff that the CS-21 must be sent to parents, non-custodial parents (when address is known), alleged perpetrators, and Guardians ad Litem (including Court Appointed Special Advocates) within fifteen (15) calendar days of the determination.

Individuals are only entitled to the disposition of the allegations naming them as an alleged perpetrator and/or any allegation involving their natural/adoptive child(ren).

Examples: A hotline is received alleging sexual abuse by an uncle and neglect by the child's parents. The uncle is only entitled to the disposition of the sexual abuse allegations.

A hotline is received involving a blended family. Jane and Jimmy are married. Jane is alleged to have physically abused her daughter, Susie and her step son, Sam. Jimmy is alleged to have physically abused his son, Sam. Jane is entitled to the disposition of the physical abuse allegations against Susie and Sam. Jimmy is only entitled to the disposition for Sam.

When reviewing the CS-21, supervisors should ensure that the correct people are receiving the correct disposition. If it appears that FACES has generated a letter with information the individual does not have a legal right to or if an individual has been left off, staff should make sure that the appropriate role and relationship has been identified

on the FACES Participant Characteristics screen. If this screen is correct, a FACES Help Desk ticket should be completed.

The CS-21 should mirror the CPS-1 conclusion summary and only include factual information based on the evidence.

For any report that is substantiated by a POE, staff shall mail the CS-21 to the alleged perpetrator by certified mail. If the certified letter is returned as undeliverable, staff must re-send the CS-21 to the alleged perpetrator through regular mail. Circuits may choose to send letters certified and through regular mail simultaneously. If both letters are returned as undeliverable, staff should take other efforts to ensure the CS-21 is provided to the alleged perpetrator including, but not limited to:

- Investigating whether the alleged perpetrator has moved and mailing the CS-21 to the new address
- Making a home visit and delivering the letter in person

It is essential that the Division's official records on the case contain a complete, true and accurate copy of all of the CS-21(s) and notices that were sent out. Staff must therefore ensure that copies of the notices are made and in the file.

Staff should be designated to track the notification and appeal process after the completion of the investigation to ensure due process is provided and to ensure alleged perpetrators are appropriately placed on the Central Registry.

Copies of the CS-21 must be retained in the file and all efforts to deliver the CS-21 must be documented. Once the hotline has been approved, this documentation should be placed in the conclusion summary.

If an alleged perpetrator discovers they have been placed on the Central Registry and reports they were never notified of the finding, staff should examine the case record to determine if proper notice was provided. Delayed notification and right to the appeal process may be provided on a case-by-case basis when the record indicates proper notice was not provided. If the investigation is over six (6) months old, a referral to the Division of Legal Services (DLS) should be made to determine how to proceed. If a delayed notification is provided, the alleged perpetrator's name must be removed from the registry until the new appeal process is exhausted. The Circuit Manager should contact Kara.B.Wilcox-Bauer@dss.mo.gov in Central Office to assist in making this change in FACES.

Changes to the Administrative Review Process

Alleged perpetrators may now email requests for administrative reviews to:

DSS.CD.ADMINREVIEW@DSS.MO.GOV

When requests for administrative reviews are received at the county office, they should be scanned and emailed to the address above. Circuit Managers will then be notified by CANHU staff when they need to complete an administrative review. Once the review is completed, Circuit Managers will update the Administrative Review Determination on the

FACES Appeal screen. CANHU staff will track the administrative review when it is pending criminal charges and send periodic reminders to Circuit Managers.

All other actions upon completing the administrative review will continue as set out in Section 2, Chapter 4.5.1 of the Child Welfare Manual.

NECESSARY ACTION	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children’s Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT Kara Wilcox-Bauer 573-526-9707 Kara.B.Wilcox-Bauer@dss.mo.gov	PROGRAM MANAGER Christy Collins 573-751-9603 Christy.M.Collins@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Section 2, Chapter 4.1.8.1.4, Application of the Preponderance of Evidence Standard Section 2, Chapter 4.1.8.2, Unsubstantiated—Preventive Services Indicated Section 2, Chapter 4.1.8.3, Unsubstantiated Section 2, Chapter 4.1.14, Notifications for Investigation Dispositions Section 2, Chapter 4.5.1, Administrative Review Process Section 2, Chapter 5.3.22, Notifications for Family Assessment Dispositions	
FORMS AND INSTRUCTIONS CA/N Disposition Form Letter for Parents, Non-Custodial Parents, and Alleged Perpetrators (CS-21) Family Assessment Disposition Notification Letter (CS-21a)	
REFERENCE DOCUMENTS AND RESOURCES N/A	
RELATED STATUTE N/A	
ADMINISTRATIVE RULE N/A	
COUNCIL ON ACCREDITATION (COA) STANDARDS N/A	
CHILD AND FAMILY SERVICES REVIEW (CFSR) N/A	
PROTECTIVE FACTORS N/A	
FACES REQUIREMENTS N/A	

