

## **Topic 2: Procedures for Assessments in Out-of-Home Settings**

Link to [CPS Assessment Procedure](#)

When the abuse report involves a child subject being cared for by a substitute caretaker away from the child's own home, there are several modifications to the requirements for completing the assessment.

Child abuse assessments in facilities have two distinct functions:

- ◆ To assess specific reports.
- ◆ To assess the relationship, if any, between the alleged abuse and the facility's policies and procedures.

When conducting a child abuse assessment in an out-of-home setting, determine the type of facility and the facility's licensing or regulating entity.

- ◆ The type of facility and the type of licensing will determine who is to be notified at the onset of an assessment and of the outcomes of the assessment. See [notification of assessment and outcomes](#).
- ◆ The Department of Human Services provides child abuse assessments in out-of-home settings with the following exceptions:
  - State-operated facilities such as the Glenwood and Woodward Resource Centers; the mental health institutes at Cherokee, Clarinda, Independence, and Mount Pleasant; the State Training School; the Iowa Juvenile Home at Toledo; and the Civil Commitment of Sexual Offenders Unit at Oakdale. (Refer reports of abuse in these facilities to the Department of Inspections and Appeals.)
  - Schools that are not also residential facilities.

### **Requirements Common to All Out-of-Home Settings**

1. When the abuse allegation involves any out-of-home setting, assess the environment where the abuse occurred (not the child's home environment).

Assess the relationships between the person responsible for the abuse child subject and any other children to whom that person provides care.

2. When allegations involve multiple children who are not siblings or involve unrelated staff responsible for the abuse, start a separate assessment for each person.

3. If additional information or new reports surface, start a separate assessment.
4. As in all assessments, notify the child subject's parents in writing within five days of receiving the report, unless the juvenile court issues an order prohibiting notification.

Do **not** notify parents of other children for whom care is provided of the assessment or its outcome. (During the course of the assessment, you may interview other children or parents for information about the abuse, and thereby alert them their parents to the abuse report and assessment.)

5. Because of statutory requirements for record checks, notify regulatory staff when abuse is founded.

People named on the Central Abuse Registry as responsible for an abuse are prohibited from being employed in child-care settings, unless they obtain a positive evaluation of their ability to continue to work with children. (See [Record Check Evaluation, form 470-2310](#).)

NOTE: This requirement applies even when the abuse did not take place in the out-of-home setting. Therefore, you must notify the regulatory worker responsible for the facility when the following three conditions are met:

- ◆ The person named responsible for abuse is employed at, lives at, or regularly has access to children at a setting where children are cared for (regardless of whether the abuse took place in the out-of-home setting or a private home), **and**
  - ◆ The abuse was the result of the person's acts or omissions, and
  - ◆ The assessment results in placement on the Central Abuse Registry.
6. If you discover illegal operation by a facility during the course of an assessment (such as a nonregistered child-care home caring for more than six children), notify the service area manager and the county attorney in writing.

If you become aware of an allegation of a criminal act harming a child, contact law enforcement. See [Involving Law Enforcement](#).

### **Assessment Process in Out-of-Home Settings**

1. When you are assigned a child abuse assessment involving a facility, make the following contacts:
  - ◆ **Regulatory worker for the facility.** Provide information regarding the report to the worker responsible for licensing, registration, or approval of the facility by the end of the next business day. (See the chart [Child Abuse Assessments in Out-of-Home Settings](#) to identify the applicable regulatory worker for the setting.)
    - Document your contacts with (or attempts to contact) the regulatory worker in the *Child Protective Services Assessment Summary*, form 470-3240.
    - Ask the regulatory worker to assist in conducting the assessment. The regulatory worker can provide information on whether the facility's policies and procedures comply with regulatory standards. This allows you to focus on the specific report of abuse.

NOTE: It is not necessary for the regulatory worker to be present during every visit to the facility or for every interview conducted. Try to agree upon which aspects of the assessment you will do jointly or separately.

- ◆ **Service caseworker for the child subject.** Contact the service caseworker for the child subject, if applicable. A child who resides in a foster care, juvenile detention, or substance abuse facility or in a psychiatric medical institution for children is likely to have a caseworker assigned.

Document these contacts (or attempts to contact) in the written *Child Protective Services Assessment Summary*. The caseworker can provide information about the child and the facility and may wish to participate in interviewing the child and other collateral sources.
- ◆ **Contract monitoring worker** (project manager). When the Department purchases services from a facility, there is often a project manager assigned to the facility who needs to be informed about conditions there.

- ◆ **Facility administrator.** Inform the facility administrator of the report. Arrange to interview the child subject and other relevant collateral sources. Keep the administrator of the facility or the administrator's designee informed as to the progress of the assessment.  
  
If the facility administrator is alleged to be the person responsible for the abuse, consult with supervisory staff regarding how to proceed with the assessment.
- 2. In all out-of-home settings, take reasonable efforts to address the safety of the child subject and other children in care. Consult with the facility administrator or designee as to how to achieve safety. Steps to address safety may include, but are not limited to:
  - ◆ Curtailing contact between the child and the person alleged to be responsible for the abuse.
  - ◆ Moving the child to another facility.
- 3. As in any assessment, observe and interview the child subject as necessary to address safety and interview (or offer to interview) the person alleged to be responsible for the abuse.
- 4. Contact and interview:
  - ◆ People believed to have been in the area when the incident occurred,
  - ◆ People believed to have knowledge about the incident, and
  - ◆ The supervisor of the person alleged to be responsible for the abuse.
- 5. Review any additional sources of information, such as:
  - ◆ The facility log
  - ◆ The child's facility case record
  - ◆ That personnel file of the person alleged to be responsible for the abuse
  - ◆ The facility's incident report
  - ◆ The facts and findings of any internal review conducted by the facility

### **Assessment Interviews in Facilities**

Attempt to interview the child named as having been abused, the person alleged to be responsible for the abuse, and other people who may have relevant information regarding child's safety and the allegations.

- ◆ You are encouraged to team the assessment interview with the regulatory worker or other appropriate personnel. You may also utilize expert consultation (such as the local multidisciplinary team).
- ◆ Interviews should be tape recorded if possible. The witness should acknowledge that the statement is being recorded and consent to the recording. See [Electronic Recordings](#).
- ◆ Fully inform people alleged responsible for abuse of their appeal and record check evaluation rights.
- ◆ Verify quotes or statements from interviews (especially of facility employees) before including them in a report.

### **Physical Evidence in Facilities**

1. Review written material such as facility logs and medical or education records.
  - ◆ The facility shall supply copies of pertinent information.
  - ◆ Do not remove the originals from the facility without facility consent, a court order, or a search warrant.
2. Observe objects such as restraints, handcuffs, weapons, or a knife wielded by an out-of-control child.

You may ask to have them turned over to you. However, do not remove objects from a facility without facility consent, a court order, or a search warrant.
3. You may take photographs of injuries, living arrangements, or other necessary items. Inform the facility before you take photographs.

### **Person Responsible for the Care of a Child in a Facility**

Only an individual may be named as responsible for abuse of a child, not the facility itself.

1. To name supervisory or administrative personnel (up the chain of command) as responsible for the abuse of a child, you must establish that the person either:
  - ◆ Knew about the abusive situation and failed to respond to it, even though having the authority to do so; or
  - ◆ Implemented policies that were abusive and directed staff to follow those policies.
2. Seek supervisory consultation regarding this process. There must be clear documentation that these conditions existed in order to find that a person in higher level of authority is the person responsible for the abuse of a child.
3. Ask the following questions to help determine if such a finding is appropriate:
  - ◆ Did the person know about the abuse? When? Did the person take reasonable measures to protect the individual child? Was the child left in a high-risk situation? Did the abuse reoccur?
  - ◆ Did the person have the authority or the ability to intervene to protect the child? Did the person respond in a reasonable and prudent fashion?
  - ◆ Did the person participate in an act or decide to implement an act that resulted in injury to the child? Does the procedure as implemented fit the definition of child abuse?
  - ◆ Did the person direct another employee to commit an act that caused injury to a child or that could be considered abuse?
4. Give careful consideration before making a finding of abuse on a direct care worker when:
  - ◆ The worker is following the directive of the supervisor or the standard operating procedure at the facility, or
  - ◆ The abuse occurred because the facility has not implemented the regulatory standards in an appropriate manner.

### **Completion of Facility Assessments**

1. Complete all required paperwork as in any other child abuse assessment. List the address and composition of the child's home household when abuse occurred in an out-of-home setting.
2. Share any registered incident with the licensing authority and with the facility administrator immediately.
3. If a child residing in a facility is adjudicated or pending adjudication as a child in need of assistance or as a delinquent, forward the written *Child Protective Assessment Summary*, form 470-3240, to the county attorney and to the juvenile court where the child legally resides.

NOTE: Following completion of the assessment, the licensing authority and the facility administrator have access to reports that are placed on the Central Abuse Registry.

NOTE: Rules governing facilities prohibit employment of people named on the Central Abuse Registry as responsible for the abuse of a child. (The Department may determine through evaluation that the report should not prohibit the employee's continued involvement with children.)

### **Foster Family and Child-Care Homes**

[Form 470-3855, \*Facility Assessment Checklist for Foster Family Homes\*](#), lists the actions to be taken when assessing abuse allegations in a foster family home.

[Form 470-3854, \*Facility Assessment Checklist for Child Care Homes\*](#), lists actions to be taken when assessing abuse allegations in a child care home.

1. When the report involves a licensed foster home or a registered child development home, notify the Department's licensing or registration worker of the report by the end of the next business day.
  - ◆ Notify the Department's licensing worker even if the home study is conducted by a private child-placing agency.
  - ◆ Request the licensing or registration worker's assistance in conducting the assessment.

2. When a private social services agency did the licensing study for the foster home, notify the private agency's licensing worker of the report by the end of the next business day.

Ask the agency licensing worker to assist in conducting the assessment.

3. Also notify:
  - ◆ The purchase of service unit supervisor, if applicable.
  - ◆ The quality assurance and technical assistance personnel, if applicable.
  - ◆ The child subject's service worker, if the child has one.

NOTE: The licensing worker or child care registration staff can provide information to assist in determining if the abuse occurred as a result of inadequate recruitment, screening, or training of foster care or registered child care providers. The role of the foster family licensing worker or child care home registration worker during the assessment is to:

- ◆ Aid in addressing the safety of the children being provided care;
- ◆ Investigate for regulatory violations;
- ◆ Provide relevant information regarding the home;
- ◆ Assist in gathering assessment information, when possible;
- ◆ Provide support to the foster parents or child-care provider, as appropriate.

Refer to 12-F, [Assessments for Child Abuse Referrals](#), for Department policy on the role of child-care registration staff in assessing reports of abuse in a child-care home. See 12-B, [Reports of Mistreatment or Abuse](#), for Department policy on the role of foster family home licensing staff.

#### **Procedure for Joint Assessment with Regulatory Staff**

1. Notify the child care registration staff or foster family care licenser by the end of the next business day after receipt of the intake.
2. Plan a joint assessment with the regulatory staff, based on the known facts of the case, and initiate the assessment immediately.
  - ◆ The worker responsible for child care registration or foster family care licensing shall focus on compliance issues with the law and rules governing registration or licensure. Consult with the regulatory staff to identify any regulatory violations.

- ◆ Make the first visit to the facility jointly with the regulatory staff if possible. Other joint visits may be advantageous to both the regulatory complaint investigation and the child abuse assessment.
- ◆ All child abuse allegations in a regulated setting are considered a complaint and require a response from regulatory staff. After the DHS regulatory worker has thoroughly investigated the referral, regulatory worker places documentation of the complaint in the regulatory file.

This information will not identify individual people, including children. Language in the documentation will not relate to child abuse, but will address compliance issues. The provider or foster parent is to be notified immediately of any corrective action necessary to meet minimum requirements.

3. Once you have completed the assessment, notify the foster family licensing or child development home registration worker immediately of your findings.

NOTE: Continuation of the home's foster family license or child care registration or payment may be prohibited if the name of any member of the household is placed on the Registry as a person responsible for the abuse of a child.

The Department must complete an evaluation to determine whether the person would pose a risk to children within a child-care or family foster home setting. See [Record Check Evaluation](#).

4. When an assessment of a **nonregistered** child-care home that receives child-care payment from the Department results in placement on the Registry, immediately notify the Child Care Assistance eligibility worker of that fact in writing.
  - ◆ Provide the name of the child subject, the name of the provider, and the names of other children who receive care, if known.
  - ◆ The Department must do a record check evaluation to determine if the founded report should prohibit payment for child care services.

### **Child Care Centers and Other Group Facilities**

Procedures in this section apply to the following facilities that provide care to children:

- ◆ Child-care centers
- ◆ Community or comprehensive residential foster care facilities
- ◆ Shelter care facilities
- ◆ Juvenile detention centers
- ◆ Psychiatric medical institutions for children
- ◆ Substance abuse facilities

[Form 470-3853, Facility Assessment Checklist for Child Care Centers](#), lists actions to be taken when assessing abuse allegations in a child care center setting.

[Form 470-3856, Facility Assessment Checklist for Group Care](#), lists actions to be taken when assessing abuse allegations in a group residential facility.

1. If a report regarding a facility does not meet the criteria for assessment, notify the following as applicable:
  - ◆ Department of Inspection and Appeals (DIA)
  - ◆ The child care center licensing worker
  - ◆ The placement worker
  - ◆ The Department's contract monitoring personnel of the report
2. If a report regarding a facility does meet the criteria for assessment, notify the regulatory worker by the end of the next business day after receipt of intake.
3. Plan a joint assessment with the child care center licensing consultant or the group care facility DIA licensing surveyor, based on the known facts of the case, and initiate the assessment immediately.

The role of the child care center licensing consultant or the group care facility DIA licensing surveyor during the joint assessment is to:

- ◆ Aid in addressing the safety of the children being provided care,
- ◆ Investigate for regulatory violations,
- ◆ Provide relevant information regarding the facility,
- ◆ Assist in gathering assessment information, when possible, and
- ◆ Provide support to the facility as appropriate.

4. Consult with the child care consultant, for child care centers, or the Department of Inspections and Appeal's licensing staff, for group care facilities, to identify regulatory violations and prepare a notice to the facility. See [Notice to Facilities With Problems in Policy or Procedure](#).

NOTE: As in any other report, all factors must be present in order to accept a report of child abuse for assessment (child, caretaker, and incident).

A violation of a licensing rule does not automatically constitute a child abuse allegation. Violation of licensing standards may contribute to abuse. However even an egregious disregard of a licensing standard does not automatically confirm that abuse occurred.

#### **Procedure for Joint Assessment With Child Care Consultant**

The role of the DHS child-care center licensing consultant is specified at 12-E, [Investigations for Child Abuse Referrals](#).

1. Notify the child care consultant by the end of the next business day after receipt of referral.
2. Plan a joint assessment with the child care consultant based upon the known facts of the case, and initiate the assessment immediately.
  - ◆ The child care consultant's participation in assessment of the alleged abuse shall focus on compliance issues with the child care law and the requirements for licensing.
  - ◆ Make the first visit to the facility jointly with the child care consultant if possible. Other joint visits may be advantageous to both the regulatory investigation and the child abuse assessment. The first visit by the child care consultant shall occur within 24 hours.

NOTE: After the child-care consultant has thoroughly investigated referral regarding compliance with licensing rules, the consultant will place documentation and summary information in the licensing file. The consultant will notify the facility immediately of:

- ◆ Any corrective action necessary to meet minimum requirements.
- ◆ Any adverse action to suspend or revoke the license.

### **Use of Physical Restraint in Facilities**

A report may allege physical abuse as the result of the use of physical restraint at a facility. Facilities may physically restrain a child to prevent the child from injuring self or others, damaging property, or engaging in extremely disruptive behaviors.

1. When assessing a report of physical abuse due to the use of physical restraint, consider:
  - ◆ Whether the restraint was reasonable, considering the precipitating situation.
  - ◆ The degree of injury to the child.
  - ◆ Attempts made to avoid injury.
  - ◆ Whether the injury is compatible with the explanation provided.
2. If a child living in a facility is adjudicated or pending adjudication as a child in need of assistance or as a delinquent, forward the written *Child Protective Assessment Summary*, form 470-3240, to the county attorney and to the juvenile court where the child legally resides.

NOTE: Following completion of the assessment, the licensing authority and the facility administrator have access to reports that are placed on the Central Abuse Registry.

### **Notice to Facilities With Problems in Policy or Procedure**

1. Consult with the licensing worker in assessing the relationship between the alleged abuse and the facility's policies and procedures.
2. Prepare a "notice to facility" letter for any assessment in which you find problems with facility policy, practice, or compliance with licensing rules, regardless of whether abuse occurred.
  - ◆ Include sufficient information to identify the problem areas. Do not include any personally identifiable information about the subjects of the assessment.

- ◆ The letter must contain information about any of the following that apply:
    - A violation of facility policy noted during the course of the assessment.
    - An instance where facility policy or lack of policy may have contributed to the abuse.
    - An instance where general practice in a facility appears to differ from the facility's written policy.
    - An instance where the facility practice appears to be in violation of licensing standards.
  - ◆ Both you and your supervisor must sign the letter to the facility.
3. Send the letter to all of the following:
- ◆ The governing body of the facility.
  - ◆ The facility administrator.
  - ◆ The licensing authority for the facility.

For health care facilities not licensed or approved by the Department (such as hospitals), send the letter to the facility administrator and to the licensing or accrediting body for the facility.

For child care centers and homes, the licensing authority includes:

- ◆ Chief, Bureau of Child Care and Community Services, DHS Division of Child and Family Services, 1305 E. Walnut St., Iowa 50319-0114.
- ◆ The child-care consultant for the center or home.

For facilities licensed to provide overnight care, the licensing authority includes the following:

- ◆ Chief, Bureau of Protective Services, DHS Division of Child and Family Services, 1305 E. Walnut St., Des Moines, Iowa 50319-0114.
- ◆ Administrator, Division of Health Facilities, Department of Inspections and Appeals, 321 E. 12th St, Des Moines, Iowa 50319-0075.
- ◆ Chief, Bureau of Purchased of Services.

4. Offer the administrator of the facility an opportunity to meet with you to discuss findings of the report and any regulatory problems.