

# **OUT-OF-HOME PROTOCOL**

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## I. INTRODUCTION

CA/N reports involving incidents that occur in out-of-home settings require procedures which vary slightly from those identified in *CA/N Assessment* policy. These reports are different because they involve:

- children who have allegedly been abused/neglected while in the care and control of a home/facility/agency which is licensed, approved or certified by the state, operated as a state facility, or is a private or religious facility/agency that is exempt from licensing procedures; and
- persons allegedly responsible for the abuse/neglect who have responsibility for the care, supervision, and/or control of children through their employment, unpaid service as a volunteer, or connection with (e.g., students completing an educational practicum, board members) the out-of-home care setting.

Out-of-home care settings include, but are not limited to:

- day care and night time centers (exempt and DHR licensed);
- day care and night time homes (family and group);
- foster family homes (regular, related, and therapeutic);
- institutions and group homes (licensed by DHR, another State agency or a private child-placing agency);
- schools (public and private); and
- non-finalized adoptive homes (i.e., final decree not yet issued).

The following assumptions are made about out-of-home care settings.

- Out-of-home caregivers are held accountable to more strict caregiving standards since parental discretion in child rearing is inherently broader than out-of-home caregiver discretion, and
- Reports involving out-of-home settings shall be given priority during the CA/N assessment process because parents and the public have invested children's care to a trusted and, in many cases, state licensed or approved home facility, or agency.

## II. GENERAL REQUIREMENTS

The following requirements are applicable to all reports involving out-of-care settings.

### A. Determining Who Conducts The CA/N Assessment

CPS staff in the county where the out-of-home care setting is located shall conduct the CA/N assessment. This individual must not have any responsibility for approving/licensing the setting.

The individual responsible for approving/licensing the setting or the child's worker may accompany CPS staff when necessary. If the out-of-home care setting is an institution/group home licensed (but not operated) by another state agency, SDHR and the other state agency must agree for a staff member from the other state agency to accompany CPS staff when conducting the CA/N assessment.

If assistance is needed with determining who conducts the CA/N assessment or who may need to accompany that person, the county child welfare supervisor shall contact the Office of Child Protective Services to discuss the report and coordinate the CA/N assessment.

### B. Entering Reports Into The Central Registry

Child welfare staff in the County Department where the out-of-home care setting is located shall enter the report into the Central Registry. When reports involve discipline/corporal punishment in school settings, child welfare staff shall delay Central Registry data entry until notification is received from law enforcement that the report will be or has been investigated as child abuse/neglect. *Code of Alabama* 1975, § 16-28A-3 allows school systems to set their own corporal punishment policies. The law also provides that public school teachers or other school officials are exempt from being investigated for abuse/neglect related to the use of corporal punishment when that punishment is consistent with the employing Board of Education's established written discipline policies (§ 16-28A-2).

### C. Notifying District Attorneys (DAs) and Law Enforcement Agencies (LEAs)

Child welfare staff shall notify DAs and LEAs (in the county where the out-of-home care setting is located) about CA/N reports according to the county's written working agreement with their DA and LEAs. Refer to *General Policies And Procedures* for content required in these agreements.

### D. Providing Notification Of CA/N Allegations

Child welfare staff in the county conducting the CA/N assessment shall, at a minimum, provide notification of CA/N allegations according to *CA/N Assessment* policy, section **II. E.** Notifications specific to an individual setting are identified in that setting's protocol (see section **III**).

In addition, non-DHR agency administrators (or their designee) shall also be kept informed about the CA/N assessment's progress, and the administrators' assistance shall be requested, when needed, to complete the CA/N assessment process. CA/N information that can be disclosed to these individuals is limited to:

- Specific allegations included in the report;
- Names of the setting's employees or volunteers who have been identified as being responsible for the abuse/neglect;
- Identity of individuals at the out-of-home setting that will be interviewed;
- Approximate timeframe within which the CA/N assessment will be completed; and
- Any other information that could prevent abuse/neglect of other children in the out-of-home care setting.

#### E. Conducting The CA/N Assessment

Child welfare staff shall follow the information collection protocol described in *CA/N Assessment* policy (section **III**) when conducting CA/N assessments. In addition, child welfare staff shall also review documentation maintained by the setting for information pertinent to the CA/N assessment. This includes, but is not limited to:

- the setting's policy manual (e.g., staff/child ratio, disciplinary procedures);
- the child's record; and
- any records on the person allegedly responsible for the abuse/neglect.

If child welfare staff are denied access to any information (e.g., individuals required to be interviewed/observed; documentation maintained by the setting) needed to complete the CA/N assessment, the denial and surrounding circumstances shall be documented in the CA/N record. In addition, if persons allegedly responsible for abuse/neglect request the presence of their attorney during interviews, child welfare staff shall consult with their supervisor to determine if DHR needs legal representation, if DA or LEA staff need to be present, or if the interview needs to be delayed.

### **III. OUT-OF-HOME CARE SETTINGS**

Information in the following sections (A. – L.) provides CA/N assessment policy and procedures which are specific to the individual out-of-home care settings.

#### A. Day Care Centers Licensed By DHR

##### Who Conducts The CA/N Assessment

CPS staff in the county where the day care center is located shall conduct the CA/N assessment. This individual must not have responsibility for licensing the center.

Licensing staff may accompany the person, and if necessary, assist with the CA/N assessment.

### Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR Child Day Care Division** – All counties shall notify SDHR Child Day Care Division directly.
- **Other County Departments** – If the report involves a child who lives in a county other than where the center is located, notify that county.
- **DAs and LEAs** per the county’s written working agreement.
- **Day Care Center’s Administrator** – “Administrator” is considered the owner of the center or the governing authority’s board chairman. If the administrator has been identified as the person allegedly responsible for abuse/neglect and the center is owned by another individual or is governed by a board, the owner or the chairman of the board shall be notified.

Day care administrators shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to the administrator includes:

1. allegations reported and who, at the center, will be interviewed;
2. name(s) of the center’s employees or volunteers who have been identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the center.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the center until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record
- **Parents/custodians of children identified in the report** – these individuals shall be given a general description in person or in writing of the allegations and informed that an abuse/neglect CA/N assessment is being conducted. The “Letter Notifying Parent Or Primary Caregiver Of Allegations” can be generated through FACTS if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only. The parents/custodians must also be advised that their children should not be questioned or probed for information while the CA/N assessment is in progress as this may contaminate the evidence in the event a criminal case is initiated. Child welfare staff may also request that the parents/custodians observe their children for any unusual behavioral symptoms, and if any are noted, that they contact the person conducting the CA/N assessment.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the day care center's premises. Child welfare staff are prohibited from transporting children away from the center unless the children are in DHR custody.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident;
- **Other children at the day care center** - depending on the case situation, child welfare staff may also need to interview other children at the day care center in order to corroborate information received from the children identified in the report or to seek out other children who may be experiencing abuse/neglect. These children should be interviewed privately, and their parents/custodians must be notified in person or by telephone before the interview whenever possible. Written notification is not required and “Letter Notifying Parent Or Primary Caregiver Of Allegations” generated through FACTS shall not be used for notification purposes. If prior notification is not feasible, the parents/custodians must be contacted as soon after the interview

as possible. The parents may be told information their children revealed; however, the identity of alleged person(s) responsible for abuse/neglect shall not be revealed to parents/custodians of other children in the center and caution must be taken not to divulge any confidential information regarding other children and their families.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the day care center would be jeopardized by withholding that information, the disposition may be shared with the day care administrator prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.



## B. Exempt Day Care Centers

### Who Conducts The CA/N Assessment

CPS staff in the county where the day care center is located shall conduct the CA/N assessment. SDHR day care staff may accompany the person, and if necessary, assist with the CA/N assessment.

### Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR Child Day Care Division** – All counties shall notify SDHR Child Day Care Division directly.
- **Other County Departments** – If the report involves a child who lives in a county other than where the center is located, notify that county.
- **DAs and LEAs** per the county’s written working agreement.
- **Day Care Center’s Administrator** – “Administrator” is considered the person who is responsible for administering the center. If the administrator has been identified as the person allegedly responsible for abuse/neglect, notify the church pastor, the committee chairperson administering the day care program, or the governing authority’s board chairperson.

Day care administrators shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to the administrator includes:

1. allegations reported and who, at the center, will be interviewed;
2. name(s) of the center’s employees or volunteers who have been identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the center.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the center until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record
- **Parents/custodians of children identified in the report** – these individuals shall be given a general description in person or in writing of the allegations and informed that an abuse/neglect CA/N assessment is being conducted. The “Letter Notifying Parent Or Primary Caregiver Of Allegations” can be generated through FACTS if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only. The parents/custodians must also be advised that their children should not be questioned or probed for information while the CA/N assessment is in progress as this may contaminate the evidence in the event a criminal case is initiated. Child welfare staff may also request that the parents/custodians observe their children for any unusual behavioral symptoms, and if any are noted, that they contact the person conducting the CA/N assessment.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the day care center's premises. Child welfare staff are prohibited from transporting children away from the center unless the children are in DHR custody.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.
- **Other children at the day care center** - depending on the case situation, child welfare staff may also need to interview other children at the day care center in order to corroborate information received from the children identified in the report or to seek out other children who may be experiencing abuse/neglect. These children should be interviewed privately, and their parents/custodians must be notified in person or by telephone before the interview whenever possible. Written notification is not required and “Letter Notifying Parent Or Primary Caregiver Of Allegations” generated through FACTS shall not be used for notification purposes. If prior notification is not feasible, the parents/custodians must be contacted as soon after the interview

as possible. The parents may be told information their children revealed; however, the identity of the alleged person(s) responsible for abuse/neglect shall not be revealed to parents/custodians of other children in the center and caution must be taken not to divulge any confidential information regarding other children and their families.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the day care center would be jeopardized by withholding that information, the disposition may be shared with the day care administrator prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

## C. Family/Group Day Care Homes

### Who Conducts The CA/N Assessment

CPS staff in the county where the day care home is located shall conduct the CA/N assessment, and this person must not have responsibility for approving the home. SDHR Office of Child Care Services may be present during CA/N assessment interviews.

### Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **County's Day Care Home Approval Unit**
- **Other County Departments** – If the report involves a child who lives in a county other than where the center is located, notify that county.
- **DAs and LEAs** per the county's written working agreement.
- **Day Care Home Provider** (i.e., person whose name is on the Day Care Home Approval) – if the person responsible for abuse/neglect is someone other than the day care home provider.

The day care home provider shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes:

1. allegations reported and who, at the home, will be interviewed;
2. name(s) of the home employees or volunteers who have been identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the home.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the home until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record
- **Parents/custodians of children identified in the report**– these individuals shall be given a general description in person or in writing of the allegations and informed that an abuse/neglect CA/N assessment is being conducted. A county developed “Letter Notifying Parent Or Primary Caregiver Of Allegations” should be written if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only. The parents/custodians must also be advised that their children should not be questioned or probed for information while the CA/N assessment is in progress as this may contaminate the evidence in the event a criminal case is initiated. Child welfare staff may also request that the parents/custodians observe their children for any unusual behavioral symptoms, and if any are noted, that they contact the person conducting the CA/N assessment.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the day care home's premises. Child welfare staff are prohibited from transporting children away from the home unless the children are in DHR custody.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.
- **Other children at the day care home** - depending on the case situation, child welfare staff may also need to interview other children at the day care home in order to corroborate information received from the children identified in the report or to seek out other children who may be experiencing abuse/neglect. These children should be interviewed privately, and their parents/custodians must be notified in person or by telephone before the interview whenever possible. Written notification is not required and “Letter Notifying Parent Or Primary Caregiver Of Allegations” generated through FACTS shall not be used for notification purposes. If prior notification is not feasible, the parents/custodians must be contacted as soon after the interview as possible.

The parents may be told information their children revealed; however, the identity of alleged person(s) responsible for abuse neglect shall not be revealed to parents/custodians of other children in the home and caution must be taken not to divulge any confidential information regarding other children and their families.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

CA/N Hearings are not extended to the day care provider’s family members unless the family member has been identified as the day care home’s substitute care provider. Family members allegedly responsible for abuse/neglect (not entitled to a CA/N hearing) with a preliminary disposition of “indicated” are entitled to an administrative record review. Information obtained about the day care provider’s family members can be used to determine the ongoing approval of the day care home. The day care approval cannot be *suspended or* revoked on the basis of the CA/N disposition unless the provider has been given the opportunity for a CA/N hearing. Child welfare staff may, however, advise parents/custodians of other children attending the day care home that there are safety issues or the children may be at risk of serious harm.

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the day care home would be jeopardized by withholding that information, the disposition may be shared with the day care provider prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

#### D. Foster Family Homes Approved By DHR

##### Who Conducts The CA/N Assessment

CPS staff in the county where the foster family home is located shall conduct the CA/N assessment, and this person must not have responsibility for approving the home. The county's resource staff (i.e., foster family home approval staff) and/or the child's foster care worker may be present during CA/N assessment interviews if necessary.

##### Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR's Office of Foster And Out-of-Home Care**
- **County's Resource Unit** (i.e., foster family home approval unit)
- **Other County Departments** – If the report involves a child who lives in a county other than where the home is located, notify that county.
- **DAs and LEAs** per the county's written working agreement.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record; if this person is the foster parent, information on the Alabama State Foster Parent Association, its goals of peer support and advocacy, and its toll-free telephone number (1-888-545-2372) must also be included in the notification.
- **Parents/custodians of children identified in the report** – these individuals shall be given a general description in person or in writing of the allegations, informed that an abuse/neglect CA/N assessment is being conducted, and notified about any protective actions taken. A county developed "Letter Notifying Parent Or Primary Caregiver Of Allegations" should be written if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only.

## Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the foster family home. The child’s worker may be present for the interview if that person’s presence would be beneficial to CA/N assessment information collection.
- **All other children in the home** – purpose is to corroborate information received from the reporter or other individuals interviewed during the CA/N assessment and to identify if they, too, may be abused/neglected.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Non-offending foster parent** (if one exists)
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.

## Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

When foster parents have been identified as responsible for the abuse/neglect and the disposition is “indicated,” the foster parents’ right to a CA/N hearing does not preclude DHR’s right to remove foster children from the foster home prior to the hearing. Decisions to remove any foster children from foster homes shall be made by the child’s ISP team, unless safety threats exist, and may occur at any stage of the CA/N assessment process. If safety threats exist and the child must be removed immediately, an ISP must be held within 72 hours of the removal. If a hearing is held, and the hearing officer



reverses the County Department's "indicated" disposition, DHR is not required to return any foster children who were removed from the home if the ISP team determines that the children's return to the home is not in their best interests.

CA/N hearings are not extended to the foster parents' family members, even if these family members are part of the household. Family members allegedly responsible for abuse/neglect with a preliminary disposition of "indicated" are entitled to an administrative record review. Information obtained about the foster parents' family members can be used to determine the ongoing approval of the home. The foster family home approval cannot be *suspended or* revoked on the basis of the CA/N disposition unless the provider has been given the opportunity for a CA/N hearing. The CA/N hearing must not be construed as a fair hearing on foster family homes in general. Code of Alabama 1975 § 38-7-9 specifically excludes boarding homes and free homes from the fair hearing process afforded to group child care facilities.

Child welfare staff shall not disclose "indicated" dispositional information prior to a CA/N hearing. If the safety of the children in the home would be jeopardized by withholding that information, the disposition may be shared prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for "indicated" dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment's completion.

E. Foster Family Homes Approved By Private Child-Placing Agencies Or A State Agency Other Than DHR

Who Conducts The CA/N Assessment

CPS staff in the county where the home is located shall conduct the CA/N assessment. Staff from the private child-placing agency or the other state agency may be present during CA/N assessment interviews.

Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR's Office of Resource Management** (when the home is approved by another agency) – this office will notify the other state agency, and may request that the other agency forego notifying the foster parents about the pending CA/N assessment. This office is to be notified at the receipt of allegations involving children placed in programs or facilities licensed by other state agencies.
- **SDHR's Office of Resource Management** should also be notified of the final disposition of all CANs involving children in these same programs. Notification should occur after due process has been completed or is waived. This is the division that will notify the other state agency of the final disposition.
- **Child-placing agency administrator** – child welfare staff may request that the agency forego notifying the foster parents about the pending CA/N assessment.
- **Other County Departments** – If the report involves a child who lives in a county other than where the home is located, notify that county.
- **DAs and LEAs** per the county's written working agreement.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this must be written notification with a copy filed in the CA/N record; if this person is the foster parent, information on the Alabama State Foster Parent Association, its goals of peer support and advocacy, and its toll-free telephone number (1-888-545-

2372) must also be included in the notification.

- **Parents/custodians of children identified in the report** – these individuals shall be given a general description in person or in writing of the allegations and informed that an abuse/neglect CA/N assessment is being conducted. The “Letter Notifying Parent Or Primary Caregiver Of Allegations” can be generated through FACTS if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only.

### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the foster home’s premises. The child’s worker may be present for the interview if that person’s presence would be beneficial to CA/N assessment information collection. Child welfare staff are prohibited from transporting children away from the home unless the children are in DHR custody.
- **All other children in the home** – purpose is to corroborate information received from the reporter or other individuals interviewed during the CA/N assessment and to identify if they, too, may be abused/neglected.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.

### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the

provision of due process rights if the disposition is “indicated.” If the home is approved by another state agency, the Office of Licensing and Resource Development will provide notification to that agency and address any corrective action that may be needed.

Due process rights are not extended to the foster parents’ family members, even if these family members are part of the foster family household. Information obtained about the foster parents’ family members can be used to determine the ongoing approval of the home. The approval cannot be suspended or revoked on the basis of the CA/N disposition unless the provider has been given the opportunity for a CA/N hearing.

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the day care home would be jeopardized by withholding that information, the disposition may be shared with the day care provider prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

F. Group Homes And Institutions Licensed By DHR

Who Conducts The CA/N Assessment

CPS staff in the county where the group home or institution is located shall conduct the CA/N assessment. If children identified in the report are in the custody or planning responsibility of another DHR county, the child's worker may be present during the interviews if it will benefit the CA/N assessment process.

Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR's Office of Licensing And Resource Development**
- **Other County Departments** – If the report involves a child who is in another County's custody or planning responsibility.
- **DAs and LEAs** per the county's written working agreement.
- **Group home or institution administrator** – if the administrator has been identified as the person responsible for the abuse/neglect, notify the governing board chairperson or other appropriate governing authority.

The administrator (or governing chairperson or authority) shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes:

1. allegations reported and who, at the home, will be interviewed;
2. name(s) of the home employees or volunteers who have been identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the home.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the home/institution until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record
- **Parents/custodians of children identified in the report** – these individuals shall be given a general description in person or in writing of the allegations and informed that an abuse/neglect CA/N assessment is being conducted. The “Letter Notifying Parent Or Primary Caregiver Of Allegation” can be generated through FACTS if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the home's/institution's premises. Child welfare staff are prohibited from transporting children away from the home/institution unless the children are in DHR custody.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.

Depending on the case situation, child welfare staff may also need to interview other children at the home/institution in order to corroborate information received from the children identified in the report or to seek out other children who may be experiencing abuse/neglect. These children shall be interviewed privately, and their parents/custodians shall be notified in person or by telephone before the interview whenever possible. Written notification is not required and “Letter Notifying Parent Or Primary Caregiver Of Allegations” generated through FACTS shall not be used for notification purposes. If prior notification is not feasible, the parents/custodians must be contacted as soon after the interview as possible. The parents may be told information their children revealed; however, the identity of alleged person(s) responsible for abuse/neglect shall not be revealed to parents/custodians of other children in the group home/institution and caution must be taken not to divulge any confidential information regarding other children and their families.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.” The Office of Licensing and Resource Development is responsible for addressing any corrective action that may be needed.

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the home/institution would be jeopardized by withholding that information, the disposition may be shared with the administrator prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

G. Group Homes And Institutions **Operated** By State Agencies Other Than DHR  
Who Conducts The CA/N Assessment

Law enforcement in the county where the group home/institution is located with the assistance of the operating state agency. (See listing of facilities in the Appendix.)

Child Welfare Intake Responsibilities

- Child welfare staff shall inform reporters that they need to contact law enforcement agency to complete an offense/incident report.
- County staff receiving these CA/N reports shall immediately contact SDHR'S Division of Resource Management (which notifies the operating state agency), and the law enforcement agency that has jurisdiction over the home/institution. This initial contact may be made by telephone, but must be followed up with a written intake summary and a DHR-FCS-1593, Written Report of Suspected Child Abuse/Neglect.
- Maintain a copy of these documents in DHR's CA/N record.
- If SDHR receives the CA/N report, child welfare staff in the county where the home/institution is located will be notified by telephone. A DHR-FCS-1593, Written Report of Suspected Child Abuse/Neglect, will be completed and sent to the County Department for submission to the appropriate law enforcement agency.
- **SDHR's Office of Licensing And Resource Management** is to be notified at the receipt of allegations involving children placed in programs or facilities licensed by other state agencies. This division notifies the operating state agency about the CA/N report and provides them with a copy of the 1593.
- **SDHR's Office of Licensing And Resource Management** should also be notified of the final disposition of all CANs involving children in these same programs. Notification should occur after due process has been completed or is waived. This is the division that will notify the other state agency of the final disposition.
- County staff will provide the DHR-FCS-1593 to the facility administrator.
- Child welfare staff in the county where the home/institution is located shall enter the CA/N report into the Central Registry upon receipt of law enforcement's completed investigation.



### Law Enforcement Investigations

Law enforcement shall attempt to complete their investigation within sixty (60) days of receiving the report. They are also responsible for providing the written notification of allegations to persons responsible for the abuse/neglect. When the investigation is complete, a written report must be submitted to the County DHR where the home/institution is located. The report must include the investigative findings, method and date of notifications provided, and a disposition for the allegations and the person allegedly responsible for the abuse/neglect.

### Due Process Rights, Notification of Disposition, and Sharing CA/N Information

Child welfare staff shall provide the person responsible for abuse/neglect with written notice of the opportunity for a CA/N hearing. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If due process rights are waived, child welfare staff shall then provide notification of the final disposition to the home’s/institution’s administrator or designee. If a CA/N hearing is held, the Hearing Officer will provide written notification of the disposition to the person responsible for abuse/neglect, and child welfare staff shall then notify the administrator or designee.

Administrators or designees may be notified about “indicated” dispositions prior to a CA/N hearing if the safety of children in the home/institution would be jeopardized by withholding that information. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions when due process rights are waived or following the CA/N hearing. All other dispositions are entered upon the CA/N assessment’s completion. A copy of the completed investigation is then sent to the District Attorney’s office.

H. Group Homes And Institutions Licensed/Certified (**But Not Operated**) By Other State Agencies

Who Conducts The CA/N Assessment

CPS staff in the county where the home/institution is located shall enter the report into the Central Registry and conduct the CA/N assessment. A staff member from the other state agency may accompany CPS staff when both state agencies agree that it is appropriate.

Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR's Office of Licensing And Resource Management** – is to be notified at the receipt of allegations involving children placed in programs or facilities licensed by other state agencies. This office will notify the state agency that has licensing/certification responsibility.
- **SDHR's Office of Licensing And Resource Management**- should also be notified of the final disposition of all CANs involving children in these same programs. Notification should occur after due process has been completed or is waived. This is the division that will notify the other state agency of the final disposition.
- **Other County Departments** – If the report involves a child in the custody or planning responsibility of another county.
- **DAs and LEAs** per the county's written working agreement.
- **Group home/institution administrator** – if the person responsible for abuse/neglect is someone other than the administrator. If the administrator has been identified as being responsible for the abuse/neglect, a staff member designated by the licensing/certifying agency shall be notified.

The administrator or designee shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes:

1. allegations reported and who, at the home, will be interviewed;
2. name(s) of the home employees or volunteers who have been identified as responsible for the abuse/neglect;

3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the home.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the home/institution until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record
- **Parents/custodians of children identified in the report** – this notification is the responsibility of child welfare staff in the County DHR that holds custody/planning responsibility. If the group home/institution holds custody, child welfare staff in the County DHR conducting the CA/N assessment shall provide notification. Regardless of who is responsible for providing the notification, the parents/custodians must not be notified until the home/institution administrator or designee has been notified. Notification to the parents/custodians in person or in writing shall include a general description of the allegations, information that an abuse/neglect CA/N assessment is being conducted, and information about any protective actions taken. The “Letter Notifying Parent Or Primary Caregiver Of Allegations” can be generated through FACTS if written notification is method used. The identity of the alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the home's/institution's premises. Child welfare staff are prohibited from transporting children away from the home unless the children are in DHR custody.
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.

Depending on the case situation, child welfare staff may also need to interview other children at the home/institution in order to corroborate information received from the children identified in the report or to seek out other children who may be experiencing abuse/neglect. These children should be interviewed privately, and their parents/custodians must be notified in person or by telephone before the interview whenever possible. Written notification is not required and “Letter Notifying Parent Or Primary Caregiver Of Allegations” generated through FACTS shall not be used for notification purposes. If prior notification is not feasible, the parents/custodians must be contacted as soon after the interview as possible. The parents may be told information their children revealed; however, the identity of alleged person(s) responsible for abuse/neglect shall not be revealed to parents/custodians of other children in the group home/institution and caution must be taken not to divulge any confidential information regarding other children and their families.

Child welfare staff must also collect information related to any reports regarding incidents occurring in the home/institution that involved the children identified in the report and the person allegedly responsible for the abuse/neglect. The home’s institution’s policies and procedures regarding the handling of these incidents must also be reviewed.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the group home/institution would be jeopardized by withholding that information, the disposition may be shared with the administrator/designee prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

## I. Schools And Allegations **Involving** Discipline/Corporal Punishment

### Who Conducts The CA/N Assessment

Code of Alabama 1975 § 26-14-6.1 stipulates that law enforcement agencies shall conduct the investigation on CA/N reports where the person responsible for abuse/neglect is a public or private school teacher or other school official and the allegations involve discipline or corporal punishment.

School systems are allowed to set their own corporal punishment policies (Code of Alabama 1975 § 16-28A-3). In addition, Title 26 does not apply to public school teachers or other school employees when using corporal punishment as long as that punishment is consistent with the established written discipline policies of the employing board of education (Code of Alabama 1975 § 16-28A-2).

**Note:** SDHR Legal has interpreted that Code of Alabama 1975 § 26-14-6.1 does not provide authorization for DHR to conduct abuse/neglect investigations involving discipline or corporal punishment in school settings. All reports received by DHR involving discipline or corporal punishment in schools must be forwarded to law enforcement for investigation including incidents where the punishment deviates from school board policy and seems excessive (e.g., choking, slapping, pulling hair, etc.), but was used for the expressed purpose of maintaining order and discipline in the school setting.

### Intake Responsibilities

Child welfare staff that receive CA/N reports involving discipline or corporal punishment in school settings shall, upon receipt, telephone the law enforcement agency that has jurisdiction over the school about the report. The verbal report must then be followed up by sending law enforcement a written intake summary and a completed DHR-DFC-1593, Written Report of Suspected Child Abuse/Neglect. (Refer to Forms section for a sample letter to law enforcement). A copy of these documents shall be maintained in DHR's CA/N record. Child welfare staff shall also inform reporters that they need to contact the law enforcement agency to complete an offense/incident report.

If SDHR receives the CA/N report, the County Department will be notified by telephone, and a DHR-DFC-1593, Written Report of Suspected Child Abuse/Neglect, will be sent to the County Department for submission to the appropriate law enforcement agency.

If law enforcement determines the incident was consistent with the board of education's written discipline policy, the allegations are not considered a CA/N report and the report is not entered into the Central Registry.

When law enforcement determines the incident was not consistent with established discipline policy, they may investigate the incident as child abuse/neglect. Violation of school board policy does not necessarily indicate that child abuse has occurred.

Child welfare staff in the county where the school is located are responsible for entering these CA/N reports into the Central Registry after law enforcement confirms that the report will be or has been investigated as child abuse.

#### Law Enforcement Investigations

Law enforcement shall attempt to complete their investigation within sixty (60) days of receiving the report. They are also responsible for providing the written notification of allegations to persons responsible for the abuse/neglect. When the investigation is complete, a written report must be submitted to the County DHR where the school is located. The report must include the investigative findings, method and date of notifications provided, and a disposition for the allegations and the person allegedly responsible for the abuse/neglect.

#### Dispositions, Notification of CA/N Hearings, and Sharing CA/N Information

Child welfare staff shall provide the person responsible for abuse/neglect with written notice of the opportunity for a CA/N hearing. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If due process rights are waived, child welfare staff shall then provide notification of the final disposition to the school principal or superintendent. If a CA/N hearing is held, the Hearing Officer will provide written notification of the disposition to the person responsible for abuse/neglect, and child welfare staff shall then notify the school principal. If the school principal was identified as the person responsible for the abuse/neglect, the notification must be sent to the superintendent of the Board of Education.

Principals/superintendents may be notified about “indicated” dispositions prior to a CA/N hearing if the safety of children in the school would be jeopardized by withholding that information. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions when due process rights are waived or following the CA/N hearing. All other dispositions are entered upon the CA/N assessment’s completion. A copy of the completed investigation is then sent to the District Attorney’s office.

J. Schools And Allegations **Not Involving** Discipline/Corporal Punishment  
Who Conducts The CA/N Assessment

CPS staff in the county where the school is located shall conduct the CA/N assessment.

Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **DAs and LEAs** per the county's written working agreement.
- **School Principal** – if the principal has been identified as the person responsible for abuse/neglect, the superintendent of the Board of Education shall be notified and may designate another school official to act as the contact person during the CA/N assessment.

The principal, superintendent or designee shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes:

1. allegations reported and who, at the school, will be interviewed;
2. name(s) of the school employees or volunteers who have been identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the school.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the school until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record



- **Parents/custodians of children identified in the report** – these individuals shall be given a general description in person or in writing of the allegations and informed that an abuse/neglect CA/N assessment is being conducted. The “Letter Notifying Parent Or Primary Caregiver Of Allegations” can be generated through FACTS if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only. The parents/custodians must also be advised that their children should not be questioned or probed for information while the CA/N assessment is in progress as this may contaminate the evidence in the event a criminal case is initiated. Child welfare staff may also request that the parents/custodians observe their children for any unusual behavioral symptoms, and if any are noted, that they contact the person conducting the CA/N assessment.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected**
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident. If an entire class witnessed the incident, two (2) or three (3) children may be interviewed instead of the entire class.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions must be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the school would be jeopardized by withholding that information, the disposition may be shared with the principal, superintendent, or designee prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

## K. Non-Finalized Adoptive Homes

“Non-finalized” means the child has been placed in the adoptive home and the Adoptive Home Placement Agreement has been signed, but the final decree of adoption has not yet been issued by the Probate Court.

### Who Conducts The CA/N Assessment

CPS staff in the county where the adoptive home is located shall conduct the CA/N assessment, and this person must not have responsibility for approving the home. The person responsible for approving the home may be present during the CA/N assessment interviews.

### Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **SDHR’s Office of Adoption** – when the report involves a child in DHR permanent custody who has been placed in a non-foster parent adoptive home; this office shall also be kept informed about the CA/N assessment’s progress
- **County Resource Unit** responsible for approving the home
- **DAs and LEAs** per the county’s written working agreement.
- **Child-Placing Agency Administrator** if placement was made by that agency

The agency administrator shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes:

1. allegations reported;
2. name(s) of the adoptive parent(s) who have been identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children in the home.

The following notification shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected** – it is preferable that these interviews be conducted away from the adoptive home's premises. Child welfare staff are prohibited from transporting children away from the home unless the children are in DHR custody.
- **All other children in the home** – purpose is to corroborate information in the report and discovered during other CA/N assessment interviews as well as determining if they, too, may be experiencing abuse/neglect
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Non-offending adoptive parent** if one exists
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect; witnesses to the alleged incident.

In addition, a decision may be made to remove children from the adoptive home at any time during the CA/N assessment process, and this decision is the responsibility of the child's ISP team. The adoptive parents right to a CA/N hearing does not preclude DHR's right to remove children prior to the hearing if the situation warrants the removal.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is "not indicated" or "unable to complete." If the disposition is "indicated," the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with "indicated" dispositions **must** be sent by both first-class and certified mail. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

Due process rights are not extended to the adoptive parents’ family members, even if these family members are part of the household. Information obtained about the adoptive parents’ family members can be used to determine the ongoing approval of the home.

Child welfare staff shall not disclose “indicated” dispositional information prior to a CA/N hearing. If the safety of the children in the home would be jeopardized by withholding that information, the disposition may be shared with the reporter or the child-placing agency administrator prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the CA/N hearing or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.

#### L. All Other Out-of-Home Care Settings

Child welfare staff are responsible for conducting CA/N assessment on reports involving incidents occurring other organized settings (e.g., church camps, unlicensed day care home, Girl Scouts, Boy Scouts) where the person responsible for the abuse/neglect was in a caregiver role (paid or volunteer) at the time of the alleged incident.

#### Who Conducts The CA/N Assessment

CPS staff in the county where the setting is located shall conduct the CA/N assessment.

#### Notification Of Allegations

Notifications shall include the following information, at a minimum.

- Incidents reported as alleged abuse/neglect;
- Names of children allegedly abused/neglected; and
- Dates/timeframes the incidents are alleged to have occurred.

The following entities shall be notified when the report is received. The notification may be provided verbally or in writing.

- **Other County Departments** – If the report involves a child who lives in a county other than where the camp or group activity is located, notify that county.
- **DAs and LEAs** per the county’s written working agreement.
- **Entity** (e.g., person, agency, organization) **responsible for supervising or overseeing the person allegedly responsible for the abuse/neglect**

The “entity” shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process.

Information that may be disclosed to this person includes:

1. allegations reported and who will be interviewed;
2. name(s) of the person(s) identified as responsible for the abuse/neglect;
3. approximate timeframe within which the CA/N assessment will be completed; and
4. any other information that could prevent the abuse/neglect of other children at the home.

Note: It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with the children until the CA/N assessment is complete.

The following notifications shall be provided within five (5) working days of the report's receipt. The notification may be provided personally during the initial contact or mailed.

- **Persons allegedly responsible for abuse/neglect** – this **must** be written notification with a copy filed in the CA/N record
- **Parents/custodians of children identified in the report** – these individuals shall be given a general description of the allegations in person or in writing and informed that an abuse/neglect CA/N assessment is being conducted. The “Letter Notifying Parent Or Primary Caregiver Of Allegations” can be generated through FACTS if written notification is the method used. The identity of alleged person(s) responsible for abuse/neglect of identified children may be revealed to the parents/custodians only. The parents/custodians must also be advised that their children should not be questioned or probed for information while the CA/N assessment is in progress as this may contaminate the evidence in the event a criminal case is initiated. Child welfare staff may also request that the parents/custodians observe their children for any unusual behavioral symptoms, and if any are noted, that they contact the person conducting the CA/N assessment.

#### Information Collection

Child welfare staff conduct individual, private interviews with the following persons.

- **Children allegedly abused/neglected**
- **Persons allegedly responsible for the abuse/neglect** - if the request for an individual, private interview is denied, child welfare staff shall document the circumstances in the CA/N record.
- **Collaterals** - all individuals who reportedly have information about the alleged abuse/neglect and witnesses to the alleged incident. If all the children in the camp or group activity witnessed the incident, two (2) or three (3) children may be interviewed.

#### Dispositions, Notifications, Due Process Rights And Central Registry Data Entry

A disposition shall be reached for each allegation and each person allegedly responsible for the abuse/neglect per *CA/N Assessment* policy, section **IV. C. 1.**

Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is “not indicated” or “unable to complete.” If the disposition is “indicated,” the notification is considered a preliminary disposition and must include information on due process rights. This notification may be hand-delivered or mailed. If mailed, notifications to persons with “indicated” dispositions **must** be sent by both first-class and certified mail.

Due process rights for these individuals is provided through an administrative record review, and if a review is held, the SDHR administrative record reviewer will notify the persons allegedly responsible for abuse/neglect as to the final disposition.

All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for “not indicated” and “unable to complete” dispositions, and following the provision of due process rights if the disposition is “indicated.”

Child welfare staff shall not disclose “indicated” dispositional information prior to an administrative record review. If the safety of the children in the out-of-home setting would be jeopardized by withholding that information, the disposition may be shared with the reporter and the entity supervising/overseeing the camp/group activity prior to the hearing. The use of this emergency provision for sharing information shall only be used after the county child welfare supervisor has contacted SDHR Legal for concurrence.

Child welfare staff shall enter the final disposition into the Central Registry for “indicated” dispositions following the record review or when due process rights are waived. All other dispositions are entered upon the CA/N assessment’s completion.