

1185 INVESTIGATING ALLEGATIONS OF ABUSE AND NEGLECT IN RESIDENTIAL TREATMENT PROGRAMS

Chapter: **Child Protective Field Services**

Section: **CPS Family Assessments**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **15-26**

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Approved:

Handwritten signature of Lorraine Bartlett in black ink.

Lorraine Bartlett, DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#), [RSA 170-E](#), [RSA 541-A](#), [RSA 621](#), and [RSA 621-A](#)

Related Admin Rule(s): [He-C 6350](#)

Related Federal Regulation(s):

Related Form(s):
Bridges' Screen(s) and Attachment(s):

Everyone deserves to be treated with courtesy and respect. In situations where a report has been received about a child or youth in a Residential Treatment Program, specialized staff are designated to review the report to assure objectivity, professionalism, and confidentiality for all the individuals involved. DCYF is committed to investigating alleged maltreatment of children/youth in out-of-home placements in a manner which assures that quality care services are being provided to children/youth and their families.

Purpose

To establish the policy and procedures for collaborating with Residential Treatment Programs and conducting investigations of alleged abuse and neglect of children/youth in residential care to ensure their safety and well-being. This may include assisting Residential Treatment Program staff to conduct reviews of practice and establish a plan of action and correction.

Definitions

"Corrective Action Plan" means, a written proposal setting forth the procedures by which a child care agency, child care institution, or child-placing agency will come into compliance with the standards set by RSA 541-A and subject to approval of the department. The proposal shall include the time needed to assure compliance and the steps proposed by the agency to reach compliance.

"CPSW" means a Child Protective Service Worker employed by DCYF.

"DCYF" or the **"Division"** means the DHHS Division for Children, Youth and Families.

"DHHS" means the New Hampshire Department of Health and Human Services.

"Guardian" means either natural parent or a person appointed by a NH Circuit Court, or the court of similar jurisdiction in another state, to have responsibility for the care, custody, and educational needs of the child.

"Institutional Child Abuse or Neglect" means situations of known or suspected child abuse or neglect, wherein the person responsible for the child's welfare is a foster parent or is an employee of a public or private residential home, institution, or agency.

"JPPO" means a Juvenile Probation and Parole Officer employed by DCYF.

“Protective Investigation” means the process by which the SI CPSW inquires into a report alleging abuse or neglect pursuant to RSA 169-C: 37, to determine the validity of the allegations and the need for further protective services.

“Residential Treatment Program” means a residential Child Care Agency or Child Care Institution as described in RSA 170-E:25, which may be certified by DCYF pursuant to He-C 6350.

“SI” means the DCYF Bureau of Organizational Learning and Quality Improvement Special Investigations.

Policy

- I. The DCYF Central Intake Unit receives [reports](#) alleging child abuse/neglect in Residential Treatment Programs. Credible reports are sent via NH Bridges to Special Investigations.
- II. SI must make a referral to law enforcement, per RSA 169-C: 38 if during the course of the investigation, allegations of sexual abuse, assault, or severe abuse/neglect involving a child/youth in a Residential Treatment Program are received, and may concurrently be reported to law enforcement by the Residential Treatment Program.
- III. Reports alleging abuse and/or neglect in state-run Residential Treatment Programs are forwarded to the State Attorney General’s Office for investigation.
 - A. SI staff will cooperate with the State Attorney General’s Office and assist in the process of completing investigative tasks and review of information, when requested.
 - B. SI staff will consult with the State Attorney General’s Office and make recommendations regarding the determination for an investigation in which the SI staff has collaborated with the State Attorney General’s Office.
 - C. The State Attorney General’s Office maintains all authority of review and approval for tasks deferred to SI for completion.
- IV. The primary goal of the protective investigation process is to ensure the safety of children/youth in out-of-home placements through interviews with children/youth and consultations with DCYF staff, Residential Treatment Program staff, parents/guardians, and any family or professional collaterals that can provide objective information.
 - A. SI staff must have face-to-face contact with the alleged victim to assure safety as soon as possible, not to exceed 5 business days of any report of abuse or neglect in a Residential Treatment Program being assigned to SI.
 - B. The victim and other children/youth living in the Residential Treatment Program may be interviewed by staff from SI, as needed, to complete the protective investigation and to ensure the safety of the children/youth in the Residential Treatment Program. Children/youth who no longer live in the Residential Treatment Program may also be interviewed by SI, as needed.
 - C. SI CPSW will collaborate with the CPSW/JPP0 (and/or Supervisor) responsible for a child/youth in the Residential Treatment Program that is identified in the report as the alleged victim/perpetrator.

- V. Interagency cooperation between SI staff and other state agency staff is required for protective investigations at Residential Treatment Programs under the authority of administrative rules and RSA 169-C.
- VI. Protective investigations in a Residential Treatment Program may be used as an opportunity to educate the program staff and community stakeholders in an effort to prevent abuse and neglect of children/youth. Recommendations may be made to assist in preventing further incidents.

Procedures

- I. SI receives referrals from Central Intake via Bridges.
 - A. The Supervisor is responsible for reviewing each referral and assigning it as an assessment.
 - B. The Supervisor must restrict the assessment to ensure confidentiality.
- II. The SI staff must:
 - A. Notify the CPSW/JPPPO (and/or Supervisor) responsible for the alleged victim/perpetrator in the Residential Treatment Program.
 - B. Determine the level of safety and risk to the child(ren)/youth in placement in collaboration with the program, the reporter, or other professionals by obtaining the following information:
 - 1. A detailed description of the incident;
 - 2. The circumstances surrounding the incident;
 - 3. The level of supervision at the time of the incident;
 - 4. Witnesses present;
 - 5. The nature and location of the child/youth's injury;
 - 6. Access of the perpetrator to the victim; and
 - 7. The program's ability to prevent access or provide safety and supervision to the child/youth.
 - C. Collaborate with the CPSW/JPPPO(s) to safety plan for the child(ren)/youth.
 - D. Report sexual abuse, assault, or severe abuse/neglect to law enforcement, per RSA 169-C:38.
 - E. Notify the State Attorney General's Office of any reports involving the following state-run facilities pursuant to RSA 169-C:37;
 - 1. New Hampshire Hospital; and/or
 - 2. John H. Sununu Youth Services Center (SYSC).
 - F. Provide notification to other state personnel/agencies as follows:

1. Notify the District Office CPSW/JPPPO of the allegations;
 2. For licensed and/or certified Residential Treatment Programs, notify the Residential Certification Specialist and the licensing staff with the Child Care Licensing Unit.
 3. For SYSC or PREA eligible Residential Treatment Programs, notify the PREA Coordinator at SYSC of any allegations of a sexual nature.
 4. For allegations received regarding the school portion of a Residential Treatment Program notify the Department of Education.
 5. Notify the Bureau of Health Facilities Administration (HFA) of any reports involving a program unlicensed by Child Care Licensing or an uncertified program, including but not limited to:
 - (a) Lake View NeuroRehab Center, and
 - (b) Hampstead Hospital
- G. Interview the alleged victim and other children/youth involved with the incident, or other alleged victims that were not named in the original report. These interviews will be conducted in accordance with RSA 169-C: 38, V and be documented in the Bridges Assessment Contact Log.
1. For youth in DHHS care who are over the age of 18, the option to have the interview videotaped or audiotaped will be presented.
- H. Interview witnesses of the incident.
1. This may include other children/youth at the Residential Treatment Program or childcare staff. For interviews with children/youth witnesses, every effort will made to notify the child/youth's parents/guardians regarding the interview prior to it occurring.
 2. For interviews with program staff, the option to have the interview videotaped or audio taped may be presented.
 3. Document these contacts in the Bridges Assessment Contact Log.
- I. Interview the alleged perpetrator.
1. Include law enforcement in the interview as appropriate.
 2. For interviews with youth, the interview will be videotaped and audiotaped pursuant to RSA 169-C:38, V.
 3. For interviews with program staff, the option to have the interview videotaped or audiotaped may be presented.
 4. Document these contacts in the Bridges Assessment Contact Log;

- J. Collect evidence including but not limited to:
 - 1. Copies of the incident reports;
 - 2. Copies of any internal investigation, findings, and actions taken;
 - 3. Copies of pertinent agency policies and procedures;
 - 4. Copies of training records of staff involved in the reported incident;
 - 5. Copies of the agency or program's treatment records and behavioral plans for the child/youth involved;
 - 6. Copies of written documentation of any medical treatment provided to the child/youth subsequent to the incident;
 - 7. Documentation of the staffing ratios at the time of the incident; and
 - 8. Documentation of the safety plan developed by the program subsequent to the incident.

- K. The SI CPSW shall work collaboratively with the program to assess the following considerations, whenever possible and appropriate, in relation to the allegation identified during the protective investigation, including:
 - 1. Communication between administrative/supervisory staff and child care staff;
 - 2. Communications between staff and the CPSW/JPPPO;
 - 3. Interaction between staff and the child(ren)/youth;
 - 4. Appropriateness of consequences given to child(ren)/youth;
 - 5. Adequacy of the supervision of the child(ren)/youth;
 - 6. Policy and procedures versus actual practice;
 - 7. Orientation and training of the staff specific to the incident;
 - 8. Physical condition of the program; and
 - 9. Adequacy of actions taken by the program to ensure current and future safety of children/youth, which may or may not include disciplinary action or re-assignment of staff.

- L. For reports of abuse, review the medical information regarding how the child/youth's injuries occurred. If the injuries were the result of the child/youth's physical management, determine if the physical management was consistent with the program's policy, procedure, training, and child/youth's treatment plan.

- M. If seclusion of a child/youth was involved, determine if the seclusion was consistent with the program's policy, procedure, training, and child/youth's treatment plan.

- N. Review historical and current information about the child/youth and the reasons for out-of-home placement, including the child/youth's records and files, as needed.
- O. Determine if the alleged perpetrator is listed in the Central Registry.
- P. Call the reporter at the onset and the conclusion of the protective investigation and document these contacts in the Bridges Assessment Contact Log.
- Q. Contact at least [two collaterals](#) and document the contacts in the Bridges Assessment Contact Log.
- R. Review any ["additional information"](#) received during the course of the protective investigation and document in the Bridges Assessment Contact Log how this information was addressed.
- S. For state-run facilities (SYSC & New Hampshire Hospital), review the information collected during the course of the protective investigation and the desired disposition with the State Attorney General's Office.
- T. Complete the Assessment Findings Screen on Bridges, including a review of the prior reports associated with the child/youth and staff from a Residential Treatment Program.
 - 1. In reports involving state-run facilities (SYSC & New Hampshire Hospital), complete the Findings Screen on Bridges following receipt of the determination from the State Attorney General's Office.
- U. Complete the "Case Connect" screen on Bridges.
- V. Complete the Assessment Close Screen on Bridges to include the final closing summary that includes the number of prior reports and their determinations, the outcome of the protective investigation, and a clear and precise explanation of the protective investigation and why the determination was made.
- W. Notify program personnel, licensing/certification agencies, and the assigned CPSW/JPPPO of the assessment outcome upon completion of the protective investigation.
 - 1. SI may make recommendations specific to maintaining the safety and well-being of the child/youth placed in the program, and/or any change or modification in program operations.
 - 2. Request that appropriate action be taken to protect the child(ren)/youth, including limiting or prohibiting contact with the alleged perpetrator as necessary.
 - 3. SI will collaborate with the program regarding a Corrective Action Plan if necessary, and will document that plan in the Close Screen on Bridges and the closing letter.
 - 4. SI will notify the appropriate regulatory state agency about these recommendations, which may include an assessment summary, so that the appropriate regulatory state agency may follow-up with the program regarding the Corrective Action Plan.

- X. Provide the assigned CPSW/JPPPO with recommendations (if any) for child/youth's well-being, and discuss the CPSW's/JPPPO's plan for processing the assessment outcome with the child/youth.
 - 1. The CPSW/JPPPO is responsible for documenting this conversation with the child/youth in the Bridges Case Contact Log.
 - 2. The SI CPSW will be available to assist with the conversation if necessary.
 - Y. Notify the alleged perpetrator of the assessment outcome (or recommended determination if the investigation was assigned to the State Attorney General's Office) upon completion.
 - Z. Notify the certification or licensing authority if there is evidence of certification or licensing violations or inappropriate treatment of a child/youth in the Residential Treatment Program.
 - AA. Notify the parents/guardians of the child/youth of the assessment outcome (or recommended determination if the investigation was assigned to the State Attorney General's Office) upon completion with recommendations (if any) for child/youth's well-being.
 - BB. For children/youth who are placed in the Residential Treatment Program by another child-placing agency or another state's child protection agency, notification will be made to the child/youth's case manager and request that appropriate action be taken to protect the child/youth as necessary, including limiting or prohibiting contact with the alleged perpetrator as necessary.
 - 1. The SI CPSW will collaborate with the ICPC Administrator or ICJ Administrator, as necessary to communicate the information and needs.
 - CC. Notify the State Attorney General's Office of the SI staff's recommendation for the disposition of the assessment and send applicable records.
 - DD. Close the assessment as "incomplete" pending the State Attorney General's Office's notification of the final decision around the disposition of the assessment.
 - 1. Upon receipt, SI staff will re-open the assessment and note the disposition made by the State Attorney General's Office (incomplete, unfounded, or founded).
 - EE. For "founded" reports, the SI staff will send [notification](#) to the person responsible for the abuse and/or neglect.
 - FF. Retain the assessment record at State Office as required by RSA 169-C:35.
- III. The assigned CPSW/JPPPO must:
- A. Share background information about the child/youth and/or the Residential Treatment Program with the SI CPSW;
 - B. Provide notification to the child/youth's parents/guardians of the allegations within 2 business days of the initiation of the protective investigation, unless otherwise agreed upon with the SI Supervisor;

- C. Provide notification to the child/youth's treatment team of the assessment outcome, as appropriate;
 - D. Authorize treatment and/or counseling for the child/youth as needed;
 - E. Inform the Supervisor of the assessment outcome; and
 - F. Provide notification to the court of jurisdiction of the protective investigation and its assessment outcome.
- IV. The SI supervisor must review the appropriateness of maintaining the referral as restricted prior to closing the assessment.