



1211 NON-COURT CASES (B-CASE)	
Chapter: Child Protective Field Services	Section: CPS Family Assessments
	New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 14-07 Effective Date: March 2014 Scheduled Review Date:
	Approved:  Maggie Bishop, DCYF Director
Related Statute(s): RSA 169-C Related Admin Rule(s): Related Federal Regulation(s):	Related Form(s): FORM 2103, FORM 2138, FORM 2238, FORM 2239, FORM 2240M, FORM 2250, and FORM 2251 Bridges' Screen(s) and Attachment(s):

DCYF believes that all children/youth belong with their family and that our responsibility is to encourage and support the family, while ensuring the safety of the child/youth and the community. DCYF makes every effort to engage with families. When DCYF has determined that a child/youth has been abused and/or neglected, and the family agrees and recognizes a need for services, DCYF can provide an intervention through a Non-Court Agreement, which is the least intrusive and subsequently less stressful.

Purpose

This policy describes the process for providing services to families in founded cases, when the family agrees to services, and it has been determined that court intervention is not necessary.

Definitions

"Assessment" means a protective investigation as it is maintained in the NH Statewide Automated Child Welfare Information System (SACWIS), Bridges.

"CPS" means the field services' Bureau of Child Protective Services under DCYF.

"CPSW" means a Children Protective Services Worker employed by DCYF.

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

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

"Family Level Objective" or **"FLO"** is a statement of what the family will do to safely manage the high-risk everyday life event(s) that have led to the maltreatment identified in the assessment. The Family Level Objective refers to the tasks, plans, or arrangements that the whole family can and will do to improve the overall safety and security of the family. Family Level Objectives cover issues like keeping the house clean, child supervision, or proper nutrition.

"Founded, Services Only" with a **"Non-Court Agreement"** means an agreement between the CPSW and the person responsible for the child abuse and/or neglect in which the parties agree that: the report is founded; the responsible party waives his or her right to an appeal; the responsible party's name will be placed on the state's Central Registry of founded reports of child abuse and neglect; and, the Division will provide services to the family to address the identified maltreatment.

"Individual Level Objective" or **"ILO"** is a statement of what certain individuals (typically caretakers) in the family will do to safely manage their personal behavioral issues that have been shown to

interfere with the successful accomplishment of the everyday family life tasks as identified in the assessment (and therefore the Family Level Objective). Individual Level Objectives cover issues like overcoming substance use, controlling one's anger, or maintaining emotional stability.

"Person Responsible for the Child Abuse or Neglect" or "Alleged Perpetrator" means a person who has or is alleged to have psychologically, physically, sexually abused, or neglected a child/youth, regardless of age or family relationship to the victim.

Policy

- I. For all families opened under Founded Services Only for DCYF services:
 - A. The abuse or neglect allegations are determined to be founded;
 - B. There is no imminent danger to the child(ren)/youth; and
 - C. The child(ren)/youth must reside in the parent's home or in a guardian's home.
- II. For all families who agree to receive non-court services, the family must meet the following criteria:
 - A. Acknowledge that issues of maltreatment exist and agree to a finding of abuse or neglect;
 - B. Understand that the responsible person's name will be entered into the Central Registry for 7 years unless earlier expunged, pursuant to RSA 169-C:35 IV;
 - C. Have the capability, motivation, and willingness to change the behaviors that resulted in harm and/or put the child(ren)/youth at risk;
 - D. Realize that cooperation and active participation in the development of and follow through with the Case Plan is necessary to avoid court action;
 - E. Waive the right to an administrative appeal of the finding of abuse and/or neglect; and
 - F. Understand that they may be responsible for part of service costs as negotiated with the DCYF Reimbursement Unit. See RSA 169-C:27.
- III. The length of services is limited to 12 months, unless waived for good cause by the Bureau Chief for Field Services, or designee.
- IV. If court petitions for abuse and/or neglect are deemed necessary during a non-court case to ensure the safety of the child(ren)/youth, a new report is to be made to the DCYF Central Intake Unit regarding the new information that resulted in an unmanageable level of risk and thus danger for the child(ren)/youth.
 - A. Petitions to the court must be filed relative to the new referral.
 - B. A non-court case should be closed as soon as possible when a case has been opened through court action.

Consultation and Approvals

- I. The Assessment CPSW must consult with his or her Supervisor regarding the appropriateness of providing services to a family without court intervention.

- A. Efforts must be made by the Assessment CPSW and Supervisor to consult with the Family Services Supervisor prior to opening the non-court case on Bridges.
 - B. The Assessment Supervisor must approve the opening of a non-court case.
 - C. Information discussed in the consultation(s), including supervisor approval, must be documented in the Bridges Assessment Contact Log.
- II. The Family Services Supervisor must approve any cases that remain open for more than 6 months and document the decision and the rationale for the decisions in the Bridges Case Contact Log.
- III. The following examples of more serious and complex abuse or neglect factors may indicate that court action needs to be sought:
- A. Life-threatening living conditions;
 - B. Severely mentally-ill parent(s);
 - C. The parent or parents are experiencing chronic drug addiction or alcoholism;
 - D. The parent or caregiver is volatile and/or dangerous;
 - E. A child/youth has been sexually abused and the person allegedly responsible for the sexual abuse is the parent, household member, or relative;
 - F. The person allegedly responsible for child abuse and/or neglect has continued access to the harmed, injured, or sexually abused child/youth;
 - G. A child/youth with severe injuries;
 - H. Physical abuse of a child who is under one year of age;
 - I. Death of a sibling when the child/youth is in the same household and when death is due to abuse, neglect, or suspicious circumstances;
 - J. Cruel, bizarre, or sadistic punishment of a child/youth;
 - K. Serious abusive acts are premeditated and are of serious consequence to the child/youth;
 - L. The child/youth is currently being abused;
 - M. The child/youth is in need of serious medical attention, but the parent(s) refuses to obtain care;
 - N. The child/youth has been abandoned or left unsupervised and is not capable of providing for self care;
 - O. Incidents of abuse or neglect have increased in intensity and frequency;
 - P. Repeat abuse or neglect after the initial report when interventions have been unsuccessful;
 - Q. The parent or parents are uncooperative; and

- R. Child/youth's safety requires out-of-home placement (this does not include respite care).
- IV. DCYF purchased services, may be authorized by the CPSW.
- A. Individual Outpatient Counseling (OC) must have prior supervisory approval, and
 - B. Diagnostic Evaluation (DE) must have prior approval from a Field Administrator.

Procedures

- I. The Assessment CPSW:
- A. Follows the policies concerning assessment and determines the report founded in consultation with his/her supervisor;
 - B. Discusses the family's circumstances with his or her Supervisor, prior to opening the non-court case on Bridges;
 - C. The Assessment CPSW must prepare a brief "Statement of Facts" (Form 2238) outlining the details for opening the case. This "Statement of Facts," similar to an Affidavit, must be provided to the Family Services CPSW.
 - D. The Assessment CPSW, in consultation with the Family Services CPSW, must prepare a brief "Non-Court Agreement" (Form 2239) with the family. The Non-Court Agreement must:
 - 1. Specify who will be entered on the Central Registry;
 - 2. Identify if the finding is for abuse, neglect, or both;
 - 3. Identify the child(ren)/youth the abuse and/or neglect was perpetrated against;
 - 4. Identify agreed upon actions, plans, and tasks that will be completed; and
 - 5. Be signed by the person responsible for child abuse and/or neglect, the CPSW, and the DCYF Supervisor.
 - E. The Assessment CPSW must inform the person(s) determined to have abused and/or neglected the child(ren)/youth that:
 - 1. He/she will be expected to meet with the CPSW at least once a month in his/her home;
 - 2. By signing the "Non-Court Agreement" (Form 2239) he/she is acknowledging his/her responsibility for the abuse and/or neglect;
 - 3. His/her name will be entered into the Central Registry for 7 years, unless earlier expunged;
 - 4. He/she waives his/her right to an administrative appeal of the finding; and
 - 5. He/she is responsible to reimburse the state for services provided and the CPSW must provide a copy of:
 - (a) Form 2138 "Frequently Asked Questions About Reimbursement" brochure;

- (b) Form 2251 Financial Notification Range of Rates; and
 - (c) Form 2250 Financial Reimbursement Notification and Agreement.
 - 6. He/she is requested to sign Form 2250 and Form 2251 to acknowledge receipt of the notices.
 - F. When a "Non-Court Agreement" (Form 2239) is executed, the CPSW provides the original form to the individual and a copy is maintained in the assessment file.
 - 1. By providing Form 2239 to the individual they have been provided notice of their rights.
 - 2. The CPSW does not issue any Notice of Finding, because the individual's right to appeal is waived by the "Non-Court Agreement" (Form 2239).
 - G. Completes the Due Process box in the Bridges Finding Screen.
 - 1. Check the Perpetrator Notice Box and enter the date the "Non-Court Agreement" (Form 2239) was signed.
 - 2. Check the Fair Hearing Waived Date Box and enter the date the "Non-Court Agreement" (Form 2239) was signed (there is no need to wait 30 days as they are waiving their right to appeal at the time of entering the agreement).
 - H. Provides copies of the "Non-Court Agreement" (Form 2239) and "Statement of Facts" (Form 2238) to the Central Registry at State Office so that the name of the person responsible for child abuse and/or neglect can be entered into the Central Registry's database;
 - I. Opens the case on Bridges; and
 - J. Prepares the case file for transfer to a Family Services CPSW.
- II. The Family Services CPSW:
- A. Consults with the Assessment CPSW about case opening;
 - B. Follows the Family Services program policies concerning case documentation, case reviews, and case closure;
 - C. Develops the Case Plan (Form 2240M) with the family and child(ren)/youth at the Solution Based Family Team Meeting within **30 days of opening the case**, to:
 - 1. Identify the family's strengths, needs, and supports;
 - 2. Identify the Family Level Objectives (FLOs) and Individual Level Objectives (ILOs);
 - 3. Identify tasks and effective services that will assist the family to meet the FLOs and ILOs; and
 - 4. Establish clear responsibilities and plans to minimize risk and eliminate danger within specified time frames.;

- D. Must authorize payment for non-court cases, based on the agreement between DCYF and the child(ren)/youth's family.
 - E. Requests community home-based services from a certified provider by:
 - 1. Contacting the provider;
 - (a) Arranging for the child/youth and/or family to receive services based on their identified needs;
 - (b) Describing the Family Level Objectives (FLOs) and Individual Level Objectives (ILOs) that need to be achieved through the provision of services. (These may include enhanced parental functioning, capacity to discipline without physical force, etc.)
 - (c) Articulating tasks that the family has identified as being focus points that they want to improve on to meet their FLOs and ILOs, and the expectation/role of the provider in working with the family to achieve each task.
 - (d) Obtaining agreement on the begin date of service, length of service and/or number of units to be provided; and
 - (e) Providing a copy of the Case Plan to the provider.
 - 2. Once the CPSW finalizes the arrangements with the provider, the CPSW notifies the Fiscal Specialist by the "Service Authorization Request" (Form 2103).
 - F. Supports the parent(s)/guardian(s) in contacting their Managed Care Organization, or alternative private insurance, to arrange for services to meet behavioral or physical health needs.
 - G. At least monthly, the CPSW must:
 - 1. Meet with the family in their home to review progress made on the FLOs and ILOs in the Case Plan; and
 - 2. Have contact with the primary service provider to determine the effectiveness of the service(s) the family has received. Contact may be in writing or by telephone and must be documented in the Bridges Case Contact Log.
 - H. Every 3 months, the CPSW, family, and service provider(s) must review the family's progress through a Solution Based Family Team Meeting.
 - I. Updates the Case Plan (Form 2240M) on Bridges as necessary, including documentation of any results from case reviews.
 - J. For case closure, the CPSW must obtain prior supervisory approval and enter the date and reason on Bridges.
- III. The Family Services Supervisor

- A. Approves case extensions after 6 months, and case closures; and
- B. Reviews non-court cases monthly with the Family Services CPSW for:
 - 1. Ongoing assessment of the needs of all household members;
 - 2. Status of child(ren)/youth's safety;
 - 3. Progress toward FLOs and ILOs;
 - 4. Outcome of tasks and services being provided; and
 - 5. Continued need for service intervention.
- IV. The Bureau Chief for Field Services or designee, reviews waiver requests for cases that need to remain open for longer than 12 months.
- V. DCYF receives the service authorization from the Provider as an invoice for services provided.