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Manual - Child and Family Services Manual, Chapter C, Child Protective Services (CPS)

Transmittal # 271

The purpose of this transmittal is to provide notice of new and revised guidance for Chapter C. Child Protective Services of the VDSS Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon release.

Section 6: Services has been significantly revised and reorganized. One of the significant changes is the implementation of two tools which will be used to assess family strengths and needs and reassessing risk in a CPS on-going case. These tools are taken from the Structured Decision Making (SDM) model and provide consistency in assessments statewide. These tools build upon the SDM tools currently used in CPS intake, Family Assessments and Investigations. The guidance incorporates best practices related to the development of a service plan and the delivery of services in an on-going case. See Broadcasts 9305 and 9248 regarding the training of the revised course CWS2010: On-Going CPS Services.

Significant changes in Section 6 include:

- Adding new training requirements specific for CPS on-going staff and supervisors.
- Clarifying the roles and responsibilities of the CPS on-going worker.
- Adding specific guidance and procedures on the use of the Family Strengths and Needs Assessment Tool (FSNA) which is used to develop a service plan.
- Adding specific guidance and procedures on the use of the Risk Reassessment Tool which is used to guide case opening decisions.
- Clarifying the basic elements of a service plan: Goals, Objectives, Tasks/Activities and Services.
- Adding clearer guidance on how to document elements of the CPS on-going case in OASIS.
- Removing guidance that is no longer applicable due to implementation of the SDM tools.
- Adding seven (7) new appendixes.

Additional significant changes to the other sections include:

- Clarifying guidance regarding children of Native American, Alaskan Eskimo or Aleut heritage, including how the Indian Child Welfare Act applies to these children.
- Revising Section 1, Appendix A: Indian Child Welfare Act.
- Adding new guidance in Section 4 (Section 4.2.4) regarding the removal of an Indian child.

Commissioner Guidance Document Transmittal

- Adding new Appendix D in Section 8 regarding court proceedings and an Indian child.
- Adding definition of sex trafficking and requirement for screening children to determine if they are or have been a victim of sex trafficking in Section 4 and in Section 6.
- Adding new Appendix I in Section 6 regarding services for victims of sex trafficking.
- All sections: Updating links for the Code of Virginia and the Virginia Administrative Code (VAC) to reflect new Internet websites.

This transmittal and manual are available on SPARK:

<http://spark.dss.virginia.gov/divisions/dfs/cps/manual.cgi>

Significant changes to the manual are as follows:

Section 1 Introduction to Child Protective Services	
Subsection	Significant Changes
1.2.1 Services for persons with limited English proficiency	Amends the location of the additional information for requirements regarding persons with limited English proficiency.
1.2.2 Children of Native American, Alaskan Eskimo or Aleut heritage	<ul style="list-style-type: none"> • Adds Aleut heritage into title of section and within the main section narrative. • Clarifies that all Indian children are subject to the Indian Child Welfare Act (ICWA). • Adds reference to new guidance found in Section 4 regarding removal of an Indian child. • Adds federal definition of an Indian child. • Adds requirement that if there is a reason to believe a child is an Indian child and is at risk of entering foster care, the LDSS should treat the child as if they were an Indian child until it is determined otherwise. • Adds the requirement to make active efforts to reunite an Indian child with their family and clarifies these active efforts must begin before removal, from the time the possibility of removal begins. • Adds the definition and examples of what constitutes active efforts. • Clarifies that when it is officially determined that a child is not a member of a federally recognized tribe, local agencies should consider tribal culture and connections while providing services. • Removes the requirement to contact the CPS unit within the VDSS Division of Family Services when an Indian child is removed.
1.5.1.2 First three (3) months training requirement	Adds new e-learning requirement of CWSE 1510: Structured Decision Making in Virginia.
1.5.1.3 First twelve months training requirement	Adds two new on-line courses as pre-requisites to CWS1041: Legal Principles in Child Welfare Practice.

1.5.1.6 Training requirements for CPS on-going staff	Adds new guidance regarding training requirements for CPS on-going staff found in Section 6.
1.7 Family partnership meetings	Amends the recommended decision point for holding a FPM when there is a change in the foster care goal to include concurrent planning options.
1.8 Structured Decision Making	Adds a link to new e-learning training, CWSE1510: Structured Decision Making in Virginia.
1.10 Sex trafficking of children	Adds a new section- Sex trafficking of children: <ul style="list-style-type: none"> • Adds definition of sex trafficking and risk factors. • Adds information regarding federal legislation: Preventing Sex Trafficking and Strengthening Families Act and the Justice for Victims of Trafficking Act of 2015. • Provides links for additional information on sex trafficking, which includes a new e-learning course, CWSE4000: Identifying Sex Trafficking in Child Welfare.
1.11 Appendix A: Indian Child Welfare Act (ICWA)	Replaces Appendix A: Indian Child Welfare Act (ICWA): <ul style="list-style-type: none"> • Historical information about ICWA. • Clarifies active efforts and provides examples. • Defines Indian child. • Clarifies when ICWA applies and when it does not. • Clarifies who determines tribal membership.
1.12.4 Federally recognized tribes in Virginia	Adds a new section which clarifies the status of the Virginia Pamunkey Indian Tribe.
Section 2 Definitions	
Subsection	Significant Changes
2.4.2.1 Abandonment	Adds new guidance regarding a caretaker’s failure to make reasonable efforts to locate a missing or runaway child may be considered abandonment. Clarifies that if a child is removed after being left with either hospital staff or rescue squad that the reason for removal should be documented as “safe haven” in OASIS.
2.4.2.2 Inadequate supervision	Adds sex trafficking of a child by a caretaker may be considered inadequate supervision.
2.7.2 Types of sexual abuse	Clarifies that only valid sexual abuse reports shall be investigated.
2.7.2.1 Sexual exploitation	Adds sex trafficking of a child by a caretaker under the examples of sexual exploitation. This includes the definition of sex trafficking and severe forms of trafficking.
Section 3 Complaints and Reports	
Subsection	Significant Changes
3.5.4.3 Prevention response for invalid report or complaint	Adds new guidance regarding the ability of a LDSS to open a Prevention case and offer services when a report of abuse or neglect is screened out or determined to be invalid.
3.5.5.1.2 Non-caretaker	Adds the requirement to notify the complainant when allegations involve

sexual abuse: information to be provided to reporter or complainant	non-caretaker sexual abuse, specifically sex trafficking of a child by a non-caretaker.
3.6.1.3 Any sexual abuse, suspected sexual abuse or other sexual offense involving a child	Adds a link to new criminal law for commercial sex trafficking.
Section 4 Family Assessment and Investigation	
Subsection	Significant Changes
4.2.3.8.5 Locating and notifying relatives or other potential caretakers	Clarifies that notification to relatives that are required after a child has been removed should be done within five (5) days when feasible. Adds the requirement to notify the parents of all siblings when a child is removed and provides definition of a sibling.
4.2.4 Emergency removal of an Indian child	Adds a new section on emergency removal of an Indian child: <ul style="list-style-type: none"> Clarifies emergency removals of an Indian child must be as short as possible and adds local agency requirements to meet this expectation. Adds local agency requirements to determine if a child is an Indian child covered by ICWA. This section includes: <ul style="list-style-type: none"> 4.2.4.1 Affidavit 4.2.4.2 Temporary custody 4.2.4.3 Expert witness 4.2.4.4 Additional resources
4.3.5 Screen all children for sex trafficking	Adds a new section on screening all children for sex trafficking. This section includes: <ul style="list-style-type: none"> 4.3.5.1 Indicators of sex trafficking 4.3.5.2 When sex trafficking is identified 4.3.5.3 Safety considerations for sex trafficking victims 4.3.5.4 Additional information
4.5.36 Supervisor approval required	Adds a link to founded disposition checklist found on SPARK that can be used to ensure compliance with all CPS guidance, regulations and laws.
4.16 Appendix G: Family Service Agreement	Replaces the Family Service Agreement with newly revised one dated 8/15.
4.16.1 Family Services Agreement Instructions	Provides detailed instructions for the use of the Family Services Agreement.

4.22 Appendix M: Sex Trafficking of Children Indicators and Resources	<p>Adds a new Appendix M: Sex Trafficking of Children Indicators and Resources:</p> <ul style="list-style-type: none"> • Adds detailed information about sex trafficking, possible indicators, interview considerations, and helpful tips and reminders. • Includes detailed chart on interview questions and other observations to be used in human and sex trafficking investigations. • Provides links to additional resources.
Section 5 Out of Family Investigations	
Subsection	Significant Changes
Entire section	No significant changes
Section 6 Services	
<p>Note: Due to significant changes made within this section, the following shows <u>all</u> subsections of Section 6 and clarifies the contents of each section. A reminder: <i>all new guidance is in italics.</i></p>	
Subsection	Significant Changes
6.1 Introduction for CPS on-going services	<p>Identifies broad goals of CPS services.</p> <p>References the Virginia Children’s Service Practice Model.</p>
6.1.1 Principles of CPS on-going services	In addition to guiding principles, includes a link to new Appendix A: The Effects of Trauma.
6.1.2 Legal authority to provide services	Provides the regulatory citation regarding provision of services.
6.1.3 Training requirements for CPS on-going workers and supervisors	<p>Adds training requirements that are similar to the ones for CPS workers who conduct Investigations or Family Assessments and focuses on specific skills needed to work with families on an on-going basis. This section includes:</p> <ul style="list-style-type: none"> • 6.1.3.1 First three weeks training requirements. • 6.1.3.2 First three months training requirements. • 6.1.3.3 First 12 months training requirements. • 6.1.3.4 First 24 months training requirements. • 6.1.3.5 Additional training requirements for CPS supervisors.
6.1.4 Annual training requirements	Adds the same requirements for CPS staff outlined in Section 1, Introduction to Child Protective Services.
6.1.5 LDSS must ensure worker compliance	Adds the same requirements for CPS staff outlined in Section 1, Introduction to Child Protective Services.
6.1.6 Additional training resources	Provides links to on-line training resources.
6.2 Opening a case for CPS on-going services	(no text- adds section name only)
6.2.1 Application for services	Clarifies what forms can be used.

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6.2.2 Case opening in the automated data system	Clarifies how to open a case in OASIS. This section includes: <ul style="list-style-type: none"> • 6.2.2.1 Opening case narrative. • 6.2.2.2 Case type.
6.2.3 Transfer case within LDSS	Provides guidance on first contact after assignment. Provides guidance for transfer staffing within an agency and includes link to new Appendix B: Stages of Change.
6.2.4 Family Partnership Meetings (FPM)	Provides guidance on when to hold a FPM and includes a link to Chapter H, Domestic Violence.
6.2.5 Domestic Violence (DV)	Adds the same description of DV that is found in Section 1, Introduction to Child Protective Services.
6.2.6 Services for children of Native American, Alaskan Eskimo or Aleut heritage	Adds a section for services for children of Native American, Alaskan Eskimo or Aleut heritage: <ul style="list-style-type: none"> • The definition of an Indian child. • Who has right to determine tribal membership. • Adds requirement that if there is a reason to believe a child is an Indian child and is at risk of entering foster care, the LDSS should treat the child as if they were an Indian child until it is determined otherwise. • Active efforts to prevent the removal of an Indian child begin before a child is removed. • Examples of active efforts. • Considerations of Indian children not in federally recognized tribes. • Additional information links.
6.3 Contact with the family in a CPS on-going case	(no text- adds section name only)
6.3.1 Minimum contact	Clarifies guidance on mandated monthly contacts.
6.3.2 Additional contacts defined	Provides guidance for designated and collateral contacts.
6.3.3 Parental permission to speak to a child	Clarifies guidance regarding the contact with child when the parent/guardian is not present.
6.3.4 Contact information	Provides guidance on what information should be collected, assessed and documented for the child, parent(s), and others. This section includes: <ul style="list-style-type: none"> • 6.3.4.1 Contact with the child. • 6.3.4.2 Contact with the parent/guardian. • 6.3.4.3 Contact with collaterals or designated contacts.
6.4 Roles and responsibilities of the CPS on-going worker	Provides guidance on the responsibilities of the CPS on-going worker. Includes a link to new Appendix C: Building Rapport Techniques.

6.5 Reasonable diligence to locate family in a CPS on-going case	Provides the regulatory citation regarding reasonable diligence.
6.5.1 What constitutes reasonable diligence	Provides guidance on what constitutes reasonable diligence to locate a child and/or family.
6.5.2 Conducting periodic checks for missing child/family	Clarifies guidance for locating a missing child and/or family.
6.6 Reasonable candidacy for foster care in a CPS on-going case	Provides guidance on how to determine reasonable candidacy for foster care and includes a link to Appendix D: Reasonable Candidacy Manual.
6.7 Screening for sex trafficking victims in a CPS on-going case	Adds guidance requiring screening for sex trafficking as required by federal law, Preventing Sex Trafficking and Strengthening Families Act.
6.7.1 Signs of sex trafficking	Adds information on indicators of sex trafficking.
6.7.2 When sex trafficking is identified	Adds actions to be taken if sex trafficking is identified which includes notice to local law enforcement and the National Human Trafficking Resource Center.
6.7.3 Additional information	Adds links to additional information on sex trafficking.
6.8 Strengths and needs assessment in a CPS on-going case	Provides guidance on requirement to complete the Family Strengths and Needs Assessment (FSNA) tool in all CPS on-going cases.
6.8.1 FSNA	Provides details for completion of the FSNA tool. This section includes: <ul style="list-style-type: none"> • 6.8.1 FSNA. • 6.8.1.1 Use of definitions is critical. • 6.8.1.2 Caretaker information to be gathered for the FSNA. • 6.8.1.3 Child information to be gathered for the FSNA. • 6.8.1.4 Prioritize caretaker strengths and needs. • 6.8.1.5 Child needs identified in FSNA.
6.8.2 Child and Adolescent Needs and Strengths Assessment (CANS)	Provides guidance for completion of the CANS assessment tool.
6.9 Service planning in a CPS on-going case	(no text- adds section name only)
6.9.1 Definition of service plan	Provides the regulatory citation regarding definition of a service plan.
6.9.2 Timeframe to complete service plan	Provides guidance on how often a service plan must be completed.
6.9.3 Information needed to develop service plan	Provides guidance on necessary information to gather and review prior to developing a service plan with a family.
6.9.4 Develop the plan with	Provides guidance on how to engage the family when developing a

the family	service plan.
6.9.5 When parents are not engaged	Provides guidance on dealing with resistant clients. Includes a link to Appendix C: Building Rapport Techniques.
6.9.6 Service planning and DV	Provides a link to Chapter H, Domestic Violence.
6.9.7 Service plan components	Provides guidance on the main components of a service plan and includes examples of each. This section includes: <ul style="list-style-type: none"> • 6.9.7.1 Goals. • 6.9.7.1.1 Primary goals. • 6.9.7.2 Objectives. • 6.9.7.3 Services. • 6.9.7.3.1 Caretaker services by FSNA domains • 6.9.7.3.2 Child services by FSNA domains • 6.9.7.4 Activities/tasks.
6.9.8 Share and document the service plan	Provides guidance on need to document service plan in OASIS and share with the family.
6.9.9 Supervisory review of the service plan	Provides guidance for supervisory approval.
6.9.10 Family refuses services	Provides the regulatory citation regarding ability for family to decline services. Provides the statutory citation regarding petitioning for a preliminary protective order.
6.9.11 Court refuses request for assistance	Provides guidance for what to do when court does not court order services.
6.10 Multidisciplinary teams and CPS on-going services	Provides the regulatory citation regarding the establishment and functioning of multidisciplinary teams.
6.10.1 Child Advocacy Centers (CAC)	Provides guidance regarding the function of CAC and a link for additional information.
6.10.2 Child and Family Team Meeting (CFTM)	Provides guidance regarding the function of a CFTM and includes a link to the new Appendix G: Comparing FPM and Child and Family Team Meetings.
6.10.3 Cooperation and exchange of information	Provides guidance regarding exchanging information within multidisciplinary teams.
6.11 New report in a CPS on-going case	Clarifies guidance regarding when new allegations are made and a case is already open for CPS on-going services.
6.12 Assessing safety in a CPS on-going case	Provides guidance regarding assessing and documenting safety during a CPS on-going case through the use of the Safety Assessment tool used in Section 4, Family Assessment and Investigation.
6.13 Service plan review in a CPS on-going case	Provides guidance on the need to review a service plan every 90 days.

Commissioner Guidance Document Transmittal

6.13.1 Risk Reassessment	Provides guidance on requirement to complete the Risk Reassessment tool. This section includes: <ul style="list-style-type: none"> 6.13.1.1 Risk reassessment considerations. 6.13.1.2 Risk reassessment decision.
6.13.2 Update the FSNA	Provides guidance for updating the FSNA if the CPS on-going case is to remain open.
6.12.3 Update service plan	Provides guidance for updating the service plan in OASIS and share with the family.
6.13.4 Update reasonable candidacy status	Provides guidance to assess and update reasonable candidacy for foster care every six months.
6.13.5 Update safety assessment	Provides guidance regarding the need to update the safety assessment prior to closing a CPS on-going case.
6.13.6 Closing notification/summary	Provides guidance for documenting a closing case summary in OASIS and notification to family that the case is being closed.
6.13.7 Supervisory approval	Provides guidance requiring supervisory approval needed to close a CPS on-going case.
6.14 Transferring a CPS on-going case outside the LDSS	(no text- adds section name only)
6.14.1 Transfer open CPS on-going case to another LDSS in Virginia	Provides the regulatory citation for transferring a case to another LDSS. This section includes: <ul style="list-style-type: none"> 6.14.1.1 LDSS to initiate transfer immediately. 6.14.1.2 All contacts must be current. 6.14.1.3 LDSS shall send entire record to receiving LDSS. 6.14.1.4 Receiving LDSS shall provide services.
6.14.2 Transfer open CPS on-going case to another state	Provides guidance on how to transfer a CPS on-going case to another state.
6.14.3 Transfer CPS case out of state; child in the custody of an LDSS	(no text- adds section name only)
6.14.3.1 Involving ICPC	Provides guidance for Interstate Compact for the Placement of Children.
6.15 Prevention services	Provides guidance for provision of prevention services and a link to Chapter B, Prevention.
6.16 Retention requirements for CPS on-going case records	Provides guidance for retention of all records.
6.17 Appendix A: Trauma-Informed Care	Adds a new Appendix A that provides information regarding trauma informed practices and includes: <ul style="list-style-type: none"> 6.17.1 The effects of trauma 6.17.2 Re-traumatization 6.17.3 Engaging and supporting families who have experienced trauma 6.17.4 How CPS on-going workers can use a trauma-informed

	approach
6.18 Appendix B: Stages of Change	Adds a new Appendix B that provides brief summary of the stages of change.
6.19 Appendix C: Building Rapport Techniques	Adds a new Appendix C that includes: <ul style="list-style-type: none"> • 6.19.1 Techniques for building rapport. • 6.19.2 Engaging the resistant client.
6.20 Appendix D: Reasonable Candidacy Manual	This appendix provides guidance for determining reasonable candidacy for foster care. (not new or revised)
6.21 Appendix E: Family Strengths and Needs Assessment (FSNA)	Adds a new Appendix E that includes the FSNA tool. This appendix also includes: <ul style="list-style-type: none"> • 6.21.1 Definitions used in FSNA. • 6.21.2 FSNA guidance and procedures
6.22 Appendix F: Developmental Milestones	Adds a new Appendix F that includes a developmental milestone chart that can be used when assessing child domains in the FSNA.
6.23 Appendix G: Comparing FPM and Child and Family Team Meetings	Adds a new Appendix G that includes a chart comparing the similarities and difference between a FPM and a CFTM.
6.24 Appendix H: Risk Reassessment Tool	Adds a new Appendix H that includes the Risk Reassessment tool. This appendix also includes: <ul style="list-style-type: none"> • 6.24.1 Family risk reassessment definitions. • 6.24.2 Family risk reassessment guidance and procedures.
6.25 Appendix I: Services for Sex Trafficking Victims	Adds a new Appendix I regarding services for sex trafficking victims which includes: <ul style="list-style-type: none"> • Service needs related to physical/mental health and trauma; education; legal services; and other needs. • 6.25.1 Additional resources
Section 7 Appeals	
Subsection	Significant Changes
Entire section	No changes
Section 8 Judicial Proceedings	
Subsection	Significant Changes
8.1 Introduction	Adds a reference to new Appendix D: Guidelines for state courts and agencies in Indian child welfare custody proceedings.
8.10 Appendix D: Guidelines for state courts and agencies in Indian child welfare custody proceedings	Adds a new Appendix D: Guidelines for state courts and agencies in Indian child welfare custody proceedings. This includes: <ul style="list-style-type: none"> • 8.10.1 What is the purpose of these guidelines? • 8.10.2 What terms do I need to know? • 8.10.3 When does ICWA apply? • 8.10.4 How do I contact a tribe under these guidelines? • 8.10.5 How do these guidelines interact with state laws? • 8.10.6 When does the requirement for active efforts begin?

	<ul style="list-style-type: none"> • 8.10.7 What actions must an agency and State court undertake in order to determine whether a child is an Indian child? • 8.10.8 Who makes the determination as to whether a child is a member of a tribe? • 8.10.9 What is the procedure for determining an Indian child's tribe when the child is a member or eligible for membership in more than one tribe? • 8.10.10 When must a state court dismiss an action? • 8.10.11 What are the notice requirements for a child custody proceeding involving an Indian child? • 8.10.12 What time limits and extensions apply? • 8.10.13 What is the process for the emergency removal of an Indian child? • 8.10.14 What are the procedures for determining improper removal? • 8.10.15 Who may serve as an expert witness?
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Section 9 Confidentiality

Subsection	Significant Changes
Entire section	No changes

Section 10 Substance Exposed Infants

Subsection	Significant Changes
Entire section	No changes

Section 11 Child Deaths

Subsection	Significant Changes
Entire section	No changes

Questions about this transmittal should be directed to Rita Katzman, CPS Program Manager at 804-726-7554 or by email at rita.katzman@dss.virginia.gov



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