

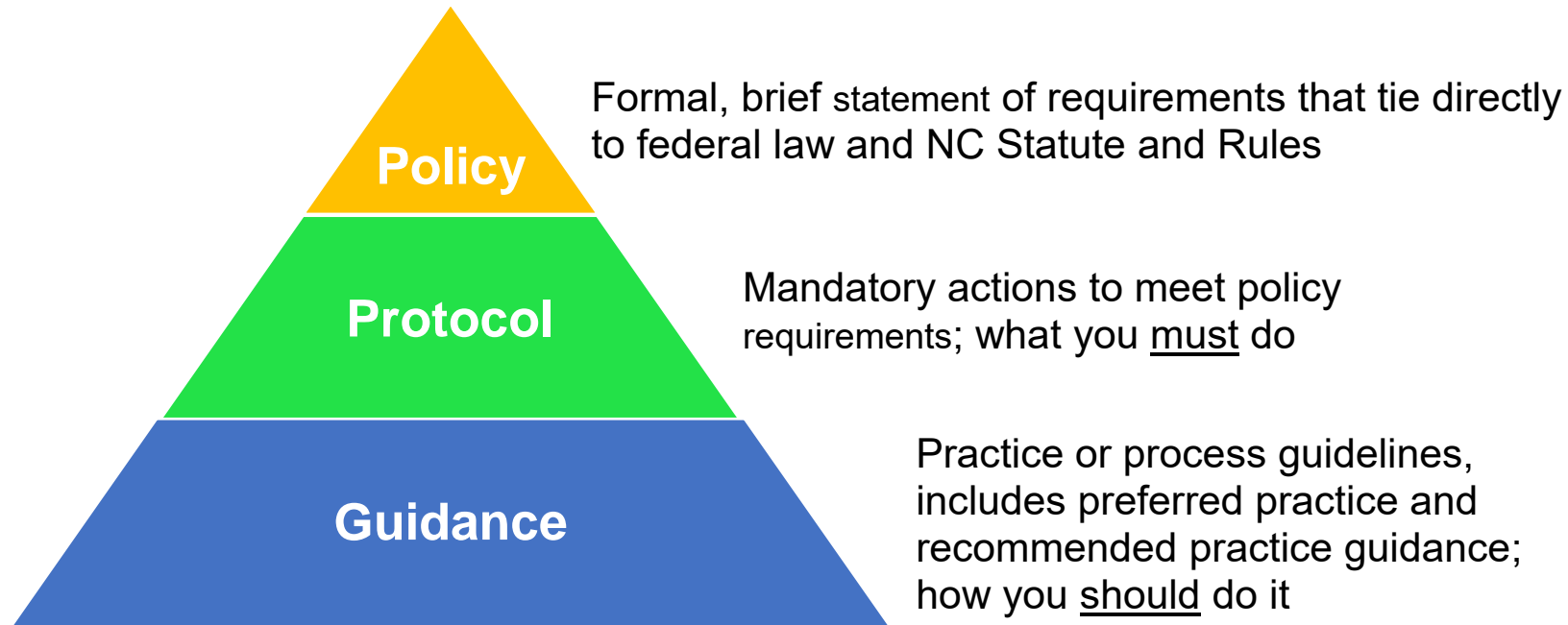
## **North Carolina Child Welfare Manual for Intake, Assessments, In-Home & Permanency Planning**

North Carolina Child Welfare strives to ensure safe, permanent, nurturing families for children. The goal is that every child in North Carolina grows up in a safe, permanent, self-sufficient family where well-being needs of all are met.

Child Protective services are legally mandated, non-voluntary services for families that encompass services for maltreated children (abused, neglected, and/or dependent) and those who are at imminent risk of harm due to the actions of, or lack of protection by, the child's parent or caregiver. Child Protective Services, provided by county child welfare agencies, are designed to protect children from further harm and to support and improve parental/caregiver abilities to assure a safe and nurturing home for each child.

This North Carolina Child Welfare Manual provides the Policy, Protocol and Guidance for county child welfare agencies in the provision of Child Protective Services Intake, Assessments, and In-Home and Child Welfare Permanency Planning.

### NC CHILD WELFARE MANUAL FRAMEWORK



# North Carolina Child Welfare Manual for Intake, Assessments, In-Home & Permanency Planning

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CPS Family and Investigative Assessments Purpose– NOT PROVIDED
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<a href="#">In-Home Services Purpose</a>
<a href="#">In-Home Services Table of Contents</a> <a href="#">GO HERE TO LOCATE IN-HOME POLICY MOFICATIONS</a>
Permanency Planning Purpose– NOT PROVIDED
Permanency Planning TOC– NOT PROVIDED
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<a href="#">Intensive Family Preservation Services</a>
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**Cross Function Topics** provide definitions, protocol and guidance that is applicable to multiple functional areas. Providing this information in a separate section of the manual supports consistency across functional areas. Follow links within in a functional area to the appropriate cross functional topic for additional protocol and guidance.

## **In-Home Services: Purpose**

The primary goal of the CPS In-Home Services is to support families in safely maintaining their child(ren) in their home by eliminating identified safety concerns and/or reducing or eliminating risk of maltreatment. In Home services are mandatory services provided when there is an identified safety or risk concern(s). This is achieved, using the System of Care principles, through engagement of the family, the support system, and other service providers to attain needed changes. When the court is involved in a case, the court may order the parent or caretaker to participate in services or to complete certain actions on behalf of the child ([N.C.G.S. § 7B-904](#)). If the child cannot be maintained safely in the home, then the agency must seek juvenile court intervention.

CPS In-Home Services provides interventions and services to families that have been substantiated for abuse, neglect and/or dependency, or with a finding of Services Needed. CPS In-Home Services are legally mandated and are provided to:

- Address child safety and protection;
- Preserve families (maintain child(ren) safely in their home); and
- Prevent further abuse or neglect by strengthening the family's capacity to protect and nurture its children.

CPS In-Home Services:

- Provides the most intensive services and contacts to families with the greatest needs, while those with fewer needs receive less intensive services/contacts;
- Delivers services within the context of the family's own community culture;
- Enables county child welfare workers to better identify risks in their work with families;
- Engages children, youth and families in the planning process while producing better outcomes of safety, permanence, and well-being for children; and
- Encourages families to develop a support network and how this support network can assist them in planning for coping with future challenges.

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## In-Home Services: Policy and Legal Basis

POLICY	LEGAL BASIS
<p>CPS In-Home Services are legally mandated for:</p> <ul style="list-style-type: none"> <li>• Families who have had a:               <ul style="list-style-type: none"> <li>○ Substantiation of abuse, neglect, and/or dependency, or</li> <li>○ Finding of Services Needed, and</li> </ul> </li> <li>• Child(ren) remaining in the home:               <ul style="list-style-type: none"> <li>○ While the parents/caretakers have custody, or</li> <li>○ When the county child welfare agency has filed a juvenile petition (but not a nonsecure custody order) and the child(ren) has not been removed from the home, and</li> </ul> </li> <li>• Child(ren) who, in the absence of these services, would be candidate(s) for county child welfare custody.</li> </ul> <p>During the delivery of CPS In-Home Services the county child welfare agency must provide, arrange for, and coordinate interventions and services that focus on:</p> <ul style="list-style-type: none"> <li>• Child safety and protection;</li> <li>• Family preservation; and</li> <li>• The prevention of further abuse or neglect.</li> </ul> <p>CPS In-Home Services initiate the date of the assessment case decision. All the information from the CPS Assessment must be provided to the In-Home Services worker to include:</p> <ul style="list-style-type: none"> <li>• The Decision-Making Tools;</li> <li>• Any supporting information gathered during the assessment; and</li> <li>• The CPS Assessment documentation.</li> </ul>	<p>The director of each county Child Welfare Agency is required by law to establish protective services for children alleged to be abused, neglected, or dependent.</p> <p><a href="#">N.C.G.S. § 7B-300</a> states:</p> <p>“The director of the department of social services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent. Protective services shall include the screening of reports, the performance of an assessment using either a family assessment response or an investigative assessment response, casework, or other counseling services to parents, guardians, or other caretakers as provided by the director to help the parents, guardians, or other caretakers and the court to prevent abuse or neglect, to improve the quality of child care, to be more adequate parents, guardians, or caretakers, and to preserve and stabilize family life.”</p> <p><a href="#">10A NCAC 70A .0107</a> (d) When Abuse, Neglect or Dependency is Found states:</p> <p>“In all cases in which abuse, neglect, or dependency is found, the county director shall determine whether protective services are needed and, if so, shall develop, implement, and oversee an intervention plan to ensure that there is adequate care for the victim child or children. The case plan shall:</p> <ol style="list-style-type: none"> <li>(1) be based on the findings of the structured decision-making assessments;</li> <li>(2) contain goals representing the desired outcome toward which all case activities shall be directed;</li> <li>(3) contain objectives that:           <ol style="list-style-type: none"> <li>(A) describe specific desired outcomes;</li> <li>(B) are measurable;</li> <li>(C) identify necessary behavior changes;</li> <li>(D) are based on an assessment of the specific needs of the child or children and family;</li> <li>(E) are time-limited; and</li> <li>(F) are mutually accepted by the county director and the client.</li> </ol> </li> <li>(4) specify all the activities needed to achieve each stated objective;</li> </ol>

## **In-Home Services: Policy and Legal Basis**

	<p>(5) have stated consequences that will result from either successfully following the plan or not meeting the goals and objectives specified in the plan; and</p> <p>(6) shall include petitioning for the removal of the child or children from the home and placing the child or children in appropriate care when protection cannot be initiated or continued in the child's or children's own home.”</p>
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## In-Home Services: Timeframes

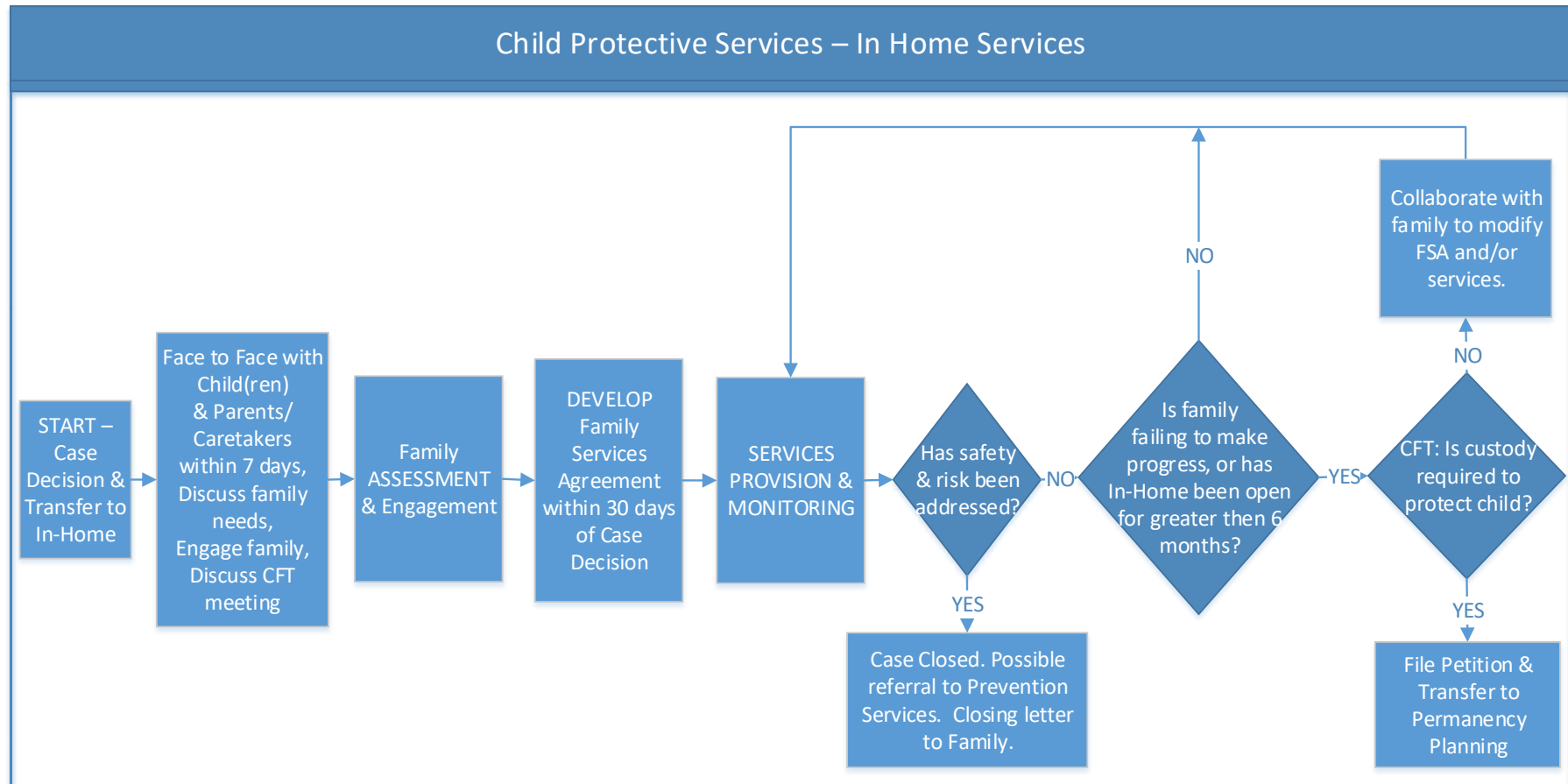
<ul style="list-style-type: none"> <li>• Date of Case Decision</li> </ul>	<ul style="list-style-type: none"> <li>• In-Home Services case begins</li> </ul>
<ul style="list-style-type: none"> <li>• Within 7 days of case decision</li> </ul>	<ul style="list-style-type: none"> <li>• Face to face contact with family</li> </ul>
<ul style="list-style-type: none"> <li>• Within 30 days of case decision</li> </ul>	<ul style="list-style-type: none"> <li>• CFT for development of Family Services Agreement and integration of TPSA, if applicable</li> </ul>
<ul style="list-style-type: none"> <li>• Within 4 months of case decision (90 days after development of initial Family Services Agreement/CFT) &amp; every 90 days thereafter</li> </ul>	<ul style="list-style-type: none"> <li>• CFT to review/update the Family Services Agreement (including child well-being)</li> <li>• Risk Reassessment</li> <li>• Strengths and Needs Assessment</li> </ul>
<ul style="list-style-type: none"> <li>• Within 6 months of development of the Family Services Agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Case review regarding family progress and county child welfare agency determination about status of In-Home Services case</li> </ul>
<ul style="list-style-type: none"> <li>• Frequency of contacts with parent(s), child(ren), home visits, and collaterals</li> </ul>	<ul style="list-style-type: none"> <li>• See Required Contact Section</li> <li>• Monthly attempts to locate absent parent(s), ICWA and Mexican Heritage inquiry</li> </ul>
<ul style="list-style-type: none"> <li>• Documentation</li> </ul>	<ul style="list-style-type: none"> <li>• Current within 7 days of any case activity or action</li> </ul>
<b>When case involves a SAFETY PROVIDER</b>	
<ul style="list-style-type: none"> <li>• Prior to placement of child with safety provider</li> </ul>	<ul style="list-style-type: none"> <li>• Meet with family to develop a safety plan (hold CFT)</li> <li>• Complete background checks for all household members 16 years or older</li> <li>• Complete Initial Safety Provider Assessment (&amp; approved by supervisor)</li> </ul>
<ul style="list-style-type: none"> <li>• Within 30 days</li> </ul>	<ul style="list-style-type: none"> <li>• Complete Comprehensive Provider Assessment (&amp; approved by supervisor) in 30 days of: <ul style="list-style-type: none"> <li>○ Case decision (if placed during assessment) or</li> <li>○ Placement of child(ren) with safety provider (if placed during In-Home)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Within 90 days of date when use of Safety Provider initiated</li> </ul>	<ul style="list-style-type: none"> <li>• Case review regarding safety issue and continued need for safety provider, whenever possible at the time of the Family Services Agreement review</li> </ul>
<ul style="list-style-type: none"> <li>• Within 6 months of date when use of Safety Provider initiated</li> </ul>	<ul style="list-style-type: none"> <li>• Case review regarding safety issue and continued need for safety provider and/or filing of petition if safety issue has not been resolved, in a CFT meeting</li> </ul>
<b>If/When a county files a petition for custody</b>	
<ul style="list-style-type: none"> <li>• Prior to filing petition</li> </ul>	<ul style="list-style-type: none"> <li>• Hold a CFT. See Cross Function topic: File a Petition &amp; Preparing Child(ren) and Parents</li> </ul>
<ul style="list-style-type: none"> <li>• Prior to placing child(ren) out of the home</li> </ul>	<ul style="list-style-type: none"> <li>• Locate placement in child(ren)'s best interest, consider relatives/kin for placement (complete Initial Provider Assessment), ICWA considerations, Mexican Heritage inquiry, address educational stability (Best Interest Determination)</li> </ul>
<ul style="list-style-type: none"> <li>• At time of child(ren) placement</li> </ul>	<ul style="list-style-type: none"> <li>• Provide to placement provider nonsecure custody order, all available child information &amp; county child welfare agency contact information</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Within 3 days after the day of placement</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Face to face visit with child(ren). This contact is in addition to any contact or interaction with the child(ren) on the day of placement.</b></li> </ul>

## In-Home Services: Timeframes

<ul style="list-style-type: none"> <li>• Within 7 calendar days of custody</li> </ul>	<ul style="list-style-type: none"> <li>• Child(ren) medical exam occurs (Child Health Status completed) &amp; Educational Stability addressed (Child Educational Status or Best Interest Determination form completed) <b>including BID meeting (within 5 school days) prior to any school change</b></li> <li>• Visitation of child(ren) with parent(s) and siblings,</li> <li>• Face to face contact with the placement provider (<b>all adult caretakers</b>) in the provider's home</li> <li>• <b>NOTE: This face to face contact with the placement provider can occur at the same time as the face to face contact with the child(ren) within 3 days after the placement if all requirements are met.</b></li> </ul>
<ul style="list-style-type: none"> <li>• Within 14 calendar days of custody</li> </ul>	<ul style="list-style-type: none"> <li>• Family Time and Contact Plan developed jointly with parent(s), Family Time and Contact Plan developed for sibling visits, Shared Parenting Meeting</li> </ul>
<b>Case Closure</b>	
<ul style="list-style-type: none"> <li>• Within 30 days prior to case closure</li> </ul>	<ul style="list-style-type: none"> <li>• Risk Reassessment &amp; Strengths and Needs Assessment</li> <li>• Contact with collateral contacts regarding closure</li> </ul>
<ul style="list-style-type: none"> <li>• Within 14 days prior to case closure</li> </ul>	<ul style="list-style-type: none"> <li>• Face to face contact with family to confirm safety and risk level in home, confirm family's capacity to maintain child safety, &amp; communicate with the family about closure</li> </ul>
<ul style="list-style-type: none"> <li>• Within 7 days after case closure</li> </ul>	<ul style="list-style-type: none"> <li>• Closing letter to family &amp; Complete all documentation, closing forms, and case file</li> </ul>



## In-Home Services: Timeframes



### ASSESSMENT which:

- Builds upon the information obtained during the CPS Assessment,
- Assesses the concerns behind the presenting safety or risk issue,
- Expands on the family's and family member's strengths,
- Assesses any history of trauma,
- Increases knowledge regarding family's and family member's well-being needs (parents & children), and
- Engages family in the process, including preparation for the CFT meeting.

### DEVELOP the FSA in a CFT meeting which:

- Identifies and builds upon the family's strengths,
- Identifies the behaviors and/or conditions that put the child at risk of harm,
- Describes the desired behavior and/or condition, expected changes and what it will look like when the plan has been accomplished,
- Addresses child well-being needs,
- Identifies services to address child well-being needs,
- Establishes responsibility for the identified tasks, and
- Establishes a timeframe.

### SERVICES PROVISION & MONITORING, to include:

- Ongoing monitoring of safety, risk of maltreatment and well-being,
- Ongoing contact with child(ren and parents/ caretakers (frequency determined by risk),
- Home visits, school visits, etc.,
- Refer for or Provide services to address identified needs,
- Contacts with service providers and extended family members as needed,
- Staffing with supervisor, and
- CFTs quarterly or more frequently if needed.

## In-Home Services: Assessing Safety and Risk of Maltreatment

Protocol - What you must do	Guidance – How you should do it
<p>Throughout the provision of In-Home Services the county child welfare agency must monitor and assess child(ren)'s <a href="#">safety</a> and <a href="#">risk</a>. Monitoring of safety and assessment of child(ren)'s safety and risk includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Ongoing contact, including a separate interview with every child, with all family members, <a href="#">home visits</a>, and collateral contacts at the frequency required. All contact must include a review of safety and risk factors and progress toward alleviating those factors.</li> <li>• Engagement with and ongoing reviews of the family and each family member that includes the determination and monitoring of family and family member's strengths and needs (see <a href="#">Parent Engagement and Needs Assessment</a>);</li> <li>• Use of the Strengths and Needs Assessment and the Risk Assessment and Risk Reassessment;</li> <li>• <a href="#">Case staffing</a> between the assigned child welfare worker and supervisor;</li> <li>• Use of <a href="#">CFT</a>, <a href="#">Family Services Agreement</a> and <a href="#">safety planning</a> to address safety and risk; and</li> <li>• Documentation of all the above.</li> </ul> <p><b>SAFETY</b></p> <p>The county child welfare agency must make efforts to protect the child in his own home and to prevent placement. When a child's <a href="#">safety</a> in the child's own home cannot be assured, the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Develop a plan with the family to address safety and/or risk, which may include use of a temporary safety provider OR</li> <li>• <a href="#">File a petition</a> for removal with supervisor approval.</li> </ul> <p>Development of the plan, to include identification of other safety arrangements and possible placements if the child/ren and/or youth must be removed, must occur during a CFT meeting. If holding a CFT meeting would compromise the safety of the child, then the child(ren) must be made safe through the filing of a non-secure petition and a CFT must be held as soon as possible after the removal to begin planning for permanency.</p>	<p>CPS In-Home Services involves arranging for and providing services to help the family change the maltreating behavior. CPS In-Home Services include activities such as:</p> <ul style="list-style-type: none"> <li>• Monitoring, expanding and updating the In-Home Family Services Agreement to address identified areas of need;</li> <li>• Routine case supervisory activities;</li> <li>• Maintenance of contact with the family and others significant to the case;</li> <li>• Working with the parents on the status of the case and case goals;</li> <li>• Giving information, instruction, guidance and mentoring regarding parenting skills;</li> <li>• Referral or monitoring of service as appropriate, including referrals to county agency-provided clinical treatment;</li> <li>• Ongoing determination of appropriateness of need for out-of-home placement; and</li> <li>• Documentation of CPS In-Home Services activities.</li> </ul> <p>CPS In-Home Services begin the date of the assessment case decision. However, the county child welfare agency has the authority to determine what worker provides these services, to include how and when the case transfers from an assessment worker to an in-home worker.</p> <p><b>INITIAL AND ONGOING DETERMINATION OF FAMILY MEMBER'S STRENGTHS AND NEEDS</b></p> <p>The determination of strengths and needs should build upon the SEEMAPS completed during CPS Assessment and should include, but not be limited to, a review of:</p> <ul style="list-style-type: none"> <li>• <a href="#">Well-being</a> needs of all children in the home; and</li> <li>• Family's and parent(s)'s needs. See <a href="#">Parent Engagement and Needs Assessment</a>.</li> </ul>

## In-Home Services: Assessing Safety and Risk of Maltreatment

Protocol - What you must do	Guidance – How you should do it
<p><a href="#">Information on engaging a parent when child is placed with a guardianship/custodian.</a></p> <p>The Temporary Parental Safety Agreement (TPSA) developed during the CPS Assessment to address safety threats must be monitored and modified throughout In-Home Services until the safety threat has been addressed. This can be accomplished through the Family Services Agreement.</p> <p>Any new allegation and/or incident that meets the statutory definition of abuse, neglect, or dependency received at any time during CPS In-Home Services must be documented and screened as a <a href="#">new report</a>.</p> <p><b>NEW MEMBER OF HOUSEHOLD</b> If during an open In-Home Services case, someone moves into the home, the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Review its Child Welfare Services records for previous contact with that person;</li> <li>• Check criminal records for individuals 16 years of age or older, and</li> <li>• Complete a review of 911 call logs on the person’s previous address(es).</li> </ul> <p><b>CHRONIC NEGLECT/REPEAT MALTREATMENT</b> For families that have been provided CPS In-Home Services in the past and a new report is made, accepted, and the case decision is to substantiate or a finding of Services Needed, a CFT must be held within 30 days of the CPS Assessment case decision.</p> <p>This cycle may happen several times leading to a description of the incidents or choices the family makes as being chronic, a frequent recurrence of maltreatment. Based on the case risk level, and history of compliance with past services provided, the county child welfare agency must assess if <a href="#">filing a petition</a> is appropriate.</p>	<p><b>FAMILY ENGAGEMENT</b> The effectiveness of In-Home Services can hinge on the county child welfare worker’s ability to build a relationship with the family. Use of effective interviewing and listening skills to understand the parent’s perspective is important. See also <a href="#">Parent Involvement</a>.</p> <p><b>ROLE OF IN-HOME AGENCY WORKER</b> The role of in-home services county child welfare worker includes advocacy, education, motivation, and case manager, all of which should be based upon a professional partnership with families. To be effective the In-Home county child welfare worker’s relationship with the family will be one that engages the family in the change process. An effective In-Home county child welfare worker will apply methods and skills from motivational interviewing and strengths based, solution focused interventions.</p>
<p><b>NORTH CAROLINA <a href="#">FAMILY RISK REASSESSMENT</a></b> The Family Risk Reassessment (<a href="#">DSS-5226</a>) must be completed at the following times with the family, during CPS In-Home Services:</p> <ul style="list-style-type: none"> <li>• <b>When the Family Services Agreement (FSA) is updated (at the 90-day FSA reviews);</b></li> </ul>	<p><b>The purpose of the Family Risk Reassessment is to indicate change in the risk level achieved due to progress on the Family Services Agreement (FSA). As such, completion of the Risk Reassessment at the time that the FSA is developed is not appropriate.</b></p>

## In-Home Services: Assessing Safety and Risk of Maltreatment

Protocol - What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>When there is a change in circumstance around risk or safety issues. <b>The exception to completion of the Risk Reassessment would be when the change of circumstances results in a new CPS Intake report and CPS Assessment. Under these circumstances the CPS Assessment Risk Assessment must be completed and applied to the In-Home Services case;</b> and</li> <li>Within 30 days prior to case closure.</li> </ul> <p>The Family Risk Reassessment must <u>not</u> be completed at the time of the development of the FSA. The Risk Assessment completed during the CPS Assessment must be used at initial CFT to develop the FSA.</p> <p>See <a href="#">In-Home Structured Tools Timeframes Table</a>.</p>	<p><b>When there is a significant change in case circumstances, a review of the FSA may be warranted and at that time the Risk Reassessment should also be completed.</b></p>
<p><b>CASE STAFFING / TWO LEVEL DECISION MAKING / ROLE OF SUPERVISOR</b></p> <p>The social work supervisor and assigned case child welfare worker must staff each in-home case:</p> <ul style="list-style-type: none"> <li><b>At least twice a month for all cases;</b></li> <li><b>At least once a month for all high-risk cases; and</b></li> <li><b>Whenever there is a change in circumstances that impacts safety or risk to a child(ren).</b></li> </ul> <p><b>If the frequency of staffing is reduced, the decision to reduce the frequency of staffing must be documented with justification for that decision.</b></p> <p>Staffing must cover but not be limited to:</p> <ul style="list-style-type: none"> <li><a href="#">Safety</a>;</li> <li><a href="#">Risk</a> of maltreatment;</li> <li>Family's strengths and needs;</li> <li>Family's progress; and</li> <li>Review of the ongoing family and collateral contacts.</li> </ul> <p><b>Two level decisions/reviews must occur within the context of a staffing between the county child welfare worker and a county child welfare supervisor at a minimum.</b> Two level decisions/reviews must occur on every in-home case at the following times:</p> <ul style="list-style-type: none"> <li>At the time of the development and quarterly reviews of the In-Home Family Services Agreement (FSA);</li> </ul>	<p><b>CASE STAFFING/SUPERVISION</b></p> <p>Case staffing can occur in various forms. The focus of case staffing is to ensure that the case child welfare worker follows NC CW policy, addresses family needs, and monitors risk, safety, and family progress. Supervision provides coaching and support to the child welfare worker. Achieving these goals may be accomplished through an office meeting but could also occur when a supervisor attends a home visit or other family meeting with a county child welfare worker.</p> <p><b>TWO LEVEL DECISION MAKING / ROLE OF SUPERVISOR</b></p> <p>Two level decisions for In-Home cases should involve the assigned case worker and that worker's supervisor. However, there may be circumstances that require another county child welfare worker or another supervisor or a higher-level manager in the agency to participate in the decision making.</p> <p>The case supervisor should review every in-home case file at least quarterly and within two weeks of case closure.</p>

## In-Home Services: Assessing Safety and Risk of Maltreatment

Protocol - What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• When the Risk Reassessment and Strengths and Needs Assessment are completed;</li> <li>• Prior to any reduction in the required number of family contacts;</li> <li>• Prior to initiating or terminating use of a Temporary Safety Provider;</li> <li>• Prior to ending a TPSA, when in effect;</li> <li>• At case closure;</li> <li>• Prior to filing a petition; and</li> <li>• Whenever there is a change in circumstance that impacts the safety or risk to a child(ren).</li> </ul> <p>Two level reviews of the FSA, Risk Reassessment and Strengths &amp; Needs must be indicated with signatures of the case child welfare worker and supervisor.</p> <p>The case supervisor must review every in-home services case file for compliance with policy and protocol.</p>	
<p><b><u>TEMPORARY SAFETY PROVIDERS</u></b></p> <p>When a case transfers from assessment to in-home services with a child(ren) in the care of a Temporary Safety Provider that will remain in use to address a safety threat, the Comprehensive Assessment (<a href="#">DSS-5204</a>) must be completed within 30 days of the case decision.</p> <p>If a child(ren) is placed in the care of the Temporary Safety Provider during in-home services, the protocol to assess and approve that Safety Provider must be followed. The Comprehensive Assessment (<a href="#">DSS-5204</a>) must be completed within 30 days after the child is placed with a Temporary Safety Provider if the child continues in the care of the Temporary Safety Provider.</p> <p>See <a href="#">In-Home Services Review of Services / Family Services Agreements</a>, including use of CFTs, for required reviews of cases with Temporary Safety Provider in use.</p>	<p><b>TEMPORARY SAFETY PROVIDERS</b></p> <p>Usually, use of a Temporary Safety Provider during In-Home Services begins during the CPS Assessment. However, there are circumstances when a new incident occurs or the conditions that lead to the opening of the In-Home Services case increase to the point of becoming a safety threat and/or an increase in risk of harm. Depending on the circumstances, the agency may:</p> <ul style="list-style-type: none"> <li>• <a href="#">Make a new report</a> for a new incident;</li> <li>• Hold a CFT regarding the increased safety and/or risk issues; and/or</li> <li>• File a petition.</li> </ul> <p>If a CFT is held (no new report) and the decision is to initiate use of a Temporary Safety Provider to address a safety threat, the Safety Threat page of the Family Services Agreement should be used and the protocol to approve that <a href="#">Temporary Safety Provider</a> must be followed. If a new report is made and accepted, the Safety Assessment will be used, and the TPSA implemented to address identified safety threats. At the completion of the</p>

## In-Home Services: Assessing Safety and Risk of Maltreatment

Protocol - What you must do	Guidance – How you should do it
<p>TERMINATION OF IN-HOME SERVICES CASE</p> <p>The agency must terminate CPS In-Home Services when:</p> <ul style="list-style-type: none"> <li>• Parents/caretakers are willing to provide a <a href="#">safe</a> home and demonstrate their ability to do so; or</li> <li>• The agency receives legal custody and/or placement responsibility (<a href="#">filing a petition</a>).</li> </ul> <p>Once parents/caretakers demonstrate the ability to provide a safe home and the risk has been adequately reduced, CPS In-Home Services must be closed even if all activities on the In-Home Family Services Agreement have not been completed.</p> <p>When the risk level for an In-Home case is low, the child(ren) is no longer a potential candidate for entering county child welfare custody. The county child welfare agency must close an In-Home case with low risk when the Risk Reassessment has been completed, scored low risk, and:</p> <ul style="list-style-type: none"> <li>• Staffed with and approved by a county child welfare supervisor (or another manager), and</li> <li>• There are no circumstances to justify an override to Moderate risk.</li> </ul> <p>Any circumstances that justify an override of the risk level must be documented.</p> <p>Refer to In-Home Services Documentation for closing documentation requirements.</p> <p>CPS In-Home Services cannot be closed if children placed with a Temporary Safety Provider cannot return to the home from which they were removed because of safety.</p>	<p>CPS Assessment, if the case remains open for In-Home Services, a CFT should be held to incorporate the TPSA into the existing Family Services Agreement.</p> <p>TERMINATION OF IN-HOME SERVICES CASE</p> <p>When reviewing the safety and risk to the children, the agency case summary should document:</p> <ul style="list-style-type: none"> <li>• Changes in behavior by the parents/caretakers related to the Needs on the In-Home Family Services Agreement. Although all the activities may not have been completed, the parents/caretakers should be able to demonstrate change for each of the identified Needs and</li> <li>• The reduction in risk to the child(ren). Documentation should describe what factors in the home will provide safety or a reduction in risk for the child(ren)</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• The reason the county child welfare agency received legal custody and placement responsibility for the child(ren).</li> </ul> <p>Termination of In-Home Services Cases Involving <a href="#">Domestic Violence</a></p> <p>When deciding if a case involving domestic violence can be closed, the following factors should be considered:</p> <ul style="list-style-type: none"> <li>• The frequency and/or severity of domestic violence incidents;</li> <li>• The children and non-offending parent/adult victim feel relatively safe in their home;</li> <li>• A plan ensuring the child's safety has been developed with the family and the family has demonstrated the capacity and willingness to implement the plan;</li> <li>• The perpetrator of domestic violence has completed treatment and demonstrated change; and</li> <li>• The degree to which the risk of domestic violence and child maltreatment has been lessened to the children and non-offending parent/adult victim.</li> </ul>

## In-Home Services: Assessing Safety and Risk of Maltreatment

Protocol - What you must do	Guidance – How you should do it
	<p>When making any decisions on a domestic violence related child welfare case, it is important to realize that despite the county child welfare worker's conscientious efforts towards safety planning, education, and referral services, some non-offending parents/adult victims will not be ready or able to escape from the abuser and may return to their violent relationships. It is also important to realize that leaving an abusive relationship does not necessarily equal safety of the child(ren) or the non-offending parent/adult victim. County child welfare agency efforts cannot ensure that the violence will not reoccur.</p>



## In-Home Services: Required Contacts

Protocol - What you must do	Guidance – How you should do it
<p>Every <b>purposeful</b> contact with the family must include:</p> <ul style="list-style-type: none"> <li>• An assessment of child <a href="#">safety</a> and <a href="#">risk</a> of maltreatment;</li> <li>• A review of the Family Services Agreement (Initial or In-Home);</li> <li>• An inquiry regarding child and family well-being needs; and</li> <li>• An individual interview with each child, separate from the parent/caretaker.</li> </ul> <p>Assessment of safety and risk and the inquiry regarding child and family well-being needs are accomplished through face to face interviews and the:</p> <ul style="list-style-type: none"> <li>• Observation of each person, their behavior, and the environment, especially related to safety, risk and/or well-being; and</li> <li>• Observation of the interactions between family members.</li> </ul> <p>At least one contact per month with each child must:</p> <ul style="list-style-type: none"> <li>• Be in the home in which the child resides; and</li> <li>• Be with the child(ren) and their parent/caretaker to observe the interaction and the relationship between the child(ren) and parent/caretaker.</li> </ul> <p><b>HOME VISITS</b></p> <p>At least once per month, the county child welfare worker must assess the physical home environment for safety and risk. The county child welfare worker must request to tour the home and property in order to assess the family's living environment and how it impacts child safety and risk.</p> <p>If an infant resides in the home, at least monthly, during a home visit, the county child welfare worker must specifically discuss safe sleeping and observe the sleeping arrangements. <b>This must be documented.</b></p> <p>If the request to tour the home or property is denied:</p> <ul style="list-style-type: none"> <li>• The case must be staffed to determine if this tour is necessary to assess safety for the child(ren). If the decision is that a tour is necessary, the county child welfare agency must consult with their county attorney about filing for obstruction.</li> <li>• The refusal and following decisions must be documented, specifically pertaining to all safety and/or risk concerns.</li> </ul>	<p>It is important to see the children in the home to assess their conditions, to gain a perspective as to the level of safety and continuing risk. A home visit provides firsthand knowledge of the home environment and facilitates the observation of family interactions in the everyday setting. <b>The tour of the home and property, focused on where the child(ren) sleeps, eats, plays, etc., supports an assessment of the child(ren)'s physical environment and a full assessment of a child's safety, risk and well-being.</b></p> <p><b>For information regarding sleep related infant deaths and recommendations to reduce the risk of occurrence, please refer to The American Academy of Pediatrics policy statement at: <a href="#">Updated 2016 Recommendations for a Safe Infant Sleeping Environment</a></b></p>



## In-Home Services: Required Contacts

Protocol - What you must do	Guidance – How you should do it
<p>All parts of the <a href="#">Monthly In-Home Contact Record</a> must be completed every month. The Monthly In-Home Contact Record must be reviewed by an agency supervisor.</p> <p>All the above must be <a href="#">documented</a>. Explain the inability to interview any child, if appropriate, or to meet any other requirement above.</p> <p>If information has not already been obtained and documented in the case file, the agency must inquire during family contact, at least once a month, about:</p> <ul style="list-style-type: none"> <li>• Any absent parent;</li> <li>• Extended family members;</li> <li>• Mexican heritage, and/or</li> <li>• ICWA.</li> </ul> <p><a href="#">Domestic Violence</a></p> <p>At no time is the non-offending parent/adult victim to be placed in danger by being interviewed or meeting with the perpetrator of violence against him or her. The children will also not be interviewed with or required to be in the presence of the violent adult.</p> <p>If a direct threat is heard by the county child welfare worker, they must take immediate steps to protect themselves, the children and/or non-offending parent/adult victim.</p>	<p>The provision of In-Home Services, including visiting and interviewing the child in their home, must not infringe upon any individual's Fourth Amendment rights. Securing parental consent is vital. Efforts to secure voluntary consent should never be coercive. The In-Home worker should explain their role and express the desire to interview the child, and to tour the home and property, to assess safety, risk, and the strengths and needs of the family.</p> <p><b>MONTHLY IN-HOME CONTACT RECORD</b> The Monthly In-Home Contact Record provides a guide for home visits. If there is more than one home visit in a month, not every aspect of this form needs to be completed at every home visit. However, every aspect is to be covered at least once during each month.</p> <p>Review of the Monthly In-Home Contact Record by the supervisor could occur during the staffing that follows the home visit. Review by the supervisor should occur within two weeks of the visit when the form was completed. Waiting for a supervisor staffing should not occur if a safety or risk issue is identified.</p> <p>Family members should be provided the opportunity to sign the Monthly In-Home Contact Record.</p>
<p><b>INITIAL FAMILY/CHILD CONTACT</b> Within seven days of case decision (Substantiation or a finding of Services Needed for any report of abuse, neglect, and/or dependency), face to face contact with the family by a county child welfare worker must occur (the only exception is for cases that are substantiated and closed). This contact:</p> <ul style="list-style-type: none"> <li>• Begins the transition from the CPS Assessment to CPS In-Home Services;</li> <li>• Informs the parent(s) or caretaker(s) of the reason and purpose for In-Home Services;</li> <li>• Must include a review the Continuing Needs and Safety Requirements page with the family. This page must be signed by the parent/custodian to ensure</li> </ul>	<p><b>INITIAL FAMILY/CHILD CONTACT</b> The initial 7-day face-to-face contact with the family should be completed by the In-Home Services county child welfare worker and should also include the CPS Assessment worker.</p> <p>The 7-day contact should occur in the family home and include all members of the family.</p>

## In-Home Services: Required Contacts

Protocol - What you must do	Guidance – How you should do it
<p>the parents understand the agency’s concerns and the actions the agency believes will address those concerns and states requirements to maintain the child(s) safety (including use if necessary of a Temporary Safety Provider). If the parent refuses to sign and verbally refuses to agree to its provisions, the agency must ensure that the child is safe whether the child is in his or her own home or in another type of arrangement. <b>A copy of the must be provided to the family</b>; and</p> <ul style="list-style-type: none"> <li>Includes discussion about the development of the In-Home Family Services Agreement within 30 days of the case decision.</li> </ul> <p>Documentation must include the <a href="#">diligent efforts</a> made and/or rationale for the delay if this 7-day contact does not occur.</p>	<p>It is expected that the parent or caretaker sign the Ongoing Needs and Safety Requirements. If a parent refuses to sign, the social worker should try to address the parent’s concerns and stress the need for working together to address the safety and risk for the child. The parent may verbally agree even if he or she refuses to sign the agreement. The social worker must note the parent has agreed to comply if he or she refuses to sign.</p>
<p><b>REQUIRED ONGOING CASE CONTACTS</b>  <b>Every purposeful contact with a child must include a face to face individual interview with the child separate from the parent/caretaker.</b></p> <p>All In-Home Services must include at a minimum:</p> <ul style="list-style-type: none"> <li>Face to face <b>individual</b> contact with both the victim child(ren) and all parents or primary caretakers at least twice a month and a minimum of 7 days apart;</li> <li>Contact with at least two <a href="#">collaterals</a> each month; and</li> <li>Face to face contact with any non-victim child(ren) and any other members living in the home at least once a month.</li> </ul> <p><b>HIGH RISK</b>  When the risk is high, additional contacts as compared to the minimum above to monitor safety and risk must occur, to include:</p> <ul style="list-style-type: none"> <li>Face-to-face contact at a minimum must include: <ul style="list-style-type: none"> <li>All children substantiated as abused, neglected, and/or dependent, or identified as “Services Needed”, their parents or primary caretakers, and all maltreating parent(s) or caretaker(s) must be seen face to face <b>at least once per week</b></li> <li>All other children (Unsubstantiated or found “Services Recommended” or “Services Not Recommended”) residing in the home must be seen face-to-face <b>at least twice per month and a minimum of 7 days apart.</b></li> </ul> </li> <li>If the children substantiated as abused, neglected, and/or dependent, or identified as “Services Needed”, are not placed with a Temporary Safety</li> </ul>	<p><b>REQUIRED ONGOING CASE CONTACTS</b>  Ongoing Contact  Ongoing contact with the family and significant others is critical in maintaining the child's safety and in knowing which services are most relevant. <b>The children receiving CPS services at the highest risk are those open to In-Home Services. Frequent contact with these children and their parents/caretakers is crucial.</b></p> <p>Building a bond of trust and rapport with the child and parent/caretaker is important to gathering information.</p> <p>Examples of a non-victim child living in the home could be, but are not limited to:</p> <ul style="list-style-type: none"> <li>A child born to the family during In-Home services with no finding of substantiation or Services Needed;</li> <li>A child that moved into the home after the In-Home Services case opened and after the abuse or neglect occurred; and</li> <li>A circumstance with a case decision to substantiate, but not for every child in the home.</li> </ul>

## In-Home Services: Required Contacts

Protocol - What you must do	Guidance – How you should do it
<p>Provider at least <u>two of the face to face contacts each month must be in the home where the children reside.</u></p> <p>Contacts must remain as set forth above until:</p> <ul style="list-style-type: none"> <li>• The risk level in the home is reduced or</li> <li>• The case is staffed for a reduction of contacts and the reason for that reduction is documented.</li> </ul> <p>Contacts with the maltreating parent(s)/caretaker(s) must emphasize the behavior change addressed in the Family Services Agreement.</p> <p>Documentation must include the <a href="#">diligent efforts</a> made and/or rationale for contacts not completed at the frequency specified above.</p> <p>Exceptions for contacts with a nonresident parent are as follows:</p> <ul style="list-style-type: none"> <li>• A nonresident parent who has not been identified or located: Attempts to identify and/or locate must occur at least monthly.</li> <li>• <b>A nonresident parent who has been located but was not responsible or associated with the safety or risk of harm for the child: Face to face contact must be at least once per month to assess and/or monitor that parent’s ability to parent his/her child(ren). Frequency of contact may be increased based on the level of risk. This determination must be made in a case staffing.</b></li> </ul> <p>See <a href="#">Table of In-Home Services Required Contacts</a></p> <p><b>REDUCTION OF REQUIRED FREQUENCY OF CONTACT</b></p> <p>The option to reduce the number of required monthly contacts on a moderate risk case must only occur with supervisor and child welfare worker discussion of rationale and must:</p> <ul style="list-style-type: none"> <li>• Occur after a discussion with the family and collaterals and there is a clear reduction in risk.</li> <li>• Be based on the family’s progress on changing the identified behaviors, and the lessening of safety concerns in the home.</li> <li>• Be clearly documented.</li> </ul>	<p>When meeting with each child, the county child welfare worker should use interviewing strategies and techniques appropriate to the child’s developmental level. Workers should use their professional judgment in deciding how to interview a child.</p> <p>Interviewing the family together provides vital information about family dynamics and may trigger discussions that otherwise would not be held. The county child welfare worker must be observant of verbal and non-verbal cues from the child that might indicate topics to discuss during the separate child interview.</p> <p>A review of the Family Services Agreement with all family members should occur at each family contact.</p> <p><b>When contact with the non-residential parent involves risk of harm to the child or to the residential parent, the county child welfare agency should be thoughtful and consider the risk and safety. Refer to <a href="#">Domestic Violence</a> for the definition and for other considerations.</b></p> <p><a href="#">Collateral Contacts</a>/ Service Collaboration</p> <p>Significant persons to the case include service providers, such as; mental health therapists or case managers, school staff, childcare staff, Work First workers, or other professionals working with the family.</p> <p>Collateral contacts may occur at a CFT if the child’s safety can be ensured in the process.</p> <p>Service collaboration is a vital part of providing comprehensive, family-centered services to families. The focus of service collaboration between agencies</p>

## In-Home Services: Required Contacts

Protocol - What you must do	Guidance – How you should do it
<p>The option to reduce contacts for high risk cases must only occur upon supervisor and child welfare worker discussion of rationale and must only occur when:</p> <ul style="list-style-type: none"> <li>• A child is in a safe, stable arrangement with a Temporary Safety Provider. The frequency of contacts with the parent(s) or any child not in the Temporary Safety Provider placement must not be reduced.</li> <li>• <a href="#">Intensive Family Preservation Services (IFPS)</a> is in place. Contacts by IFPS must be documented and shared with the In-Home services county child welfare worker. Contact by the In-Home services child welfare worker must be a minimum of twice per month while IFPS is involved.</li> </ul> <p>Required contacts must never be reduced to less than once a month:</p> <ul style="list-style-type: none"> <li>• Including face to face <b>individual</b> contact with both the victim child(ren) and all parents or primary caretakers in the home in which the child resides; and</li> <li>• To observe the interaction and the relationship between the child(ren) and the primary caretaker(s).</li> </ul>	<p>is a comprehensive, coordinated community response to address child safety and risk. This may be especially valuable on cases that involve domestic violence.</p> <p>Child Placed with a Temporary Safety Provider When a child is placed in the home of a Temporary Safety Provider, that provider should be seen, along with the child at the required frequency for the child and caretaker as specified in protocol. As stated in protocol the frequency of contacts for a high-risk case when a child is placed with a Temporary Safety Provider can be reduced. The protocol, face to face contact with any non-victim child(ren) and any other household members at least once a month, should be applied to all members of the household of the Temporary Safety Provider.</p>
<p><b>PARENT INVOLVEMENT / NONRESIDENT PARENT ENGAGEMENT</b> Throughout In-Home Services, the county child welfare worker must engage <u>all</u> parents of a child. All parents, not just the parent(s) that was substantiated or with a finding of Services Needed, whether or not the parent(s) live in the home with the child, must be engaged during In-Home Services. Engagement includes:</p> <ul style="list-style-type: none"> <li>• Ongoing contacts;</li> <li>• Participation in development and review of Family Services Agreement;</li> <li>• Assessment and monitoring of needs (See <a href="#">Parent Engagement &amp; Needs Assessment</a>);</li> <li>• Provision of services to address identified risks and needs;</li> <li>• Assessment of progress in addressing identified safety, risks and needs;</li> <li>• Completion of Risk Re-assessment and Strengths and Needs Assessment;</li> <li>• Determination of ability to safely parent their child;</li> <li>• <a href="#">Diligent efforts</a> to complete engagement of both parents; and</li> <li>• Documentation of this work.</li> </ul> <p>When there are two or more households involved on a case, a separate Risk Re-Assessment and Strengths and Needs Assessment must be developed for each</p>	<p><b>PARENT INVOLVEMENT</b> The residential parent may report that the non-residential parent has not been involved with the child to limit the non-residential parent's interactions. This may provide a good opportunity to discuss the parents' relationship with each other, as well as, information about the non-residential parent's last contact with the child and what the quality of the contacts has been. The child may also be able to report on their own relationship with the non-residential parent, as well as, the contacts.</p> <p>Discuss with the non-residential parent the level of their involvement with the child, and discuss if relatives may be a resource in supporting the child. If the non-residential parent or the family is not involved in the child's life, it may be beneficial to ask what it would take for him or her to become involved.</p>

## **In-Home Services: Required Contacts**

Protocol - What you must do	Guidance – How you should do it
<p>household. The only exception to this requirement is a nonresident parent who has not been identified or located.</p> <p>When there are two or more households involved on a case, a separate Family Services Agreement must be developed for each household. Exceptions include:</p> <ul style="list-style-type: none"><li>• A nonresident parent who has not been identified or located</li><li>• A staffing determined that a separate <a href="#">Family Services Agreement</a> was not required to address the safety and risk.</li></ul> <p>When a child is in the custody or guardianship of someone other than the parent, identification, contact, and engagement of that parent must occur. Only when parental rights have been terminated, there is a court order that specifies no contact, or a safety issue is identified, should attempts to locate or contact the parent not occur. For specific requirements, refer to all protocol regarding nonresident parents. Staff and document all decisions.</p>	<p>See <a href="#">Parent Engagement &amp; Needs Assessment</a> for additional guidance regarding parent involvement, including absent and/or non-resident parents.</p> <p>The structured-decision making tools drive the development of the Family Services Agreement.</p>

## In-Home Services: Required Contacts

<b>In-Home Services – Required Contacts</b> See protocol for exceptions			
Risk Level	With Children	With Parents/ Caretakers	Home Visits
Moderate	<ul style="list-style-type: none"> <li>• Face to face individual contact with the victim child(ren) at least twice a month and a minimum of 7 days apart;</li> <li>• Face to face contact with any non-victim child(ren) living in the home at least once a month;</li> <li>• At least once a month, contact must include observation of the interaction and the relationship between the child(ren) and parent/caretaker</li> </ul>	Face to face contact with parents or caretakers at least twice a month and a minimum of 7 days apart	<ul style="list-style-type: none"> <li>• At least once per month</li> </ul>
High	<ul style="list-style-type: none"> <li>• All children substantiated as abused, neglected, and/or dependent, or identified as “Services Needed” must be seen face to face at least once per week;</li> <li>• All other children (Unsubstantiated or found “Services Recommended” or “Services Not Recommended”) residing in the home must be seen face-to-face at least twice per month and a minimum of 7 days apart;</li> <li>• At least once a month, contact must include observation of the interaction and the relationship between the child(ren) and parent/caretaker</li> </ul>	Face to face contact with parents or caretakers at least once per week	<ul style="list-style-type: none"> <li>• For children substantiated as abused, neglected, and/or dependent or identified as “Services Needed”: at least two of the face to face contacts each month must be in the home where the child(ren) resides, unless the child(ren) is placed with a Temporary Safety Provider</li> <li>• For all other children: At least once per month</li> </ul>
Collateral Contacts: at least two each month			



## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<p>When an allegation is substantiated or found to be Services Needed, and the family is transferred for ongoing services, the agency must:</p> <ul style="list-style-type: none"> <li>• Make best efforts to engage the family;</li> <li>• Coordinate, provide for, and arrange interventions and services that focus on child safety and protection, family preservation and the prevention of further abuse or neglect; and</li> <li>• Document efforts to gain participation from the family.</li> </ul> <p>The In-Home Family Services Agreement (<a href="#">DSS-5239</a> and <a href="#">DSS-5239ins</a>) must be developed with the family in a <a href="#">CFT</a> to provide a basis for providing services to the family with the primary goal of maintaining the child(ren) safely in the home of the parent/caretaker. It must:</p> <ul style="list-style-type: none"> <li>• Be based on the information obtained from the Family Risk Assessment, Family Assessment of Strengths and Needs, Temporary Parental Safety Agreement (TPSA), and other assessments regarding the needs of the child(ren) and family;</li> <li>• Incorporate relevant components of the Plan of Safe Care should the family include a substance affected infant;</li> <li>• Be developed jointly with parents or primary caretakers, other persons who are involved in and critical to completion of the agreement, and the child if cognitively and emotionally able to participate;</li> <li>• Include input from each child;</li> <li>• Contain objectives;</li> <li>• Describe the specific behaviors that created <a href="#">safety</a> and/or <a href="#">risk</a> to the children;</li> <li>• Describe specific desired outcomes;</li> <li>• Identify necessary behavior changes;</li> <li>• Identify activities that are measurable, time-limited, that support achievement of each stated objective, and that address all identified safety, risk and/or needs;</li> <li>• Specify how child safety will be maintained and monitored;</li> </ul>	<p>The CPS In-Home Services county child welfare worker should achieve a balance between helping families by performing tasks for them and by empowering them to perform the required tasks themselves. The CPS In-Home Services county child welfare worker is an active participant in the identification and implementation of services with the family.</p> <p>Timeframes for reviews are the maximum time allowed between reviews.</p> <p>The Family Services Agreement developed with the family should be the result of formal and informal assessments with the family, as well as, taking into consideration what they see as important to them. Other assessments by the In-Home county child welfare worker or other profession providers should be utilized in the development and/or review of the In-Home Family Services Agreement.</p> <p>Development of the In-Home Family Services Agreement with the family should include discussion about the specific, described behaviors that created safety and/or risk to the children and what the desired behavior/condition or expected changes will look like. Specify what action (consequences) will be taken if the safety and future risk of harm to the child becomes unacceptable, up to and including, the possibility of the agency filing a juvenile petition requesting non-secure custody and/or removal of the child from the home, if necessary. The county child welfare worker should explain that the primary goal is to maintain the child safely in the home of the parent/caretaker, but if the child's safety is compromised, the county child welfare agency will take steps to ensure the safety of the child, which may include filing a juvenile petition.</p> <p>Utilizing the following techniques will support family engagement and improved FSAs:</p>

## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• Specify the consequences resulting from following the plan successfully or not;</li> <li>• Reflect progress or lack of progress of the family in each of the updates or revisions;</li> <li>• Identify child well-being needs and the services to address those needs;</li> <li>• Clearly state that the child(ren) are at imminent risk of entering county child welfare custody absent specified services (The child is only eligible for IV-E funded in-home services if agency services are critical to prevent removal from the home); and</li> <li>• Include signatures of:               <ul style="list-style-type: none"> <li>○ the parent/caretaker;</li> <li>○ the child, if cognitively and emotionally able to participate. If the child participated but did not sign the agreement, the county child welfare worker must include an explanation of why the child did not sign;</li> <li>○ the county child welfare worker; and</li> <li>○ the supervisor.</li> </ul> </li> </ul> <p>Both residential and nonresidential parents must participate in the development of an agreement.</p> <p>The home where the maltreatment occurred (or where the alleged perpetrator lived) must have a Family Services Agreement. The determination regarding whether separate In-Home Family Services Agreements should be developed for each parent must be case dependent. When the parents have separate homes and each parent provides care independently, separate Family Services Agreements based on the needs of their home must be considered. If the plan is for parents to provide care in the same home, one plan is appropriate, unless <a href="#">domestic violence</a> is involved.</p> <p>Input from all family members (parents/caretakers and each child) must be documented in the In-Home Family Services Agreement or justification of why input wasn't included must be documented. If the child participated but did not sign the agreement, the county child welfare worker must include an explanation of why the child did not sign. Attending the CFT by a child is not adequate; their input must be</p>	<ul style="list-style-type: none"> <li>• Building on family strengths;</li> <li>• Discussing with the family ways in which they have successfully solved problems previously;</li> <li>• Writing goals and objectives using the families' own words, acknowledging their culture, and supporting their ownership;</li> <li>• Creating concrete, behaviorally specific goals and objectives tailored to the individual and family needs; and</li> <li>• Tracking progress with the family and celebrating success along the way</li> </ul> <p>See the Family Services Agreement instructions for more requirements on use of this form.</p> <p>CPS In-Home Services workers should identify extended family members early and assess them for their capacity and willingness to care for the child. Knowing which family members can best meet the child's needs becomes particularly important if the child must be removed.</p> <p>Meaningful engagement of all family members can be facilitated by following <a href="#">CFT</a> protocol and guidance.</p> <p>If a parent/caretaker refuses to sign the In-Home Family Services Agreement, the county child welfare worker should try to address the parent/caretaker's concerns and stress the need for working together to prevent the need for court involvement. The parent/caretaker may verbally agree even if he or she refuses to sign the agreement.</p> <p>Other signatures may include service providers, community representatives, or family members and friends who have a role with the parent or child and support the plan. These other signatures are optional and not required.</p> <p>Quarterly assessments of the Family Services Agreement are formal discussions with the parent and Child and Family</p>



## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<p>prompted. The parent/caretaker may verbally agree even if he or she refuses to sign the agreement. The county child welfare worker must document that the parent/caretaker has agreed to each need and activity if he or she refuses to sign the agreement. If the parent/caretaker refuses to sign the agreement and verbally refuses to agree to its provisions, the county child welfare agency has the responsibility to ensure that the child is safe.</p> <p>Copies of the In-Home Family Services Agreement must be provided to all parties that participated in development.</p> <p>For CPS In-Home Services, the In-Home Family Services Agreement must be completed in a <a href="#">CFT</a> and:</p> <ul style="list-style-type: none"> <li>• Be completed with the family within 30 days of the assessment case decision to Substantiate or a finding of Services Needed;</li> <li>• Be updated at least every three months thereafter (to coincide with the Family Assessment of Strengths and Needs and Risk Reassessment updates) or whenever family circumstances warrant a change;</li> <li>• Be updated if major changes occur that affect the objectives or activities, or the safety or risk to the child;</li> <li>• Include a review of the TPSA and use of Temporary Safety Provider if still in effect regarding ongoing safety threats;</li> <li>• Signed by all parties, including supervisor, within above timeframes.</li> </ul> <p>If the In-Home Family Services Agreement is not completed within 30 days, documentation must reflect <a href="#">diligent efforts</a> made by the county child welfare agency or rationale for extra time to develop the plan. If the Agreement is not updated within timeframe, documentation must reflect <a href="#">diligent efforts</a> by the county child welfare agency to engage the family or rationale for continuing the previous plan.</p>	<p>Team about the progress being made. However, the Family Services Agreement should be considered a “living document”. Every contact with the parent should include a discussion of the progress on the Family Services Agreement and a review of any aspect of the TPSA still in effect. The formal assessment should bring few surprises. It is important to document the successes and the items that remain to be accomplished.</p> <p>As the work with the family progresses, changes to the Family Services Agreement will be necessary. It is important to reiterate with the parent the accomplishments that have been made. This is particularly important if other risk factors have surfaced. Changes to the Family Services Agreement should be indicated on the Agreement throughout the case during contact with the family. The county child welfare worker will also need to address next steps with the parent at the time of the quarterly review. Of importance are the discussions about how long the county child welfare agency has been involved with the family, what changes have or have not been made, and what next steps will be needed.</p> <p>If the parent has been intermittently successful or successful only on minor items and the agency continues to have concerns for the child’s safety, see <a href="#">Lack of Progress</a> and <a href="#">Stuck Cases</a>.</p>

## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<p>NORTH CAROLINA FAMILY <a href="#">ASSESSMENT OF STRENGTHS AND NEEDS</a></p> <p>The Identified Needs in the In-Home Family Services Agreement must be based on the completed Strengths and Needs Assessment.</p> <p>The North Carolina Family Assessment of Strengths and Needs (<a href="#">DSS-5229</a>) must be completed with all parent(s) (custodian and non-custodial) and/or caretaker(s) at the following times during a CPS In-Home Services case:</p> <ul style="list-style-type: none"> <li>• At the time of the In-Home Family Services Agreement updates;</li> <li>• When there is a change in circumstance around risk or safety issues; and</li> <li>• Within 30 days prior to case closure.</li> </ul>	<p>Completion of the Strengths and Needs Assessment should not be completed when the Family Services Agreement is developed. An exception may occur when strengths or needs are uncovered that were not identified during the CPS Assessment and should be addressed in the FSA.</p>

In-Home Services – Structured Tools Timeframes		
Timeframes	Risk Assessment & Strengths & Needs Assessment	Family Services Agreement
Within 30 days of case decision	<ul style="list-style-type: none"> <li>• Review &amp; use of Risk Assessment completed during CPS Assessment.</li> <li>• Review &amp; use of Strengths &amp; Needs Assessment completed during CPS Assessment unless additional information obtained uncovers needs that impact safety and/or risk.</li> </ul>	Development of Family Services Agreement (FSA) in a CFT meeting &
Every 90 days thereafter	<ul style="list-style-type: none"> <li>• Completion of Strengths &amp; Needs Assessment</li> <li>• Completion of Risk Reassessment</li> </ul>	& Update FSA in a CFT meeting
Change in circumstances that impact safety and/or risk	<ul style="list-style-type: none"> <li>• Completion of Strengths &amp; Needs Assessment</li> <li>• Completion of Risk Reassessment or Risk Assessment.</li> </ul> <p>Note: When the change of circumstances results in a new CPS Intake report and CPS Assessment, the CPS Assessment Risk Assessment must be completed and applied to the In-Home Services case, and not the Risk Reassessment.</p>	& Update FSA in a CFT meeting
Within 30 days of case closure	<ul style="list-style-type: none"> <li>• Completion of Strengths &amp; Needs Assessment</li> <li>• Completion of Risk Reassessment</li> </ul>	& No requirement. Review of the FSA with the family may be an effective way to discuss case closure.

## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<p><u><a href="#">Domestic Violence</a></u>            Separate Family Services Agreements must be completed with the non-offending parent/adult victim and the perpetrator of domestic violence.</p> <p>The perpetrator of domestic violence must not have access to the non-offending parent/adult victim’s Family Services Agreement.</p> <p>Family Services Agreements in domestic violence cases must focus on:</p> <ul style="list-style-type: none"> <li>• Reducing the risk of child maltreatment, and</li> <li>• Strengthening parenting ability.</li> </ul> <p>By including activities that:</p> <ul style="list-style-type: none"> <li>• Foster perpetrators of domestic violence taking responsibility to stop their acts of violence and their own behavioral change and</li> <li>• Enhance the non-offending parent’s/adult victim’s capacity and willingness to protect the children.</li> </ul> <p>The capacity and willingness of the non-offending parent/adult victim to take appropriate actions to protect the child are issues that must be assessed and monitored during the provision of CPS In-Home Services.</p> <p>The non-offending parent/adult victim must not be held responsible for the domestic violence perpetrator’s failure to follow through with services.</p>	<p><u><a href="#">Domestic Violence</a></u>            The recommended <u><a href="#">domestic violence</a></u> scaled assessment tools (Children’s Domestic Violence Assessment Tool <u><a href="#">DSS-5237</a></u>, Non-Offending Parent/Adult Victim DV Assessment Tool, <u><a href="#">DSS-5235</a></u>, DV Perpetrator Assessment Tool <u><a href="#">DSS-5234</a></u>) should be considered in ongoing assessment of whether safety and risk factors have been addressed. The Personalized DV Safety Plan, <u><a href="#">DSS-5233</a></u>, should be considered for use and updated with the domestic violence victim parent/caretaker.</p> <p>There is not a specific timeframe for when the home environment is safe or risk free due to the difficulty in assessing the likelihood that the domestic violence perpetrator’s violent behavior has ceased. Factors to consider in assessing change in behavior include:</p> <ul style="list-style-type: none"> <li>• Family interaction;</li> <li>• Criminal behavior; and</li> <li>• Environment of the home.</li> </ul>
<p><b>CHILD WELL-BEING</b>            Every In-Home Services case must identify and document <u><a href="#">child well-being</a></u> within the first thirty days. If not applicable, note why not applicable.</p> <p>Every well-being need identified must be addressed on the In-Home Family Services Agreement.</p>	

## **In-Home Services: Family Services Agreement**

### **CHILD AND FAMILY TEAM MEETINGS**

County child welfare agencies must use Child and Family Team meetings during In-Home Services:

- To develop the Family Services Agreement (within 30 days of the case decision) to include a review of Temporary Parental Safety Agreement (TPSA) and incorporation into the Family Services Agreement;
- For quarterly reviews of the Family Services Agreement;
- To update the Family Services Agreement to address safety or high-risk concerns, including, but not limited to:
  - Identification of a new safety threat;
  - High risk “stuck cases”;
- When requested by the family;
- At critical decision points, to include possible out of home placement;
- When a child is placed with a Temporary Safety Provider and the parent cannot be located and/or there is no parent to make decisions regarding the child;
- At six months after development of the Family Services Agreement:
  - There is a lack of progress as indicated by no activities completed nor any behavioral changes demonstrated that mitigate risk or
  - The child(ren) in the care of a temporary provider are unable to return home;
- Prior to and within 30 days of case closure in cases that are repeat recipients of CPS In-Home or received Permanency Planning services to specifically address the plan the family will follow to prevent repeat maltreatment.

A facilitator, who is neither the county child welfare worker for the family nor the supervisor of that child welfare worker, must be used in all cases:

- With a current high-risk rating and
- For cases open for six months with a lack of progress and/or use of a temporary safety provider.

### **LACK OF PARENT/LEGAL CUSTODIAN**

### **CHILD AND FAMILY TEAM MEETINGS**

All county child welfare agencies should use Child and Family Team Meetings to develop the Family Services Agreement and for quarterly updates. Refer to CFT policy regarding introduction of the CFT meeting to the family, discussion relating to who should be a member of the CFT, and documentation regarding this process.

Both the Assessment & In-Home child welfare worker should participate in the initial CFT to develop the Family Services Agreement.

Use of a neutral facilitator is best practice for all CFT meetings. While a facilitator is not required in moderate risk cases, it remains best practice as there are many benefits to a facilitated meeting.

When conducting the Child and Family Team meeting, it is important to allow each participant to discuss their concerns of the recurring neglect, as well as if he or she can support the family in hopes of providing safe care for the child.

One of the underlying beliefs of the family-centered approach continues to be that the safety of the child is the first concern. The county child welfare worker should explain that the primary goal is to maintain the child safely in the home of the caretaker, but if the child’s safety is compromised, the agency will take steps to ensure the safety of the child. This may include filing a juvenile petition for custody.

If an immediately safety threat is identified, the agency must respond to that threat. See [Safety Planning](#) protocol.

## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<p><b>LACK OF PROGRESS</b>            When an allegation is substantiated or found to be Services Needed, and the family is transferred for ongoing services, the agency must:</p> <ul style="list-style-type: none"> <li>• Make best efforts to engage the family;</li> <li>• Coordinate the necessary remedial services; and</li> <li>• Document efforts to gain participation from the family.</li> </ul> <p>Cases open for six months with a lack of progress, with an ongoing TPSA, or with children in the care of a temporary safety provider must:</p> <ul style="list-style-type: none"> <li>• Schedule a facilitated <a href="#">CFT</a>,</li> <li>• Review the barriers that prevent progress, and</li> <li>• Advise the family that court action will be pursued by the <a href="#">filing of a petition</a>.</li> </ul> <p>The county child welfare agency must consider <a href="#">filing a juvenile petition</a> when:</p> <ul style="list-style-type: none"> <li>• Efforts to engage a family are not successful; or</li> <li>• A family refuses to follow through with services; or</li> <li>• A family participates only marginally, receiving virtually no benefits from the process; or</li> <li>• Families do not make sufficient and timely progress in addressing the issues that led to the child abuse, neglect, and/or dependency, AND</li> <li>• The child(ren) continues to be at risk of maltreatment.</li> </ul> <p>The county child welfare agency must determine if non-secure custody must occur based on if the child(ren) can remain safely in their home.</p> <p>A county child welfare agency must intervene through filing of a petition when it determines that the level of care provided by the parent(s)/caretaker(s) is below a minimally sufficient level of care. The minimum sufficient level of care is the level of physical and emotional care that each child must have to grow and develop. The agency must remove children when the family cannot or will not improve the level of care, despite services provided, or when the level of care is so far</p>	<p><b>LACK OF PROGRESS</b>            If there is a lack of progress or behavior change that mitigates <a href="#">safety</a> or <a href="#">risk</a> after three months, there should be a facilitated Child and Family Team meeting to address the behavior change issues, set deadlines for change and to outline the court process.</p> <p>When conducting the Child and Family Team meeting, it is important to allow each participant to discuss their concerns of the recurring neglect, as well as if he or she can support the family in hopes of providing safe care for the child. A discussion should be held with the family regarding issues of behavior change or lack of that could affect the safety and future risk of harm of the children. When discussing issues of behavior change, it is important to discuss the behaviors of the parent/caretaker that are continuing to create risk. Safety and repeat maltreatment concerns must be addressed. Consequences of a lack of behavior change should also be clearly stated so that the alternative process is outlined. The CFT meeting is an opportunity to bring the family, along with both formal and informal supports, to the table to make a plan to keep the child safe, in their community, without court intervention.</p> <p>At times, despite an agency’s best efforts to engage the family and coordinate the necessary remedial services during the provision of CPS In-Home Services, families may not make sufficient and timely progress in addressing the issues that led to the child abuse, neglect, and/or dependency. In these cases, the agency should consider the impact of <a href="#">filing a petition</a> alleging that the child is abused, neglected, and/or dependent as well as the risk to the child(ren) if CPS services were no longer provided.</p> <p>A petition may be filed, asking for an adjudication of abuse, neglect, and/or dependency and not request removal of the child from the legal custody of the caretaker. This may be the case when dealing with families who, despite diligent efforts</p>

## In-Home Services: Family Services Agreement

Protocol – What you must do	Guidance – How you should do it
<p>below an acceptable minimum level that the child is in risk of harm. Evaluation of safety and risk must include consideration of cultural practices that meet the safety needs of the child.</p>	<p>made by both the agency and the Child and Family Team, remain uncooperative, refuse to work with the agency, or do not make sufficient or timely progress, but the child is determined to remain safe in their home.</p>
	<p><b>STUCK CASES</b>            Stuck cases are defined as situations where the <a href="#">risk</a> remains moderate and the family is not making progress or simply not cooperating. If there are no high-risk issues present, the following course of actions should occur:</p> <ul style="list-style-type: none"> <li>• Discussion between the county child welfare worker and supervisor.</li> <li>• With the Assessment Tools as a guide, evaluate the:               <ol style="list-style-type: none"> <li>1. Safety - Have other reports been received, assessed, and a finding of substantiated or “Services Needed” found? Are there current safety issues?</li> <li>2. Future Risk- Using the Risk Re-assessment, what is the risk, in what areas and how does risk affect the children now and since working with them?</li> <li>3. Family Strengths/Needs- Using the Family Strengths and Needs Assessment, what identified family issues remain unaddressed?</li> </ol> </li> <li>• Utilize the Child and Family Team meeting to determine possible resolutions to bring down the risk and allow the family to achieve its objectives.</li> <li>• If safety and risk issues warrant, file a juvenile petition to have the case adjudicated in juvenile court.</li> <li>• After discussion of the issues, it is decided to close the case at moderate risk and with no safety concerns in the parent’s home, all services offered to the family, as well as the response and any progress, should be documented. A letter should be sent to the family notifying them of the closure decision, and indicating that the lack of progress will be considered if future protection issues should arise.</li> </ul>
<p><a href="#">American Indian Child / ICWA</a>            All cases Substantiated or found to be Services Needed and transferred for ongoing services must indicate there was an inquiry about a parent/caretaker’s American Indian ancestry. See <a href="#">ICWA</a> for protocol and guidance if American Indian ancestry is identified.</p> <p>If an American Indian child is the identified victim child, it remains the responsibility of the county child welfare agency to provide CPS In-Home Services, if applicable.</p> <p>Mexican Heritage            All cases Substantiated or found to be Services Needed and transferred for ongoing services must indicate there was an inquiry about a child’s Mexican heritage.</p>	



## In-Home Services: Documentation

Protocol -What you must do	Guidance – How you should do it
<p>Documentation of CPS In-Home Services must:</p> <ul style="list-style-type: none"> <li>• Describe actions taken, to include but not limited to:               <ul style="list-style-type: none"> <li>○ Home visits, school visits, and any other family member contact,</li> <li>○ Collateral contacts with extended family, services providers, etc.;</li> <li>○ Meetings held and decisions made;</li> <li>○ Observations regarding family interaction and relationships, engagement in services and parent and child behaviors; and</li> <li>○ Services or interventions provided, arranged for or coordinated;</li> </ul> </li> <li>• Describe all diligent efforts to make appropriate contacts, if not achieved;</li> <li>• Support the need for continuing agency involvement;</li> <li>• Describe the family’s progress or barriers toward case goals (through use of Family Services Agreement);</li> <li>• Include supervisor/child welfare worker and group/unit case conferences, including any two-level decisions made;</li> <li>• Provide justification for any missed policy or protocol requirements (missed timeframes, etc.);</li> <li>• Discuss ongoing safety and/or risk of maltreatment, including the risk level (through use of Risk Reassessment);</li> <li>• Document any new allegations and actions taken;</li> <li>• Discuss well-being needs of the child(ren);</li> <li>• Any other efforts by the county child welfare agency to achieve child safety and protection, family preservation, and prevention of future abuse, neglect and/or dependency; and</li> <li>• Be maintained in the case record and be prompt and current within seven days of any case activity or action.</li> </ul> <p>The following information must be included for each documentation entry regarding a contact or attempted contact:</p> <ul style="list-style-type: none"> <li>• Date of each contact and name of each person contacted;</li> <li>• Purpose of the contact;</li> <li>• Significant family/child/parent issues;</li> <li>• Type of contact (phone, face to face, home visit, etc.) and location for all face to face contacts;</li> <li>• Individual interview with each child present;</li> <li>• Observations regarding each person and the environment for face to face contacts; and/or</li> <li>• <u>Diligent efforts</u> to make a contact and date of the efforts, what were efforts to make this contact (telephone call, home visit but no one home, etc.).</li> </ul>	<p>All the following items should be included in your case documentation even though the supporting documentation may be also in the case file:</p> <ul style="list-style-type: none"> <li>• The date case was assigned to the county child welfare worker;</li> <li>• The date any decision-making tool was completed;</li> <li>• Any discussion with agency attorneys regarding the case including the date;</li> <li>• Any court hearings attended and date attended;</li> <li>• Information obtained from professional providers, for example, medical and mental health diagnosis and/or medication prescribed; and</li> <li>• Any meetings/conferences regarding the case including the date.</li> </ul>

## In-Home Services: Documentation

Protocol -What you must do
<p>In-Home Services closing documentation must:</p> <ul style="list-style-type: none"><li>• Support the rationale for case closure;</li><li>• Reflect either that the parents or caretakers are willing to provide a safe home and demonstrate their ability to do so, or the agency obtained legal custody or placement responsibility (see next paragraph for additional documentation requirements).</li><li>• Indicate that the decision was a shared decision made by the county child welfare worker and the CPS supervisor or supervisor's designee:</li><li>• Must include notification of the family in writing that the case is closed within seven days of the agency's decision to close the case.</li></ul> <p>When a child(ren) must be removed from the home (See <a href="#">Filing a Petition</a>), the case record must document that the county child welfare agency completed the following.</p> <ul style="list-style-type: none"><li>• Efforts were made to protect the child in their own home and to prevent out-of-home placement.</li><li>• Relatives were assessed for willingness and ability to care for the child(ren) and whether such placement would be in the child's best interests.</li><li>• Compliance with the following requirements occurred when temporary custody is initiated:<ul style="list-style-type: none"><li>○ That the child would have been endangered if the county child welfare worker first had to obtain a court order;</li><li>○ That the child was returned to the parents or persons from whom the child was removed unless a petition or motion for review was filed and an order for secure or non-secure custody was obtained; and</li><li>○ That the parents were notified that they could be with the child(ren) while the court determined the need for secure or non-secure custody.</li></ul></li><li>• The juvenile petition alleges the conditions that required court jurisdiction.</li><li>• The non-secure custody order gives specific sanction to a placement other than a licensed provider; that the juvenile petition was filed because the child(ren) was at imminent risk; and that a hearing was held within seven days.</li><li>• If a child is taken into agency custody as a result of an adjudication of undisciplined behavior or delinquency, the required language is in the court order or if appropriate language is not included, that the agency filed a motion to have such language included in the court order.</li></ul> <p>Case documentation must include completion and processing of a DSS-5027 (to be processed at the initiation and closure of every In-Home Services case) for every identified victim child.</p> <p>See the Cross Function of <a href="#">Documentation</a> for definitions, and additional protocol and guidance.</p>



## In-Home Services: New Report (Allegations) During In-Home Services

Policy	Legal Basis
<p>Any new allegation and/or incident that meets the statutory definition of abuse, neglect, or dependency received at any time during CPS In-Home Services must be documented as a new report and the agency must conduct a CPS Assessment.</p> <p>See Assessment Policy and Protocol.</p>	<p>N.C.G.S. §7B-302 Section 106 (b)(2)(A)(xviii) of the Child Abuse Prevention and Treatment Act (CAPTA)</p>
<p><b>Protocol – What you must do</b></p>	
<p>See <a href="#">Assessments</a> for policy, protocol and guidance for completing the CPS Assessment.</p> <p>The report must be assessed independently of the In-Home Services case.</p> <p>If there is an existing Temporary Parental Safety Agreement (TPSA), the outcome of the Safety Assessment for the new CPS Assessment must be:</p> <ul style="list-style-type: none"> <li>• A modification to the existing TPSA to address any new safety threat identified, or</li> <li>• A modification to the existing TPSA if the current TPSA is inadequate to address an existing, ongoing safety threat, or</li> <li>• A new TPSA that incorporates the actions from the existing TPSA, or</li> <li>• No change to existing TPSA. The current TPSA must continue if: <ul style="list-style-type: none"> <li>○ There are no additional safety threats associated with the new report.</li> <li>○ The existing TPSA addresses all safety threats identified.</li> </ul> </li> </ul> <p>Any required modifications of the TPSA must occur when the Safety Assessment for the new CPS Assessment is completed. If the outcome of the new Safety Assessment is that there are no safety threats and that the existing TPSA is no longer required, before terminating the TPSA the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Hold a CFT, and</li> <li>• Modify the In-Home Family Services Agreement.</li> </ul> <p><b>CASE DECISIONS FOR INVESTIGATIVE ASSESSMENTS (open CPS In-Home cases)</b></p> <p>If it is determined that the new allegations are found regarding abuse, neglect or dependency,</p> <ul style="list-style-type: none"> <li>• The finding must be to Substantiate;</li> <li>• The county child welfare worker must notify the family of the decision; and</li> <li>• The identified safety and risk factors must be incorporated into the existing In-Home Family Services Agreement (<a href="#">DSS-5239</a>).</li> </ul> <p>If it is determined that there are no safety or risk factors,</p> <ul style="list-style-type: none"> <li>• The agency's case decision must be to Unsubstantiate and</li> </ul>	

## **In-Home Services: New Report (Allegations) During In-Home Services**

- The county child welfare worker must notify the family of the decision not to substantiate the new allegations but explain that the ongoing CPS In-Home Services would continue based on the original allegations until successful completion of the In-Home Family Services Agreement.

### **CASE DECISIONS FOR FAMILY ASSESSMENTS (open CPS In-Home cases)**

If it is determined that the new allegations require CPS In-Home Services,

- The agency's case decision must be Services Needed.
- The county child welfare worker must notify the family of the decision and
- The identified safety and risk factors must be incorporated into the existing In-Home Family Services Agreement ([DSS-5239](#)).

If the only needs that are identified are those that were uncovered during the previous assessment and none related to the new allegations,

- The case decision must be additional Services Not Recommended.
- There must be concise documentation in the record stating that the risk and safety factors related to the original assessment continue and services must continue to reduce the original risk level through the provision of CPS In-Home Services.
- The county child welfare worker must notify the family of the decision of Services Not Recommended regarding the new allegations but explain that the ongoing CPS In-Home Services would continue based on the original allegations until successful completion of the In-Home Family Services Agreement.

### **BIRTH OF CHILD TO FAMILY OPEN TO IN-HOME SERVICES**

Whenever a child is born in a family open for In-Home Services, a new report must be generated and referred for to Intake for screening.

## In-Home Services: Transfer to Another County

Policy	
When the family relocates to another county in the state, the agency must request the new county of residence accept the In-Home Services case, and provide CPS In-Home Services to the family.	
Protocol – What you must do	Guidance – How you should do it
<p>When a county learns that a family has relocated and the county has the new address for the family:</p> <ul style="list-style-type: none"> <li>• The original county must notify the new county within 24 hours for high risk or 48 hours for moderate risk cases;</li> <li>• The new county of residence must confirm the family’s address within 72 hours;</li> <li>• The original county must share its entire case record with the new county within seven business days;</li> <li>• The new county of residence is responsible for the provision of CPS In-Home Services as soon as the agency is aware that the family has moved into the county, including responsibility for overall case management responsibilities and updating the Family Services Agreement.</li> </ul> <p>Exception Due to Court Involvement When there is juvenile court involvement,</p> <ul style="list-style-type: none"> <li>• CPS In-Home Services should not transfer to another county.</li> <li>• If the original county determines that transfer is appropriate due to the circumstances of the case, then prior to the transfer of custody or a change of venue, a hearing must be held giving each involved county the right to appear and plead their position.</li> </ul> <p>Should a county elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited.</p> <p>The county with venue must notify all involved counties of any changes in venue.</p>	<p>Both counties should discuss whether immediate contact should be made with the family to assure the safety of the child. The child should be seen within 72 hours of the notification to the new county that the family has relocated to their area, unless there is an immediate need for the child and family to be seen,</p>

### **END OF CPS IN-HOME SERVICES POLICY, PROTOCOL, & GUIDANCE SECTION**

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## **CROSS FUNCTION TOPICS: Intensive Family Preservation Services**

Definition	
<p>Intensive Family Preservation Services (IFPS) (<a href="#">IFPS Family Service Manual</a>):</p> <ul style="list-style-type: none"> <li>• Provide intensive, in-home crisis intervention services designed to help families with children at imminent risk of being removed from the home,</li> <li>• Are time-limited (a maximum of six weeks), and</li> <li>• Are characterized by very small caseloads for workers, 24-hour availability of staff, and the provision of services primarily in the child's home.</li> </ul>	
Protocol – What you must do	Guidance – How you should do it
<p>To qualify for IFPS, there must be a child at “imminent risk of out of home placement” through:</p> <ul style="list-style-type: none"> <li>• Substantiation of child abuse, neglect, and/or dependency or a finding of services needed, and</li> <li>• Risk rating of high (on Risk Assessment, DSS-5226 or Risk Reassessment <a href="#">DSS-5226</a>)</li> </ul> <p>When requesting IFPS, the following forms are to be provided:</p> <ul style="list-style-type: none"> <li>• <a href="#">DSS-5230</a> or <a href="#">DSS-5226</a>, and <a href="#">DSS-5027</a></li> </ul> <p>During IFPS:</p> <ul style="list-style-type: none"> <li>• The IFPS worker is to be a member of the Child and Family Team. This collaboration will assist in prioritizing IFPS activities towards addressing the existing high-risk factors.</li> <li>• The county child welfare worker must maintain weekly contact with the IFPS worker and document discussion regarding progress towards case activities.</li> <li>• The ongoing county child welfare worker and supervisor must staff the case and document the frequency of contact between the county child welfare worker and the family/child(ren).</li> </ul> <p>Upon completion of IFPS, the county child welfare worker must facilitate a meeting with the IFPS worker (preferably a CFT) to discuss, with the family, progress achieved towards case objectives. This meeting must occur within seven days of completion of Intensive Family Preservation Services.</p> <p>IFPS is to provide the county child welfare worker written documentation regarding case objectives and family progress on the objectives.</p>	<p>IFPS should be considered as an option for all cases in which there is a risk rating of high.</p> <p>Contact between IFPS and the county child welfare worker can either be over the telephone, via e-mail, or in person.</p>

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## **CROSS FUNCTION TOPICS: Safety**

Policy	Legal Basis
<p>The primary concern of Child Welfare Services is protecting children. When a safety threat (present or impending) is identified, the county child welfare agency must respond and develop a plan of safety. At no time, should a county child welfare agency worker leave a child in unsafe circumstances. The intent of safety planning is to reach an agreed upon plan with the family that imposes the lowest level of intrusiveness possible while assuring a child's safety.</p>	<p>Non-secure custody will only be granted when one or more criteria exist as specified in N.C.G.S. § 7B-503.</p> <p>North Carolina statute N.C.G.S. § 7B-101 (19) defines a safe home as "a home in which the child is not at substantial risk of physical or emotional abuse or neglect."</p>
<b>Definitions</b>	
<p><b>Safety Threat Defined</b> A safety threat exists when there are conditions or actions within the child's home that represent the likelihood of imminent serious harm to the child. There are two types of safety threats: present and impending.</p> <ol style="list-style-type: none"><li>1) Present safety threat refers to an immediate, significant, and clearly observable family condition (severe harm or threat of severe harm) occurring to a child in the present. Present danger is easier to detect because it is transparent and is occurring now. If present danger is observed, the child is not safe.</li><li>2) Impending safety threat refers to threatening conditions that are not immediately obvious or currently active but are out of control and likely to cause serious harm to a child in the near future. Impending danger is covert. Impending danger is a threat that can be reasonably expected to result in serious harm if safety action is not taken and/or sustained. These threats may or may not be identified at the onset of involvement by a county child welfare agency, but are understood upon a more complete evaluation and understanding of the individual and family conditions and functioning.</li></ol> <p>To be classified as a safety threat, a situation, condition, or behavior must meet the safety threshold. The safety threshold is the point when a parent's behaviors, attitudes, emotions, intent, or circumstances create conditions that fall beyond mere risk of future maltreatment and have become an actual imminent threat to the child's safety. These conditions could reasonably result in the serious and unacceptable pain and suffering of a vulnerable child.</p> <p><b>Safety Agreement Defined</b> A safety agreement/plan is made between a parent and a county child welfare agency when a child is in immediate danger in their own home because of a safety threat. A safety agreement/plan must be all the following:</p> <ol style="list-style-type: none"><li>1) Sufficient to manage safety;</li><li>2) Tailored to the address the child safety issues that exist within the family;</li><li>3) Immediately available so that it is capable of being in operation the same day it is created; and</li><li>4) A plan that includes actions and goals that are specific and measurable.</li></ol>	

## **CROSS FUNCTION TOPICS: Safety**

### **Due Process Considerations**

Under the United States Constitution, parents have a fundamental right to the care, custody, and control of their children. Safety actions that require the separation or restriction of a parent’s access to their child(ren) affect a parent’s custodial rights. When a county child welfare agency interferes with this right, reasonable procedural protections must be in place. This procedural protection often takes the form of a hearing in juvenile court. In certain situations, to protect a child, a county child welfare worker conducting an assessment may be required to perform actions that affect a parent’s custodial rights without first providing procedural due process. These instances should be used only to the extent necessary to protect the child and should not continue longer than necessary to assure safety. Procedural protection must be provided within a reasonable period, even when a parent agrees to the infringement on the parent’s own custodial right.

Guardians, custodians, caretakers, and other relatives, do not have these same constitutional rights; this due process consideration only applies to birth and adoptive parents.

Protocol – What you must do	Guidance – How you should do it
<p><b>Assessing Safety</b> The Safety Assessment <a href="#">DSS-5231</a> must be used during a CPS Assessment and establishes the safety threats for ongoing service needs. The assessment of safety is an ongoing process that starts at the time a case is accepted for a CPS Assessment and continues until case closure.</p> <p><b>Safety Planning</b> An individualized safety agreement must be developed when a safety threat has been identified. The safety agreement/plan must be documented through:</p> <ul style="list-style-type: none"> <li>• The Temporary Parental Safety Agreement developed with a CPS Safety Assessment or</li> <li>• The safety agreement developed with a family during a CFT during the provision of CPS services (Assessments or In-Home).</li> </ul> <p>When a Safety Agreement requires modification (i.e. new concerns arise; some safety issues identified have been addressed and others remain) the Safety Agreement must reflect the changes.</p> <p>As soon as the county child welfare agency obtains sufficient evidence that the safety threats no longer exist, the agency must dissolve the Safety Agreement.</p> <p>The Safety Agreement must be signed by:</p> <ul style="list-style-type: none"> <li>• A parent (someone with legal authority) and</li> <li>• The county child welfare worker and</li> </ul>	<p>The Safety Assessment DSS-5231 is completed during a CPS Assessment. However, the Safety Assessment can be referred to for guidance regarding safety concerns identified during ongoing services.</p> <p><b>Safety Planning</b> While this is not an exhaustive list, there are four main categories of safety interventions that may be incorporated into a safety agreement:</p> <ol style="list-style-type: none"> <li>1) Resource support refers to safety actions that address a shortage of family resources and resource utilization (such as obtaining heat, water, electricity, food, child care, etc.), the absence of which directly threatens the safety of the child.</li> <li>2) Social support includes actions that reduce social isolation. Social support may be used alone or in combination with other actions to reinforce and support the capacity of the parents or other caretakers.</li> </ol>



## CROSS FUNCTION TOPICS: Safety

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>The county child welfare supervisor.</li> </ul> <p>If applicable, a guardian, custodian, or caretaker, and/or approved Temporary Safety Provider(s) must also sign the agreement. The Safety Agreement must be signed the same day that it is developed by the parent and county child welfare worker. The county child welfare supervisor must review and approve the Safety Agreement the same day (within 24 hours). This must be evidenced by:</p> <ul style="list-style-type: none"> <li>A Safety Agreement signed by the county child welfare supervisor or</li> <li>Documentation that reflects the joint decision-making process between the county child welfare worker and supervisor and the supervisor’s subsequent approval of the plan.</li> </ul> <p>A CFT meeting must be held when a safety threat exists and:</p> <ul style="list-style-type: none"> <li>A Safety Agreement requiring separation or restriction is being proposed or</li> <li>Non-secure custody is the only means necessary to ensure safety of the child.</li> </ul> <p>During this CFT meeting, other safety interventions, as well as, possible Temporary Safety Providers must be discussed.</p> <p>If a CFT cannot be held prior to making a Safety Agreement involving separation or restriction or <a href="#">filing a petition</a> for non-secure custody, a CFT must be held as soon as possible.</p> <p>A Safety Agreement must be used when part of the environment must be controlled to determine whether there is sufficient evidence to support a case decision finding that the reported allegations of abuse, neglect, or dependency occurred. In some cases, it may involve one or more family members leaving the home or an agreement that certain family members will not have unsupervised contact with other family members.</p> <p>When a Safety Agreement involves separation or restriction, the county child welfare agency must complete an Initial Provider Assessment (<a href="#">DSS-5203</a>) and have it approved by the county child welfare supervisor, prior to the child being in the care of the identified Temporary Safety Provider. See <a href="#">Temporary Safety Provider</a> regarding ongoing monitoring.</p>	<p>3) Crisis management is specifically concerned with intervening to bring a halt to a crisis and to facilitate problem solving to bring a state of calm to a family. The purpose of crisis management is to quickly control the threat to the child’s safety. Crisis management will often be employed along with other safety actions.</p> <p>4) Separation or restriction refers to the removal of any household member from the home for a period of time or otherwise interfering with a parent’s custodial rights. Separation is viewed as a temporary action. Separation may involve, among other things, the child temporarily moving to a safe environment; a friend or relative moving into the home; the protective parent moving with the child to a safe environment; a parent agreeing not to have unsupervised contact with the child; a parent agreeing to forfeit decision-making authority over the child; or the alleged perpetrator agreeing to leave the home.</p> <p>At any time while a Safety Agreement is in place, the county child welfare agency may consider involving the court.</p> <p>A CFT meeting may be held at any time during a CPS involvement to address issues of safety planning.</p>



## **CROSS FUNCTION TOPICS: Safety**

### **WHEN A PETITION IS REQUIRED**

There are some circumstances when juvenile court involvement (through filing a petition) must occur. When risk to the safety of a child is so great that the agency must protect the child by removing the child from the home, the county child welfare agency must file a petition including non-secure custody. Although this is not an exhaustive list, it covers many of the circumstances requiring immediate removal.

- The juvenile has been abandoned; or
- The juvenile has serious physical injuries that are not accidental such as abusive head trauma, internal injuries, or numerous broken bones injury;
- The juvenile has serious sexual abuse; or
- The juvenile is exposed to a substantial risk of injury or sexual abuse due to the actions or inaction of the parent, guardian, or custodian; or
- The juvenile needs medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions and the parent, guardian, or custodian is either unable or unwilling to provide or consent to treatment; or
- A safety threat exists, and a prior Safety Agreement/plan was executed, but the parent did not adhere to the agreement; or
- A safety threat exists and the parent's ability to make changes is limited because of limited intellectual ability or a mental health diagnosis; or
- A safety threat exists and there is no identified alternative caregiver that is willing to protect the child; or
- A safety threat exists and there is no identified alternative caregiver whose home environment is appropriate; or
- The parent consents to continuation of the non-secure custody order; or
- The juvenile is a runaway and consents to non-secure custody; and
- That there is a factual basis to believe that no other reasonable means are available to protect the juvenile.

Additionally, filing a juvenile petition during the CPS involvement must occur when:

- A Safety Agreement is not sufficient to ensure the safety of the child(ren) or
- There is reason to suspect the parent, guardian, or custodian will not abide by the Safety Agreement.

Voluntary Placement Agreements are not appropriate for use in any of the above situations regarding immediate removal.

## **CROSS FUNCTION TOPICS: Safety**

Protocol – What you must do	Guidance – How you should do it
<p>The filing of a juvenile petition requesting non-secure custody must occur in lieu of a Safety Agreement when a child will move to a home in another state, unless specifically allowed by a border agreement with the other state. The Interstate Compact on the Placement of Children (ICPC) must be followed whenever required by N.C.G.S. § 3800 et. seq. or the ICPC regulations.</p> <p>When a safety threat exists and at least one parent has communicated that he or she will not agree to a Temporary Parental Safety Agreement or other safety agreement, the county child welfare agency must file a juvenile petition when protective services are refused, regardless of whether the agency requests custody of the child.</p>	
<p><b>VOLUNTARY REQUIREMENT</b>            Safety Agreements are only available when the parent voluntarily agrees. Only the court may restrict a parent(s)'s access to their child(ren), including supervised visitation between a parent and that parent's child.</p> <p>Because a Safety Agreement exists only when it is voluntary, it may be revoked at any time.</p> <ul style="list-style-type: none"> <li>• Revocation by a parent must include notification of the county child welfare agency.</li> <li>• The <a href="#">Temporary Safety Provider</a> must communicate their inability or unwillingness to continue to care for the child(ren) directly to the county child welfare agency.</li> <li>• If a Safety Agreement is modified or dissolved by the county child welfare agency, the county child welfare agency must ensure that everyone included in the Safety Agreement has been notified as soon as possible.</li> </ul> <p>Any time that a Safety Agreement is revoked or dissolved, the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Inform all individuals involved with the Agreement, and</li> <li>• Assess safety and take action to ensure that the child(ren) is safe.</li> </ul>	<p><b>VOLUNTARY REQUIREMENT</b>            A county child welfare worker should never attempt to coerce a parent into agreeing to a Temporary Parental Safety Agreement with threats or promises that would affect the voluntary nature of the Temporary Parental Safety Agreement. An offer of a Temporary Parental Safety Agreement, even when the parent does not agree, may be included as an effort to prevent removal when asking the court to find that the agency made reasonable efforts.</p> <p>If a Safety Agreement is revoked or dissolved, the county child welfare agency should consider:</p> <ul style="list-style-type: none"> <li>• If safety still requires the need for a Temporary Safety Provider;</li> <li>• Scheduling of a CFT;</li> <li>• Other options to address remaining safety threats; including if necessary;</li> <li>• <a href="#">Filing a petition.</a></li> </ul>

## **CROSS FUNCTION TOPICS: Safety**

Protocol – What you must do	Guidance – How you should do it
<p><b>MONITORING SAFETY</b></p> <p>The county child welfare agency must monitor all aspects of the Safety Agreement to ensure that the child continues to be safe and the Agreement continues to be necessary and voluntary.</p> <p>The county child welfare agency worker must meet with the parents and the child at regular intervals sufficient to ensure the safety and protection of the child, as well as, monitor progress towards goals. At each contact, it is important that the county child welfare worker assess safety, risk, and any other concerns that have arisen.</p>	

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Return to [In-Home Services TOC](#)

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## **CROSS FUNCTION TOPICS: Risk and Use of Assessment Tools**

<b>Policy</b>
The primary concern of Child Welfare Services is protecting children from maltreatment.
<b>Definition</b>
<p>Risk is the likelihood that a child will be harmed (abused or neglected). <a href="#">Safety</a> threats are a subset of risk that represent the likelihood of immediate or imminent serious harm to the child.</p> <p>Risk:</p> <ul style="list-style-type: none"> <li>• Occurs on a continuum from mild to severe;</li> <li>• Includes family situations and behaviors from onset progressing into seriously troubled;</li> <li>• Applies to aspects of family life relevant to understanding the likelihood of maltreatment;</li> <li>• Impacts child well-being and safety;</li> <li>• Is based on an unlimited time frame (could occur any time in the future);</li> <li>• Is associated with family functioning and behaviors that need to be managed or treated; and</li> <li>• Requires a judgement about the negative effects on the child from future maltreatment.</li> </ul> <p>Risk assessment is an ongoing process to determine the possibility of future harm to the child. It does not predict when or how serious the harm may be, but rather the likelihood that harm will occur. Risk assessment, based on an examination of factors, attempts to address whether the harm may continue, and whether the harm is acute or chronic in nature. It is used as a vehicle for decision making in child maltreatment cases. The risk scales are based on research on cases with “substantiated” abuse or neglect or “services needed” findings that examined the relationships between family characteristics and the outcomes of subsequent abuse and/or neglect. The scales do not predict recurrence; simply the likelihood that a family will have another incident without intervention by the county child welfare agency.</p> <p>Protective Capacity is defined as the ability and willingness to mitigate or ameliorate the identified safety and risk concerns. Protective capacity can be demonstrated by a parent through their statements, actions, and reactions. Protective capacity exists both within the parent/caretaker and within the family environment.</p>

<b>Protocol – What you must do</b>	<b>Guidance – How you should do it</b>
<p><b>MONITORING AND ASSESSING RISK</b> Risk assessment is an ongoing process that starts at the time a case is accepted for a CPS Assessment and continues until case closure.</p> <p>County child welfare efforts must assess the risk and develop a plan to reduce the risk to an acceptable level with a focus on</p>	<p>When assessing risk, a county child welfare agency should consider:</p> <ul style="list-style-type: none"> <li>• CPS history, how long has risk been occurring;</li> <li>• Parent(s)/Caretaker(s) reaction to and/or explanation regarding the risk, what was the parent’s/caretaker’s intent;</li> <li>• Related criminal history;</li> <li>• Parent(s)/Caretaker(s) willingness to engage and/or agreement with safety and risk planning, what is the parent’s/caretaker’s attitude;</li> <li>• How severe the potential risk is to the child(ren);</li> </ul>

## CROSS FUNCTION TOPICS: Risk and Use of Assessment Tools

Protocol – What you must do	Guidance – How you should do it
<p>maintaining the child(ren) in the family home.</p> <p>County child welfare social workers when assessing for risk must observe and document the impact of maltreatment on the child(ren). The social worker must use objective language to document the child’s behavior or condition and relate that behavior or condition to the identified maltreatment.</p> <p><b>ASSESSMENT TOOLS</b> The following assessment tools must be completed <b>accurately and thoroughly</b>, approved and signed within the timeframes indicated in the appropriate functional protocol:</p> <ul style="list-style-type: none"> <li>• Safety Assessment <a href="#">DSS-5231</a> (Assessments),</li> <li>• Risk Assessment <a href="#">DSS-5230</a> (Assessments),</li> <li>• Risk Reassessment <a href="#">DSS-5230</a> (In-Home),</li> <li>• Reunification Risk Assessment <a href="#">DSS-5227</a> (Permanency Planning), and the</li> <li>• Family Strengths and Needs Assessment <a href="#">DSS-5229</a> (Assessments, In-Home, and Permanency Planning).</li> </ul> <p>These tools assess safety and risk for all children living in the home throughout a case, define service needs of the family, and establish the basis for Family Services Agreements.</p>	<ul style="list-style-type: none"> <li>• What is the impact of the potential risk on the child(ren);</li> <li>• What is the degree of change needed by the parent(s)/caretaker(s) to remediate the risk;</li> <li>• What is the timeframe within which the risk is likely to occur; and</li> <li>• What is protective capacity of the parent(s)/caretaker(s) to address the identified risk.</li> </ul> <p>Families should be involved in the completion of all the assessment tools used by the county child welfare agency (based on System of Care principles and Family-centered practice).</p> <p>While the approach is family-centered, decisions regarding the risk, needs, and strengths are the responsibility of the county child welfare agency. The outcome of any decision should not be surprising to the family if the county child welfare worker has successfully involved family members.</p> <p><b>IMPACT ON CHILDREN</b> When assessing for risk, county child welfare agencies social workers should be alert for conditions, behaviors, and reactions in children that indicate an impact from maltreatment. In some cases, the impact may be directly and clearly related to the maltreatment, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Bruising, burn, bites or broken bones from abuse or neglect;</li> <li>• Medical condition from lack of medical care; and/or</li> <li>• Exposure to an unsafety condition, for example: young child running across busy street due to lack of supervision.</li> </ul> <p>However, some impact is less obvious and the agency will have to link the maltreatment to the conditions/impact on the child. The following observations or conditions regarding a child provide <u>may</u> indicate abuse or neglect:</p> <ul style="list-style-type: none"> <li>• Changes in behavior, for example, a change in school performance, acting out or irrational behavior, or change in appetite;</li> <li>• Difficulty focusing that cannot be attributed to physical or psychological causes;</li> <li>• Hyperactive, inability to calm themselves;</li> <li>• Hypervigilant, as if always concerned that something will happen;</li> <li>• Anxiety, with symptoms that may include headaches, stomach aches, nightmares, inability to relax or sleep through the night;</li> <li>• Overly compliant, passive or withdrawn;</li> <li>• Demanding or aggressive;</li> <li>• Reluctance to interact with or be around a specific adult;</li> </ul>

## CROSS FUNCTION TOPICS: Risk and Use of Assessment Tools

Protocol – What you must do	Guidance – How you should do it
<p>The tools must be:</p> <ul style="list-style-type: none"> <li>• Based on face-to-face interviews with and/or observation of parents, caretakers, others living in the home, and children,</li> <li>• Based on information gained through collateral contacts,</li> <li>• Be reviewed and updated as necessary when new information is received regarding safety and risk, and</li> <li>• Be signed by the case county child welfare worker and case supervisor to designate two-level review within time frames specified by each functional area.</li> </ul> <p>Assessments must be completed for the household of the parent(s)/caretaker(s) where the safety or risk of maltreatment was alleged or where services are to be provided. When the parent(s)/caretaker(s) have separate households and each parent/caretaker provides care independently, separate assessments based on their household must be considered. If determined that assessments are not required on parent/caretaker household, the justification must be documented.</p> <p>The North Carolina Family Risk Assessment (Risk Reassessment) of Abuse / Neglect identifies the level of risk of future maltreatment to the child(ren) in the family and determines the level of service to be provided to each family.</p>	<ul style="list-style-type: none"> <li>• Attaches easily and quickly to strangers or new adults;</li> <li>• Fear, stated or demonstrated (shrinks away from an adult);</li> <li>• Abuses animals or pets;</li> <li>• Poor hygiene, lack of self-care;</li> <li>• Use of alcohol or drugs;</li> <li>• Runs away;</li> <li>• Stealing or other juvenile involvement;</li> <li>• Depression;</li> <li>• Sudden knowledge about drugs or sexual activities;</li> <li>• Lack of follow up care for medical, mental health or other needs;</li> <li>• Repeated incidents of hunger, tardiness, missed appointments or school absences; or</li> <li>• Delay in physical or emotional development.</li> </ul> <p>The impact on children from chronic neglect and abuse can be lifelong. The consequences of experiencing trauma from maltreatment impact a child’s ability to cope, which can lead to cognitive delays and emotional difficulties. Childhood trauma negatively affects the body’s nervous and immune system development, putting those children at a higher risk of ongoing health problems, even into adulthood. Social workers should keep an open mind about potential symptoms of maltreatment being careful not to assume the above behaviors or conditions are always indicators of maltreatment.</p> <p><b>PROTECTIVE CAPACITY</b> Parent/Caretaker protective capacity should be assessed in three domains:</p> <ul style="list-style-type: none"> <li>• Behavior characteristics;</li> <li>• Cognitive characteristics; and</li> <li>• Emotional characteristics.</li> </ul> <p>Behavioral characteristics are defined as specific actions and activities consistent with and resulting in parenting and protective vigilance. Questions to consider include:</p> <ul style="list-style-type: none"> <li>• Does the parent/caretaker have the physical capacity and energy to care for the child? If the parent/caretaker has a disability(ies) (i.e., blindness, deafness, paraplegia, chronic illness), how has the parent/caretaker addressed the disability in parenting the child?</li> <li>• Has the parent/caretaker acknowledged and acted on getting the needed supports to effectively parent and protect the child?</li> </ul>

## CROSS FUNCTION TOPICS: Risk and Use of Assessment Tools

Protocol – What you must do	Guidance – How you should do it
<p>The Risk Assessment identifies which families have high, moderate, or low probabilities of continuing to abuse and/or neglect their children. Completing the North Carolina Family Risk Assessment of Abuse / Neglect provides an objective appraisal of the likelihood that a family will maltreat the children in the next 18 to 24 months. The difference between the risk levels is substantial. High-risk families have significantly higher rates than low-risk families of subsequent reports and substantiations and are more often involved in serious abuse and/or neglect incidents.</p> <p>The Risk Reassessment identifies changes in risk after a family has been engaged in services.</p> <p>The North Carolina Family Assessment of Strengths and Needs:</p> <ul style="list-style-type: none"> <li>• Evaluates the presenting strengths and needs of the family, and</li> <li>• Identifies family strengths and needs to be utilized in case planning.</li> </ul>	<ul style="list-style-type: none"> <li>• Does the parent/caretaker demonstrate activities that indicate putting aside one's own needs in favor of the child's needs?</li> <li>• Does the parent/caretaker demonstrate adaptability in a changing environment or during a crisis?</li> <li>• Does the parent/caretaker demonstrate actions to protect the child?</li> <li>• Does the parent/caretaker demonstrate impulse control?</li> <li>• Does the parent/caretaker have a history of protecting the child given any threats to safety of the child?</li> </ul> <p>Cognitive characteristics are defined as the parent/caretaker's specific intellect, knowledge, understanding and perception that contributes to protective vigilance. Questions to consider include:</p> <ul style="list-style-type: none"> <li>• Is the parent/caretaker oriented to time, place and space? (Reality orientation)</li> <li>• Does the parent/caretaker have an accurate perception of the child? Does the parent/caretaker see the child as having strengths and weaknesses, or do they see the child as "all good or all bad?"</li> <li>• Can the parent/caretaker recognize the child's developmental needs or if the child has special needs?</li> <li>• How does the parent/caretaker process the external stimuli? (i.e., a battered woman who believes she deserves to be beaten, because of something she has done.)</li> <li>• Does the parent/caretaker understand their role to provide protection to the child?</li> <li>• Does the parent/caretaker have the intellectual ability to understand what is needed to raise and protect a child?</li> <li>• Does the parent/caretaker accurately assess potential threats to the child?</li> </ul> <p>Emotional characteristics are defined as the parent/caretaker's specific feelings, attitudes and identification with the child and motivation that results in parenting and protective vigilance. Questions to consider include:</p> <ul style="list-style-type: none"> <li>• Does the parent/caretaker have an emotional bond to the child? Is there a reciprocal connectedness between the parent/caretaker and the child? Is there a positive connection to the child?</li> <li>• Does the parent/caretaker have empathy for the child when the child is hurt or afraid?</li> <li>• Is the parent/caretaker flexible under stress? Can the parent/caretaker manage adversity?</li> <li>• Is the parent/caretaker able to control their emotions? If emotionally overwhelmed does the parent/caretaker reach out to others, or expect the child to meet the parent/caretaker's emotional needs?</li> </ul>



## CROSS FUNCTION TOPICS: Risk and Use of Assessment Tools

Protocol – What you must do	Guidance – How you should do it
	<ul style="list-style-type: none"> <li>• Does the parent/caretaker consistently meet their own emotional needs via other adults, services?</li> </ul> <p>A statement by the parent/caretaker that he or she has the capacity to protect should be respected but observations of this capacity are equally if not more important. Observations and supporting information include:</p> <ul style="list-style-type: none"> <li>• A history of behavioral responses to crises may indicate what may likely happen. Spontaneous behavior will provide insight into how a parent/caretaker feels, thinks and acts when they are or feel threatened.</li> <li>• Recognize that a parent/caretaker may initially react in anger or “righteous indignation” and that this initial reaction may be appropriate and natural. However, once the initial shock and emotional reaction subsides, does the parent/caretaker blame everyone else for the “interference”?</li> <li>• What are the dynamics of the relationship of and between multiple parents/caretakers? Is there domestic violence? What efforts have been made by the victim to protect the child? Does the victim align with the batterer?</li> <li>• Does the parent/caretaker actively engage in a plan to protect the child from further harm? Is the plan workable?</li> <li>• Does the parent/caretaker demonstrate actions that are consistent with verbal intent or is it contradictory?</li> </ul> <p><b>Environmental Protective Capacities</b> While the assessment of the parent/caretaker’s protective capacities is critical, an assessment of environmental capacities may also mitigate the safety concerns/risk of harm to a child. Below are several categories of environmental protective capacities to be considered.</p> <ul style="list-style-type: none"> <li>• Family/kinship relationships that contribute to the protection of the child;</li> <li>• Informal relationships;</li> <li>• Agency supports;</li> <li>• Community supports;</li> <li>• Financial status;</li> <li>• Spiritual supports;</li> <li>• For American Indians, the tribe; and</li> <li>• Concrete needs being met such as food, clothing, shelter.</li> </ul> <p>Scaling is a great way to assess risk with a parent/caretaker. When using scaling questions, the county child welfare worker needs to anchor the scale with specific descriptors for high</p>

## **CROSS FUNCTION TOPICS: Risk and Use of Assessment Tools**

Protocol – What you must do	Guidance – How you should do it
	<p>and low numbers. The county child welfare worker should plan to ask follow up questions. Identifying the number is just the beginning; the real value of scaling is in the follow-up questions. What does the parent/caretaker think makes it that number? What's one thing they could do to lower the risk?</p>
<p><b>RISK PLANNING</b>            Family Service Agreements and safety agreements/plans must be individualized based on the level of risk. Refer also to <a href="#">Safety</a> for requirements for safety planning.</p> <p>When there is severe potential risk to the child(ren) and/or severe potential impact on the child(ren), the county child welfare agency must determine if an intervention is necessary.</p>	<p><b>RISK PLANNING</b>            For ongoing cases, risk planning should be addressed by the activities in the Family Services Agreement.</p> <p>An intervention to address a severe potential risk, or risk with severe potential impact, could occur through development of a plan or holding a CFT. A plan may be required to reduce the risk even if a current safety threat is not present. Filing a petition for custody may be necessary in some circumstances for the protection of the child(ren).</p>

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## **CROSS FUNCTION TOPICS: Collateral Contacts**

Legal Basis
N.C.G.S. § 7B-302 (e) states: " in performing any duties related to the assessment of the complaint or the provision or arrangement of social services, the director may consult with any public or private agencies or individuals, including the available State or local law enforcement officers who shall assist in the assessment and evaluation of the seriousness of any report of abuse, neglect, or dependency when requested by the director. The director or the director's representative may make a written demand for any information or reports, whether or not confidential, that may, in the Director's opinion, be relevant to the protective services case. Upon the Director's or the Director's representative's request and unless protected by the attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and these records to the extent permitted by federal law and regulations."

Protocol – What you must do	Guidance – How you should do it
<p>A collateral contact is any person(s) identified as having information relevant to the CPS case or other persons or agencies known to be currently involved with the family or known to have knowledge of the situation. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Medical and mental health providers. When a child is alleged to have a medical or mental health condition, disease or illness, relevant to the allegation, the county child welfare agency must consult the medical or mental health provider treating the condition. This consultation must be focused on determining the family's assertions about that medical or mental health condition, or there must be justification for why this was not done.</li> <li>• Educational providers.</li> <li>• Collateral sources provided by the family. The county child welfare worker should ask the family for collateral information sources. These contacts should be people who can provide reliable information concerning the child and family-not simply character references. This would include, but not be limited to: <ul style="list-style-type: none"> <li>○ Extended family members,</li> <li>○ Friends,</li> <li>○ Community members,</li> <li>○ Faith community members.</li> </ul> </li> <li>• Reporters/Intake Form Collaterals.</li> </ul> <p>The following case participants must be contacted but are not considered collateral contacts:</p> <ul style="list-style-type: none"> <li>• Placement provider, including but not limited to: <ul style="list-style-type: none"> <li>○ Foster care provider, including residential providers</li> <li>○ Kinship provider</li> <li>○ Temporary Safety Provider</li> </ul> </li> </ul>	<p><b>Professional Collateral Contacts</b> It is expected that professional service providers and agencies will share concerns about the family, with the family members themselves. When a professional collateral is to be contacted, whether provided by the reporter, the family, or the county child welfare worker, the parent/caretaker should be given the option to be present for this collateral contact. In those instances, when the parent chooses not to be present, the county child welfare worker should advise the parent of the information gathered from that collateral source.</p> <p><b>Non-professional Collateral Sources</b> The parent will be with the county child welfare worker when contact is made if the parent chooses, and if the safety of the non-professional collateral information source is not compromised as a result. The county child welfare worker should contact the non-professional collateral information source to determine whether that individual has any concern about his/her own personal safety if the parent</p>

## **CROSS FUNCTION TOPICS: Collateral Contacts**

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• <b>Parents or caretakers, including non-residential parents</b></li> </ul> <p>When a child has, or is alleged to have a medical condition, disease or illness, relevant to the allegation or to the need for ongoing services, the county child welfare agency must consult the medical provider treating the condition. This consultation must be focused on determining the family's assertions about that medical condition and/or the family's engagement in the medically recommended treatment for that medical condition, or there must be justification for why this was not done.</p> <p>The county child welfare agency must exercise discretion in the selection of collateral sources to protect the family's right to privacy and the confidentiality of the report.</p> <p>Parents must be advised of any professional collateral that will be contacted and their permission obtained to talk to that collateral. If the parent refuses permission, the county child welfare worker must first discuss the reason for the parents' refusal, and try to gain their permission. If that fails, then the county child welfare worker must decide if contact with the professional collateral is necessary to assess the safety and risk of maltreatment for the child(ren). If so, then the parent must be advised that due the statutory obligation to make a thorough assessment, based on the concerns reported, the collateral will be contacted, and the findings reported will be considered in the case decision.</p> <p>The court may designate certain local agencies authorized to share information concerning juveniles. Agencies that are so designated must share, upon request, information that is in their possession that is relevant to any case in which a juvenile petition is filed alleging abuse, neglect, dependent, undisciplined, and/or delinquent and must continue to do so until the juvenile is no longer subject to the jurisdiction of juvenile court.</p> <p>Documentation regarding collateral contacts must include</p> <ul style="list-style-type: none"> <li>• Whom the county child welfare worker talked with, when, and what observations have been made regarding:             <ul style="list-style-type: none"> <li>○ Safety and risk of maltreatment, and</li> <li>○ The family's progress or barriers toward case goals, and</li> </ul> </li> <li>• Attempts to contact a collateral contact.</li> </ul>	<p>and county child welfare worker make contact with them together. If that collateral expresses no concern for his/her own personal safety, the parent should be given the option of being present during the contact.</p>

## **CROSS FUNCTION TOPICS: Diligent Efforts**

<p>Legal Basis</p> <p>10A NCAC 70A.0105 regarding children: “the director shall make diligent efforts to locate the alleged victim child or children until such efforts are successful or until the director concludes that the child or children cannot be located. Diligent efforts shall include, but not be limited to, visits to the child's or children's address at different times of the day and on different days. All efforts to locate the child or children shall be documented in the case record.”</p> <p>N.C.G.S. § 7B-505(b) regarding diligent efforts to notify identify and notify relatives of child in agency custody</p>
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Protocol – What you must do	Guidance – How you should do it
<p>Protocol / Standards</p> <p>LOCATING VICTIM CHILDREN AND THE VICTIM CHILDREN'S FAMILY</p> <p>Diligent efforts to locate must be performed to:</p> <ul style="list-style-type: none"> <li>• Locate all alleged victim children;</li> <li>• Locate parents, including a noncustodial parent; and</li> <li>• Locate the family residence.</li> </ul> <p>Diligent efforts are defined as persistent, relevant attempts to locate an individual or family. Diligent efforts must include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Visits to the child's or parent's address at different times of the day and on different days;</li> <li>• Attempts to call last known phone number(s);</li> <li>• Searches on Accurint, ASSIST and/or equivalent;</li> <li>• Letters to possible address(es);</li> <li>• Visits to the school or daycare the child attends;</li> <li>• Contact with extended family members;</li> <li>• Initial and ongoing discussion with children and known parent regarding any contact with absent parent or missing family member;</li> <li>• Review of past CPS records or another agency history (NCFAST);</li> <li>• Contact with utility providers and landlord(s);</li> <li>• Contact with service providers, public and private;</li> <li>• Contact with reporter or other collateral contacts;</li> <li>• Contact with current or past employer(s);</li> <li>• Contact with Child Support, vital records, check of civil records, including VCAP;</li> </ul>	<p>To locate a parent that is in prison, contact the <a href="#">NC Department of Corrections</a> Records Office. Contact numbers and addresses for specific prisons can be found on the NC Division of Prisons website <a href="http://www.doc.state.nc.us/dop/index.htm">http://www.doc.state.nc.us/dop/index.htm</a>. All inmates have a case manager or county child welfare worker that can assist in contacting a prisoner.</p> <p>County child welfare agencies are expected to be creative and flexible in determining the whereabouts of children, families, and/or parents who are not located by routine means.</p> <p>A <a href="#">diligent efforts guide</a> is available for use.</p>

## **CROSS FUNCTION TOPICS: Diligent Efforts**

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• Review of police reports, criminal history (DOC, NC and Federal inmates, sex offender registry), court calendars check, contact with parole officers, etc.;</li> <li>• Review of internet searches (WhitePages, Anywho, etc.); and</li> <li>• Review of Social media (Facebook, etc).</li> </ul> <p>Diligent efforts to locate a victim child, victim child’s family member or the victim child’s family must continue throughout an open case. A case staffing, including supervisor approval, must occur:</p> <ul style="list-style-type: none"> <li>• To determine the frequency of diligent efforts for each case based on the safety and risk, and</li> <li>• Prior to ceasing diligent efforts.</li> </ul> <p><b>IDENTIFYING AND LOCATING EXTENDED FAMILY MEMBERS</b></p> <p>Diligent efforts to identify and locate extended family members must occur at least once a month throughout an open case. See <u>Extended Family</u>. The same listing of diligent efforts described above pertain to the identification and location of extended family members.</p> <p>Documentation in the case file must include:</p> <ul style="list-style-type: none"> <li>• What diligent efforts were made by the county child welfare agency to locate the child/family;</li> <li>• What the county child welfare agency considers as sufficient diligent efforts for each case. The documentation must support the decisions by the agency regarding the frequency and length of time that diligent efforts continue.</li> </ul>	

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## CROSS FUNCTION TOPICS: Filing a Petition

Policy	Legal Basis
<p>The agency must make reasonable efforts to protect the child(ren) in their own home and to prevent placement.</p> <p>A county child welfare agency must file a petition requesting adjudication of abuse, neglect, and/or dependency:</p> <ul style="list-style-type: none"> <li>• When safety related circumstances necessitate the need for immediate removal;</li> <li>• Due to the family's unwillingness to accept critically needed services and those services are necessary to keep the family intact; or</li> <li>• When despite agency efforts to provide services, the family has made no progress towards providing adequate care for the child and those services are necessary to keep the family intact.</li> </ul> <p>For the 2<sup>nd</sup> and 3<sup>rd</sup> bullet above, the petition may be filed with or without requesting non-secure custody, depending on the circumstances that exist in the family at the time.</p>	<p>Under <a href="#">N.C.G.S. § 7B-302(c)</a>, a county child welfare agency is required to file a petition for the protection of the child when the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the child welfare agency. This petition may be filed with or without requesting non-secure custody, depending on the circumstances that exist in the family at the time.</p> <p>When preparing the Juvenile Petition alleging abuse, neglect, and/or dependency, <a href="#">N.C.G.S. § 7B-402</a> states, "The petition shall contain the name, date of birth, address of the juvenile, the name and last known address of the juvenile's parent, guardian, or custodian, and allegations of facts sufficient to invoke jurisdiction over the juvenile." <a href="#">N.C.G.S. § 7B-404</a> allows for the authorization of a magistrate by a judge when the clerk's office is closed.</p> <p><a href="#">N.C.G.S. § 7B-406</a> reads, "Immediately after a petition has been filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall issue a summons to the parent, guardian, custodian, or caretaker requiring them to appear for a hearing at the time and place stated in the summons."</p> <p>In extreme safety situation, <a href="#">N.C.G.S. § 7B-500(a)</a> provides the county child welfare worker authority to take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order.</p> <p>In cases in which custody of the child has to be removed from the caretaker due to the immediate safety needs of the child, the agency is authorized to obtain an order for non-secure custody under <a href="#">N.C.G.S. § 7B-502</a>. Non-secure custody will only be granted when one or more criteria exist as specified in NCGS § 7B-503.</p> <p><a href="#">N.C.G.S. § 7B-504</a> explains that the Order for Non-Secure Custody shall be in writing (form <a href="#">AOC-J-150</a>) and directs a local law enforcement officer the authority to assume custody of the juvenile and to give a copy of the custody order to the juvenile's caretaker.</p> <p>Under <a href="#">N.C.G.S. § 7B-505</a>, the court may place the child in a foster home or facility, with a relative, or with nonrelative kin. The Adoption and Safe Families Act (and § 7B-505(b)) includes the following statement: "In placing a juvenile in non-secure custody, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able</p>



## **CROSS FUNCTION TOPICS: Filing a Petition**

to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interest of the juvenile.”

The county child welfare agency may request custody under [N.C.G.S. § 7B-903](#) at the dispositional hearing following adjudication.

[N.C.G.S. § 7B-904](#) statute specifically sets the procedure governing the contempt proceedings. Failure to comply with the order of the court may lead to the parent being found in civil or criminal contempt.

All state and county agencies must comply with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP). The Multiethnic Placement Act is designed to “prevent discrimination in the placement of children in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that children wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents.” The Act prohibits states or agencies from delaying or denying the placement of any child on the basis of race, color, or national origin. Further, any consideration of race or ethnicity must be done in the context of individualized needs of the child, with the rationale specifically documented in the placement record.

[N.C.G.S. § 7B-101](#) statute defines reasonable efforts as: “The diligent use of preventive or reunification services by a department of social services when a juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time. If a court of competent jurisdiction determines that the juvenile is not to be returned home, then reasonable efforts means the diligent and timely use of permanency planning services by a department of social services to develop and implement a permanent plan for the juvenile.”

### **FILING A PETITION**

This section specifies how to file a petition for adjudication for Abuse / Neglect / Dependency with or without filing for non-secure custody. See Assessments policy for petitioning regarding [Refusal to Cooperate with / Obstruction of a CPS Assessment](#).

When a county child welfare agency determines that a petition is needed for the protection of a child alleged to be abused, neglected, or dependent, the petition must be drawn by the director or his designee, verified before an official authorized to administer oaths, and filed by the clerk, recording the date of filing. Whether removal of the child is required, the Juvenile Petition (form [AOC-J-130](#)) is filed with either the local clerk of court's office or when the clerk's office is closed, with the local magistrate's office. Using the Administrative Office of the Courts (AOC) Juvenile Petition (form [AOC-J-130](#)) ensures that all of the information required is captured.

## **CROSS FUNCTION TOPICS: Filing a Petition**

When a child is placed outside their county of residence as the result of a TAPA or Conflict of Interest (COI), whether during an Assessment or In-Home Services, this does not change the original venue (resident county) when filing a Juvenile Petition.

Along with Juvenile Petitions, a Juvenile Summons must also be filed (form [AOC-J-142](#)). The juvenile summons also contains the following information:

- A parent’s rights to legal representation;
- In many districts, information relative to the date, time, and location of a prehearing conference or child planning conference;
- If the agency has assumed custody of the child or children when filing a petition, information related to the hearing on need for continued non- secure custody (7-day hearing);
- Information that the dispositional order (or any subsequent order) may require certain activities of either the parent or the juvenile or may even remove the juvenile from the parent’s custody;
- Information related to the local law enforcement officer’s ability or inability to serve the summons, petition, affidavit as to the status of a minor child, and order for non-secure custody (if applicable) on the persons identified within the summons;
- A notice to parents, guardians, or caretakers that they may be held in contempt of court if they fail to show, without reasonable cause, at the hearing specified; and
- An additional notice that with the service of the summons on the parents, guardians, or caretaker the court system has obtained jurisdiction over them and that their failure to comply with any court order may result in the court issuing a show cause order for contempt.

Juvenile Petitions should also include information relative to the agency’s knowledge about issues including:

- Paternity or information on absent / missing parent(s);
- Known relatives able and willing to provide care for the child(ren);
- Child’s Mexican heritage;
- ICWA related issues;
- MEPA related issues;
- **Information regarding the parent’s military affiliation** (<http://www.nccourts.org/Forms/Documents/1664.pdf>); and
- Siblings or other juveniles remaining in the home and any specific findings of the assessment of the juveniles or any actions taken to secure the protection of the juveniles.

Protocol – What you must do	Guidance – How you should do it
<p>Any petition initiated by a county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Clearly state all the conditions that would invoke the court’s jurisdiction and</li> <li>• Contain sufficient information to make a legally valid case.</li> </ul>	<p>Parental behavior alone does not constitute a basis for a petition or non-secure custody. There is a basis for agency intervention only when the parent’s behavior causes harm or risk of harm to a child(ren).</p> <p>County child welfare workers should consider the situation and its effect on the child before exercising the right to intervene, and</p>

## **CROSS FUNCTION TOPICS: Filing a Petition**

Protocol – What you must do	Guidance – How you should do it
<p>A county child welfare supervisor (or another county manager position) must approve the decision to file a petition prior to filing a petition.</p> <p><b>SAFETY CIRCUMSTANCES REQUIRING NON-SECURE CUSTODY</b> See <a href="#">Safety</a> for list of circumstances requiring non-secure custody.</p> <p><b>Temporary Custody in Extreme Safety Situations</b></p> <p>In extreme safety situation, the county child welfare worker must take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order. The county child welfare worker must arrange for the placement, care, supervision, and transportation of the juvenile while in the temporary custody of the county child welfare worker.</p> <p>Upon notification by the CPS county child welfare worker of the extreme safety situation, the agency director or the designee determines whether to file a petition for non-secure custody. If no petition is filed, the child must be returned to the parent from whom he or she was removed. When taking a juvenile into temporary custody, the agency must:</p> <ul style="list-style-type: none"> <li>• Notify the parent, guardian or custodian that the juvenile has been taken into custody and advise the caretaker of the right to be present with the juvenile until a determination is made of the need for non-secure custody (worker must make every reasonable effort to notify the caretaker; however, failure to notify the caretaker that the juvenile is in temporary custody is not be grounds for release of the juvenile);</li> </ul>	<p>most especially the need to remove a child. County child welfare workers should consider the possibility of first reducing the risk of harm to the child through the provision of services in the home. In making the decision whether to remove a child, county child welfare workers should evaluate the risk of harm to the child in the home compared to the harm that will be caused by the removal.</p> <p>County child welfare workers should consider staffing the case with the county child welfare agency’s designated attorney prior to the decision to file a petition.</p> <p><b>SAFETY CIRCUMSTANCES REQUIRING NON-SECURE CUSTODY</b></p> <p>The initial decision to remove the child should be based on whether it is safe for the child to remain in the home. Criteria determining safety should be objective and behaviorally specific, and documented. The documentation should include terms which describe specific behaviors and patterns of parental care which have resulted in, or are likely to result in harm to the child.</p> <p>Removal of a child from his home has negative consequences for the child, even when necessary to protect the child’s safety. Therefore, removal should be approached with great caution. Removal will never be in the child’s best interest unless the removal is part of an overall plan, not only for safety but also for a timely, appropriate and permanent resolution.</p> <p>County child welfare agencies are strongly encouraged to record the allegations of fact regarding the caretaker’s neglectful and/or abusive behavior along with allegations of fact of the harm this neglectful and/or abusive behavior has caused to the children. Both should be stated in a plain, concise, and objective manner. Petitions should also state the severity of harm and explain how the behavior of the caretaker has resulted in the children’s condition. The petition should also state the ability and willingness of the caretaker to adequately care for the child and, if appropriate, any services the parents</p>

## **CROSS FUNCTION TOPICS: Filing a Petition**

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• Release the juvenile to the parent, guardian or custodian when the need for custody no longer exists; and</li> <li>• File a petition within twelve (12) hours and obtain an order from the district court judge for non-secure custody if the need for non-secure custody exists.</li> </ul>	<p>have been offered but have refused. Petitions should also specifically state the efforts the agency made with the family to prevent the need for removal of the child. Finally, the petition should state clearly that the children need the court's protection by citing any relevant statutes.</p> <p>These petition statements should be broad enough to allow introduction of all evidence that the agency considers important to the case. Statements should only include what the agency believes to be facts in the case, not observations or opinions held by others. Workers should be aware that while only those allegations that rise to level of abuse, neglect, and/or dependency are to be included on the petition, some allegations might support more than one category. County child welfare workers should, in consultation with their agency's legal counsel, thoughtfully examine the benefits and the drawbacks to whether to petition for abuse, neglect and/or dependency.</p>
<p><b>UNWILLINGNESS TO ACCEPT CRITICALLY NEEDED SERVICES or DESPITE AGENCY EFFORTS TO PROVIDE SERVICES, NO PROGRESS HAS BEEN MADE TOWARD PROVIDING ADEQUATE CARE FOR THE CHILD</b></p> <p>The Juvenile Petition (form <a href="#">AOC-J-130</a>) filed by county child welfare agencies in situations above is the same petition filed when the agency is seeking custody. The petition can be filed without an Order for Non-secure Custody (form <a href="#">AOC-J-150</a>) if the county child welfare agency determines that removal of the child(ren) from the home is not required due safety.</p> <p>Upon an adjudication finding that the juvenile is abused, neglected, and/or dependent, a dispositional hearing is held. At the dispositional hearing, the court can require the caretaker to engage or comply with actions or services to remediate or remedy behaviors or conditions that led or contributed to the juvenile being adjudicated as abused, neglected, and/or dependent.</p> <p>Filing a petition requesting adjudication of abuse, neglect and/or dependency due to a lack of progress or engagement does not have</p>	

## **CROSS FUNCTION TOPICS: Filing a Petition**

Protocol – What you must do	Guidance – How you should do it
<p>to involve non-secure custody. An individualized decision must be made for each case about the need for court involvement with or without custody based upon whether removal of the child(ren) from the home is necessary for their protection.</p> <p>If the child has been adjudicated abused, neglected, and/or dependent and, at a later date, the agency decides that non-secure custody is necessary to protect the child, the agency must insure that the non-secure custody order removing the child contains language stating that the removal is in the child’s best interest or that the child remaining in the home is contrary to the welfare of the child. This involves removing the child after a hearing on custody or, if non-secure custody grounds exist, obtaining an ex-parte non-secure custody order.</p>	
<p><b>PETITION REQUIREMENTS REGARDING PARENT/CARETAKER SERVICES</b></p> <p>Whenever a juvenile is removed from the home of a parent, guardian, custodian, stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, the director must conduct a thorough review of the background of the alleged abuser or abusers. This review must include a:</p> <ul style="list-style-type: none"> <li>• Criminal history check and</li> <li>• Review of any available mental health records.</li> </ul> <p>If the review reveals that the alleged abuser or abusers have a history of violent behavior against people, the director must petition the court to order the alleged abuser or abusers to submit to a complete mental health evaluation by a licensed psychologist or psychiatrist.</p>	
<p><b>NOTIFICATION</b></p> <p>The county child welfare agency must notify the following when a juvenile petition is filed. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• All named respondents (parents, caretakers);</li> <li>• Within 30 days, adult relatives (grandparents, great-grandparents, siblings, nieces, nephews, aunts and uncles).</li> </ul> <p>See <a href="#">Permanency Planning</a> policy. This notification must occur even if the child is placed with a relative or fictive kin at the</p>	

## **CROSS FUNCTION TOPICS: Filing a Petition**

Protocol – What you must do	Guidance – How you should do it
<p>time when the county child welfare agency petitions for custody.</p> <p>Notification of Mexican Heritage The county child welfare agency must inquire at the time the decision is made to take custody whether a child has any Mexican parentage. The County must notify the Mexican Consulate within 10 days of the decision to take custody the following information:</p> <ul style="list-style-type: none"><li>• The full name of the child;</li><li>• The child's date of birth;</li><li>• The full name of the parent or custodian; and</li><li>• A name and phone number of the agency worker directly responsible for the case.</li></ul> <p>ICWA See <a href="#">ICWA</a> for additional notification requirements for American Indian children.</p>	
<p><b>COURT HEARING</b> A hearing must occur within seven days when a child is removed from home by a non-secure order and may be postponed for no more than 10 business days with the parent's consent. The non-secure order must give specific sanction for a placement other than a licensed placement provider.</p>	

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## **CROSS FUNCTION TOPICS: Placement (or Placement Change) Preparation and Follow-Up**

### **Preparing Parents, Children and Placement Providers**

Protocol – What you must do	Guidance – How you should do it
<p><b>PREPARING PARENTS AND CHILDREN</b>            The parents must be appropriately prepared for placement of their children into agency custody by explaining:</p> <ul style="list-style-type: none"> <li>• The reason for the removal;</li> <li>• Appropriate details about the placement provider;</li> <li>• What to expect from the placement provider and county child welfare worker;</li> <li>• How to reach the county child welfare worker and/or agency;</li> <li>• When the next contact with the child will occur; and</li> <li>• The legal process.</li> </ul> <p>The Understanding Foster Care – A Handbook for Parents (<a href="#">DSS-5201</a>) must be provided to the parents.</p> <p>The child must be prepared for placement into agency custody based on their level of understanding by explaining:</p> <ul style="list-style-type: none"> <li>• The reason for the removal;</li> <li>• Appropriate details about the placement provider;</li> <li>• What to expect from the placement provider and county child welfare worker;</li> <li>• How to reach the county child welfare worker and/or agency;</li> <li>• When the next contact with their parents will occur; and</li> <li>• When the next contact with their siblings will occur.</li> </ul> <p>For youth ages 12-17 entering county child welfare custody, a copy of the Understanding Foster Care – A Handbook for Youth (<a href="#">DSS-1516</a>) must be provided to the youth.</p>	<p><b>PREPARING PARENTS AND CHILDREN</b>            Preparing children and parents for placement can be accomplished even when the removal is an emergency. County child welfare workers need to enlist the cooperation of the parent in helping the child understand the need for a new living arrangement. If the parent cannot do this, the county child welfare worker must take this role with the child. Even very young children can understand that a change is being made and that the parent cannot care properly for the child at this time.</p> <p>It is generally helpful if the county child welfare worker can provide pictures of the placement provider when the child does not know the provider. This can be done on the way to the foster home and can help the child begin to master the move.</p> <p>Young children have a different concept of time and they have vivid imaginations. In strange surroundings, they imagine that terrible things have happened to the parent or that they will never see members of the family again. The county child welfare worker is the child’s link to his family in the first few hours of the move.</p> <p>Through the eyes of the child, it is traumatic to be removed from parents and home. To be separated from siblings adds to the impact of loss and trauma. When siblings can remain together in an out of home placement, there can be a greater sense of continuity of family. Frequently, older children will have had some responsibilities for caring for younger siblings when in their own home, and they may feel worried and protective regarding these siblings if separated from them. Likewise, the younger siblings may have looked to their older siblings for comfort and guidance.</p>



## CROSS FUNCTION TOPICS: Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><b>PREPARING PLACEMENT PROVIDERS</b>            The placement provider must be appropriately prepared for the placement by providing the following:</p> <ul style="list-style-type: none"> <li>• Medical information about the child;</li> <li>• Any medications, glasses, hearing aids, etc.;</li> <li>• Any upcoming appointments the child(ren) will need to attend,</li> <li>• Necessary information regarding the child's educational needs; and</li> <li>• Specific information regarding the child's behaviors;</li> <li>• Any other strengths and needs of the child; and</li> <li>• Any other information that will make the transition less traumatic for the child(ren).</li> </ul> <p>Placement providers must be provided county child welfare agency contact information.</p> <p>Placement providers have a need to know the HIV status of children in their care. Infections or viruses that are less serious in a non-infected child can be fatal to an HIV-infected child, and placement providers must be aware of symptoms that require immediate medical attention. However, prior to disclosure of a child's HIV status, child welfare agencies must consider and protect the child's right to confidentiality. While concern for confidentiality exists throughout the service delivery system, information regarding persons infected with HIV requires special consideration. This is due to the potential social and psychological damage that can be caused by inappropriate sharing of such information.</p> <p>If the child is in the legal custody of the county child welfare agency, the county child welfare worker must provide the placement provider with the Child Health Status Component (DSS-5206) at the time of placement.</p>	<p><b>PREPARING PLACEMENT PROVIDERS</b>            Before a child is placed with prospective placement providers, the provider should be adequately prepared and have appropriate knowledge and skills to provide for the needs of the child.</p> <p>Any information regarding the child's bedtimes, routines, favorite foods, etc. that was gathered from the parent(s) should be shared with the placement provider at the time of placement. Knowledge of such things can help the child feel more comfortable.</p> <p>It is important for the placement provider to know what may be expected from the child behaviorally in order to respond appropriately to those behaviors.</p> <p>The county child welfare worker should also inform the placement provider of the concurrent permanency planning process for the child and of possible concurrent plans for achieving permanence for the child. The foster parent should be informed of their role in planning for the child in partnership with the agency and the birth family.</p> <p>At the time of placement, when the county child welfare agency provides agency contact information, the placement provider should be reminded to contact the agency when, but not limited to:</p> <ul style="list-style-type: none"> <li>• Any child injury or medical issue;</li> <li>• Any child significant behavioral issue;</li> <li>• Any disclosure by the child regarding incidents of abuse and/or neglect;</li> <li>• Any scheduled or canceled child appointments; and/or</li> <li>• Any challenge that could have an impact on the stability of the placement.</li> </ul>

## **CROSS FUNCTION TOPICS: Placement (or Placement Change) Preparation and Follow-Up**

<p><b>PLACEMENT OF CHILD(REN)</b> When removal from the home is required, the agency must arrange for and maintain a single, stable living arrangement for the child. The agency must first assess:</p> <ul style="list-style-type: none"><li>• Whether any relatives are willing and able to care for the child and</li><li>• The extent to which the placement with a relative is in the best interest of the child.</li></ul> <p>The Initial Provider Assessment (<a href="#">DSS-5203</a>) and the Comprehensive Assessment (<a href="#">DSS-5204</a>) and the <a href="#">Comprehensive Assessment instructions (DSS-5204ins)</a> along with criminal and other background checks must be used to assess relatives/kinship care providers. See <a href="#">Using Kinship Provider</a>.</p> <p>The assessment of any identified placement must be sufficiently thorough to allow the court to make an informed decision. The judicial process must be directed toward the goal of ensuring a safe, permanent home for the child within a reasonable time.</p> <p>Prior to placement with a relative outside North Carolina, the placement must be in accordance with the Interstate Compact on the Placement of Children.</p> <p>If a relative cannot be identified as an appropriate placement for the child, a placement resource must be chosen for the child(ren) that ensures that the child is placed:</p> <ul style="list-style-type: none"><li>• In the least restrictive setting;</li><li>• In the most family-like setting;</li><li>• In close proximity to the parent's home; and</li><li>• In a setting that is consistent with the safety and best interests, strengths and special needs of the child.</li></ul> <p>Documentation must reflect the diligent efforts made to provide a placement that meets the above criteria or reasons why this is not possible. Carefully choosing the best placement resource is critical to the goal of one single, stable, safe placement within the child's own community.</p>	<p><b>PLACEMENT OF CHILD(REN)</b> Carefully choosing the best placement resource is critical to the goal of one single, stable, safe placement within the child's own community.</p> <p>When children cannot be assured safety in their own homes, the best alternative resource can often be found within the extended family and other "kin." Kinship is the self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties. Parents and guardians facing the risk of child placement should be given a reasonable opportunity to identify and come together with their kinship network to plan for and provide safety, care, nurture, and supervision for the child. The agency has the responsibility of assessing the suggested resource to assure that the child will receive appropriate care.</p> <p>At the first conversation with relatives or kin about having a child(ren) placed with them, it is critical that a thorough discussion about all options occurs. A critical piece of information for the relative or kin considering taking the child(ren) into their home at the time of non-secure custody is the possibility of becoming a licensed foster parent or for adoption should the plan for reunification not be achieved. This conversation should occur during the kinship care assessment as well as when any changes in the planning occur.</p> <p>Whether licensed as a foster home or not, kinship care providers should be valued and treated as partners with the birth family and the agency. This includes notifying relatives providing care for a child of any court review or hearing to be held about the child and of their opportunity to be heard in court.</p> <p>Kinship care providers may not be aware of the impact of abuse, and may be reluctant to agree to a non-corporal punishment policy. The agency should discuss and formalize a</p>
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## CROSS FUNCTION TOPICS: Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p>Out of State placements must comply with the <a href="#">Interstate Compact</a> on the Placement of Children (ICPC). County child welfare agencies must:</p> <ul style="list-style-type: none"> <li>• Consider in state and out-of-state options when making reasonable efforts to place the child in accordance with the permanent plan and to finalize the permanent plan;</li> <li>• Consider in state and out-of-state permanent placement options at permanency hearings. (If a child is in an out-of-state placement at the time of the hearing the permanency hearing must determine whether the out-of-state placement continues to be appropriate and in the child’s best interests.)</li> </ul> <p>A child must only be moved when it is in their best interest and there are clear indicators documented to support the necessity of the move.</p> <p><b>EDUCATIONAL STABILITY</b> Placement of a child must consider the appropriateness and proximity of the current educational setting. To comply with this requirement the county welfare agency must:</p> <ul style="list-style-type: none"> <li>• Coordinate with the local educational agency to ensure that a child remains in their current school, or</li> <li>• If remaining in that school is not in the child’s best interest, assure immediate enrollment of the child in a new school with all educational records provided.</li> </ul> <p>When a county child welfare agency takes custody of a child(ren) a Best Interest Determination (BID) meeting regarding a child’s school placement must occur prior to a change in school. If the BID meeting does not occur prior to the child’s new placement, a BID meeting must be scheduled within <b>five</b> school days after the child’s placement.</p> <p>The Notification form (<a href="#">DSS-5133</a>) must be provided to the child’s current school. See <a href="#">DSS-5133ins</a>.</p>	<p>child-specific alternative discipline plan for children in agency custody.</p> <p>County child welfare workers should use family-centered practice tools which focus on a mutual sharing of information among agency staff, other professionals, the family, and their kinship network. Families, along with their kinship network, should be fully involved in the decision-making process from the point of initiation of services so that the resources and wisdom of the family and its culture can be tapped. The family’s understanding incorporates an historical perspective of the problems faced by the family, as well as their efforts to remedy those problems. They can confront the problems and to help provide realistic supports needed to help the child and their family of origin move toward healing.</p> <p>Placement of children under 12 years of age in group care should only be considered after other less restrictive and/or more family-like options have been seriously pursued. Residential/group care should only be used when it clearly meets the well-being needs of the child and no other family setting is available for that child.</p> <p>In addition, the Federal Child and Family Services Review assesses (in Permanency Outcome 2) the state’s performance in (1) placing children in county child welfare custody in close proximity to their parents and close relatives; (2) placing siblings together; (3) ensuring frequent visitation between children and their parents and siblings in county child welfare custody; (4) preserving connections of children in county child welfare custody with extended family, community, cultural heritage, religion and schools; (5) seeking relatives as potential placement resources; and (6) promoting the relationship between children and their parents while the children are in county child welfare custody.</p>

## CROSS FUNCTION TOPICS: Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p>When an emergency placement requires a school change prior to holding a BID meeting, the Immediate Enrollment form (<a href="#">DSS-5135</a>) must be provided to the new school. See <a href="#">DSS-5135ins</a>.</p>	<p><b>EDUCATIONAL STABILITY</b>            The BID meeting regarding a school change for a child(ren) should be coordinated with the pre-petition CFT meeting, whenever possible, and appropriate.</p>
<p><b><u>SHARED PARENTING</u></b>            The county child welfare agency worker must facilitate an initial shared parenting meeting between the parent(s) and placement provider(s) no later than fourteen days after a child(ren)'s placement out of the home. The county child welfare worker must document if there is a family reason that prevents this meeting from taking place within seven days.</p>	<p><b>SHARED PARENTING</b>            A shared parenting meeting between the parent(s) and placement provider(s) should occur as soon as possible to ensure that the partnership has a strong beginning and is supported by the child welfare agency. When the parent and placement provider meet the day the child(ren) enters county custody, the adults can share information about the child(ren) that will make the transition for the child(ren) must less difficult. The county child welfare worker should coach the parent through this first interaction to maintain focus on the needs of the child(ren). The foster parent and county child welfare worker partner should with the birth parent to maintain the parent's connection to their children while continually focusing on the welfare of the child. This connection can preserve and/or rebuild their relationship leading to long term good outcomes for children and families. Shared parenting emphasizes foster parents as being a support to birth families instead of substitute caretakers.</p>

## CROSS FUNCTION TOPICS: Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><b>AFTER PLACEMENT</b>            Within 3 calendar days following out-of-home placement the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Have face to face contact with the child to assess the child's adjustment to the placement, or</li> <li>• Document diligent efforts and a plan to address these requirements.</li> </ul> <p>The 3-day contact with a child(ren) is in addition to any contact or interaction with the child(ren) at time of placement.</p> <p>Within 7 days the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Provide to the placement provider the Child Educational Status DSS-5245</li> <li>• Ensure a medical exam occurs for the child(ren), use Form <a href="#">DSS-5206</a>,</li> <li>• Have face to face contact with the placement provider in the provider's home (if it is a two-adult provider home, contact must occur with both providers). This 7-day contact with the provider is in addition to any contact or interaction with the provider at time of placement, and/or</li> <li>• Document diligent efforts and the plan to address these requirements.</li> </ul> <p>See <a href="#">Permanency Planning</a> for additional After Placement requirements.</p>	

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## **CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers**

<p><b>Policy</b></p> <p>When during provision of child welfare services, a child is placed in the care of a provider other than the parent or caretaker, the county child welfare agency must remain involved and maintain the required contacts with the child, the family providing placement, and the family until safety can be assured and the child can be reunified with the family or until the child is in a legally secure placement, whether it be custody or guardianship or adoption. Parents must be involved, as well as the safety provider, with the county child welfare agency in planning at every stage of the case.</p>
<p><b>Definitions</b></p> <p><b>Safety Provider</b> – Any person or persons (either Temporary Safety Provider or Kinship Provider) that is not the parent or caretaker but is providing care for a child and is required for child safety.</p> <p><b>Temporary Safety Provider</b> - A voluntary, temporary intervention made between a parent and a county child welfare agency during the delivery of child protective services. Temporary Safety Providers are used to address immediate safety threats to a child when a child is found unsafe in the care of their parents/caretakers during child protective services. Temporary Safety Providers must only be used when less intrusive safety interventions are not sufficient. Temporary safety providers may care for the child outside of the child’s home or provide supervision of the parent’s contact with the child in or outside of the child’s home.</p> <p><b>Kinship Provider</b> – A relative or fictive/nonrelative kin identified or in place during Child Permanency Planning Services. Kinship is the self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties. Identification of a Kinship Care Provider by a parent is desired; however, a parent may not always agree with the decision to evaluate or place a child with a specific kinship care provider. Placement with a Kinship Care Provider often lasts for months or years, must have court oversight, and addresses safety and/or risk factors.</p> <p><b>Nonrelative kin.</b> – An individual having a substantial relationship with the juvenile. In the case of a juvenile member of a State-recognized tribe as set forth in G.S. 143B-407(a), nonrelative kin also includes any member of a State-recognized tribe or a member of a federally recognized tribe, whether or not there is a substantial relationship with the juvenile.</p> <p><a href="http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_7b.pdf">http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_7b.pdf</a></p>

<b>Protocol – What you must do</b>	<b>Guidance – How you should do it</b>
<p><b>INITIATING USE OF A SAFETY PROVIDER, TEMPORARY SAFETY PROVIDER OR KINSHIP PROVIDER</b></p> <p>When a Temporary Safety Provider or Kinship Provider is identified, the following must occur prior to the child being left in the care of the provider:</p> <ul style="list-style-type: none"> <li>• Background checks that includes: <ul style="list-style-type: none"> <li>○ Criminal check. A review of ACIS for any criminal charges or convictions in North Carolina through the AOC data base or equivalent;</li> </ul> </li> </ul>	<p><b>INITIATING USE OF A SAFETY PROVIDER, TEMPORARY SAFETY PROVIDER OR KINSHIP PROVIDER</b></p> <p>ASSIST can be used to complete provider background checks but results should be validated.</p> <p>Critical information for the relative or kin considering taking the child into their home is the potential for</p>



## CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>○ Check of Civil Case Processing System (VCAP) for civil actions such as domestic violence protective orders; and</li> <li>○ Review of county child welfare agency records and RIL records;</li> <li>● Initial Provider Assessment, <a href="#">DSS-5203</a>, which includes a home visit, as evidenced by county child welfare worker and provider signatures.</li> <li>● Approval of the Initial Provider Assessment by the county child welfare agency supervisor. Approval at the time of the assessment may be verbal. The Initial Provider Assessment must be signed by the supervisor within 3 days.</li> <li>● Documentation of all the above.</li> </ul> <p>CPS Central Registry check for previous CPS involvement must be completed prior to use of a Temporary Safety Provider (for open CPS cases).</p> <p>When a Temporary Safety Provider will be supervising contact of the parent with his or child, and not providing care in the Safety Provider's residence, some aspects of the Initial Provider Assessment are not required as defined in the instructions. All background checks must still be completed.</p> <p>A review of 911 call logs for the address of all Temporary Safety Providers or Kinship Providers must also occur. As this cannot always be completed within the timeframe necessary to assess and approve use of a Temporary Safety Provider or Kinship Provider, it must be completed within one week.</p>	<p>adoption down the road, even if that is not the plan at the time. If the child has never been in the custody of a county child welfare agency before being adopted, Adoption Assistance is not an option. If that relative or kin later adopts the child, they cannot receive Adoption Assistance. Relatives need to understand that the county child welfare agency may be involved and not have custody; therefore, it is critical because of future implications as described above, that the county child welfare agency is very clear about this when working with relatives.</p> <p>In some cases, the county child welfare agency may file a petition for abuse or neglect and obtain a non-secure custody order. At the adjudication/disposition, the county child welfare agency may recommend custody be awarded to the relative or kinship caregiver. Adoption Assistance later would be an option because the child was in the custody of a county child welfare agency, though briefly.</p> <p>At the first conversations with relatives or kin about having the child placed with them, either by the parent with county child welfare involvement, or by the county child welfare agency through court order, all options must be explained. This should occur throughout the case when changes in the planning occur.</p>
<p><b>USE OF TEMPORARY SAFETY PROVIDERS (CPS ASSESSMENTS &amp; IN-HOME SERVICES)</b></p> <p>The county child welfare agency must assess the Temporary Safety Provider and their residence (assessment of the provider's residence is not required when the Temporary Safety Provider moves into the family home or supervises contact with a parent at a location not within the Temporary Safety Provider's residence) when it is determined that a Temporary Safety Provider is necessary to ensure safety, either through:</p> <ul style="list-style-type: none"> <li>● The child staying in the residence of the Temporary Safety Provider or</li> </ul>	<p><b>USE OF TEMPORARY SAFETY PROVIDERS</b></p> <p>Whenever a Temporary Safety Provider is used the county child welfare agency should consider the additional trauma that the child(ren) will experience. The county child welfare agency should prepare the child(ren) for the transition to the Temporary Safety Provider and for the return to their home.</p>



## CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>A Temporary Safety Provider moving into the family home to supervise parental contact.</li> </ul> <p>The Temporary Safety Provider must be someone that both parents and the county child welfare worker agree will safely care for the child.</p> <p>Use of a Temporary Safety Provider must be a last resort and must not be done if an intervention can be identified that will keep the child safe without use of separation or restriction of a parent’s access.</p> <p>Use of a Temporary Safety Provider must be voluntary. A county child welfare worker must never attempt to coerce a parent into agreeing to use of a Temporary Safety Provider.</p> <p>When use of a Temporary Safety Provider is proposed, a Child and Family Team (CFT) meeting must be held. If it is not possible to hold the CFT meeting prior to the separation or restriction due to an urgent need to maintain safety, then the Child and Family Team meeting must be held as soon as possible. Before the child(ren) are placed with a Temporary Safety Provider, see <a href="#">Initiating Use of Safety Provider</a>.</p> <p>If at any time parent is not in agreement with the use of a Temporary Safety Provider and the county agency determines that use of the Temporary Safety Provider is necessary to ensure safety, the county child welfare agency must <a href="#">file a petition</a> and request non-secure custody.</p> <p>If use of the Temporary Safety Provider includes a provision that the Temporary Safety Provider will supervise contact of the parent(s) with the child, it must be clear that the arrangement remains voluntary on the parent’s part. If at any time the parent is not in agreement with the need for the contact to be supervised, the county child welfare agency must <a href="#">file a petition</a> in juvenile court.</p> <p>If the proposed Temporary Safety Provider lives in another county the county child welfare worker must ask the Temporary Safety Provider's county for permission to enter the county for the purposes of conducting the home visit and Initial Provider Assessment.</p>	<p>The option to use a Temporary Safety Provider, even when the parent does not agree, may be included as an effort to prevent removal when asking the court to find that the agency made reasonable efforts.</p> <p>If the proposed Temporary Safety Provider lives in another county and is within driving distance, the county child welfare worker (either the CPS Assessment worker or In-Home Services worker) should conduct the Initial Provider Assessment including making a visit to the home of the Temporary Safety Provider, or assistance should be requested from the safety provider’s county of residence.</p> <p>If the Temporary Safety Provider lives in another county and does not live within driving distance of the county child welfare agency conducting the CPS Assessment the county child welfare worker conducting the CPS Assessment should contact the agency where the Temporary Safety Provider lives to arrange for a county child welfare worker from the county where the Temporary Safety Provider lives to make an immediate home visit and conduct the Initial Provider Assessment.</p> <p>When a parent identifies a relative/kin for use as a Temporary Safety Provider, the same protocol for approval and monitoring that placement is used as for all Temporary Safety Providers. The term Kinship Provider is only applied to relative/kin placement providers when a child is open for Permanency Planning Services.</p>

## CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<p>Whenever the Safety Assessment determines an intervention requiring separation or restriction of a parent’s access to their child is necessary and the family names a Temporary Safety Provider that resides in another state, the agency conducting the CPS Assessment must file a juvenile petition and request non-secure custody and comply with <a href="#">ICPC policy</a>. The only exception is for CPS Assessment cases for families that reside in counties that have a border agreement with a neighboring state.</p> <p><b>MONITORING USE OF A TEMPORARY SAFETY PROVIDER</b>            Contacts with each child in the care of a temporary safety provider must:</p> <ul style="list-style-type: none"> <li>• Occur in the home at least once a month and</li> <li>• Occur at the frequency required to monitor safety and risk. Refer to the appropriate function (Assessments or In-Home) for the requirements regarding the frequency of contacts.</li> </ul> <p>Every contact must:</p> <ul style="list-style-type: none"> <li>• Include observations of each person, their behavior, and the environment, especially related to safety or risk;</li> <li>• Describe specific interactions with each household member, and</li> <li>• Explain the inability to interview any child, if appropriate.</li> </ul> <p>Contact with the temporary safety provider must:</p> <ul style="list-style-type: none"> <li>• Include discussion regarding any needs or issues regarding the child(ren);</li> <li>• Occur face to face at least once a month; and</li> <li>• Include observation of the child(ren) and the safety provider during the face to face contact.</li> </ul> <p>For CPS Assessments, when use of a Temporary Safety Provider continues beyond 29 days, a review of the Initial Provider Assessment must be completed within 30 days and within every 30 days after until the case decision date. An updated criminal records check on anyone in the home over age 16 and a request for 911 call logs must occur at the time of each review.</p> <p>For In-Home Services cases, the Comprehensive Provider Assessment, DSS-5204, must be completed for Temporary Safety Providers:</p> <ul style="list-style-type: none"> <li>• When use of the Temporary Safety Provider continues over 29 days after the case decision date and transfer to In-Home Services, or</li> </ul>	<p><b>MONITORING USE OF A TEMPORARY SAFETY PROVIDER</b>            Monitoring of the parent(s)/caretaker(s)’s progress to address the safety threat that requires use of the Temporary Safety Provider should be case specific. The number of visits to the home to which the child(ren) will return, in addition to the one required visit, should be case specific.</p> <p>The frequency of contact with the safety provider, above the once per month required contact, should be case specific.</p>

## CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• When use of the Temporary Safety Provider initiates during an In-Home Services case and continues in use over 29 days after it was initiated. The Comprehensive Provider Assessment must be completed within 30 days of case decision or initiation based on the above.</li> </ul> <p>Monitoring of the parent(s)'s progress to address the safety threat that requires use of the Temporary Safety Provider must:</p> <ul style="list-style-type: none"> <li>• Identify progress by the parent(s) to address the safety threat;</li> <li>• Confirm with the parent that use of the Temporary Safety Provider remains voluntary;</li> <li>• Include visits to the home to the which the child(ren) will return; and</li> <li>• Be staffed by the county child welfare worker with the case supervisor, to determine what progress is required and the number/frequency of visits to the home to which the child will return prior to the child(ren)'s return.</li> </ul> <p>The county child welfare agency must remain involved with the safety provider and the birth family until:</p> <ul style="list-style-type: none"> <li>• The child's ongoing safety is assured and the child can return to the home of the birth family and the placement is legally secure or</li> <li>• The county child welfare agency files petition for custody. If a child(ren) cannot be returned to the home from which they were removed because of safety, the case cannot be closed until legal permanence has been obtained for the children.</li> </ul> <p>Temporary Safety Providers are NOT legally secure for the child or for the caregiver. A case must not be closed until legal security for the child has been established through return to the parents or custody or guardianship to the relative or kin.</p> <p><b>TERMINATION OF A TEMPORARY SAFETY PROVIDER</b></p> <p>Use of a Temporary Safety Provider must end once the safety threat has been addressed. When terminating a Temporary Safety Provider, the county child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Hold a CFT,</li> <li>• Develop a plan for return of the child to the care of their parent, and</li> </ul>	

## CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<p>Perform a home visit in the parent(s)'s home within 24 hours after the child(ren)'s return to the home. An interview with the child, separate from the parent, must occur within 24 hours after the child(ren)'s return to the home.</p>	
<p><b>USE OF KINSHIP PROVIDERS (DURING PERMANENCY PLANNING SERVICES)</b>            Placement with relatives or kin must be considered for children who are removed from their homes and in the custody of a county child welfare agency.</p> <p>In order to maximize the possibility of a positive kinship placement, a thorough assessment must be conducted to evaluate the suitability of the placement. See <a href="#">Initiating Use of Safety Provider</a>.</p> <p><b>MONITORING KINSHIP PROVIDERS</b></p> <p>For Permanency Planning cases, the Comprehensive Provider Assessment, DSS-5204, must be completed for Kinship Providers:</p> <ul style="list-style-type: none"> <li>• When use of the Kinship continues over 29 days after the case is transferred to Permanency Planning, or</li> <li>• When use of the Kinship Provider initiates during Permanency Planning Services and continues in use over 29 days after it was initiated.</li> </ul> <p>The Comprehensive Provider Assessment must be completed within 30 days of the child entering custody if the child is already placed out of the home; or within 30 days of the child's placement in the home of the kinship provider (if placed after entering custody).</p> <p>In addition to completing the initial and comprehensive assessment, agency staff must maintain sufficient contact with the kinship care provider and the child to assure that the basic physical and emotional needs of the child are being met and that the kinship care provider is receiving adequate informal and formal support to meet those needs. Whether the home is licensed as a foster home, county child welfare workers must maintain contact as designated in <a href="#">Permanency Planning</a> protocol.</p> <p>County child welfare agencies must discuss with kinship providers the option to become a licensed foster parent and consider licensing a kinship provider as a foster parent if they want to be licensed and meet licensing requirements.</p>	<p><b>USE OF KINSHIP PROVIDERS</b>            Providing all information to a kinship providers is a very important part of concurrent planning and provides the kinship care provider with valuable information that has implications later, especially as plans for permanency change for the child as time goes on.</p> <p>It is critical that the agency demonstrate sensitivity to the unique issues that are present when relatives and other kin are assessed for their suitability to parent children. Assessment should be based on an understanding of the kinship family's culture and community, child rearing approaches, and family dynamics, and should focus on the ability of the family to meet the immediate and ongoing needs of the child.</p> <p>If kin are determined to be suitable for the care and nurturing of the child, but the home cannot meet all foster care licensing requirements, the agency may submit justification for a waiver to the Section Chief of Children's Services, NC DSS. In North Carolina, many licensure requirements may be considered for waiver if approval is in the best interest of the child(ren); if the health, safety and protection of the child is assured, and if the local agency recommends that the waiver(s) be granted. There are no waivers for training requirements, for well inspection requirements, or for placement of outside toilet facilities.</p>

## CROSS FUNCTION TOPICS: Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<p>SERVICES FOR SAFETY PROVIDERS, TEMPORARY SAFETY PROVIDERS OR KINSHIP PROVIDERS</p> <p>For all safety providers, services must be identified and provided to assure that the safety provider can meet the child’s needs.</p> <p>The safety provider must be invited to participate in planning at every stage of the case, to include, but not limited to:</p> <ul style="list-style-type: none"> <li>• Development and reviews of Family Services Agreements;</li> <li>• Medical, mental health, educational, and other appointments regarding the child in their care; and</li> <li>• CFTs and PPRs.</li> </ul>	<p>SERVICES FOR TEMPORARY SAFETY PROVIDERS OR KINSHIP PROVIDERS</p> <p>Agency staff should help the safety provider locate and develop support and resources needed in caring for the child.</p> <p>Some services that are frequently requested by safety providers are:</p> <ul style="list-style-type: none"> <li>• “grandparent” support groups open to all kinship caregivers regardless of age;</li> <li>• legal assistance in obtaining permission to enroll the child in school, to obtain medical attention or to obtain legal custody or guardianship;</li> <li>• assistance negotiating the social services system to get approved for food stamps, Work First grants, Medicaid or state supported insurance coverage for the child, child support, or day care services; and</li> <li>• information and referral services to connect with informal and formal service providers in the local community.</li> </ul>

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## **CROSS FUNCTION TOPICS: Domestic Violence**

Purpose	
<p>Following are the six principles developed through the Child Well-Being and Domestic Violence Task Force to address the intersection of child safety, permanence and well-being and domestic violence.</p> <ul style="list-style-type: none"> <li>• Enhancing a non-offending parent/adult victim’s safety enhances their child’s safety.</li> <li>• Domestic violence perpetrators may cause serious harm to children.</li> <li>• Domestic violence perpetrators, and not their victims, should be held accountable for their actions and the impact on the well-being of the non-offending parent/adult victim and child victims.</li> <li>• Appropriate services, tailored to the degree of violence and risk, should be available for non-offending parent/adult victims leaving, returning to, or staying in abusive relationships and for child victims and perpetrators of domestic violence.</li> <li>• Children should remain in the care of the non-offending parent/adult victim whenever possible.</li> <li>• When the risk of harm to the child outweighs the detriment of being separated from the non-offending parent/adult victim, alternative placement should be considered.</li> </ul> <p>The primary focus in cases involving domestic violence is the assessment of risk posed to children by the presence of domestic violence. The goals of CPS interventions in cases involving domestic violence are:</p> <ul style="list-style-type: none"> <li>• Ensure the safety of the child.</li> <li>• All family members will be safe from harm.</li> <li>• The non-offending parent/adult victim will receive services designed to protect and support him or her.</li> <li>• The children will receive services designed to protect, support, and help them cope with the effects of domestic violence.</li> <li>• The alleged perpetrator of domestic violence will be held responsible for their abusive behavior.</li> <li>• The incidence of child maltreatment co-occurring with domestic violence will be reduced.</li> </ul> <p>The challenge in providing Child Protective Services interventions in domestic violence situations is to keep the children safe without:</p> <ul style="list-style-type: none"> <li>• Penalizing the non-offending parent/adult victim and</li> <li>• Escalating the violent behavior of the alleged perpetrator of domestic violence.</li> </ul>	
Definition	Legal Basis
<p>Domestic violence is defined as the establishment of control and fear in an intimate relationship through the use of violence and other forms of abuse including, but not limited to physical abuse, emotional abuse, sexual abuse, economic oppression, isolation, threats, intimidation and maltreatment of the children to control the non-offending parent/adult victim.</p> <p>While victims and families may experience and be affected by domestic violence in different ways, there are still core aspects of</p>	<p>The <a href="#">N.C.G.S. § Chapter 50-B</a> also defines domestic violence according to the relationship between the parties and behaviors or actions that constitute domestic violence, as well as its available relief. North Carolina General Statutes also identify certain misdemeanor and felony criminal offenses that often occur in the context of domestic violence, such as assault, stalking, violation of a Domestic Violence Protection Order, domestic criminal trespass, harassing telephone calls, communicating a threat, and strangulation.</p>

## **CROSS FUNCTION TOPICS: Domestic Violence**

<p>domestic violence that are consistent across racial, socio-economic, educational, and religious lines:</p> <ul style="list-style-type: none"> <li>• The primary goal of a domestic violence perpetrator is to obtain and maintain power and control over their partner.</li> <li>• While domestic violence may “present” as an incident of violence or neglect, it is rather a pattern of abuse, which may include violent incidents.</li> <li>• Domestic violence is not simply discord between intimate partners but rather a progressive, intentional, patterned use of abusive behaviors.</li> </ul>	
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Protocol – What you must do	Guidance – How you should do it
<p><b>INTERACTION WITH NON-OFFENDING PARENT/CARETAKER</b>            The non-offending parent/adult victim must never be placed in danger by having to be interviewed; develop safety plans; or meet with the perpetrator of violence against him or her.</p>	<p>Each parent or caretaker is only responsible for their own actions to provide safe, nurturing care for their children.</p> <p><b>INTERACTION WITH NON-OFFENDING PARENT/CARETAKER</b>            The Non-Offending Parent/Adult Victim Domestic Violence Assessment Tool, <a href="#">DSS-5235</a>, contains scaled assessment questions and should be used to support the determination of safety and risk factors.</p> <p>The inability to speak with the non-offending parent/adult victim alone may be an indication of the level of control the perpetrator of domestic violence exerts over the family, and an indication of high risk. The presence of relatives or friends may also affect disclosure and safety.</p> <p>Information concerning resources and referrals to services should immediately be given to the non-offending parent/adult victim and children (as appropriate).</p> <p>With cases involving domestic violence, the safety of children is closely linked to the safety of the non-offending parent/adult victim. So, domestic violence cases also include a secondary focus on the safety of the adult victim. The non-offending parent/adult victim of domestic violence is the expert at predicting the domestic violence perpetrator’s reactions. Therefore, development of the family safety plan or services agreement is driven by the non-offending parent/adult victim based on what they think they are capable of and willing to do to ensure safety for their children and themselves.</p>



## CROSS FUNCTION TOPICS: Domestic Violence

Protocol – What you must do	Guidance – How you should do it
<p>INTERACTION WITH THE CHILD(REN) The children must not be interviewed in the presence of the violent adult. It is appropriate to interview the children in the presence of the non-offending parent/adult victim as circumstances allow, and when the safety of the children is not compromised.</p> <p>Information obtained from the non-offending parent/adult victim or children that may jeopardize the safety of the child or the non-offending parent/adult victim must not be shared, <u>especially with the alleged perpetrator</u></p>	<p>A Safety Plan is a tool used by domestic violence advocates in providing services to non-offending parents/adult victims. The Personalized Domestic Violence Safety Plan (<a href="#">DSS-5233</a>) contains suggested steps that may be useful for county child welfare agencies in:</p> <ul style="list-style-type: none"> <li>• Safety planning with the non-offending parent/adult victim and</li> <li>• Assisting in the development of service agreements.</li> </ul> <p>Keep in mind that a perpetrator (or his legal representative) can subpoena the contents of a case file. For the protection of the victim, the county child welfare agency should make decisions on where and how domestic violence safety plans are maintained accordingly.</p> <p>To develop and monitor a coordinated services plan for every case with domestic violence, the county child welfare worker should:</p> <ul style="list-style-type: none"> <li>• Seek out and utilize the consultation of a domestic violence expert throughout the life of the case.</li> <li>• Communicate with a domestic violence perpetrator’s probation or parole officer regarding any current abuse.</li> <li>• Reach out and make connections with school social workers and teachers to gain information about the child’s day-to-day functioning.</li> <li>• Work closely with Work First to create plans together. This is especially true when Work First may already be providing or can assist in referring a family for domestic violence services.</li> </ul> <p>INTERACTION WITH THE CHILD(REN) The Children’s Domestic Violence Assessment Tool, <a href="#">DSS-5237</a>, contains scaled assessment questions and should be used to support the determination of the safety and risk factors.</p> <p>Every child reacts differently when exposed to domestic violence. Some children develop debilitating conditions, while others show no negative effects from the exposure to violence. As a result, it is important to interview the children regarding their involvement and/or exposure to domestic violence, as well as their general safety and well-being. It is important to recognize that older children are more likely to minimize reports of parental fighting. Younger children may be more spontaneous and less guarded with the information they share. See <a href="#">Impact on Children</a> section of the Cross Function topic of Risk.</p>

## CROSS FUNCTION TOPICS: Domestic Violence

Protocol – What you must do	Guidance – How you should do it
<p>of domestic violence. Information shared, including information that may seem inconsequential, and specifically information about the non-offending/adult victim’s whereabouts and/or schedule if he or she has left the home/relationship, can place the child and non-offending parent/adult victim in grave danger.</p>	<p><b>INTERACTION WITH THE ALLEGED PERPETRATOR</b></p> <p>The Domestic Violence Perpetrator Assessment Tool, <a href="#">DSS-5234</a>, contains scaled assessment questions and should be used to support the determination of the safety and risk factors.</p> <p>Interaction with the alleged perpetrator of domestic violence provides the opportunity to observe and document behaviors relative to the allegations, both positive and “concerning.” This observation supplements information obtained from:</p> <ul style="list-style-type: none"> <li>• Police reports;</li> <li>• Criminal records;</li> <li>• Hospital/medical records;</li> <li>• The child(ren); and</li> <li>• The non-offending parent/adult victim.</li> </ul> <p>It is important to note that the alleged perpetrator of domestic violence may attempt to:</p> <ul style="list-style-type: none"> <li>• Present himself or herself as the “victim”;</li> <li>• To charm the county child welfare worker;</li> <li>• Gain control of the interview; and/or</li> <li>• Deny any domestic violence, insisting that the relationship is “perfect.”</li> </ul> <p>During interaction with the perpetrator, the county child welfare worker should:</p> <ul style="list-style-type: none"> <li>• Focus on information from third party reports such as law enforcement, medical providers, or the Administrative Office of the Courts.</li> <li>• Follow up on legal accountability and/or treatment, and other service referrals for the alleged perpetrator of domestic violence.</li> <li>• Convey to the alleged perpetrator of domestic violence that based on what happened (citing as much information as possible without compromising confidentiality or safety of the children, non-offending parent/adult victim, and/or the reporter) he or she will be required to take steps to stop the violence and ensure that the children are safe.</li> <li>• Avoid debates and arguments with the alleged perpetrator of domestic violence. This is crucial. The focus of CPS is not to convince the alleged perpetrator of domestic violence to admit violent behavior, but discuss how to ensure the child’s safety with him or her.</li> <li>• Set limits within the interaction with the alleged perpetrator of domestic violence and document the behaviors that make limit setting necessary and their capacity to respect efforts at setting limits.</li> </ul>

## CROSS FUNCTION TOPICS: Domestic Violence

Protocol – What you must do	Guidance – How you should do it
	<p>COLLATERAL CONTACTS</p> <ul style="list-style-type: none"><li>• It should be remembered that domestic violence usually occurs in private and collaterals will not always be aware of the violence.</li><li>• Collateral contacts being unaware of the occurrence of violence does not mean that it is not happening.</li></ul>
Forms	Children’s Domestic Violence Assessment Tool (DSS-5237), Non-Offending Parent/Adult Victim DV Assessment Tool (DSS-5235), DV Perpetrator Assessment Tool (DSS-5234), Personalized DV Safety Plan (DSS-5233)

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## **CROSS FUNCTION TOPICS: Child Well-Being**

Protocol – What you must do	Guidance – How you should do it
<p><b>CHILD WELL-BEING</b> All child well-being needs or <b>any lack of medical, dental, mental health or other care</b> of the child must be:</p> <ul style="list-style-type: none"> <li>• Assessed during the provision of all child welfare services,</li> <li>• Addressed by the child welfare agency or through service referrals,</li> <li>• Reviewed during development and review of Family Services Agreements, and</li> <li>• Documented (all the above).</li> </ul> <p>Any physical, dental, developmental, psychological, and educational needs must be addressed, and appropriate assessments scheduled, within one week from the identification of the need.</p> <p>To facilitate meeting the above, all open In-Home and Permanency Planning Services cases must include at a minimum, current copies of:</p> <ul style="list-style-type: none"> <li>• Medical exam(s) current within the last year,</li> <li>• Dental exam(s) current within the last year,</li> <li>• Mental health or substance abuse treatment plan(s) current within the last year if the child has an associated need,</li> <li>• Educational reports (academic and behavior) within the last year if the child is of school age, and/or</li> <li>• Diligent efforts to obtain the above documentation.</li> </ul> <p>Requests for this documentation must occur within the first month of ongoing (In-Home and Permanency Planning) cases. Confirmation of these documents and review of the documents as appropriate must occur during all updates of Family Services Agreements. There are additional requirements for open Permanency Planning Services cases regarding Education and Health. Also, refer to Permanency Planning and LINKS for additional requirements for youth over age 14.</p> <p>Child Educational/Developmental/Cognitive Needs include:</p> <ul style="list-style-type: none"> <li>• Special education classes;</li> <li>• Normal grade placement, if child is school age;</li> <li>• Services to meet the identified educational needs, unless no unusual educational needs are identified;</li> </ul>	<p><b>CHILD WELL-BEING</b> Assessment of and identification of child well-being needs is an important aspect of child welfare services.</p> <p>Involvement with child protective services in and of itself can be traumatic to children and families. Most children, with or without a CPS intervention, have experienced incidents of trauma. Assessment of trauma and the impact of that trauma on each child should be a part of each child's well-being assessment.</p> <p>If the family needs assistance in meeting any of the child well-being needs, the county child welfare worker should provide information, services or referrals to meet the needs.</p> <p>Court proceedings against a parent/caretaker are not appropriate when there is a lack of adherence to child well-being issue(s) if the well-being(s) issue is not a risk/safety concern. Well-being issues alone do not provide sufficient justification to keep a case open when it would otherwise be closed for services.</p> <p>All open In-Home and Permanency Planning Services cases should request current copies of this documentation every six months:</p> <ul style="list-style-type: none"> <li>• Medical exam(s),</li> <li>• Dental exam(s),</li> <li>• Mental health or substance abuse treatment plan(s) if the child has an associated need,</li> <li>• Educational reports (academic and behavior) if the child is of school age, and/or</li> <li>• Other documentation regarding services to meet a child's well-being needs.</li> </ul>

## CROSS FUNCTION TOPICS: Child Well-Being

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• Early intervention services;</li> <li>• Advocacy efforts with the school, unless the child is not school age or there have been no identified needs that are unmet by the school; and</li> <li>• How the educational needs of the child have been included in the case planning.</li> </ul> <p>Child Physical/Medical Health Needs include:</p> <ul style="list-style-type: none"> <li>• Whether the child has received preventive health care and if not, the efforts the agency will take to ensure that this care is obtained;</li> <li>• Whether the child has received preventive dental care and if not, the efforts the agency will take to ensure that this care is obtained;</li> <li>• Whether the child has up-to-date immunizations and if not, what efforts the agency will take to obtain them;</li> <li>• Whether the child/family is receiving treatment for identified health needs and if not, what efforts the agency will take to obtain the treatment;</li> <li>• Whether the child is receiving treatment for identified dental needs and if not, what efforts the agency will take to obtain the treatment.</li> </ul> <p>Child Behavioral/Mental Health/Emotional Needs include:</p> <ul style="list-style-type: none"> <li>• Whether the child is receiving appropriate treatment for any identified mental health/behavior/emotional needs/substance abuse needs and if not, what efforts the agency will take to obtain such treatment, and</li> <li>• Assessment of trauma and impact on child’s well-being.</li> </ul> <p>Child Social/Cultural/Community Relationship Needs include:</p> <ul style="list-style-type: none"> <li>• Whether the child has social/community connections and if not, what social/community connections could support the child;</li> <li>• Whether the child is engaged in community (school, church, social groups) activities and if not, identify community activities that the child may benefit from;</li> <li>• Whether the child has a network for emotional, social, cultural, and/or other needs and if not, how one could be developed.</li> </ul>	

## **CROSS FUNCTION TOPICS: Child Well-Being**

Protocol – What you must do	Guidance – How you should do it
<p>Early Intervention</p> <p>A referral must be made to the local Children's Developmental Services Agency (CDSA) for early intervention:</p> <ul style="list-style-type: none"> <li>• There is the appearance or presence of any of the North Carolina Infant Toddler Program eligibility conditions of “Established Conditions” or “Developmental Delay”, or</li> <li>• There is the likelihood that a child has a mild developmental delay in the areas of:               <ul style="list-style-type: none"> <li>○ Cognitive Development;</li> <li>○ Physical Development, including fine and gross motor function;</li> <li>○ Communication Development;</li> <li>○ Social-Emotional Development; or</li> <li>○ Adaptive Development.</li> </ul> </li> </ul> <p>Any child under three who has been identified as a substance affected infant must be screened for referral to the North Carolina Infant Toddler Program (NC ITP) through the local Children’s Developmental Services Agency (CDSA) for early intervention services. Refer to the North Carolina Family Assessment of Strengths and Needs (DSS-5229) S6 - Child Characteristics to screen a child for referral to a CDSA.</p>	<p>Early Intervention</p> <p>Whenever a county child welfare worker or a parent expresses concern about how a child’s development, CDSA can be contacted for consultation.</p> <p>Definition for “Established Conditions” or “Developmental Delay” can be found at <a href="http://www.ncei.org/">http://www.ncei.org/</a>.</p> <p>Use the DSS Referral Form for Early Intervention Services (CDSA) (<a href="#">DSS-5238</a>).</p> <p>Parental consent is not required to make this referral.</p> <p>Acceptance of Early Intervention Assessment and Services is totally voluntary for the family, unless a safety issue has been identified that would necessitate a referral to Early Intervention Services.</p>

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## **CROSS FUNCTION TOPICS: Child and Family Team (CFT) Meetings**

### **Purpose**

Child and Family Teams are family members and their community supports that come together to create, implement and update a plan for the child(ren), youth, and family. The purpose of a Child and Family Team meeting is to:

- Reach agreement on which identified child welfare issues will be addressed and how they will be addressed throughout the life of the case;
- Develop a Family Service Agreement or safety plan that is created using the best ideas of the family, informal, and formal supports that the family believes in, the agency approves of, and lessens risk and heightens safety for the child/youth and family; and
- Plan for how all participants will take part in, support, and implement the Family Service Agreement or safety plan developed by the team.

A CFT meeting is a way to engage and partner with all the people who surround a family and to support the family in building a support network that will eventually sustain it after the case is closed. A CFT meeting is a way for county child welfare agencies to share responsibility for protecting children/youth with their families and the community.

### **Definition**

CFT meetings are structured, guided discussions with the family, the natural supports, and other team members about family strengths, needs, and problems and the impact they have on the safety, permanence, and well-being of the family's child(ren) and youth. The meetings share the following components:

- A clear but open-ended purpose;
- An opportunity for the family to be involved in decision-making and planning;
- Options for the family to consider and decisions for the family to make;
- The family's involvement in the development of specific safety or permanent plans and in the development of services and supports; and
- The outcome of the meeting will be reflected in the development or revision of a Family Services Agreement or a safety plan.

The primary focus must always be the safety and well-being of the child(ren) and youth.

A meeting is not a CFT meeting:

- When a decision or plan has already been made and there is no room for input from family and natural supports either in deciding the plan or how to achieve the plan;
- When the family and natural supports (either biological or fictive) are not present; and
- When the goal of the meeting is primarily information gathering, rather than case planning. While these fact-finding meetings are important and useful, they are not CFT meetings, and they may hinder the family's trust in county child welfare staff and services and ultimately negatively affect child welfare outcomes.



## **CROSS FUNCTION TOPICS: Child and Family Team (CFT) Meetings**

Protocol -What Must Occur	Guidance – How it Should be Done
<p>All CFTs must have a clear purpose and provide an opportunity for the family to be involved in decision-making and planning.</p> <p>The county child welfare worker and/or the facilitator must assure that the ideas of the family and its natural supports are considered with the same weight as those of the professionals in the room.</p> <p>Non-resident parents (may or may not be non-custodial parents) must be involved in the CFT meeting unless there is a valid conflict or safety issue, and this must be clearly documented in the case record.</p> <p>Children and youth must be involved in the CFT meeting. Participation of the child(ren) and/or youth and/or their input to the CFT must be clearly documented in the case record.</p> <p>The county child welfare worker, supervisor, and facilitator (if there is one) must ensure that physical and psychological safety is not compromised by the CFT meeting process. If the county child welfare agency determines that a CFT cannot be held safely, there must not be a CFT meeting.</p> <p>A facilitator, who is neither the county child welfare worker for the family nor the supervisor of that</p>	<p>“Family” is a term that should be defined by the members. This is especially true when working with cases where the birth parents are no longer involved. When this is the case, there should be an in-depth conversation with the child(ren) and/or youth about whom he or she considers as family. Knowing that the people chosen for the team are likely to sustain the child(ren) and/or youth after the agency is no longer involved, it is important to keep an open mind and be creative in finding ways to support not only the child(ren) and/or youth but also those seen as family.</p> <p>While parental wishes about who is invited to the CFT are to be considered and respected, it is important that the county child welfare worker use diligence in helping the family to expand the circle that will sustain it. When parents or caretakers are reluctant to hold a family meeting or invite critical participants county child welfare workers must seek to understand the source of the reluctance and how the safety and comfort of the parents or caretakers can be achieved while still ensuring the presence of people critical to the lives of the child(ren) and youth. The child(ren)’s wishes are also to be considered. There may be times when the parent is uncomfortable with inviting someone the child may desire to have present. A balance should be found between the parents’ wishes, the child(ren)’s wishes, and what is necessary to achieve the purpose of the meeting.</p> <p>Critical participants in addition to the family members at a CFT meeting should include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Involved professional providers</li> <li>• Relatives</li> <li>• Safety Providers</li> </ul> <p>It is not a question about whether the child(ren) and youth should be involved in the process, but rather how they should be involved in the process. It is important to remember that while it is natural to want to protect children and youth from hearing traumatic details, remember that they have already lived through much of what will be discussed. There are several things to consider when deciding how the child(ren) and youth will be involved in a CFT meeting.</p> <ul style="list-style-type: none"> <li>• The child(ren) and youth’s own wishes.</li> </ul>

## **CROSS FUNCTION TOPICS: Child and Family Team (CFT) Meetings**

county child welfare worker, must be used in cases with a current risk rating of high.

The CFT meeting, or the decision to not hold a CFT meeting due to safety concerns, must be documented.

Use of CFT meetings is a key concept that must be applied to support family engagement. If a meeting is scheduled, and CFT participants have been invited, the county child welfare agency must still hold the meeting if a decision is needed regarding a child's safety, risk and/or wellbeing.

### **LACK OF PARENT/LEGAL CUSTODIAN**

If a parent does not attend a scheduled CFT meeting, the meeting will not meet the criteria to be a CFT. However, the agency must still determine the level of safety and/or risk, identify options to address the safety and/or risk, and make decisions regarding the required next steps.

- The child(ren) and youth's developmental and cognitive abilities.
- If the child(ren) and youth is in counseling, the therapist should be consulted about what kind of involvement is best.

Having the child(ren) and youth take part in a CFT meeting will not look the same in every meeting. Below are a few suggestions:

- Full participation in the entire meeting--preferably with a support person and/or mentor,
- Partial participation in the beginning or the end,
- Attendance, but with little participation. Some children and youth may want to be present but may not be comfortable speaking.
- Participation without attendance could be achieved through a spokesperson, reading a letter they have written, recording a message or by phone,
- For very young, pre-verbal children, having their picture in the room can be a powerful way to keep the meeting focused on the child.

When a child and/or youth participates in a CFT meeting, it will be very important to prepare them, as the adults are prepared.

Use of a neutral facilitator is best practice for all CFT meetings. Below is a list of circumstances in which a facilitator might be especially helpful:

- Cases in which there is conflict or volatility;
- Large or complicated family systems;
- Difficult issues in accessing family members due to distance; incarceration, disability or other factors;
- Strained relationships between family members and agency workers;
- Complex situations such as those involving multi-generational abuse, neglect, sexual abuse, substance abuse, domestic violence, or mental illness; and
- Extensive cultural and language differences between the county child welfare worker and the family or within the family system.

The following are some guidelines for assuring everyone's safety before, during, and after a CFT meeting:

## CROSS FUNCTION TOPICS: Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done
	<p>a) Be sure the planning process for CFT meetings discusses the history of both conflict and violence with the family members prior to the meeting. Consider factors such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Have there been any threats of harm, use of weapons, escalation or increase in frequency of the threats or conflict, or criminal involvement?</li> <li>• Is there a history of mental illness?</li> <li>• Is there a history of substance abuse?</li> </ul> <p>b) Be sure the planning process for CFT meetings includes the question of whether there are any court-sanctioned protective orders between family members. Do not conduct a meeting that violates protective orders. It may be helpful to consult an attorney about whether a person who is the subject of a protective order may participate by phone. Cases with domestic violence cases or family violence may require separate CFT meetings.</p> <p>c) Where there is a history of violence or a concern for potential violence, consider, but don't limit considerations to:</p> <ul style="list-style-type: none"> <li>• Choose a safe, neutral location;</li> <li>• Have support people or mentors for threatened or potentially volatile family members;</li> <li>• Have some members participate through pre-meeting interviews, written statements, or conference calls;</li> <li>• Arrange for a private check-in after the meeting with any vulnerable participants;</li> <li>• Arrange for vulnerable family members or those in conflict with one another to arrive at and leave the meeting separately, or to be escorted by staff or security personnel; and/or</li> <li>• Arrange for the presence of security and/or law enforcement.</li> </ul>

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## **CROSS FUNCTION TOPICS: Parent Engagement and Needs Assessment**

### Policy

Efforts to locate and engage all maternal and all paternal parents must occur during all phases of child welfare, unless the court has terminated parental rights.

### Definitions

Birth Parent means genetic, biological, or natural parents.

Residential Parent **for the purpose of** the NC CW Modified is the parent with whom the child(ren) primarily resides.

See NC CW Manual, [Chapter X, The Juvenile County and Child Welfare](#), for definitions regarding Juvenile Court. Also, refer to Legal Aspects of Child Welfare in North Carolina for information regarding both NC Statute Chapter 7B and North Carolina Administrative Code 10 N.C.A.C.70A through 10 N.C.A.C.70O for the rules most relevant to child welfare.

Keep in mind that definitions of terms in NC Statute can vary from statute to statute depending on the context with which the term is applied. For example, in NC guardianship law, Chapter 35A, the clerk of the court will decide if the person is incompetent and requires a guardian. This is a different context of the term guardianship than what is used in juvenile court in awarding guardianship. For this reason, social workers must be careful in their use of terminology and consult with their county attorney as needed. During provision of Permanency Planning Services, Chapter 7B should be the primary statute for consideration. During provision of CPS Assessments or In-Home Services county child welfare agency workers may need to refer to Chapter 50 regarding child custody and or domestic violence court.

### [NC Statute Chapters :](#)

Chapter Number	Title
7B	Juvenile Code
35A	Incompetency and Guardianship
48	Adoptions
50	Divorce and Alimony
50A	Uniform Child-Custody Jurisdiction and Enforcement Act
50B	Domestic Violence
110	Child Welfare – Child Care Facilities & Child Support,

The following definitions are not covered in Chapter X and the location of that definition in statute are provided only for reference.

Custodian - The person or agency that has been awarded legal custody of a juvenile by a court.

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_7B/GS\\_7B-101.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-101.html)

## CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments

"Physical custody" means the physical care and supervision of a child.

[http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_50A/GS\\_50A-102.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_50A/GS_50A-102.html)

"Stepparent" means an individual who is the spouse of a parent of a child, but who is not a legal parent of the child.

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_48/GS\\_48-1-101.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_48/GS_48-1-101.pdf)

Protocol	Guidance
<p><b>PARENT ENGAGEMENT</b> Both parents must be involved in all aspects of child welfare to include, but not limited to:</p> <ul style="list-style-type: none"> <li>• CFTs and PPRs,</li> <li>• Shared parenting meetings,</li> <li>• Family Time and Contact Plans,</li> <li>• Safety Agreements, and</li> <li>• Family Services Agreements.</li> </ul> <p>Absent parents must be involved in the CFT meeting unless there is a valid conflict or safety issue, and this must be clearly documented in the case record. See <a href="#">CFT</a> for alternate methods to involve the absent parent in case planning if it is determined that the parent cannot participate in the CFT meeting due to a conflict or safety issue.</p> <p>The county child welfare agency must engage in <a href="#">diligent efforts</a> to locate and contact all parents.</p> <p><b>INITIAL AND ONGOING DETERMINATION OF FAMILY MEMBER'S STRENGTHS AND NEEDS</b> The determination regarding a family's strengths and needs starts during the CPS Assessment and must be completed through use of SEEMAPS or an equivalent method. See <a href="#">5010 instructions</a> page 1. Ongoing Services must build upon the information identified during the CPS Assessment to ensure that</p>	<p><b>PARENT ENGAGEMENT</b> Successfully involving parents in case planning may be the most critical component in child welfare practice. When parents are engaged, and have a significant role in case planning, they are more motivated to actively commit to achieving the case plan. Engaged parents are more likely to recognize and agree with the identified needs and problems to be resolved, perceive goals as relevant and attainable, and be satisfied with the planning and decision-making process. Following are reminders regarding the principles and beliefs of NC CW (when manual revisions are complete, these will be links) that support parent engagement.</p> <p>MRS and System of Care (SOC) principles emphasize:</p> <ul style="list-style-type: none"> <li>• Every individual has strengths and has the right to be heard without judgments being made,</li> <li>• Families have the most information about themselves and that information is critical for decision-making, and</li> <li>• The importance of the family in meeting the needs of its members.</li> </ul> <p>Six Family-Centered Principles of Partnership</p> <ol style="list-style-type: none"> <li>1. Everyone desires respect.</li> <li>2. Everyone needs to be heard.</li> <li>3. Everyone has strengths.</li> <li>4. Judgments can wait.</li> <li>5. Partners share power.</li> <li>6. Partnership is a process.</li> </ol> <p>Underlying Beliefs of a Family-Centered Approach to Child Welfare</p> <ul style="list-style-type: none"> <li>• Safety of the child is the first concern.</li> <li>• Children have the right to their family.</li> <li>• The family is the fundamental resource for the nurturing of children.</li> <li>• Parents should be supported in their efforts to care for their children.</li> </ul>

## CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments

the Family Services Agreement identifies services that are appropriate to address family needs.

To ensure that child welfare services are addressing family needs that impact risk and safety, and child well-being, interviews and assessments of each family member regarding the family, their concerns, their environment, must occur and be reviewed regularly. These assessments must include, but not be limited to, a review of:

- Household economic status;
- Family/Household social network, including household make-up, relationships with extended family members, and community engagement (including faith and/or cultural community);
- Parent/Caretaker(s) mental and/or behavioral health;
- Parent/Caretaker(s) physical health;
- Parent/Caretaker(s)'s educational, cognitive, communication and decision-making capacity;
- Parent/Caretaker(s) relationship status (including an assessment of any history of relationship conflict or domestic violence);
- Parent/Caretaker(s) knowledge of child development and parenting skills;
- Trauma history for all family members;
- Parent/Caretaker(s) substance abuse history; and
- Other household conditions, to include but not limited to:
  - Household physical and environmental conditions,
  - Household routines, and
  - Transportation availability.

These assessments can be formal or informal but must be documented in the case file.

- Families are diverse and have the right to be respected for their special.
- cultural, racial, ethnic, and religious traditions; children can flourish in
- different types of families.
- A crisis is an opportunity for change.
- Inappropriate intervention can do harm.
- Families who seem hopeless can grow and change.
- Family members are our colleagues.

### INITIAL AND ONGOING DETERMINATION OF FAMILY MEMBER'S STRENGTHS AND NEEDS

See DSS [5010 instructions](#) pages 14-16 for guidance in use of SEEMAPS. Use of SEEMAPS should not be limited to CPS assessments. SEEMAPS is a tool that can utilized throughout service provision, to reassess a family's/family members' needs and/or when working with a nonresident parent.

Use of other tools such as Genograms or Ecomaps should be considered.

### ABSENT, NON-RESIDENTIAL PARENTS

A parent that has been referred to as absent, non-custodial, or non-residential parent may have information regarding their child. Working to develop an early partnership that includes that parent may provide an excellent foundation for them to not only become more involved in their child's life, but also may be a resource the child can reunify with and or be a long-term support.

- Ask: How can the county child welfare agency obtain the absent parent's involvement?
- If the parents have a tenuous relationship, consider facilitating separate meetings between each parent with the foster parent.
- If one parent is unable to travel a long distance for a meeting, consider facilitating a phone conference call or web meeting in order to begin developing a relationship between the parent and foster parent.

If an absent or noncustodial/non-residential parent is not involved in the planning, ask what it would take to become involved, as well as if there are any relatives that may be a resource in supporting the child.

The following county child welfare agency worker behaviors support a collaborative relationship and increased family engagement:



## CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments

<p>Even if a parent is incarcerated, (in-state or out-of-state), they must be contacted to determine if they can assist in identifying any strengths or needs of the family, receive input on the Family Services Agreement, determine if there are any possible relatives that may be a resource in supporting the child, and determine what level of involvement they can maintain particularly around the planning for and contact with the child.</p>	<ul style="list-style-type: none"><li>• Listening to and addressing issues that concern the family;</li><li>• Having honest discussions about the agency's authority and how it may be used (required by <a href="#">CAPTA</a>);</li><li>• Sharing openly with family members what to expect, particularly regarding court and timelines;</li><li>• Balancing discussions of problems and needs with the identification of strengths and resources;</li><li>• Incorporating the family's terminology regarding needs (rather than the caseworker's words);</li><li>• Setting goals that are mutually agreed upon and when possible primarily created by the family and stated in their words;</li><li>• Focusing on improving family members' skills rather than providing insights;</li><li>• Providing family members with choices whenever possible;</li><li>• Getting a commitment from family members that they will engage in mutually identified tasks;</li><li>• Spending time with the family discussing goals and progress; and</li><li>• Recognizing and praising progress.</li></ul> <p>To locate a parent that is in prison, contact the NC Department of Corrections Records Office. Contact numbers and addresses for specific prisons can be found on the <a href="#">NC Division of Prisons website</a>. All inmates have a case manager or social worker that can assist in contacting a prisoner.</p>
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### PATERNITY

All the following information comes from [Child Support Services Policy](#) and is provided as information only. Child Support policy and Child Welfare policy (and Juvenile Court) vary from each other on some key aspects, especially in defining when paternity testing is required. When collaborating with Child Support Services, this information may be of value.



## **CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments**

### **ESTABLISHING PATERNITY**

If paternity has not been determined (either voluntarily or by court order) and no judicial action to establish paternity has been filed with the court, paternity testing can be initiated by agreement of the parties involved.

Testing by agreement is NOT appropriate if:

- An Affidavit of Parentage has been signed and has not been rescinded;
- A judicial action for paternity has been filed; or
- A court order of paternity has been entered.

For more information, specifically regarding establishment of paternity and paternity testing, see also [CSS Paternity Policy](#).

### **PATERNITY TESTING RESULTS**

These results have the following effect if ordered under N.C.G.S. § 8-50.1:

- Probability of paternity is less than eighty-five percent (85%) - The alleged father is presumed NOT to be the parent.
- Probability of paternity is between eighty-five (85%) and ninety-seven percent (97%) - The results have same weight as other evidence.
- Probability of paternity is ninety-seven percent (97%) or higher - The alleged father is presumed to be the parent.

### **USING PREVIOUSLY COLLECTED TEST SAMPLES**

Paternity test samples and test results for individuals who are tested under the State contract that are maintained by the testing laboratory can be used in subsequent testing conducted under this contract. Rather than collecting new samples, using existing samples or results can reduce the time and cost of subsequent testing.

DNA samples or results obtained for testing under the State contract can be reused for subsequent tests, including:

- New testing for the same mother/ child/ father group.
- Testing of an individual in a different mother/ child/ father group.
- Testing that was conducted by the county which requested the initial test sample.
- Testing that was conducted by a different county than the initial requesting county.

### **EXCLUSION OF ALLEGED FATHER**

Paternity testing that results in the exclusion of a man as the biological father of a child does not constitute a legal determination of non-paternity. However, test results are evidence that the court can consider in making such a determination.

If paternity testing excludes the alleged father as the biological father of a child, the appropriate course of action is based on whether a judicial or voluntary determination of paternity has been made, a marital presumption of paternity exists, or the child has no legally responsible father.

If a judicial or voluntary determination of paternity has been entered:

- Exclusionary test results do not void that determination.

## **CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments**

- Test results can be used as evidence in a motion or independent action to disestablish paternity.
- The paternity determination remains in effect until a court makes a ruling.

If a marital presumption of paternity exists:

- Exclusionary test results do not invalidate the presumption of paternity.
- Test results can be presented as evidence in a judicial challenge of the presumption by the legal father.
- The presumption of paternity remains in effect until a court makes a ruling.

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## **CROSS FUNCTION TOPICS: Identifying, Locating & Engaging Extended Family Members**

### **Legal Basis**

[42 U.S. Code § 671](#)(a)(19) provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards

[42 U.S. Code § 671](#)(a)(19) provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that—

(A) specifies that the child has been or is being removed from the custody of the parent or parents of the child;

(B) explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

(C) describes the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home; and

(D) if the State has elected the option to make kinship guardianship assistance payments, describes how the relative guardian of the child may subsequently enter into an agreement with the State to receive the payments

### **[N.C.G.S. §7B-505](#) Requirements for Placement with Relatives**

(b) The court shall order the department to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile is in non-secure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification would be contrary to the best interests of the juvenile. In placing a juvenile in non-secure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile.

(c) If the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the juvenile in a safe home. The court may order the department to notify the juvenile's State-recognized tribe of the need for non-secure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interests.

### **[N.C.G.S. §7B-903](#) Requirements for Placement with Relatives**

(a1) In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile.

## CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments

Protocol	Guidance
<p>County child welfare agencies must make <a href="#">diligent efforts</a> to identify and locate extended maternal and paternal family members as soon as a county child welfare agency becomes involved with a child/youth and continue throughout the case.</p> <p>At least once a month throughout the case, county child welfare workers must inquire with parents and children about extended family members to include:</p> <ul style="list-style-type: none"> <li>• Knowledge of (names, when last seen);</li> <li>• Location (address, contact information);</li> <li>• Contact with (telephone, Facebook, etc.); or</li> <li>• Relationships (history with that relative, support that relative may be able to provide, etc.).</li> </ul> <p>For states to meet the requirements of IV-E federal funding for foster care and adoption assistance, states must “consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards.” IV-E requires states to apply due diligence to identify and provide notice to all grandparents and other adult relatives of the child regarding:</p> <ul style="list-style-type: none"> <li>• The fact that the child has been or is being removed from the custody of her or her parents;</li> <li>• The options the relative available to participate in the care and placement of the child; and</li> <li>• The requirements to become a foster parent to the child.</li> </ul>	<p>County child welfare workers should consider their beliefs on what is possible for youth through connections with extended family members. Finding extended family members encourages workers to view case planning to address safety, risk, and permanence beyond one route.</p> <p>Identification – Requirements to Find and Locate The goal of identification of an extended family member or other “kin” is to promote connections for children/youth and to create more options for support and planning for the family, parent(s) or child(ren). Techniques to use include:</p> <ul style="list-style-type: none"> <li>• Record Review - Closely review case record to identify and record names</li> <li>• Interview all known family members, maternal and paternal, including child(ren), and fictive kin and/or close friends.</li> <li>• Internet and Social Media Searches <ul style="list-style-type: none"> <li>• <a href="http://www.Zabasearch.com">www.Zabasearch.com</a></li> <li>• <a href="http://www.msn.com">www.msn.com</a> (White Pages)</li> <li>• <a href="http://www.USSEARCH.com">www.USSEARCH.com</a></li> <li>• Facebook</li> </ul> </li> </ul> <p>Reconnecting with a Relative Consideration must be given to the impact of any new or renewed connection to an extended relative. Although this connection is in general a positive event, there may be other extenuating circumstances that should be understood.</p> <ol style="list-style-type: none"> <li>a. Families have a primary need to know what happened to “lost” relatives. While youth in foster care are not considered to be lost children, the child(ren), their relatives, or individuals who had a close relationship to the child(ren), continue to have a desire to know how their loved ones are doing. A majority of youth who’ve been adopted report a desire to find or be found by their birth parents and/or other extended family members.</li> <li>b. Identification &amp; location of extended family won’t solve the psychological problems that can affect youth in foster care. Being in foster care has a life altering effect on youth and families. The loss of connections, disruption to life cycle and number of transitions can be very traumatic even to resilient children/youth. Maintaining or reestablishing family connections may provide support to help youth and families heal.</li> <li>c. The process of locating and engaging families can open family wounds, rekindling the problems surrounding the child’s birth or removal. Numerous issues and questions may arrive. It is the role of the child welfare agency to</li> </ol>

## **CROSS FUNCTION TOPICS: Parent Engagement & Needs Assessments**

<p>See Permanency Planning, <a href="#">Relative Notifications</a>.</p>	<p>facilitate all contact to avoid situations involving blame, to ensure that all interaction acknowledges the youth's current situation and need for wrap around support.</p> <ul style="list-style-type: none"><li>d. Each person, conservatively, has about 100-300 living relatives.</li><li>e. Permanence for youth in care is more than a legal goal. It involves the stability and continuity of relationships that are meaningful to individuals. Permanence incorporates a sense of belonging and cultural and social connections to a child/youth's background and permanent home.</li></ul>
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## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

### **Multiethnic Placement Act**

Policy and Definitions	Legal Basis
<p><b>MEPA</b></p> <p>The primary purpose of the Multiethnic Placement Act (MEPA) is to find permanent homes for foster children on a timely basis. All state and county agencies that use federal funds must comply with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (<a href="#">MEPA-IEP</a>). The Act prohibits states or agencies that receive federal funds from delaying or denying the placement of any child on the basis of race, color, or national origin. Any consideration of race or ethnicity must be done in the context of individualized needs of the child, with the rationale specifically documented in the placement record.</p> <p>According to MEPA, agencies must honor birth parent’s requests for placement options, unless it is contrary to the best interest of the child(ren). Training must be offered to all in consideration of licensing.</p>	<p><b>MEPA</b></p> <p>The Multiethnic Placement Act is designed to “prevent discrimination in the placement of children in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that children wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents.” The best strategy for full compliance with the Multiethnic Placement Act (MEPA) is a comprehensive recruitment strategy that targets the general public and also specifically targets those communities that reflect the racial and ethnic diversity of your foster care population.</p> <p>An agency may not rely on generalizations about the needs of children of a particular race or ethnicity, or on generalizations about the abilities of prospective parents of one race or ethnicity to care for a child of another race or ethnicity. Any violation of MEPA-IEP will be deemed a violation of <a href="#">Title VI of the Civil Rights Act</a>.</p> <p>All state and county agencies using federal Title IV-E funds must comply with MEPA as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996. The amendment requires that race, culture or ethnicity may not be used as the basis for any denial of placement, nor may such factors be used as a reason to delay any foster or adoptive placement. Agencies, therefore, are prohibited from delaying or denying foster and adoptive placements on the basis of race, color or national origin.</p>
<p><b>Protocol – What you must do</b></p>	
<p><b>MEPA Placement Requirements (Initial and Placement Changes)</b></p> <p>Every agency must have a recruitment plan to comply with MEPA-IEP. The major thrust of MEPA’s recruitment requirements is that agencies provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State or county for whom foster and adoptive homes are needed. Federal guidelines specifically call for a thorough recruitment effort that includes both general and targeted campaigns and encompasses the following features:</p> <ul style="list-style-type: none"> <li>• Prospective foster and adoptive families throughout the community should be supplied with information regarding waiting children, the adoption process, and supports available to foster and adoptive families.</li> <li>• All community members should be reached through a general media campaign such as radio, television, and print.</li> <li>• Information should be disseminated to targeted communities through community organizations such as churches or other religious institutions.</li> </ul>	

## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

- Agencies should enhance their ability to reach various populations by developing partnerships with groups from the communities from which foster children come “to help identify and support potential foster and adoptive families and to conduct activities which make the waiting children more visible.”

To comply with MEPA’s “diligent efforts requirements,” each county’s recruitment plan must include the above-listed features. In addition, each plan must also include the following information:

- A description of the characteristics of foster and adoptive children in the custody of the agency (e.g. age, race, time in care, special needs, etc.);
- Specific strategies to reach all parts of the community (as reflected in the demographics of the foster care population);
- Diverse methods of disseminating general and child specific information;
- Strategies for assuring that all prospective parents have equitable access to the preparation and selection process and the location and hours of services that facilitate access by all members of the community;
- Strategies for training foster and adoptive staff in cultural, racial and economic diversity and dealing with linguistic barriers;
- Assurance of non-discrimination in any fee structures;
- Procedures for ensuring a timely search for prospective parents for a waiting child, including the use of exchanges and other inter-agency efforts, provided that such procedures ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement; and
- Assurance that the agency does not use any “arbitrary or unnecessary” standards (such as those related to age, income, education, or housing situation) which exclude groups of prospective parents on the basis of race, color, or national origin.

### **Indian Child Welfare Act of 1978**

Policy	Legal Basis
<p>The Indian Child Welfare Act of 1978 established nationwide procedures for the handling of Indian child placements and authorized the establishment of Indian child and family service programs. The act requires specific actions on behalf of a child who is a member of a federally recognized Indian Tribe, Aleuts, or members of certain native Alaskan villagers. Whenever it is suspected that a child may fit into any of these populations, the procedures outlined in this Act must be followed.</p> <p>Nothing in the Indian Child Welfare Act is to be construed as preventing the emergency removal of an Indian child to prevent imminent physical damage or harm to that child. If a county child welfare worker</p>	<p>ICWA specifies that tribal courts have exclusive jurisdiction of children who reside on the reservation. If the child is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court. In any action leading to a foster care placement or in any termination of parental rights action affecting an American Indian child who does not reside on the reservation, the parents, guardian or custodian of the child may petition for transfer of jurisdiction to a tribal court.</p> <p>At any time during proceedings of a foster care placement the American Indian custodian and American Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any State court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision.</p>



**CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

<p>believes that a child is in imminent danger, the same procedures are followed as in any other emergency removal.</p>	<p>N.C.G.S. § 7B-505(c) (<a href="http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-505.html">http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-505.html</a>) was added in 2013 to provide changes to the placement of children while in non-secure custody. It enacted a new subsection to expand types of placements available to a child in non-secure custody by identifying individuals who may not be relatives but have a substantial relationship with the child. These individuals are defined as “non-relative kin”. It also gives additional placement options for American Indian children who are members of a state recognized tribe by defining non-relative kin to include members of state or federally recognized tribes regardless of the relationship with the child. One purpose of this change is to allow placement of children from state recognized tribes with American Indian families when in their best interest, given that state tribes are not protected by ICWA. This change also encourages these placements be made at the onset of the case and only when the placement is in the child’s best interest.</p> <p>The Act does not apply to a placement based on an act which, if committed by an adult would be deemed a crime (as in any situation in which a child was adjudicated delinquent and placed in foster care or a group home), or upon an award, in a divorce proceeding, of custody to one of the parents.</p> <p>MEPA-IEP specifically provides that it has no effect on the <a href="#">Indian Child Welfare Act of 1978</a>.</p>
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<p>Definitions</p>	
<p>Indian: An Indian is defined as any person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation, as defined in the Alaska Native Claims Settlement Act.</p> <p>Indian Child: An Indian child means any unmarried person who is under 18 and is either (a) a member of an Indian tribe; or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Tribes determine their own standards for membership eligibility.</p> <p>Indian Tribe: Any Indian tribe, band, nation, or other organized group of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native villager as defined in section 3(c) of the Alaska Native Claims Settlement Act.</p>	<p>Cherokee Family Support Services is the agency of the Eastern Band of the Cherokee that handles the cases that involve the Indian Child Welfare act.</p> <p>If there is belief that the child is a Cherokee Indian child, the county child welfare agency can contact Cherokee Family Support Services at P.O. Box 507 Cherokee, North Carolina 28719. They can assist in checking with the enrollment office to determine whether the child is an "Indian child." If the child is an "Indian child," then Cherokee Family Services will be the representative of the Tribe that will be involved in the case. Members of other federally recognized tribes live and work in North Carolina</p>

## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

Indian Child's Tribe: An Indian child's tribe is defined as (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the most significant contacts.

Indian Reservation: Indian country as defined in Section 1151 of Title 18, United States Code and any lands, not covered under such section, title to which is either held by the United States in trust for any Indian tribe or individual subject to a restriction by the United States against alienation.

The Act applies to Indian child custody proceedings and includes:

- County child welfare custody, when the parent or custodian cannot have the child returned on demand (as in Voluntary Placement Agreements), but where parental rights have not been terminated;
- In termination of parental rights proceedings;
- In pre-adoptive and adoptive placements; and
- Proceedings regarding juvenile court assigned custody or guardianship of the person of the juvenile.

The only Federally recognized tribal grounds in North Carolina are those of the [Eastern Band of the Cherokee](#).

### State Recognized Tribes

While the Indian Child Welfare Act protects members of federally recognized tribes, children in state recognized tribes merit similar consideration. [N.C.G.S. § 143B-139.5A](#) was enacted in 2001 to support collaboration between the Division of Social Services, the NC Directors of Social Services Association and the Commission of Indian Affairs.

The goal of this legislation is to create relationships so tribes can receive reasonable notice when Indian children are placed in county child welfare custody or for adoption, recruitment of North Carolina Indians as foster and adoptive parents can be increased, and training on Indian culture and history can be provided to county child welfare workers and foster and adoptive parents. It is important to remember that the [Multi Ethnic Placement Act](#) applies to the placement of Indian children who are not covered by ICWA. When considering placement for any Indian child, every effort should be made to involve the tribal community in planning for the child in a setting that reflects their Indian culture.

and are afforded the protections of this Act. The Bureau of Indian Affairs (BIA) has a listing updated each year of the appropriate tribal person to receive questions about membership and ICWA proceedings <http://www.doi.gov/bia/>.

The North Carolina Commission of Indian Affairs can help regarding local tribes and can also facilitate contact with tribal leadership for tribes located in other parts of the country. Many North Carolina Indians are members of state recognized tribes:

- Coharie Tribe (Harnett and Sampson Counties);
- The Haliwa-Saponi Tribe (Halifax and Warren Counties);
- The Lumbee Tribe of North Carolina (Hoke, Robeson and Scotland Counties);
- The Meherrin Indian Tribe (Hertford County);
- Occaneechi Band of Saponi Nation (Alamance and Orange Counties);
- Sappony (Person County); and
- Waccamaw-Siouan Development Association (Bladen and Columbus).

Organizations:

- The Cumberland County Association for Indian People (Fayetteville);
- The Guilford Native American Association (Greensboro);
- Metrolina Native American Association (Charlotte); and
- Triangle Native American Society (Raleigh)

## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

### **Indian Child Welfare Act of 1978**

Protocol	Guidance
<p>American Indian Child / ICWA Throughout the provision of child welfare services, including child protective services, agencies must complete the Indian Child Welfare Act Compliance Checklist (<a href="#">DSS-5291</a>) whenever a family member indicates any American Indian heritage.</p> <p>For all cases found to be Substantiated or In Need of Services, when there is information about American Indian heritage, whether in a federally or state recognized tribe, one of these two forms must be completed, sent to the appropriate tribe/agency, and maintained in the file.</p> <ul style="list-style-type: none"> <li>• <a href="#">DSS-5335</a> - completed with a parent/caretaker who has indicated that he/she has heritage in an American Indian tribe.</li> <li>• <a href="#">DSS-5336</a> – completed when the parent/caretaker is either absent or unwilling to cooperate with the agency <i>and</i> the agency has collateral information that the child(ren) may have heritage in an American Indian tribe.</li> </ul>	<p>American Indian Child / ICWA Having knowledge of a child’s American Indian tribe membership, whether a state recognized or federally recognized tribe, is important for assurance of culturally competent practice, as well as for possible future placement planning.</p>
<p>ICWA Placement (Initial and Placement Change) Requirements Tribal courts have exclusive jurisdiction of children who reside on the reservation. If the child is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court.</p> <p>ICWA Placement Notification Requirements The parents of the child must be notified of the pending proceedings. The parent, Indian custodian and Indian tribe must be informed by registered mail, return receipt requested, of the proceedings and of their right to intervene at any point in the proceedings. The notice must include the following information:</p> <ul style="list-style-type: none"> <li>• The name of the Indian child and tribal affiliation;</li> <li>• Name and address of the petitioner and petitioner’s attorney;</li> <li>• Location, mailing address and telephone number of the court;</li> <li>• Statement of right of Indian custodian and tribe to intervene and petition for transfer to tribal court;</li> <li>• Statement that if the parent or Indian custodian is unable to afford counsel, the court will appoint counsel;</li> <li>• Statement that the parent, custodian or tribe may request 20 days to prepare for the proceeding;</li> <li>• Statement of the potential legal consequences of an adjudication on future custodial rights of the parent or Indian custodian; and</li> </ul>	<p>In any action leading to a child entering the custody of a county child welfare agency or in any termination of parental rights action affecting an Indian child who does not reside on the reservation, the parents, guardian or custodian of the child may petition for transfer of jurisdiction to a tribal court.</p> <p>At any time during proceedings of a Permanency Planning case, the Indian custodian and Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any State court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision.</p> <p>Parents and Indian custodians have the right to a court appointed lawyer in custody proceedings whenever indigence is a factor and the court may also appoint an attorney for the child to ensure that his/her interests are protected.</p>

## CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)

- Statement that the proceeding is confidential and should not be revealed except to authorized tribal members.

If the agency is unable to locate the parent, Indian custodian, or cannot determine the Indian tribe, then the agency must notify the Secretary of the Bureau of Indian Affairs (BIA) at the appropriate office by registered mail, return receipt requested, of the child's pending court proceedings. There is no provision for service by publication. The Secretary has fifteen (15) days after receipt of this notice to inform the parent, Indian custodian and Indian tribe of the proceedings.

If ICWA requirements are not met, the tribe, Indian custodian or parent can move to vacate the proceeding and begin again.

Refer to the Indian Child Welfare Act Compliance Checklist ([DSS-5291](#)) for more information regarding the many procedures to comply with ICWA.

### ICWA "Active" Efforts Requirements for Obtaining Legal Custody

Though procedures for obtaining legal custody and placement responsibility of an Indian child are similar to those regarding any other child, there are some major differences. All agencies must demonstrate to the court that "active" efforts were made to maintain the child in his/her own home. In the case of an Indian child, the agency must also specifically detail what remedial efforts and rehabilitative programs were provided to the family to keep it intact and how these efforts were unsuccessful. These are efforts that take into account the social and cultural conditions of the tribe and use the resources of the extended family, tribe and Indian social service agencies. Thus, active efforts can be more extensive than reasonable efforts. In addition, the agency must prove by clear and convincing evidence that staying in the home would result in serious emotional or physical damage to the child. That finding must be based on testimony from a "qualified expert witness" who is, in priority order;

1. A member of the child's tribe recognized by tribe knowledge in tribal custom,
2. A lay expert witness with substantial experience in the delivery of family services to Indians and knowledge of
3. tribal child rearing practices, or
4. A professional person having substantial educational and experience in his specialty.

Under ICWA, "parent" does not include the unwed father where paternity has not been acknowledged or established.

For NC proceedings, BIA notice should be sent to:  
Gloria York  
Indian Child Welfare Services  
BIA Regional Office  
545 Marriot Drive, Suite 700  
Nashville, TN 37214  
(615) 564-6740

Parents have 10 days beyond the 15-day period before any proceeding can take place. However, the parent, Indian custodian or the tribe may request and be granted up to a 20-day extension to prepare for the proceedings. The county child welfare agency may have to ask the court to continue a 7-day or other hearing to comply with ICWA.

The BIA can assist in identifying a qualified expert witness, if requested to do so by a party or the court. If placement is to be made using State laws, each party to the case has the right to examine the documents filed with the court which serve as the basis of a decision by the court. In addition, the agency must demonstrate that it has offered remedial services to maintain the child with the family and that these efforts have failed.

## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

<p>ICWA Placement Provider Requirements The placement for a child in county child welfare custody who may be eligible for the Indian Child Welfare Act must be:</p> <ul style="list-style-type: none"><li>• The least restrictive setting which most approximates a family and in which their special needs, if any, may be met.</li><li>• Within reasonable proximity to their home. Placement resources for the child must be based on the following preferences:<ul style="list-style-type: none"><li>○ A member of the Indian child's kinship network;</li><li>○ A foster home licensed, approved, or specified by the Indian child's tribe;</li><li>○ An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or</li><li>○ An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.</li></ul></li></ul> <p>Good cause to deviate from these preferences exists if:</p> <ul style="list-style-type: none"><li>• The parents or child “of sufficient age” so request, or</li><li>• The extraordinary needs of the child require another placement or no families meeting the preference criteria can be found after a diligent search.</li></ul>	
<p>ICWA and Use of Voluntary Placement Agreements For children that fall under the special provisions of the Indian Child Welfare Act, Voluntary Placement Agreements (<a href="#">DSS-1789</a>) between the agency and parent or guardian have additional requirements. A Voluntary Placement Agreement will not be considered valid unless the agreement is:</p> <ul style="list-style-type: none"><li>• Signed before a judge of competent jurisdiction and</li><li>• Accompanied by a judge's certificate stating that the terms and conditions of the agreement were fully explained and understood by the parent or Indian custodian of the child. The certificate must also state that the parent or Indian custodian had the agreement explained either in English or through an interpreter in a language that the parent or Indian custodian understood.</li></ul> <p>Any consent given prior to or within ten (10) days of the birth of the Indian child is not valid.</p> <p>At any time that the parent or Indian custodian of the child requests that the child be returned, the agency must return the child. If the agency feels that the child would be</p>	

## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

<p>harmed, then it must petition the Court ensuring that all the rights and duties of an agency are followed in relation to the Indian child.</p>	
<p>ICWA and Termination of Parental Rights To terminate parental rights, the state court must make the same findings as previously discussed, using expert testimony, but the likelihood of damage must be established beyond a reasonable doubt. Absent good cause to the contrary, the child must be placed for adoption with a member of his extended family, other members of his tribe or other Indian families.</p>	

### **Mexican Heritage**

<p><b>Legal Basis</b></p>	
<p>A <a href="#">Memorandum of Agreement</a> was established on March 30, 2017 between the Consulate General of Mexico in North Carolina and the Government of the State of North Carolina through the Department of Health and Human Services Division of Social Services. This agreement recognizes the significance of preserving the cultural, traditions and values of children with Mexican heritage. The purpose of this agreement is to ensure that children and their families are afforded the opportunity to receive necessary services that is beneficial to them. The services guarantee the protection offered by the Vienna Convention, Bilateral Convention and all other applicable treaties and laws. This agreement provides specific details for Child Welfare Agencies when considering securing custody of a child who has Mexican heritage. It is imperative that the identification of Mexican heritage is explored throughout the longevity of the case.</p>	
<p><b>Protocol</b></p>	<p><b>Guidance</b></p>
<p>Upon assuming legal custody of a child, county child welfare agencies must inquire as to whether the child has any Mexican parentage.</p> <p>Ongoing efforts to identify Mexican parentage must continue throughout the life of the case.</p>	
<p><b>Notification to the Mexican Consulate</b></p> <p>County child welfare agencies must notify the Mexican Consulate in writing of the following:</p> <ul style="list-style-type: none"> <li>• When the county child welfare agency identifies a Mexican minor in its custody; or</li> <li>• When a parent or custodian of the Mexican minor requests that the Mexican Consulate be notified.</li> </ul> <p>The written notification must be made within 10 working days of the minor entering agency custody. If the county child welfare agency learns, at a later time, that the minor has Mexican parentage, then notification must be sent without delay to the appropriate parties.</p>	<p>Counties should provide notice to the Mexican Consulate regarding court hearings involving Mexican minors, so that the Consulate may attend these hearings.</p>



## **CROSS FUNCTION TOPICS: SPECIAL LEGAL CONSIDERATIONS (MEPA, ICWA, Mexican Heritage)**

<p>County child welfare agencies must notify the Mexican Consulate and provide additional information:</p> <ul style="list-style-type: none"><li>• When a parent or custodian of a Mexican American minor has requested that the Consulate be notified; or</li><li>• When the county child welfare agency learns that a non-custodial parent(s) resides in Mexico.</li></ul>	
<p>Initial Information to be Provided to the Mexican Consulate</p> <p>County child welfare agencies must provide the Mexican Consulate with at least the following information, if available:</p> <ul style="list-style-type: none"><li>• The full name of the Mexican minor(s);</li><li>• The date of birth of the Mexican minor(s);</li><li>• The full name of the parent(s) or custodian(s); and</li><li>• A name and phone number of the county child welfare worker directly responsible for the case.</li></ul> <p>As authorized, county child welfare agencies may provide the Mexican Consulate any of the information listed above pertaining to a Mexican American minor.</p> <p>For additional information, please refer to the <a href="#">Memorandum of Agreement</a>.</p> <p>For information regarding the services provided by the Mexican Consulate, please refer to <a href="#">Services Provided by the Consulate General of Mexico and International Process Service</a>.</p>	

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Return to [In-Home Services TOC](#)

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## **CROSS FUNCTION TOPICS: Documentation**

Definitions
<p>Documentation: Case documentation is comprised of all information in the case file. Documentation is critical in child welfare work as it establishes the basis for all decision making, including the critical decision to file a petition for removal of a child from their parent's care. Documentation includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Narrative (written by agency social worker to capture actions and activities completed)</li> <li>• NC CW forms and other forms. Examples include but not limited to:               <ul style="list-style-type: none"> <li>○ Intake form 1402</li> <li>○ Assessment 5010 with case decision</li> <li>○ Safety Assessment 5231</li> <li>○ In-Home Services Home Visit Record</li> <li>○ Risk Assessment 5230</li> <li>○ Strengths &amp; Needs Assessment 5229</li> <li>○ Family Services Agreements</li> <li>○ Monthly Permanency Planning Contact Record 5295</li> </ul> </li> <li>• Documents from service providers and collaterals. Examples include but not limited to:               <ul style="list-style-type: none"> <li>○ Criminal reports</li> <li>○ School records</li> <li>○ Medical records</li> <li>○ Treatment plans</li> </ul> </li> <li>• Court reports and court orders.</li> </ul> <p>Case File: The case file includes all case documentation and provides a way to manage and organize the documentation.</p> <p>Narrative: The case narrative is the written case notes by the agency social worker to describe activities and actions performed on a case.</p>

Protocol – What you must do	Guidance – How you should do it
<p>Documentation is critical in child welfare work. As is often stated, “if it is not documented, it didn’t happen!”</p> <p>Documentation, starting at the point where a report is received, must include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Facts – what, when, where, etc.</li> <li>• Information obtained from professionals – medical, educational, mental health information</li> <li>• Family background – CPS history, criminal history, other service history</li> <li>• Assessments</li> <li>• Observations</li> </ul>	<p><b>CASE FILES</b></p> <p>The county child welfare agency should develop a consistent organizational format to be used in all cases. A consistent, organized format allows the county child welfare worker to locate necessary information readily; for new county child welfare workers to become familiar with their assigned cases more quickly; and for child welfare supervisors to be able to review cases more easily.</p> <p>Multiple copies of forms, reports, court documents, and correspondence should be removed and destroyed. Maintaining only one original copy of a document in the case record cuts down on the volume and allows for more ready access to needed information.</p> <p><b>NARRATIVE</b></p> <p>The case narrative identifies all actions, including the completion, receipt or review of forms and other documentation. The information in those other forms of documentation should not be repeated in the narrative, except when specific information is cited as the basis of a decision or action taken. Following are the different types of narrative (objective, subjective,</p>

## **CROSS FUNCTION TOPICS: Documentation**

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> <li>• Plans – what will achieve desired change, what will reduce risk, and/or address safety threat, usually in the form of a Safety Agreement or Family Services Agreement</li> <li>• Progress – what changes have occurred, what has a family accomplished, what services were effective</li> <li>• Decisions and/or Findings</li> <li>• <a href="#">Summaries</a> (for case transfer or case closing)</li> </ul> <p>The case documentation must provide an ongoing chronological record of activities and track every action completed during an open case to:</p> <ul style="list-style-type: none"> <li>• Ensure safety,</li> <li>• Perform ongoing monitoring of risk of maltreatment,</li> <li>• Capture efforts to achieve permanence for each child, and</li> <li>• Determine child well-being needs and activities to address those needs</li> </ul> <p>These actions include: face to face or telephone contacts that occur at the office and in the community, completing assessments or interviewing a family member, staffing between the county child welfare worker and supervisor, performing case management tasks, and more.</p>	<p>assessment or decision making, and planning or next steps) and what those narrative types should include.</p> <p><b>OBJECTIVE NARRATIVE</b> Objective case narrative describes every aspect of each activity completed by the agency social worker. Most case narrative is objective narrative that includes the following:</p> <ul style="list-style-type: none"> <li>• Who (who participated)? Include the social worker, all family members, all professionals, family supports, and others who were a part of the action</li> <li>• Why? What is the purpose of the action, what need or concern will be addressed during the action, why must the action occur</li> <li>• Where? What was the location of the action</li> <li>• How? For interactions, state if the contact was by telephone, face to face, in a meeting, etc.</li> <li>• When? What was the date and other pertinent information regarding time of action</li> <li>• What (what occurred)? Describe what occurred, to include, but not limited to:             <ul style="list-style-type: none"> <li>○ The interaction witnessed between participants,</li> <li>○ Capture statements word for word when appropriate,</li> <li>○ Describe the body language,</li> <li>○ Describe observed behaviors, reactions, and conditions (including tone of voice),</li> <li>○ Include diagnosis, treatment recommendation, or outcome from meeting or appointment,</li> <li>○ Describe each service task provided.</li> </ul> </li> </ul> <p>The above listed questions should be captured using simple, descriptive, and nonbiased language. The What? portion of narrative will often determine when the risk to a child has become significant and requires action by the county agency.</p> <p>Objective Narrative is typically what will be used for ongoing activities, to include but not limited to:</p> <ul style="list-style-type: none"> <li>• Home, school, office or community visits,</li> <li>• Email or telephone contacts,</li> <li>• Staffing with supervisor,</li> <li>• Case meetings (treatment or family meetings),</li> <li>• Court hearings,</li> <li>• File review,</li> <li>• Completing referrals or NC child welfare forms.</li> </ul>

## **CROSS FUNCTION TOPICS: Documentation**

Protocol – What you must do	Guidance – How you should do it
<p>Documentation, including narrative, must be current within 7 days of every activity or action.</p> <p>Documentation must be clear, concise, and organized.</p> <p><b>DOCUMENTATION OF DECISIONS</b> The case narrative regarding any case decision must concisely articulate:</p> <ul style="list-style-type: none"> <li>• What decisions were made,</li> <li>• Who was involved in the decision making,</li> <li>• What information, condition, or factors the decision was based on, and</li> <li>• The basis for all decisions.</li> </ul> <p>if this information is not captured on another document (or NC DSS form).</p> <p>Documentation must include information to support decisions made, including reports, other documentation, and/or agency worker narrative regarding observations or interviews, and that indicates any impact on the child from the abuse and/or neglect. See <a href="#">Impact on Children</a> for behaviors and conditions that may indicate maltreatment.</p> <p>Case narrative must indicate how a decision will be implemented if not covered in other documentation. Specifically, case narrative must identify next steps, who is responsible, and by when they must be completed, if not</p>	<p><b>Example Home Visit Documentation</b></p> <p>Don't: At the home visit with the Jones family on 10/16/16, Mr. Jones was drunk and belligerent. The children laughed at Mr. Jones as if they were used to the type of activity.</p> <p>Do: A home visit on 10/16/16 was performed by agency social worker to monitor the children's safety and Mr. Jones compliance with alcohol treatment. At the visit were Mr. Jones, Ashley, Monica, and Jacob. When the agency social worker arrived at the home, Jacob answered the door and invited social worker into the home. Mr. Jones was sitting in the living room. When social worker approached Mr. Jones she could smell alcohol on his breath and saw a bottle of beer on the table. Mr. Jones asked social worker why she was at the home, even though the visit was scheduled for this time, and told social worker he was tired of her coming to the home. During this time, Ashley and Monica were playing a game on the floor and they looked up and laughed when Mr. Jones told social worker he was tired of her ongoing visits. All three children appeared to be dressed in their school clothes, pants and short sleeve shirts. However, when asked, Jacob stated that they had not yet started to prepare food for dinner. The living room was cluttered with . . .</p> <p>NC DSS has developed forms that can be used in place of case narrative that support both Objective Narrative and Subjective Narrative (discussed below) including, but not limited to the:</p> <ul style="list-style-type: none"> <li>• Monthly In-Home Services Contact Record</li> <li>• Monthly Permanency Planning Contact Record</li> </ul> <p>Additional case narrative may be required if the above forms do not cover all aspects of the home visit/contact. If all actions are captured on the form, no additional narrative is needed.</p> <p><b>SUBJECTIVE NARRATIVE</b> Subjective narrative captures responses from case participants about how they are feeling, how the case is progressing, how unsafe they may be feeling, etc. To assess a family member's status or change in status, the social worker should ask subjective questions and document the response. Examples include:</p> <ul style="list-style-type: none"> <li>• Describe how you feel when this occurs.</li> <li>• How often does this happen or how long has this been going on?</li> <li>• What makes it better or worse?</li> <li>• What helps you to feel safe?</li> </ul> <p>To understand family history, these subjective inquiries are often very important. This information along with scaling questions and what if questions can help social workers develop a better understanding of the family circumstances. This understanding will enable</p>

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<p>covered on a form or other documentation.</p> <p>Case documentation must include case staffing notes and decision but must NOT include information regarding worker performance (positive or negative) that is function of supervision.</p>	<p>the social worker to identify jointly with family members ideas to address concerns and strengths to build upon.</p> <p>This subjective narrative should be completed in the same manner as the objective narrative, in that the social worker must capture what information was shared, where and how. Especially important to demonstrate emotions and/or impact of the feelings, the observed body language should also be captured in the narrative.</p> <p>The agency social worker should use words that describe the communication and observations like: loudly, shouting, whispering, looking at worker in the eye, or eyes looking back and forth, smiling, crying. The agency social work should not use words that impart the social worker’s feeling or opinion about the communication or observation like: <u>appeared to be</u> happy, sad, upset. Agency workers subjective thoughts or reactions do not belong in the case narrative.</p> <p><b>ASSESSMENT AND/OR DECISION NARRATIVE</b></p> <p>During many interactions with a family, the agency social worker will have to assess the situation to determine if action is required. One of the most important aspects of the child welfare social worker’s job is to monitor family situations and assess the safety and or risk to child(ren). The assessment it to be based on professional knowledge and experience, not opinion. Referring to the case example above, the social worker will assess if the children are at risk in the care of Mr. Jones who appears to be under the influence of alcohol. Several factors will be considered (age and maturity of the children, is anyone else in the home or due home shortly, history regarding Mr. Jones’s actions when under the influence, etc.).</p> <p>Assessment or decision narrative are captured:</p> <ul style="list-style-type: none"> <li>• When a situation requires an immediate response and</li> <li>• For decisions made in meetings or during case staffing with the agency supervisor.</li> </ul> <p>The case narrative about a case staffing should cover what decisions were made, who was involved in the decision making, what information, condition, or factors the decision was based on, and the basis for all decisions. When decisions are made during a Child and Family Team meeting, the same information will be documented within the form used to facilitate and document the meeting and additional case narrative may not be needed.</p> <p>NC has developed forms that can be used in place of case narrative to support assessment and decision making including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Safety Assessment, DSS-5231</li> </ul>

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	<ul style="list-style-type: none"> <li>• Permanency Planning Review part of the DSS-5240 form</li> <li>• Child and Family Team Safety Planning form (pre-petition form)</li> <li>• Case decision portion of the Assessment Documentation tool, DSS-5010</li> </ul> <p>Model Court Report forms provide a template for reporting recommendations, based on child welfare decisions, to the court.</p> <p><b>PLANNING OR NEXT STEPS NARRATIVE</b>            Decisions not thoroughly captured in another form or document will be covered in the case narrative. For example, when the decision for a CPS Assessment is Services Needed, the next step will be to transfer the case for ongoing services. For the example with Mr. Jones above, if the decision was that the children could not remain in the care of Mr. Jones, next steps were identified and the case narrative would list those next steps, who is responsible, and by when they will be completed.</p> <p>NC has developed forms that can be used in place of case narrative to support planning including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Family Services Agreements for In-Home Services and Permanency Planning Services</li> <li>• Child and Family Team Safety Planning form (pre-petition form)</li> <li>• Temporary Parental Safety Agreements</li> </ul> <p><b>CASE SUMMARIES</b>            There are times when in addition to the ongoing case documentation and or completion of forms, a summary is required. A summary should be created for, but not limited to:</p> <ul style="list-style-type: none"> <li>• Transfer: When a case is transferring to another worker or county, except when a summary exists, and</li> <li>• Closing: When a case is terminated with a family, except when a summary exists.</li> </ul> <p>For both transfers and closings, the assessment documentation 5010 includes a case summary.</p> <p>Transfer summaries should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Reason for the case opening,</li> <li>• Reason for transfer,</li> <li>• Current case participants (including nonresident parent(s) and providers),</li> <li>• Current safety and risk concerns,</li> <li>• Strengths and needs for family members,</li> <li>• Status of child(ren) and family,</li> </ul>

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	<ul style="list-style-type: none"> <li>• Status of family service agreements or safety plans,</li> <li>• List of upcoming appointments and meetings (who, where, when, why), and</li> <li>• Other pertinent information regarding the family, services, well-being, and/or cultural considerations.</li> </ul> <p>Closing summaries should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Reason for case opening,</li> <li>• Status of child(ren) and family, specifically regarding safety and risk,</li> <li>• Justification for case closure to include behaviorally specific information about how the family has stabilized and achieved case plan objectives,</li> <li>• Services provided during case, and</li> <li>• Recommendations for ongoing services or aftercare.</li> </ul> <p>For Permanency Planning Services, transfer and closing summaries should also include:</p> <ul style="list-style-type: none"> <li>• Status of permanency planning,</li> <li>• Placement status, including strengths and/or issues,</li> <li>• Family Time and Contact Plan, and how it is progressing,</li> <li>• Sibling interaction if not placed together,</li> <li>• Court status, and</li> <li>• Aftercare services, if closing the case.</li> </ul>
<p><b>NC FAST</b>            Case narrative will be entered into NC FAST as Case Log or Case Notes. Case Notes will only be used to capture agency worker input regarding activities that did NOT involve making a decision, had no impact on safety, risk and/or well-being. Case Notes functionality was provided to capture short, typically one line status updates, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Informed supervisor that worker completed follow up with service provider as agreed to during staffing (the narrative regarding the contact with the service provider will be entered into the Case Log).</li> <li>• Received medical report on a child (when the report is reviewed and the information gained from the report that impacts the case decision or recommendations will be entered in the Case Log).</li> </ul>	

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**END OF CROSS FUNCTION TOPICS**

**END OF NC CW MODIFIED MANUAL**