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COVID 19 AND CHILD PROTECTIVE SERVICES

- I. Parents Legal Rights
 - a. Parents have the legal right to decline COVID 19 testing.
 - b. Parents have the legal right to decline their child be tested for COVID 19.
 - c. Parents have the legal right to decline to be separated from their child.
 - d. Testing for COVID 19 is like any other medical intervention that is offered to parents in the care of their child, which means parents have the legal right to decline the medical intervention.
 - e. Caveat: Each of these decisions may or may not trigger a CPS investigation.

- II. Child Protective Services (CPS) Investigation
 - a. Child Welfare Policy 5.1
 - i. To remove a child from a parent, CPS must first conduct a thorough investigation of the safety of the family. The investigation includes speaking with the parents, the hospital, collateral contacts such as family and friends, etc.
 - ii. The standard of removal is whether there is a present dangerous situation or an impending dangerous situation regarding the child. A dangerous situation is defined as one where the child is at risk of serious bodily injury/emotional harm or death.
 - iii. This is a very subjective standard as it depends on what each CPS Investigator determines in any given case.
 - b. Prior to removal, CPS must make reasonable efforts to prevent removal. This means that CPS must first look at ways to keep the child safe that does not involve removal from the parents.
 - i. Child Welfare Policy 5.06
 1. CPS may look at instituting a Safety Plan. A Safety Plan is a voluntary agreement where the parents place the child with family members or friends.
 2. Another avenue to prevent removal is to make sure that parents are following all the guidelines issued by the CDC and the American Academy of Pediatrics.

If for any reason, CPS intervenes in the parents' decisions, I highly recommend retaining legal counsel to help parents navigate the process.

Thank you for your time. Attorney Darice M. Good




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Resources:

<https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/faqs-management-of-infants-born-to-covid-19-mothers/>

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/caring-for-newborns.html>

<https://www.bwwactionproject.org/wp-content/uploads/2020/07/Birth-Justice-COVID19-Bill-of-Rights-Final.pdf>

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES			
	CHILD WELFARE POLICY MANUAL			
	Chapter:	(5) Investigations	Effective Date:	October 2015
	Policy Title:	Safety Resource		
Policy Number:	5.6	Previous Policy #:	3.10	

CODES/REFERENCES

O.C.G.A. § 15-11-212 Disposition of Dependent Child
 O.C.G.A. § 15-11-29 Protective Orders
 O.C.G.A. § 19-9-122 Power of Attorney for the Care of a Minor Child
 O.C.G.A. § 29-2-5 Petitions for Temporary Guardianship; Requirements of Petition

REQUIREMENTS

The Division of Family and Children Services (DFCS) defines the use of a safety resource as a non-legally-binding out-of-home safety plan developed collaboratively by the caregiver, the safety resource, and DFCS, that may be used in situations where the identified present or impending danger can likely be controlled or resolved within a 45 calendar day period. Use of a safety resource is contingent upon the expectation that the caregiver, the safety resource and DFCS will work diligently and collaboratively to resolve the safety concern(s) within the 45 calendar day period.

DFCS may consider the use of a safety resource when a present danger situation or impending danger safety threat is identified and the child’s immediate safety cannot be ensured under the caregiver’s supervision.

NOTE: A safety resource shall not be considered in situations involving chronic and/or severe abuse or neglect issues. Such situations should be addressed with juvenile court intervention.

DFCS shall ensure that the maximum amount of time a child remains with a safety resource is **45 calendar days** from when the child entered the safety resource home. When it has been determined that resolution of the safety threats will likely exceed the specified timeframe for the safety resource, DFCS shall file a dependency petition in Juvenile Court, prior to the expiration of the 45 calendar days from the date the child entered the safety resource, that may result in one of the following:

1. A court finding dependency, returning the child to the home of the parent/caregiver, and granting a protective order to control the behavior of the caregiver; while the family receives Family Preservation Services, with an in-home safety plan;
2. A court finding dependency and granting custody of the child to DFCS subject to a court ordered permanency plan while the family receives Permanency (Foster Care) services.

NOTE: If the child can remain safe in the home of the safety resource, every effort should be made to approve the safety resource as a placement resource for the child via the Relative Care Assessment or by the resource becoming a foster parent.

3. A court finding dependency and granting custody of the child to a third party.
 - a. If this occurs, DFCS shall request a court ordered reunification case plan and

continue to provide Family Preservation Services. If the court does not order a reunification case plan with the parent/caregiver, DFCS shall make every effort to engage the parent/caregiver to continue services on a voluntary basis to address child safety concerns. DFCS shall also consult with the Special Assistant Attorney General (SAAG) regarding legal options.

- b. DFCS shall only recommend temporary custody of a child to a third party in rare circumstances as outlined below and only with the written approval of the County Director/Designee. In addition, DFCS shall request a court ordered reunification case plan to continue to provide Family Preservation Services in conjunction with any recommendation for temporary custody to a third party. DFCS may request temporary custody of a child to a third party only when:
 - i. A comprehensive assessment of the family's circumstances demonstrates the proposed custodian:
 1. Can ensure child safety and well-being, and is equipped with sufficient protective capacities to care for the child on a more long term basis, while the parent/caregiver continues to address case plan goals;
 2. Has adequate financial and other supports to care for the child, inclusive of medical insurance;
NOTE: If the child is receiving Medicaid through the parent/caregiver's eligibility for benefits, the child would need to be removed from the parent/caregiver's case and eligibility would have to be established under the new custodian if custody is transferred to a third party.
 3. Has a history of being in a positive caregiving role with the child;
 4. Understands the need to participate in ongoing court reviews and other hearings, as well as meet other requirements regarding maintaining the child's health, education, visitation, etc.
 - ii. The parent/caregiver demonstrates motivation through actively working the case plan to address safety concerns, and a determination is made by DFCS that it is likely the safety issues that are impacting the child returning home will be sufficiently resolved within a short period of time (less than three (3) months).
 - iii. The parent/caregiver is supportive of the temporary custodial arrangement.
 - iv. There has been consideration of the age of the child (i.e. older youth) or the plan the child/youth has for his/her future (i.e. military, Job Corps, college etc.)

DFCS shall require County Director/Designee approval to close a case in which the Juvenile Court has granted temporary custody to a third party and has not ordered a reunification case plan; and only after efforts have been exhausted to engage the parent/caregiver to continue services on a voluntary basis to address child safety concerns (see policy [8.5 Family Preservation Services: Case Closure](#)).

DFCS shall conduct an assessment of the home of potential safety resources¹ to determine the appropriateness of the home, prior to the child entering the home. The Safety Resource Assessment shall be completed in Georgia SHINES **within three (3) business days** of the child entering the safety resource home.

¹ Safety Resource is an individual identified by the caregiver that can provide a temporary out-of-home placement for their child for up to 45 calendar days when Present or Impending Danger is identified.

DFCS shall complete an amendment to the initial safety resource assessment prior to or subsequent to the court granting temporary custody to a third party who has served as a safety resource (see Practice Guidance).

DFCS does not support the use of out-of-state safety resources, unless otherwise authorized due to an approved border agreement with the bordering state of the resident county (see policy [15.8 Interstate Compact on the Placement of Children \(ICPC\): Border Agreements](#)).

DFCS shall not request, pursue, suggest, facilitate, consent to, or otherwise utilize a temporary guardianship during any stage of DFCS involvement with a child and/or family. In addition, DFCS staff shall not seek permanent guardianship in Child Protective Services cases (Investigations, Family Support Services and Family Preservation Services), as CPS cases are unlikely to meet the legal standards/threshold associated with a permanent guardianship.

PROCEDURES

When it has been determined that an out-of-home safety plan utilizing a safety resource is appropriate, the Social Services Case Manager (SSCM) will:

1. Consult a Supervisor to discuss the necessity for the out-of-home safety plan and the potential use of a safety resource, including whether such a safety plan is appropriate based on the identified present or impending dangers.
2. Discuss the identified present danger situation or impending danger safety threat with the caregiver.
3. Discuss the need for an out-of-home safety plan to be implemented in order to control the present danger situation or impending danger safety threat.

NOTE: The decision to allow a child to stay with a safety resource is a voluntary option for the parent/caregiver and is not legally binding.

4. Discuss the safety resource process with the caregiver and the information included in the Safety Resource: A Caregiver's Guide brochure. In addition, complete and obtain signatures on the Safety Resource Consent form.
5. Engage the caregiver in contacting the potential safety resource to determine interest.
6. If the potential safety resource is interested, the following must occur:
 - a. Screen all household members, adhering to policy [19.9 Case Management: Safety Screening](#);
 - b. Request state criminal history record information of adult household members by using a Consent for State Criminal Records Check Form:
 - i. **During business hours** by email to DFCS-GCIC@dhs.ga.gov or by fax to 404-463-0873. A fully completed and signed Consent for State Criminal Records Check form must accompany the request for each household member for whom a criminal history records check will be done.
 - ii. **After Hours and on Weekends- If** local law enforcement is on the scene, request a state criminal history records check with a fully completed and signed Consent for State Criminal Records Check form for each adult household member for whom a criminal history records check will be done.
 - iii. **If local law enforcement is not available**, call the OIG Emergency On-Call number at 404-798-0217 and request a state criminal history records check for a Safety Resource. A fully completed and signed Consent for State

Criminal Records Check must accompany the request for each household member for whom a criminal history records check will be done.

NOTE: If at any point the situation becomes an emergency and the child has to be taken into DFCS custody; call the OIG Emergency On-Call number at 404-798-0217 and request that a criminal records check be done for an Emergency. The emergency on-call operator will conduct a Purpose Code X state criminal records check for each person in the placement household. DFCS will be informed that each person for whom a state criminal records check is done must complete a fingerprint-based GCIC/NCIC criminal history records check within five business days as mandated by federal and state law governing the use of Purpose Code X process that must be followed without exception. If at any time within the five-business-day period, any adult in the placement refuses to complete the fingerprint-based criminal history records check, the child must be removed from the home immediately.

- c. Assess the safety resource home for appropriateness and child safety;

NOTE: When the assessment of the home does not occur prior to the child entering the safety resource, the assessment must occur at the time the child enters the home or immediately thereafter.

- d. Discuss with the safety resource and other adults in the home the role of a safety provider including discussing information in the Helping Keep Children Safe brochure. In addition, the home visit will include:

- i. Discussing the present danger or impending dangers;
- ii. Discussing the safety resource process including the short-term nature of the safety resource which is a 45-calendar-day maximum time-frame for the child to remain in a safety resource;
- iii. Interviewing all caregivers to assess their protective capacities, including the ability to care and protect additional children;
- iv. Discussing the needs of the child or children that potentially will reside in the home;
- v. Assessing the impact of additional children being in the home on children already residing there;
- vi. Discussing the responsibilities of the child's caregivers including financially supporting their child; and
- vii. Discussing adherence to stipulations regarding contact with the caregivers under investigation.

7. Consult the Social Services Supervisor (SSS) to discuss the results of the safety resource assessment and if necessary an alternative safety response.
8. Develop the out-of-home safety plan with the caregiver and safety resource.
9. Inform the caregiver of the appropriateness of the identified safety resource. When applicable, discuss with the caregiver the option of identifying another safety resource, foster care placement, or the option of developing an in-home safety plan.
10. Complete sections A, B, C, D, E, F, and G of the Safety Resource and Relative Care Assessment in Georgia SHINES **prior** to the child entering the safety resource home or, if applicable, within three (3) business days of entry.

NOTE: If the potential safety resource resides in another county, the SSCM should contact the DFCS office in which the safety resource resides to request permission to cross county lines to complete a safety resource assessment, or to request the resource's county to complete the assessment (see Safety Resources Across County

Lines in Practice Guidance).

Upon approval of the safety resource home by the SSS, the SSCM will:

1. Conduct a family meeting with the caregiver, safety resource and, if applicable, the child, within five (5) business days of the child entering into the safety resource home to:
 - a. Discuss the requirements of the out-of-home safety plan;
 - b. Develop a plan with the caregiver and the safety resource to ensure the child's life is not disrupted and the child's needs are being met; Identify who is responsible for transporting the child to and from school, how medical needs will be addressed and any other well-being concerns;
 - c. Further explore the safety resource's capacity to continue the care of the child on a short-term basis;
 - d. Discuss the financial responsibilities of the parent/caregiver and articulate that the child is not in DFCS custody; therefore, the parent/caregiver remains financially responsible for the child;
 - e. Discuss alternative safety responses, including foster care or an in-home safety plan.
2. Engage the caregiver, safety resource and child weekly to ensure the identified needs of each are met, sufficient services are being provided to enhance caregiver protective capacities, child vulnerabilities are being addressed and the safety plan is being followed.
3. Conduct a face-to-face visit with the caregiver, safety resource and child every 14 calendar days or more frequently while the child remains in the safety resource to:
 - a. Evaluate the sufficiency of the out-of-home safety plan;
 - b. Focus on progress being made by the caregiver in correcting the present or impending dangers which resulted in the child going to a safety resource;
 - c. Discuss the safety resource's willingness to continue to be a safety resource; and
 - d. Discuss the child or children's adjustment to being at the safety resource.
4. Assess the family's progress weekly, reviewing findings with a SSS. The weekly review with the SSS, at a minimum, will include:
 - a. Discussing the sufficiency of the out-of-home safety plan;
 - b. Discussing the information gathered during the weekly and face-to-face contacts with the caregiver, safety resource and child;
 - c. Discussing progress made by the caregiver towards addressing the safety concerns;
 - d. Providing safety management as outlined in policy [19.11 Case Management: Safety Assessment](#); and
 - e. Discussing, when applicable, preparations needed for a more permanent solution for the child or children.
5. While the child is residing with the safety resource, continually assess and analyze caregiver progress in increasing their protective capacity to protect their children.
6. Convene a Family Team Meeting anytime needed while a child remains in a safety resource to formally involve and elicit the support of family members who could provide both formal and informal supports to the parent/caregiver (see policy [19.3 Case Management: Family Team Meetings](#)).
7. Convene a Safety Roundtable anytime necessary during the time which a child is in a safety resource to develop an action plan to address child safety (see policy [19.11 Case Management: Safety Assessment](#) for additional Safety Roundtable information).
8. Staff the case with the Social Services Supervisor at approximately the **35th day** of the

child residing in the safety resource to discuss:

- a. The continued presence of any present danger situations or impending danger safety threats;
 - b. The feasibility of the parent/caregiver's ability to resolve the identified safety issues within the next 10 days;
 - c. The parent/caregiver's ability to ensure safety on a long-term basis; and
 - d. If safety concerns continue and it is unlikely that the child will be able to return home to the parent within 45 days, the need to seek court intervention. Upon the determination that court intervention is necessary:
 - i. In conjunction with the SSS, staff recommendations with the Special Assistant to the Attorney General (SAAG).
 - ii. If recommendations is to seek DFCS custody, discuss and determine if the safety resource can serve as a placement resource.
 - iii. In rare circumstances, if recommendation is for temporary custody to a third party, staff recommendations with the County Director for approval and staff with the SAAG (see the Requirements section of this policy for details).
9. Close the safety resource **within 45 calendar days** of the child entering the safety resource. Based on an analysis of progress or lack thereof made by the caregiver, and the determination of child safety, closure of the safety resource may result from any of the following actions:
- a. The child returns to the home if all safety concerns have been resolved;
 - b. The child returns home with an in-home safety plan and the case is transferred for Family Preservation Services;
 - c. The child is adjudicated dependent, the child is returned home to the parent and the court granting a protective order to control the behavior of the caregiver; while the family receives Family Preservation Services, with an in-home safety plan;
 - d. The child is adjudicated dependent and custody is granted to DFCS subject to a court ordered permanency plan while the family receives Permanency (Foster Care) services.

NOTE: If custody of the child is granted to DFCS, the child may remain in the placement of the relative caregiver subject to an approved Relative Care Assessment (see policy [10.5 Foster Care: Relative/Non-Relative Care Assessments \(R/Non-RCA\)](#)).
 - e. The child is adjudicated dependent and custody of the child is granted to a third party subject to a court ordered reunification plan while the family receives Family Preservation Services.
 - i. If the court dismisses the case or grants custody to a third party without ordering a reunification case plan, in conjunction with the SSS,
 1. Staff the case with the County Director and the SAAG regarding the need for additional legal recourse to ensure child safety.
 2. Continue efforts to engage the parent/caregiver to work with the agency to address on a voluntary basis to address child safety concerns.

NOTE: DFCS staff will not request, pursue, suggest, facilitate, consent to, or otherwise utilize temporary guardianship as an option for closure of a Safety Resource.

The Social Services Supervisor (SSS) will:

1. Provide guidance to the SSCM regarding how to ensure the safety of the child which

may include:

- a. The use of a safety resource; or
- b. Court intervention, including emergency removal of the child
2. Determine if the use of a safety resource is an appropriate safety response;
3. Work to ensure the Safety Resource Assessment is completed timely;
4. Review the Safety Resource Assessment and out-of-home safety plan for sufficiency to protect the child;
5. Approve or reject the Safety Resource Assessment and out-of-home safety plan;
6. Staff the case with the SSCM to:
 - a. Discuss the results of the family meeting;
 - b. Discuss conditions in the home that need to exist in order for the child to return home with an in-home safety plan that will control the danger;
 - c. Determine if present or impending dangers continue to exist requiring the need for use of the safety resource and the out-of-home safety plan;
 - d. Discuss the sufficiency of the out-of-home safety plan;
 - e. Discuss the continued capacity of the safety resource to ensure safety and meet the well-being needs of the child; and
 - f. Discuss potential updates to the case plan goals/steps, when applicable.
7. Participate in the staffing of the case at **approximately the 35th day** of the child residing in the safety resource;
8. When applicable, participate in the Family Team Meeting or Safety Roundtable.
9. Monitor the Georgia SHINES Safety Resource Placements report, in conjunction with staffing the case with the SSCM for decision-making related to the continued use of a safety resource as a safety response
10. Initiate and participate in staffings with the County Director/Designee and SAAG when court intervention is needed during or subsequent to the safety resource placement.

PRACTICE GUIDANCE

Case Management in Safety Resource Cases

When utilizing a safety resource, the intent should be to focus on the immediate safety issue and work towards implementing a control so that the child may return home. In cases which it is apparent that the safety issue is not going to be resolved within 45 calendar days, a safety resource should not be utilized (i.e. substance abuse). However, when DFCS does employ the use of a safety resource, the obligation remains to work with a caregiver towards resolving the safety concern so the child can return home. To that end, when it becomes apparent that the safety concerns cannot be addressed within 45 calendar days, DFCS must file a dependency petition with the Juvenile Court. Once the petition comes before the Juvenile Court, the child may be adjudicated dependent or the case may be dismissed. If the child is adjudicated dependent, the court has multiple disposition options under the law that may be exercised, including granting a protective order to control the behavior of the parent and returning the child to the parent/caregiver, granting custody of the child to DFCS (Foster Care) or granting temporary custody to a third party. (see O.C.G.A. § 15-11-212.)

1. Child Returns Home

If the child returns to the home of a parent/caregiver with a protective order to control the safety threats, DFCS must develop and implement an in-home safety plan with the parent(s)/caregiver(s) (see policy [19.12 Case Management: Safety Planning & Management](#)) This in home safety plan developed by DFCS may remain in effect for as

long as necessary during DFCS involvement with the family provided that the safety intervention sufficiently controls or mitigates the identified safety threat with the child in the home. Safety plan sufficiency must be re-evaluated continuously with the family, child, and collateral contacts in order to ensure the controlling intervention remains effective.

2. DFCS to Custody

If reunification is not likely, is not in the best interest of the child, the parent/caregiver has a history of non-compliance with case plan goals, lack motivation or engagement in case planning, etc. pursuit of a more permanent legal arrangement for the child through DFCS custody must be pursued to ensure consideration of the child's best interests, while also while protecting the rights of the parents through due process. If DFCS is granted custody, and it is determined that the child can remain safe in the home of the safety resource, every effort should be made to approve the safety resource as a placement resource for the child via the Relative Care Assessment or by the resource becoming a foster parent (see policy [10.5 Foster Care: Relative/Non-Relative Care Assessments \(R/Non-RCA\)](#)).

3. Custody to a Third Party

DFCS shall only request temporary custody to a third party in rare circumstances and only with approval of the County Director and under the conditions outlined in the Requirements section of this policy. Prior to DFCS recommending temporary custody to a third party or subsequent to the court ordering temporary custody to a third party who was serving as a safety resource (not recommended by DFCS), the safety resource assessment shall be amended to include:

- a. A formal discussion and assessment of the proposed guardian's ability to ensure the safety and provide care for the child;
- b. A detailed evaluation of the proposed guardian's financial ability to provide for the child in addition to other household members;
- c. A review and consideration of the child's medical insurance if custody is granted to the proposed guardian;

NOTE: It is important to explore this issue thoroughly if custody to a third party is being considered. If the child is currently receiving Medicaid as a part of the parent/caregiver's eligibility benefits, upon transfer of custody the third party custodian will be responsible for applying for Medicaid for the child as part of their household. The third party custodian must still meet all eligibility criteria to qualify to receive Medicaid for the child.

2. The relationship of the proposed guardian with the child, including history of positive examples of the third party acting in a caregiving role;
3. Other support systems available to the third party (financial/non-financial); and
4. An indication that the proposed guardian understands the need to participate in ongoing court reviews, other court hearings and comply with other court ordered services, i.e. child health and education, visitation, etc.

If the court grants custody to a third party, DFCS must recommend to the court that the parent/caregiver participates in services subject to a court ordered reunification case plan with DFCS to address the dependency issues. When the case plan is court ordered, the oversight of the court will assist in guiding the case toward resolution. Additionally, DFCS will participate in ongoing reviews and other court hearings subject to the court ordered reunification case plan. When DFCS determines that the parent/caregiver is not compliant with the case plan or is not making sufficient progress within the initial review period, the County Department shall

pursue additional court intervention to recommend modification of the dependency disposition, as applicable, to ensure child safety, permanency and well-being. When it is clear that the parent/caregiver cannot or will not resolve the safety issues that are keeping the child from returning home in a short time period (less than three [3] months), it may become necessary to seek further court intervention and recommend custody be granted to DFCS in order to facilitate permanency for the child.

When a reunification case plan is recommended by DFCS but not ordered by the court and temporary custody is granted to a third party, the County Department must maintain the same level of commitment in working towards ensuring child safety, permanency, and well-being. When these situations occur, a staffing with the County Director or designee and the SAAG shall be initiated to discuss and explore possible legal recourse. Efforts to engage the family and/or safety resource subsequent to the court's decision shall be made to come together and form a consensus about how to achieve the best outcome for the child involved. Additionally, DFCS shall ensure that all reasonable efforts are exhausted to provide reunification services to the parent/caregiver prior to a case being closed.

Conditions for Return

Conditions for return are written statements related to the safety (present or impending dangers) and risk (higher level) issues identified that justified implementing an out-of-home safety plan. These statements are specific conditions describing what needs to occur before the safety resource is no longer needed for the child. These conditions may be specific to a parent and/or the home environment. Statements must include:

1. The safety and risk concerns, diminished caregiver protective capacities, and safety criteria that created the need for the child to reside with a safety resource;
2. The specific conditions and circumstances required for the safety resource to no longer be necessary (based upon the type and degree of change that is needed);
3. The means for implementing the changes necessary to achieve the safe and successful resolution of the safety concerns and the child's return home; and
4. The parent/legal guardian's response to intervention and willingness to make the changes necessary for the child to return home.

Successful completion of the conditions should result in the child returning to a safe environment with their parent(s)/legal guardian(s). If the conditions are not sufficiently met within the prescribed timeframe and/or the need otherwise arises for juvenile court involvement, the conditional statements should be shared with the court during the case review process and may be discussed during court hearings, particularly when discussing reasonable efforts to prevent a child's removal from his/her home.

Grandparent Power of Attorney

Georgia law grants the parent of a minor child the ability to delegate authority to a grandparent in certain situations where a hardship prevents the parent from caring for the child. However, DFCS cannot initiate the use of a power of attorney or otherwise influence the family to pursue this option as it may not be utilized as a safety intervention by DFCS or to circumvent juvenile court involvement. Additionally, Georgia statute specifically denotes that the use of a power of attorney may not be utilized in an attempt to subvert the child welfare investigative process. Examples of hardships where a power of attorney may be acceptable independent of DFCS involvement with a family include:

1. A parent being unable to provide care due to the death of the other parent;
2. A serious illness or terminal illness of a parent;
3. The physical or mental condition of the parent or the child is such that proper care and supervision of the child cannot be provided by the parent;
4. The incarceration of a parent;
5. The loss or un-inhabitability of the child's home as the result of a natural disaster; or
6. A period of active military duty of a parent exceeding 24 months.

NOTE: These hardships shall not include the granting of a **power of attorney** for the care of a minor child for the purpose of subverting an investigation of the child's welfare initiated by the Division of Family and Children Services or other agency responsible for such investigations (see O.C.G.A. § 19-9-122 Power of Attorney for the Care of a Minor Child).

Guardianship

Although O.C.G.A. § 29-2-5 provides for temporary guardianship, **temporary guardianship is not an accepted practice in any child welfare case in Georgia and, therefore, shall not be utilized.** Child welfare agencies are charged with ensuring the safety, permanency and well-being of children and families. DFCS staff is therefore prohibited from requesting, pursuing, suggesting, facilitating, or consenting to a temporary guardianship during any stage of DFCS involvement with a child and/or family. The use of temporary guardianship contradicts the agency's goal of ensuring a safe, permanent home for children by the very nature of it being temporary. In addition, DFCS staff shall not seek permanent guardianship in Child Protective Services cases (Investigations, Family Support Services, and Family Preservation Services), as CPS cases are unlikely to meet the legal standards/threshold associated with a permanent guardianship.

While temporary guardianship petitions are usually heard in probate court, some are also heard in juvenile court. If DFCS becomes aware that a parent involved in a child welfare case is pursuing temporary guardianship, DFCS should make efforts to ensure the court (either probate or juvenile) is aware of the agency's involvement with the family, articulating any concerns and recommendations for ensuring the child's safety.

Some challenges presented by the use of temporary guardianships include:

1. The inherent temporary nature of these arrangements, which can be revoked at any time by the parent(s) of the child as long as the guardian does not object;
2. Due to inherent limitations, temporary guardianship is not appropriate where there are dependency issues that require behavioral change by the parent(s) to safely return the child(ren);
3. Temporary guardianship seldom results in changes in family circumstances as there is no case plan to facilitate the change, and when ordered in probate court, no provision of law allows the probate court to order any type of reunification services for the parent and child;
4. Failure to address the family's circumstances or any preference for maintaining the family unit;
5. Parties are most often unrepresented by counsel. The dependency process is procedurally more protective of parental rights. In juvenile court proceedings, indigent parents have access to legal representation at no cost. In probate court, free counsel is not provided for the parents, nor is counsel routinely appointed for the child;
6. Failure to ensure provision of services to the children and guardian;

7. Failure to include a formal assessment of the guardian and the home environment to meet the long term needs of the child;
8. Families use of temporary guardianship as a means to avoid DFCS intervention and then return the child(ren) to the parent(s) without formally dissolving the temporary guardianship placing the child(ren) at risk for further maltreatment; and
9. Failure to address child safety, child support or visitation in temporary guardianship orders.

IV-E Eligibility

To be eligible for IV-E funding, a child must, among other criteria, be removed from the home of a specified relative as the result of a voluntary placement agreement or judicial determination that the continuation in the home would be contrary to the child's welfare. The federal statute allows a six-month period of time during which the child can live with an interim caregiver (relative or non-relative) and still be eligible for IV-E funding. The removal can be "constructive" (non-physical, paper or legal) or a physical removal (see policy [9.3 Eligibility: Apply for Initial Funding](#)).

Multiple Safety Resources

When the potential safety resource is assessed and is deemed inappropriate, the SSCM should engage the caregiver in other safety response options, which may include identification of other potential safety resources.

NOTE: The 45 calendar day timeframe for a child to be in a safety resource placement is calculated cumulatively from the date the out of home safety plan went into effect, and does not begin again when/if a child has to be moved to another safety resource provider. Under no circumstances should a child be in a safety resource beyond 45 calendar days without a specific plan for permanency having been initiated.

Non-custodial Parents, Putative Fathers and Safety Resources

The U.S. Supreme Court has affirmed the constitutional protection of a putative father's parental rights when he has established a substantial relationship with the child (ren). If the information obtained indicates that the putative father and the child have a substantial relationship, DFCS does not have to complete a formal safety assessment or consider labeling the putative father as a safety resource.

If the caregiver identifies the father during the safety resource discussion and there is a substantial relationship, the child can be placed voluntarily by the caregiver with the putative father similar to any other safety resource. Under these circumstances, DFCS still has a responsibility in ensuring the safety of the child in the putative father's home. Likewise, a non-custodial parent who retains custodial rights and is afforded visitation would not need to be assessed as a safety resource. The SSCM and the caregiver need to discuss the appropriateness of the non-custodial parent and document the reasons for the selection or non-selection.

Request for Out-of-State Safety Resources

DFCS shall not support the use of an out-of-state safety resource unless a valid ICPC border agreement exists. If a caregiver proposes this and a valid ICPC border agreement does not apply, explore other options. If a valid border agreement exists between the county and other state, refer to the border agreement for use of homes as safety resources.

Safety Resources Across County Lines

There may be times when it is necessary to utilize a safety resource that is in a different County (*County B*) from the one in which the parent/guardian resides. When these situations occur, the County in which the Safety Resource Home resides (*County B*) has the responsibility to conduct the Safety Resource Assessment of the home upon request from the legal County (*County A*). Upon completion of the Safety Resource Assessment (SRA), *County B* retains the responsibility to approve or deny the Safety Resource home. The results of the SRA should be documented in Georgia SHINES upon completion. Upon review and approval of the SRA, *County A* may then determine if the child will be placed in the Safety Resource home in *County B*. If the decision is made to place a child in the SR in *County B*, *County A* should communicate the decision to *County B* immediately, and begin the process of determining if permission to cross county lines will be granted to *County A* in order to make face to face contacts with the Safety Resource and the child, or if *County B* will be responsible for maintaining face to face contact.

If *County A* disagrees with *County B's* approval/denial of the Safety Resource Assessment, a staffing should be scheduled as soon as possible to discuss the case circumstances and the reasons for *County B's* decision. If *County B* denied the SRA, *County A* is not permitted to place the child in *County B's* jurisdiction.

NOTE: The legal County (*County A*) maintains responsibility to ensure that the child is safe during the time period in which logistics of case management and contact responsibilities are determined. Under no circumstances should a child go without being seen face-to-face in a safety resource due to jurisdiction issues. *County A* should obtain permission to cross county lines until such time as final contact responsibilities are determined.

Inappropriate Use of a Safety Resource

A safety resource should not be considered in situations involving chronic and/or severe child maltreatment. Such situations should be addressed with court intervention (see policy [5.1 Investigations: Conducting an Investigation](#)). In addition, a safety resource should not be used when the present danger situation or impending danger safety threat cannot be controlled or resolved within 45 calendar days or less (i.e., when substance abuse is involved).

FORMS AND TOOLS

[Caregiver Child Safety Agreement](#)

[Consent for State Criminal Records Check](#)


[Helping Keep Children Safe: Your Rights and Responsibilities as a Safety Resource \(Brochure\)](#)

[Helping Keep Children Safe: Your Rights and Responsibilities as a Safety Resource \(Brochure\) - Spanish](#)

[Safety Resource: A Caregiver's Guide \(Brochure\)](#)

[Safety Resource: A Caregiver's Guide \(Brochure\) - Spanish](#)

[Safety Resource Consent Form](#)

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(5) Investigations	Effective Date:	August 2016
	Policy Title:	Conducting an Investigation		
	Policy Number:	5.1	Previous Policy #:	N/A

CODES/REFERENCES

O.C.G.A. § 19-7-5 Reporting of Child Abuse and Neglect
O.C.G.A. § 15-11-22 Agreement to Mediate; Procedures
O.C.G.A. § 15-11-29 Protective Orders
O.C.G.A. § 15-11-30 Rights and Duties of Legal Custodian
O.C.G.A. § 15-11-101 Medical and Psychological Evaluation Orders When Investigating Child Abuse and Neglect
O.C.G.A. § 15-11-102 Dependency Case Time Limitations
O.C.G.A. § 15-11-112 Court Ordered Visitation
O.C.G.A. § 15-11-125 Venue
O.C.G.A. § 15-11-133 Removal of Child from the Home; Protective Custody
O.C.G.A. § 15-11-150 Authority to File Petition
O.C.G.A. § 15-11-202 Reasonable Efforts by DFCS to Preserve or Reunify Families
O.C.G.A. § 15-11-390 Filing of Complaint
O.C.G.A. § 49-2-14 Record Search for Conviction Data on Prospective Employees
O.C.G.A. § 49-5-8 Powers and Duties of Department of Human Services
O.C.G.A. § 49-5-41 Persons and Agencies Permitted to Access Records as amended by Georgia House Bill 177- Child Welfare
O.C.G.A. § 49-5-180 through § 49-5-187 Programs and Protection for Children and Youth; Article 8, Central Child Abuse Registry, as amended by SB 138 (2016)
Adoptions and Safe Families Act of 1997/Indian Child Welfare Act (ICWA) of 1978 (P.L. 95-608)
45 CFR Parts 1355.38(a) (5), 1356.21(b) (3) (i), 1356.21(d), 1356.21(k), and 1356.67
Title IV-E of the Social Security Act Sections 471(a) (15) (D) and (a) (9) (c), 472(a) (1), 472(f), and 475 (9)
Child Abuse Prevention and Treatment (CAPTA) Reauthorization Act of 2010 as Amended by P.L. 111-320
Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L.113-183) McKinney-Vento Homeless Assistance Act Section 106(b) (2) (F)
J.J. v. Ledbetter-Release of Information of Confidential Records
Health Insurance Portability and Accountability Act (HIPAA) of 1996

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Complete an investigation of the reported allegations of child abuse or neglect within 45 calendar days of the receipt of the intake report to:
 - a. Thoroughly assess child safety and family functioning;
 - b. Take appropriate action when present danger situations or impending safety

- threats are identified;
- c. Determine whether the child abuse and neglect allegations are substantiated or unsubstantiated.
2. Continue the comprehensive assessment of child safety and family functioning, building upon information gathered in Intake and Initial Safety Assessment (ISA) by identifying, gathering, and analyzing information related to the areas of family functioning outlined in the Family Functioning Assessment (FFA).
 3. Contact the reporter (if known) to clarify information and/or to obtain additional relevant information related to child safety, family functioning and the allegations of maltreatment.
 4. Review and analyze DFCS history. Weigh the significance of the history prior to initiating the investigation whenever possible, but always prior to making an investigative determination.
 5. Conduct a joint investigation with law enforcement for all serious and/or complex reports of abuse or neglect (including, but not limited to sexual abuse, severe physical abuse, serious injury, child death, near fatality, and chronic severe neglect) as outlined by the local Child Abuse Protocol.
 6. Engage each household member privately face-to-face in the home (and other locations when necessary) to discuss the maltreatment allegations, and build consensus around the tasks or situations in their everyday life that they are having difficulty managing. This includes the following individuals:
 - a. Every alleged victim child subject to allegations of maltreatment;
 - b. All other children who reside in the home;
 - c. Caregiver(s) and other adult household members;
 - d. Each alleged maltreater; and
 - e. Any child that is seriously injured or attempted self-injury or suicide during the investigation, within 24 hours of notification to assess if the injury or attempted injury is related to maltreatment.

NOTE: Limit re-interviewing children regarding the maltreatment allegations to prevent re-traumatization. If the child was interviewed during the ISA or FSS stage, the determination whether or not to re-interview the child about the allegations should be made in consultation with the SSS. Consideration should be given to whether the interview is necessary to ensure child safety or resolve inconsistencies to make the maltreatment or safety determination.
 7. Provide and explain the following forms and material, when applicable:
 - a. Caregiver's Guide to Child Protection Services (CPS);
 - b. Caregiver Request for Case Record Information when the caregiver is a parent, guardian or legal custodian of a child; and
 - c. Health Information Portability and Accountability Act (HIPAA) Notice of Privacy Practices and obtain a signature on the notice.
 8. Interview the alleged maltreater regarding the allegations of maltreatment, if not interviewed during the ISA, and/or if additional information is needed to assess child safety and family functioning, or make an investigation determination.

NOTE: Do not reveal the identity of the reporter. If the alleged maltreater is not the parent/caregiver do not provide confidential information to the alleged maltreater about the family (see policy [2.6 Information Management: Confidentiality and Safeguarding Information](#)).
 9. Observe all children for any physical signs of injuries or maltreatment as outlined in

policy [5.2 Investigations: Purposeful Contacts in Investigations](#).

10. Observe and assess the physical home environment, including every room in the home to determine if it is safe and appropriate to meet the needs of each child. Take appropriate action to remedy environmental concerns or hazards prior to leaving the home.
11. When an infant under one year of age is in the home, assess and discuss safe sleep practices with the caregiver. Take appropriate action to remedy unsafe sleep situations prior to leaving the home such as helping a caregiver to prepare a safe sleeping area for an infant (see [DFCS Infant Safe to Sleep Guidelines and Protocol in Forms and Tools](#)).
12. Engage any child who doesn't reside in the home but has direct access to the alleged maltreater.
13. Use court intervention and/or request support from law enforcement to interview/observe a child, when prevented from doing so by the caregiver and to protect a child when child safety cannot be assured; or when removal of a child is necessary (see policy [5.8 Investigations: Court Intervention During an Investigation](#)).
14. Engage individuals identified as collateral contacts who can provide relevant information for assessing child safety, family functioning and maltreatment allegations.
NOTE: The school and/or daycare of each child must be engaged as a collateral contact during the investigation.
15. Review and analyze reports, assessments, and physical evidence gathered that supports or refutes the allegations of abuse or neglect. This may include pictures, medical reports and/or mental health evaluations, educational records, police reports and incident reports.
16. Connect the family to formal and/or informal services at any point the need is identified during the investigation.
17. Develop and implement a Plan of Safe Care, if the investigation involves an infant identified by medical personnel as being affected¹ by prenatal exposure to substances or by an FASD, as outlined in policy [19.27 Case Management: Plan of Safe Care for Infants Prenatally Exposed to Substances or a Fetal Alcohol Spectrum Disorder \[FASD\]](#).
18. Submit a referral to Babies Can't Wait (BCW) via Children 1st to assess and meet the developmental needs of any child who meets the criteria outlined in policy [19.28 Case Management: Children's 1st and Babies Can't Wait](#).
19. Assess and address homelessness, potential caregiver resources and education support through McKinney-Vento liaison for the public school system for any youth identified as an Unaccompanied Homeless Youth (see policy [19.17 Case Management: Service Provision](#)).
20. Report immediately (no later than 24 hours) to law enforcement any child or youth who the agency identifies as being a known or suspected victim of sex trafficking when the information was not previously identified or reported during the ISA or FSS (see the Commercial Sexual Exploitation/Domestic Minor Sex Trafficking Protocol in Forms and Tools).

¹ Affected means that medical personnel has identified the infant as experiencing symptoms of withdrawal as a result of the mother's use of a controlled substance or alcohol during pregnancy; OR the infant has tested positive for the presence of a controlled substance or a metabolite thereof in his/her body, blood, urine or meconium that is not the result of medical treatment. Affected also applies if medical personnel has identified the infant as exhibiting harmful effects in his/her physical appearance or functioning that is attributed to the mother's drug or alcohol use, which is otherwise known as prenatal abuse.

21. Report immediately any **new** known or suspected instances of child abuse or neglect to the CPS Intake Communications Center (CICC) as outlined in policy [3.15 Intake: Mandated Reporters](#).
22. Conduct reasonable efforts when a family is unable to be located during the Investigation, outlined in policy [5.10 Investigations: Inability to Locate a Family During an Investigation](#)).
23. Make a safety determination in consultation with the Social Services Supervisor (SSS) prior to concluding each purposeful contact with the child, parent, caregiver, adult household member and/or alleged maltreater; and take appropriate action to ensure child safety by:
 - a. Developing and implementing with the caregiver (s) an in-home or out-of-home safety plan; and/or
 - b. Initiating court/legal intervention.
24. Complete the Present Danger Assessment in Georgia SHINES whenever a present danger situation is identified during the investigation.
25. Reach consensus with the parent/caregiver regarding the tasks or situations in their everyday life that that they are having difficulty managing based on information gathered; and develop solutions with the family to address those challenging situations. **NOTE:** When no consensus or only partial consensus is reached with the parent/caregivers, the SSCM must still take action to address safety concerns while continuing to make efforts to establish partnership.
26. Make a formal safety and maltreatment determination at the conclusion of the investigation.
27. Discuss the investigation determination of substantiated or unsubstantiated with the caregiver, parent, guardian, or legal custodian; and any other alleged maltreater.
 - a. When allegations were substantiated the discussion shall also include the inclusion of the substantiated maltreater's name on the Child Protective Services Information System (CPSIS) (see policy [20.1 Child Protective Services Information System: CPSIS Inclusion and Notification to the Alleged Child Abuser](#)).
 - b. The discussion with the alleged or substantiated maltreater who is not a caregiver, parent, guardian, or legal custodian must be limited to the specific allegation(s) of maltreatment that the individual was alleged to have committed. Confidentiality must be maintained.
 - c. When the substantiated maltreater is a minor (ages 13-17) the discussion of the investigation determination should be conducted with the minor and the minor's caregiver, parent, guardian, or legal custodian.
28. Provide written notification to the parent, guardian, or legal custodian, and the alleged maltreater of the investigative determination within five calendar days of the completion of the investigation as outlined in policy [5.4 Investigations: Notification of CPS Investigation Outcome](#).
29. Provide written notification to mandated reporters within five calendar days of the completion of the investigation as outlined in policy [5.4 Investigations: Notification of CPS Investigation Outcome](#).
30. Document each investigation activity in Georgia SHINES within 72 hours of occurrence of the activity.

PROCEDURES

Upon the assignment of an Investigation, the SSCM will:

1. If the SSCM who conducted the ISA is not completing the Investigation:
 - a. Conduct a transfer staffing (see policy [19.4 Case Management: Case Transfer](#));
NOTE: Best practice requires that the same SSCM conducts the ISA and Investigation to facilitate continuity in information gathering, partnership and consensus building with the family.
 - b. Review the case documentation in Georgia SHINES; and
 - c. Review DFCS history (see policy [19.10 Case Management: Analyzing DFCS History](#)).
2. Complete the Safety Plan tab in Georgia SHINES when safety concerns were identified and a Safety Plan implemented with the family, during the ISA.
3. Complete the Allegation Detail page in Georgia SHINES to add any allegations, victim children or alleged maltreaters identified during the ISA that relates to the current report.
4. Contact the reporter, if known, to clarify information and/or obtain additional information related to child safety and the allegations of maltreatment, if the reporter was not contacted during the ISA process, or additional information is needed to assess child safety and family functioning.
5. Engage the following individuals in private face-to-face purposeful contact(s) concerning the maltreatment allegations to continue the assessment of child safety and family functioning as outlined in policy [5.2 Investigations: Purposeful Contacts During Investigations](#).
 - a. Every alleged victim child subject to allegations of maltreatment;
 - b. All other children who reside in the home and/or who are subject to the care of the alleged maltreater;
 - c. Caregiver(s) and other adult household members; and
 - d. Each alleged maltreater.
6. Continue consensus building with the family during purposeful contact(s) by engaging the family around the following areas of family functioning:
 - a. Extent of the Maltreatment (What is the Presenting Problem? What Happened);
 - b. Maltreatment Context and Circumstances; Sequence of Events (How and Why Did This Happen);
 - c. Family Developmental Stages and Tasks (How is the family's overall functioning in the care of their children);
 - d. Family's Pattern of Disciplining their Children (How do they discipline the children);
 - e. Individual Caretaker Patterns of Behavior (Are there self-management issues that affect the family care tasks);
 - f. Child/Youth Development (How are the children doing in their development); and
 - g. Family Support (Who else in the family or network can help)?
7. Construct a genogram with the family to identify the family's support system using the information gathered during the purposeful contact(s).
8. Observe and assess the physical home environment to determine if it is safe and appropriate to meet the needs of each child:
 - a. Examine every room in the home for present or potential environmental concerns or hazards. Take appropriate action to remedy environmental concerns or hazards (i.e. loose wires or cords, alcohol or beer bottles, any drug paraphernalia, broken glass or windows, medications or toxic cleaning items that are in reach of small children) prior to leaving the home;
 - b. Review the sleeping arrangements for all household members; and

- c. When an infant under one year of age is in the home assess and discuss safe sleep practices with the caregiver. Take appropriate action to remedy unsafe sleep situations prior to leaving the home such as helping a caregiver to prepare a safe sleeping area for an infant (see DFCS Infant Safe to Sleep Guidelines and Protocol in Forms and Tools).
9. Complete an Authorization for Release of Information with the caregiver or other household members, obtaining the individual's signature in order to obtain protected or other personal health information (PHI), when applicable. The signed release form must be uploaded to Georgia SHINES External Documentation.
NOTE: The family should not be asked to sign a blank ROI. Only obtain signatures on ROIs that are filled out completely and denoting specific information from the provider.
10. Provide the caregiver(s) Suggestions for Parents/Tip Sheet related to the task(s) or situation the family is having difficulty managing, where applicable.
11. Engage and assess noncustodial parents to further assess child safety and gather family functioning information (see policy [5.2 Investigations: Purposeful Contacts During Investigations](#)).
12. Make a safety determination and take appropriate action to ensure child safety, prior to concluding each purposeful visit with each victim and non-victim child, parent/caregiver, all adult household members and alleged maltreaters child (see policy [5.2 Investigations: Purposeful Contacts During Investigations](#)).
13. Contact and interview persons identified as collateral contacts that are knowledgeable about the allegations of abuse or neglect, child safety, and family functioning as outlined in policy [19.16 Case Management: Collateral Contacts](#)). The school and/or daycare of each child must be engaged as a collateral contact during the Investigation.
14. Obtain, review and analyze reports, assessments, and physical evidence gathered that supports or refutes the allegations of maltreatment. This may include pictures, medical evaluation/reports and/or mental health evaluations, educational records, police reports and incident reports.
15. Request state criminal history record information of adult household members, when warranted (see policy [19.8 Case Management: Criminal Records Check](#)).
16. Complete the Family Functioning Assessment (FFA) in Georgia SHINES (see policy [19.13 Case Management: Family Functioning Assessment](#)).
17. Based on the information gathered, determine if maltreatment occurred and make a preliminary safety and maltreatment determination.
18. Participate in a dispositional staffing with the SSS as outlined in policy [5.3 Investigation: Making an Investigative Determination](#):
 - a. Make a formal safety and maltreatment determination;
 - b. Discuss the need for further DFCS intervention;
 - c. Discuss and identify services that may influence or manage the family's challenging situations.
19. When the investigation determination is approved by the SSS, engage the family to discuss the following:
 - a. The child safety determination and the safety plan needed to address safety concerns;
 - b. The investigation disposition (safety and maltreatment determination);
 - c. The reason for closure, when applicable;
 - d. The need for continued DFCS involvement through case transfer to Family Preservation Services or Permanency (Foster Care), when applicable;

- e. Formal services that are recommended for the family and any referrals for formal service providers already completed, when applicable;
 - f. Community resources the family can access after case closure, when applicable;
 - g. The transition plan for services and supports continuing or ending.
- NOTE:** Cases identified for continued DFCS involvement through Family Preservation Services should begin transition as soon as the need is identified by initiating a joint staffing with the Investigation SSCM and Foster Care or Family Preservation Services staff.
20. If the child is determined to be unsafe, engage the family in taking immediate actions to control the safety threats by:
 - a. Developing and implementing with the caregiver (s) an in-home or out-of-home safety plan (see policy [19.12 Case Management: Safety Planning](#));
 - i. Complete the Safety Plan tab in Georgia SHINES and submit to the SSS for approval.
 - ii. If a present danger situation, also complete the Present Danger Assessment in Georgia SHINES and submit to the SSS for approval.
 - b. Initiating court/legal intervention when appropriate (see policy [5.8 Investigations: Juvenile Court Intervention During an Investigation](#));
 - c. Informing the family that the Investigation will be stage progressed to Family Preservation Services or Permanency (as applicable).
 2. If the child abuse or neglect allegation(s) are substantiated, inform the alleged maltreater(s) of the following:
 - a. His/her name will be included in the Child Protective Services Information System (CPSIS) also known as the child abuse registry, due to the substantiated maltreatment determination;
 - b. The substantiated determination will be transmitted to the CPSIS upon the conclusion of the investigation;
 - c. He/she will receive the Notice of Inclusion into the CPSIS via certified mail (return receipt requested), upon his/her name being entered into CPSIS. The notice will also include the process for appealing the substantiated determination with the Office of State Administrative Hearings (OSAH); and
 - d. If he/she decides to appeal the substantiated determination, such request for appeal to OSAH must be made within 10 calendar days of the receipt of the Notice of Inclusion into the CPSIS.
 3. Document Investigation activities in the Contact Narrative under the Contact Summaries in Georgia SHINES within 72 hours of occurrence, including uploading all related case information such as reports, signed forms, assessment documents, pictures, or letters to External Documentation.
 4. Submit the Investigation in Georgia SHINES for closure/stage progression and supervisory approval.

The SSS will:

1. Provide consistent guidance to the SSCM throughout the investigation regarding the gathering, analyzing and documenting of information needed to make a safety and investigation determination, recommendation for service provision and/or transitioning the case for continued DFCS intervention or case closure.
2. Conduct staffings with the SSCM at a minimum:
 - a. Prior to the first investigation contact with the alleged victim child and/or caregiver to

- discuss the ISA or FSS case determination, developmental stage of the family and difficult task(s) or situations that have been identified by the family;
- b. Immediately upon notification of the existence of a present danger situation to provide guidance around effective safety interventions and safety planning; and
 - c. Prior to completion of the investigation to determine the maltreatment and safety determination (see policy [5.3 Investigations: Making an Investigation Determination](#)).
3. Review the sufficiency of the safety plan for controlling or mitigating the present danger situation or impending danger safety threats, when applicable.
 4. Determine the sufficiency of individual and family services recommended for case planning, or initiated to address the needs of the child and family (as applicable).
 5. Review documentation and professional assessments to provide guidance regarding the investigation and the need for Family Preservation Services or Foster Care.
 6. Review the PDA findings and supporting documentation to determine the existence of a present danger situation; and complete the Supervisory section of the PDA approving or rejecting the findings within 72 hours of submission by SSCM.
 7. Review the FFA findings and supporting documentation including whether an impending danger safety threat exists, and complete the Supervisory section of the FFA approving or rejecting the findings.
 8. Review the Allegation Detail page and the Investigation Conclusion and approve or reject case management activities in Georgia SHINES within five business days of the investigation being submitted by the SSCM.
 9. Close or stage progress the Investigation within 45 calendar days of receipt of the intake report in Georgia SHINES. Stage progression should be completed as outlined by policy [19.4 Case Management: Case Transfer](#), when applicable.

<p>PRACTICE GUIDANCE</p>

Joint Investigations with Law Enforcement

Law enforcement is the criminal investigative agency in the community and is often investigating the same allegation as DFCS. When this is the case, CPS and law enforcement must work as a team to coordinate investigative activities. The team approach is desirable as it allows both law enforcement and DFCS to avoid potential conflict and to improve investigative outcomes. Joint investigations with law enforcement may be requested for all serious and/or complex reports of abuse or neglect (including, but not limited to, sexual abuse, severe physical abuse, serious injury, child death, near fatality, and/or chronic, severe neglect) and should be conducted as outlined by the local Child Abuse Protocol. A joint investigation may include:

1. Developing a plan to complete the investigation;
2. Responding with law enforcement;
3. Frequent and open communication to discuss the status of the case; and
4. Obtaining and sharing information in a timely manner, particularly following critical communication points:
 - a. Completion of interviews;
 - b. Filing a dependency petition;
 - c. Prior to the return of the child victim to the home at any time during the life of a case;
 - d. Prior to the return of an alleged maltreater to the home at any time during the life of a case;
 - e. Reassessment of safety to include a possible change in the safety plan or change

- in placement; and
- f. Disclosure of information about the criminal conduct.

In addition to joint investigations, DFCS also engages law enforcement when case managers must visit a potentially dangerous location and situation. Case managers should consider a request for law enforcement officers to accompany them based on the location of the visit being made, the time of day/night, or the history of the subjects involved. The presence of law enforcement during a case manager's visit with a family has a stabilizing effect and thus helps to ensure the safety of all parties involved. When it is necessary to remove children from their home, law enforcement officers are often called upon for assistance. Law enforcement has general authority to take custody of children if the legal requirements are met.

Resolving Discrepancies or Conflicting Information

Often, during the course of an Investigation, there are discrepancies in information collected or there are conflicting accounts regarding the allegations of abuse and neglect. It is important to resolve discrepancies or conflicts to ensure that the information gathered accurately supports the investigation determination. Some ways to address these situations include but are not limited to:

1. Reviewing the information gathered again to determine what information is needed to resolve the issue(s).
2. Seeking supervisory assistance to review the information or develop a plan to resolve the issue(s).
3. Conducting additional interviews with the family members, reporter, collaterals, etc.
4. Engaging subject matter experts to assist in the review of evidence or to discuss the information via a staffing or consultation.
5. Requesting additional professional assessments or evaluations for the child(ren) or caregiver(s).

Requesting Criminal History Record Information

There are times when a criminal history check must be conducted for each adult in the household, such as during the course of an emergency removal of a child placed the legal custody of DFCS but remaining in a placement household such as a relative, pending full approval. In these situations a GCIC/NCIC criminal history records check must be conducted for each adult person in the placement household. Other instances when a criminal history check is warranted is when there is an indication that an individual who has a caregiving role for a child (ren) may have criminal history that impacts child safety; or when an individual's behavior indicates he or she may be, or have been involved in criminal activity that could impact child safety.

When a criminal history record check is requested, it is critical that DFCS follow guidelines established by the Office of Inspector General (OIG) and Georgia statutes. Pursuant to O.C.G.A. § 49-2-14, DFCS may receive from any law enforcement agency criminal history information, including arrest and conviction data and any and all other information which may be provided pursuant to state or federal law which is relevant to any adult person who resides in a home where children in the custody of DFCS have been or may be placed or which is the subject of a CPS referral, complaint or investigation.

When Is a New Intake Report Required Versus Adding a New Maltreatment Code

When an intake report is received, an allegation code that corresponds to a maltreatment definition is assigned. This code is tied to the alleged victim, and should correspond to the specific allegations of maltreatment that are captured in the intake assessment. Sometimes, however, during the course of Investigation or Family Support Services (INV or FSS), new information is obtained that may or may not require a new intake report.

When completing an investigation, if the SSCM determines that the original maltreatment code that was assigned at intake is incorrect, then at the conclusion of the investigation, the original code should be unsubstantiated and the correct maltreatment code added on the allegation detail page in Georgia SHINES. A new intake report is not required in this situation, as the new maltreatment code that was added is applicable to the originally alleged victim child, the original person identified as the alleged maltreater, and the original allegations of maltreatment. If additional maltreatment codes need to be added that are related to the original incident that was reported, these codes may be added on the allegation detail page at the conclusion of the INV without making a new intake report.

EXAMPLE: At intake allegations of substance abuse were received concerning a mother and her baby. The allegation code of N3 was assigned based on the mother's use of the illegal drugs and lack of supervision. During the course of the Investigation, the SSCM determined that the child tested positive at birth for illegal substances and was classified as affected by medical personnel. This was not known at intake. The allegations are related to the original report of substance abuse, and since the child tested positive at birth, now the maltreatment code of N10-Prenatal Exposure applies and should be added along with the N3 code that was originally captured in the intake report.

During an FSS case, maltreatment determinations are not applicable, therefore, no maltreatment code adjustments need to be completed in Georgia SHINES. Documentation should denote the specific issues that the SSCM was working with the family on resolving related to the original maltreatment allegations made in the intake report.

In both FSS and INV when there is a new event or incident of maltreatment, then a new intake report must be made to the CPS Intake Communications Center (CICC) to capture the information. This also applies when a new or different child is determined to be a victim of a maltreatment regarding a different incident than was originally reported in the intake. This new report must occur so that the child is captured as a victim of abuse or neglect and a record of the incident captured. The new case that is created in Georgia SHINES can be merged upon the immediate safety of the new victim child being assured through the ISA process.

The same is true when a new maltreater is identified during the course of a CPS assessment (ISA, FSS or INV) related to a different maltreatment incident. The new CPS Intake will provide the record of the alleged maltreatment event, and the new malteater identified, and can also subsequently be merged into the existing case in Georgia SHINES.

EXAMPLE: A father is identified in an intake assessment as the alleged maltreater. The allegations reported from the school stated that the father is beating his child, leaving marks and bruises. During the course of the investigation, it is also discovered that the mother is using drugs and leaving all the children in the home unsupervised. A new intake report should be completed to capture the new allegations of N3-inadquate supervision and the different

alleged maltreater (the mother). The two investigations can subsequently be merged in Georgia SHINES. In this situation simply adding a new maltreatment code cannot suffice due to the new/different “event” or “incident” that occurred. The allegations of inadequate supervision are completely independent of what was originally reported and they contain not only new allegations of maltreatment from a different reporter (the SSCM), there are also new victims (other children in the home) and a different maltreater (the mother), therefore a new intake report is required.

FORMS AND TOOLS

[Authorization for Release of Information](#)

[Caregiver’s Guide to a Child Protective Services \(CPS\) Investigation](#)

[Caregiver’s Guide to a Child Protective Services \(CPS\) Investigation - Spanish](#)

[Caregiver Request for Case Record Information](#)

[Commercial Sexual Exploitation/Domestic Minor Sex Trafficking Protocol](#)

[Commercial Sexual Exploitation of Children \(CSEC\) Referral Form](#)

[Consent for State Criminal Records Check Form](#)

[Educational Programming Assessment & Consultation \(EPAC\) Student Referral/Enrollment Form](#)

[Georgia Maltreatment Codes](#)

[Health Information Portability and Accountability Act \(HIPAA\) Notice of Privacy Practices](#)

[Infant Safe to Sleep Guidelines and Protocol](#)

[Intimate Partner Violence \(Domestic Violence\) Guidelines & Protocol](#)