

## Commissioner Guidance Document Transmittal

**Date – March 4, 2014**

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

**Transmittal # - 264**

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

Throughout this manual, all references to links on the VDSS internal website (SPARK) have been eliminated and replaced with links to the VDSS public website. Some minor reformatting was done in sections 4 and 5. As a result of reformatting, section numbers may have changed.

Several enhancements were made in section 4 regarding identifying and locating relatives prior to an emergency removal. One significant change in this release is a change in guidance for making referrals for Part C Early Intervention services. In addition to children under the age of 3 in founded investigations, LDSS should refer any child who is identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure (substance exposed infants).

Another significant change is the update of all regulation citations in Section 5, Out of Family Investigations, due to revision of Virginia Administrative Code 22VAC40-730. It has been posted on the Virginia Administrative Code page of the Legislative Information System (LIS) and became effective January 1, 2014. In addition to technical changes throughout the regulation, several changes were made to the definitions used in Out of Family investigations.

This transmittal and manual are available on SPARK at:  
<http://spark.dss.virginia.gov/divisions/dfs/cps/manual.cgi> and the public website:  
<http://www.dss.virginia.gov/family/cps/index2.cgi>

Significant changes to the manual are as follows:

<b>Section 1 Introduction to Child Protective Services</b>	
<b>Subsection</b>	<b>Significant Changes</b>
1.5.1.1	Added link to Knowledge Center for CWS1500, Navigating the Child Welfare Automated Data System (OASIS).
<b>Section 2 Definitions</b>	
<b>Subsection</b>	<b>Significant Changes</b>
2.7.2.3	Amended definition of sexual molestation to include when a caretaker forces a child to touch their own intimate parts.
<b>Section 3 Complaints and Reports</b>	
<b>Subsection</b>	<b>Significant Changes</b>
Entire section	No changes.
<b>Section 4 Family Assessment and Investigation</b>	
<b>Subsection</b>	<b>Significant Changes</b>
4.1.1	Revised chart for CPS requirements for referral to Part C Early

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	Intervention in a family assessment. This is done when need is assessed.
4.2.3.5 and 4.2.3.5.1 through 4.2.3.5.5	Added new sections regarding requirements for an affidavit or petition for an emergency removal. This information is identical information found in section 8, Judicial Proceedings. (8.2.3)
4.2.3.8.5	Added guidance regarding notification of relatives within 30 days of an emergency removal to include: due diligence is required to identify and locate relatives; these activities shall be documented in OASIS; and no consent is needed to contact relatives who are potential placements for a child being removed.
4.2.3.8.6	Added guidance requiring: documentation for any child being removed must be entered as soon as possible; when possible, the investigation should be case connected to the foster care case; and placement information must be documented in OASIS <b>within 5 working days</b> of the removal.
4.4.2	Added guidance to require notification of the Interstate Compact for the Placement of Children (ICPC) unit when a family assessment is received (when applicable). This shall be documented in OASIS.
4.4.4.6.1	Added guidance recommending an assessment of the sleep environment of infants.
4.4.4.7	Relocated guidance regarding identifying relatives and family supports. (Formerly section 4.3.4.10.)
4.4.9.1	Amended guidance regarding Family Partnership meetings from must schedule a meeting to <i>should</i> schedule.
4.4.12	Clarified that supervisory approval is required to change track from a family assessment to an investigation.
4.4.16.4	Clarified that information gathered during a family assessment may be shared with the Family Advocacy Program.
4.4.17	Added revised guidance regarding referrals for Part C Early Intervention in a family assessment.
4.4.18	Added guidance to require notification of the Interstate Compact for the Placement of Children (ICPC) unit when a family assessment is completed (when applicable). This shall be documented in OASIS.
4.5.2.2	Added guidance to require notification of the Interstate Compact for the Placement of Children (ICPC) unit when an investigation is received (when applicable). This shall be documented in OASIS.
4.5.9.1	Added guidance recommending an assessment of the sleep environment of infants.
4.5.10	Relocated guidance regarding identifying relatives and family supports. (formerly section 4.3.4.10.)
4.5.35.10	Revised guidance for referrals to Part C Early Intervention for investigations.
4.5.35.13	Clarified notification to the Department of Education in founded investigations involving a person who is licensed by the Board of Education.
4.5.36	Added guidance to require notification of the Interstate Compact for the Placement of Children (ICPC) unit when an investigation is completed

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	(when applicable). This shall be documented in OASIS.
4.5.7.4	Changed title of section from Miranda rights to Use of statements as evidence.
Appendix J	Added link for additional information.
<b>Section 5 Out of Family Investigations</b>	
<b>Subsection</b>	<b>Significant Changes</b>
Entire section	Citations of 22VAC40-730 have been revised to reflect changes which went into effect 1-1-2014.
5.3	Revised definitions within citation of 22VAC40-730-10.
5.4.3	Updated contact information for the Department of Juvenile Justice.  Clarified that the Department of Education (DOE) licenses private schools for children with disabilities and updated the contact information.
5.4.7	Added guidance to require notification of the Interstate Compact for the Placement of Children (ICPC) unit when an investigation is received (when applicable). This shall be documented in the automated data system.
5.5.5	Relocated guidance regarding mandate to interview the victim child face to face within the assigned response priority level. (formerly section 5.5.5.2)
5.5.5.2.1	Added guidance from section 4, Family Assessment and Investigation, regarding exceptions to electronic recording of victim interviews.
5.5.5.3 to 5.5.5.6	Added guidance from section 4, Family Assessment and Investigation, regarding additional guidance about electronic recording.
5.5.7.1 to 5.5.7.3	Added guidance from section 4, Family Assessment and Investigation, regarding electronic recording of the alleged abuser.
5.5.7.4	Added guidance from section 4, Family Assessment and Investigation, regarding use of statements as evidence.
5.7.2	Relocated guidance requiring consult with the CPS Regional Consultant (formerly section 5.7.1).
5.9	Relocated entire section regarding notifications (formerly section 5.10).
5.9.1	Clarified guidance regarding release of information in joint investigations with law enforcement.
5.9.3	Added guidance to require notification of the Interstate Compact for the Placement of Children (ICPC) unit when an investigation is completed (when applicable). This shall be documented in OASIS.
5.9.4.2	Added guidance requiring notification to the alleged abuser includes a summary of the investigation and how the information gathered supports the disposition.
5.10	Relocated entire section regarding conducting investigations involving public school employees (formerly section 5.9).
5.10.1	Added guidance to clarify additional requirements for reports involving public school employees.
5.10.1.1 and 5.10.1.2	Reformatted section with two new headings.
5.10.3	Added clarification for additional steps to be taken when conducting an

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	investigation that involves public school personnel.
5.10.4	Added new section title for clarification.
5.10.4.1	Added guidance from Section 4, Family Assessment and Investigation, regarding notification in founded investigations to the local school board when the abuser is an employee.
5.10.4.2	Added guidance from Section 4, Family Assessment and Investigation, regarding notification in founded investigations to the Superintendent of Public Instruction, Department of Education.
5.11	Relocated guidance regarding services for out of family abuser/neglector (formerly section 5.10.2.3).
Appendix C	Added notification of Superintendent of Public Instruction, Department of Education to the checklist.
<b>Section 6 Services</b>	
<b>Subsection</b>	<b>Significant Changes</b>
Entire section	No changes
<b>Section 7 Appeals</b>	
<b>Subsection</b>	<b>Significant Changes</b>
Entire section	No changes
<b>Section 8 Judicial Proceedings</b>	
<b>Subsection</b>	<b>Significant Changes</b>
Entire section	No changes
<b>Section 9 Confidentiality</b>	
<b>Subsection</b>	<b>Significant Changes</b>
Entire section	No changes
<b>Section 10 Substance Exposed Infants</b>	
<b>Subsection</b>	<b>Significant Changes</b>
10.3.5	Added revised guidance regarding referrals for Part C Early Intervention.
<b>Section 11 Child Deaths</b>	
<b>Subsection</b>	<b>Significant Changes</b>
11.3.2	Deleted requirement for LDSS to complete section I of the National Child Death Case Reporting Tool.

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

  
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 Commissioner