Serious Incident Report (Act 78) Guide
Child Death, Serious Injury or Egregious Incident of Abuse or Neglect

Introduction
2009 Wisconsin Act 78 requires county agencies to notify the Department of Children and Families (DCF) in cases of child death, serious injury, or egregious incidents where abuse or neglect is suspected. Agencies are also required to notify DCF in cases where a child placed outside of the home is suspected to have committed suicide.

The county agency must use the statutory definitions of serious injury or egregious abuse or neglect to determine if a case qualifies for notification under Section 48.981(7)(cr), Wis. Stats. The agency must gather all information available about the incident and report the incident within two business days using the form Child Death, Serious Injury or Egregious Incident Notification (DCF-F-CFS2091-E). DCF will make a final determination if the reported case qualifies as an incident that requires public notification. Qualifying cases will be posted at https://dcf.wisconsin.gov/cps/incidents by DCF. DCF must review each qualifying case and provide a 90-Day Summary Report to the Governor and appropriate standing committees. The completed summary report must also be made available to the public. The county agency and DCF will collaborate to review the case and produce the summary report.

This guide will assist you in identifying and taking necessary steps at various points in these serious cases. In all cases, the handling of reports of alleged maltreatment and service provision must comply with all current CPS practice Standards.

Sections:
Access Report, Initial Assessment, Ongoing Services & Case Review, and Create Case Work.

Access Report

When a report is received, you must identify if the case potentially qualifies as a child death, serious injury, or egregious incident of abuse or neglect. If the supervisor agrees that the case does qualify, then the agency has two working days to notify DCF of the incident.

The access report should be documented in eWiSACWIS in compliance with Standards. When a child death is reported and screened in at access, the fatality should be indicated on the Allegation (Access Report) pop-up page (accessed via the Allegation tab of the Access Report page) for the instance of maltreatment associated with the fatality.

Allegation (Access Report) Print Help

Allegation

Alleged Victim: Jones, Mary

AM Relationship to Victim: Biological Parent(s)

Abuse/Neglect Code: Physical Abuse

Description: Abusive Head Trauma - Bruising - Internal Injury

Date or Approximate Date of Alleged Maltreatment: 05/26/2020

Alleged Maltreatment occurred while the child's residence was an OHC placement: ○ Yes ◉ No ○ Unknown

Serious Incident: Details ◉ Yes ○ No

☐ Serious injury, as determined by a physician Details

☑ Death / Alleged maltreatment Details Death Date: 05/28/2020

☐ Egregious incident Details

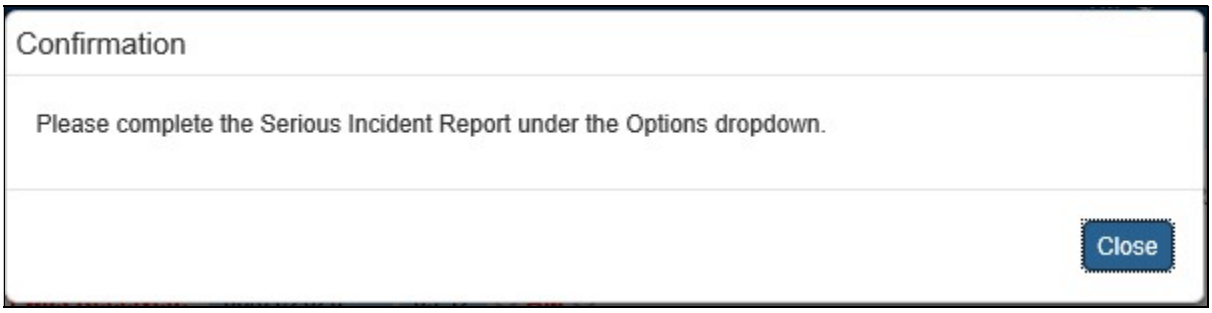
☐ Death / Alleged suicide in OHC

DCF memo 2010-01 Act 78

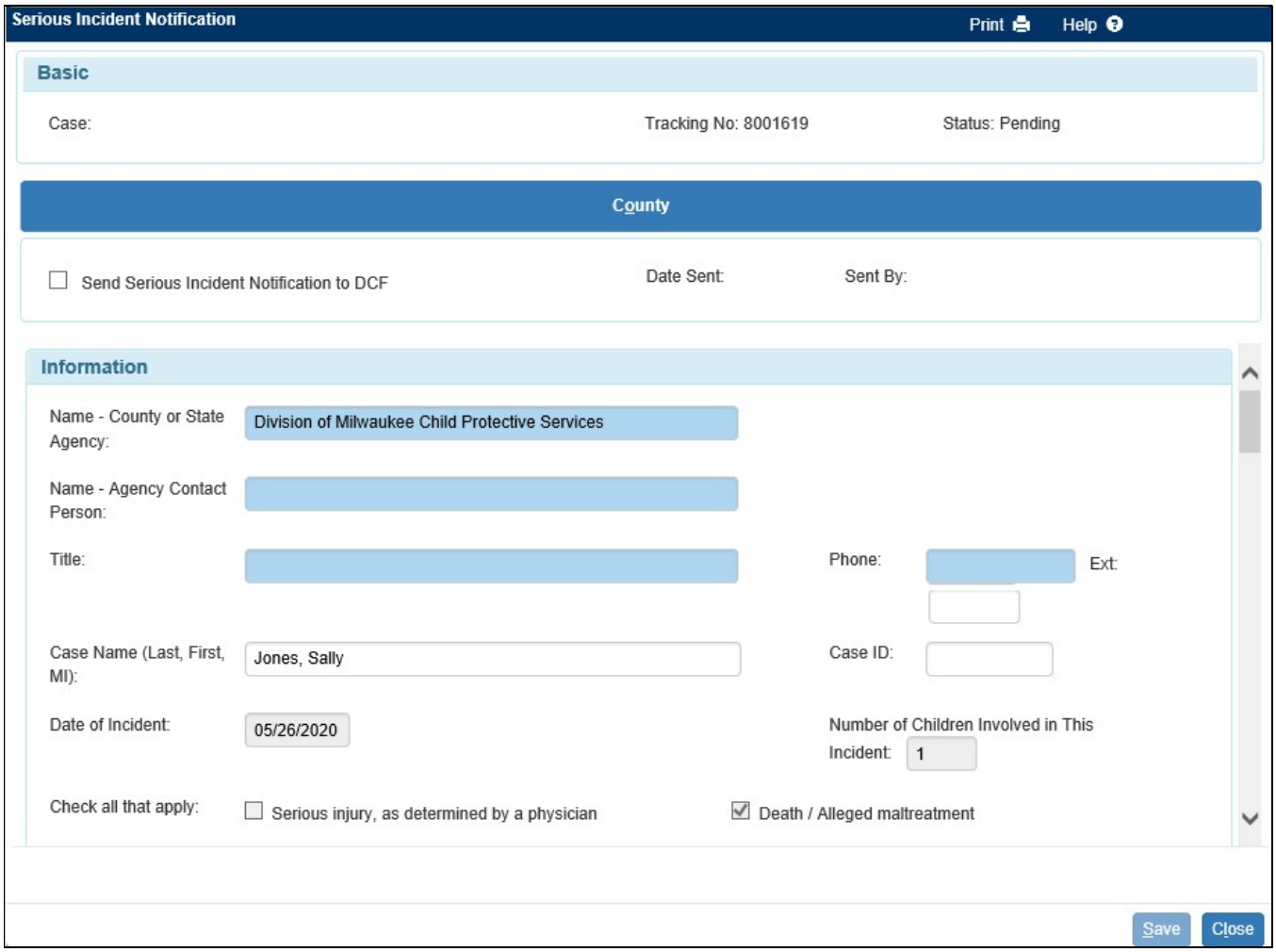
Continue Close

Note: If a death is indicated on the page then the Death Date field will appear. The death date is not required and will automatically update the death date field on person management when the Access Report is linked or a new case is created.

You will receive a message to complete the Serious Incident Report.

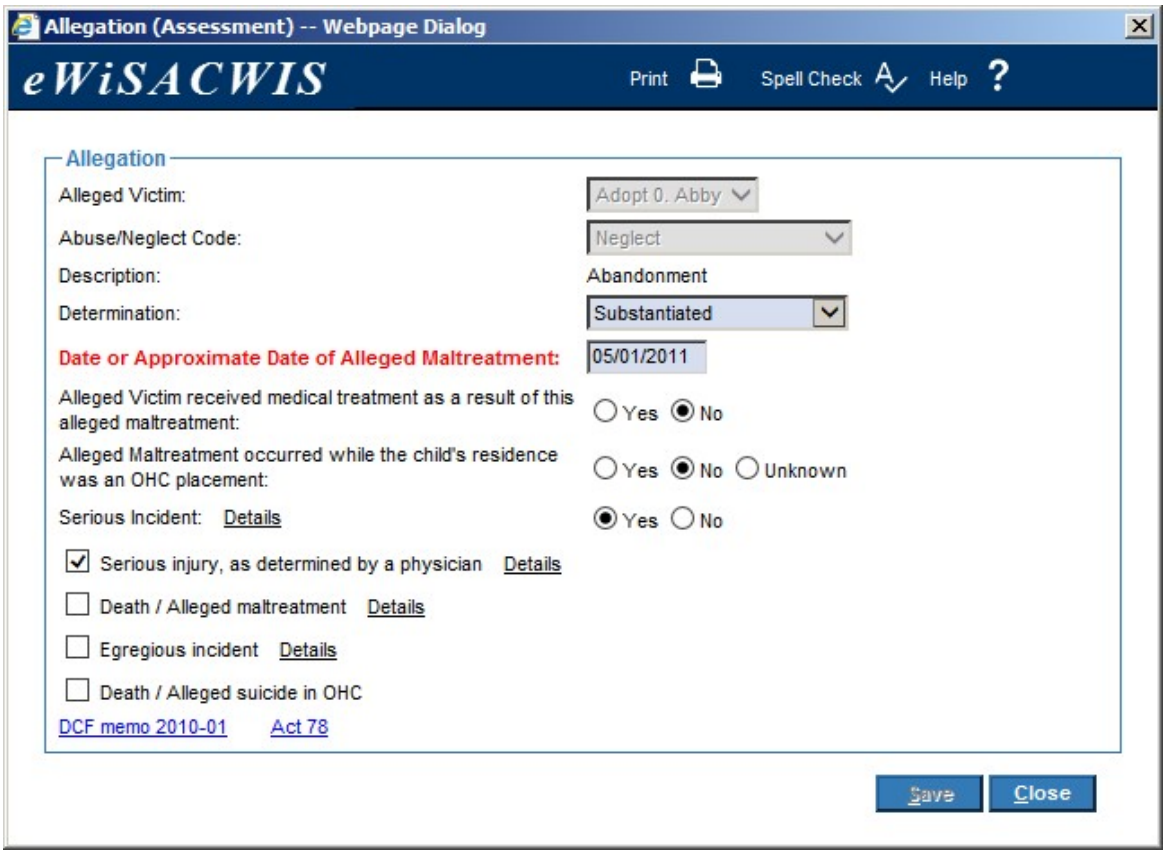


The Serious Incident Notification page is accessed via the Options drop-down of the Access Report page. Completing the Serious Incident Notification, checking the "Send Serious Incident Notification to DCF" checkbox, and clicking Save will trigger an e-mail notifying DCF of the serious incident.



Initial Assessment

If during an open initial assessment, the child dies from the abuse or neglect identified in the initial CAN report, this should be documented in the Initial Assessment. You should answer 'Yes' to the Serious Incident field and identify either "Death/Alleged maltreatment" or "Death/Alleged suicide OHC" on the Allegations (Assessment) pop-up page (accessed via the Allegations tab of the Initial Assessment page) for the instance of maltreatment associated with the fatality.



Note: If a death is indicated on the page then the Death Date field will appear. The death date is required and will automatically update the death date field on person management when the Assessment is completed.

If it is determined during the initial assessment that the maltreatment reported at access resulted in serious injury or death or qualifies as egregious abuse or neglect and DCF wasn't notified, the agency must report this to DCF using the Serious Incident Notification page located via the Options drop-down on the Results tab of the Assessment page. This must be completed within 2 working days of the agency becoming aware of the incident.

A child fatality may not be reported as a fatality in more than one CPS initial assessment. The assessment that follows an Access Report of the death of a child should only have one CPS Report with a checked fatality indicator and one Initial Assessment with a fatality indicated.

If during the initial assessment a new allegation of abuse or neglect is reported that resulted in serious injury or death or qualifies as egregious abuse or neglect, a new CPS report should be created documenting this allegation. DCF must be notified via the Serious Incident Notification page launched from the Options drop-down.

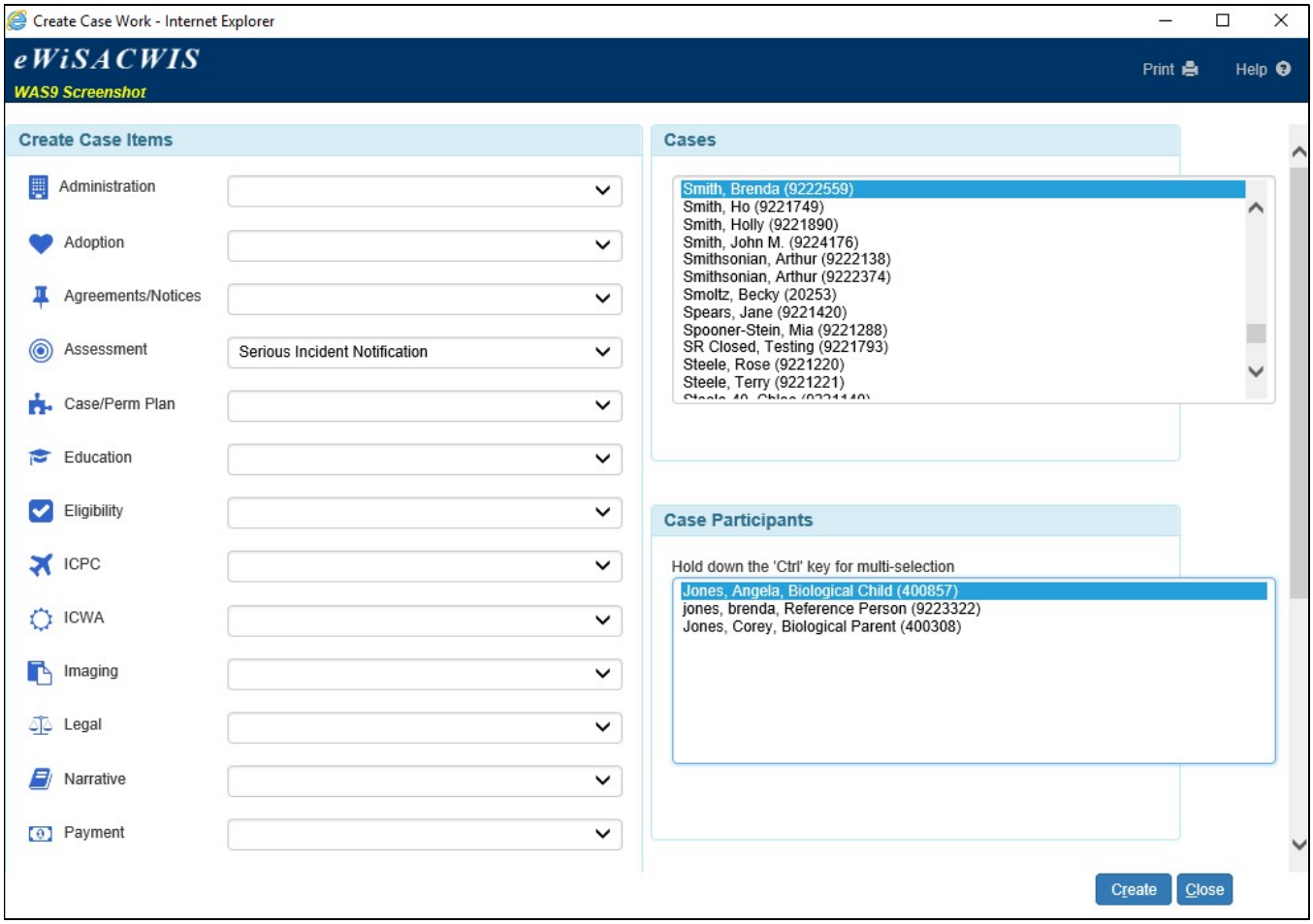
Ongoing Services or Case Review
If a child death, serious injury or egregious incident occurs during Ongoing Services, a new CPS report must be documented for the child. DCF must be notified as described above about the new incident.

If a child death is the result of an Alleged Suicide while the child is placed in out of Home Care, DCF must be notified via the Serious Incident Notification page launched from the Options drop-down on the Provider tab of the Out of Home placement page.

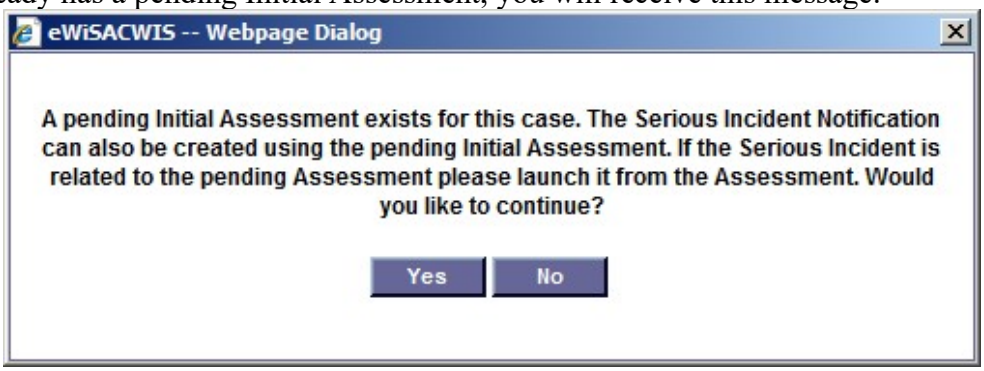
Create Case Work

There may also be circumstances where a Serious Incident Notification can be documented outside of an open Access Report, Assessment, or Out of Home Placement. A Serious Incident Notification can be created at any point in an open case via the Create Case Work page.

On the Create Case Work page, select Serious Incident Notification from the Assessment drop-down, select the case, select the participant(s), and click Create.



If the case already has a pending Initial Assessment, you will receive this message:



If the serious incident is related to the pending Initial Assessment, select 'No' to launch it from the assessment. If the serious incident is not related to the pending Initial Assessment, select 'Yes' to create a new Serious Incident Notification.

Complete the Serious Incident Notification as identified above.

Checking the "Send Serious Incident Notification to DCF" checkbox and clicking Save will trigger an e-mail notifying DCF of the serious incident.

Serious Incident Notification - Internet Explorer

eWiSACWIS

Print | Spell Check | Help

Basic

Case: Abby, Alice N., IV (9222744) | Tracking No: 8001096 | Status: Pending

County

☐ Send Serious Incident Notification to DCF | Date Sent: | Sent By:

Information

Name - County or State Agency: Division of Milwaukee Child Protective Services

Name - Agency Contact Person:

Title: | Phone: | Ext.:

Case Name (Last, First, MI): Abby, Alice, N. | Case ID: 9222744

Date of Incident: 00/00/0000 | Number of Children Involved in This Incident: 1

Check all that apply: ☐ Serious injury, as determined by a physician ☐ Death / Alleged maltreatment

☐ Egregious incident ☐ Death / Alleged suicide in out-of-home care

Child Information

Name	Gender	DOB	Age	Race
Abby, Alex A., IV (9225927)	Male	08/05/2014		White

Save | Close

100%

Note: If a death is indicated on the page then the Death Date field will appear. The death date is not required and will automatically update the death date field on person management when the Serious Incident is sent to DCF.

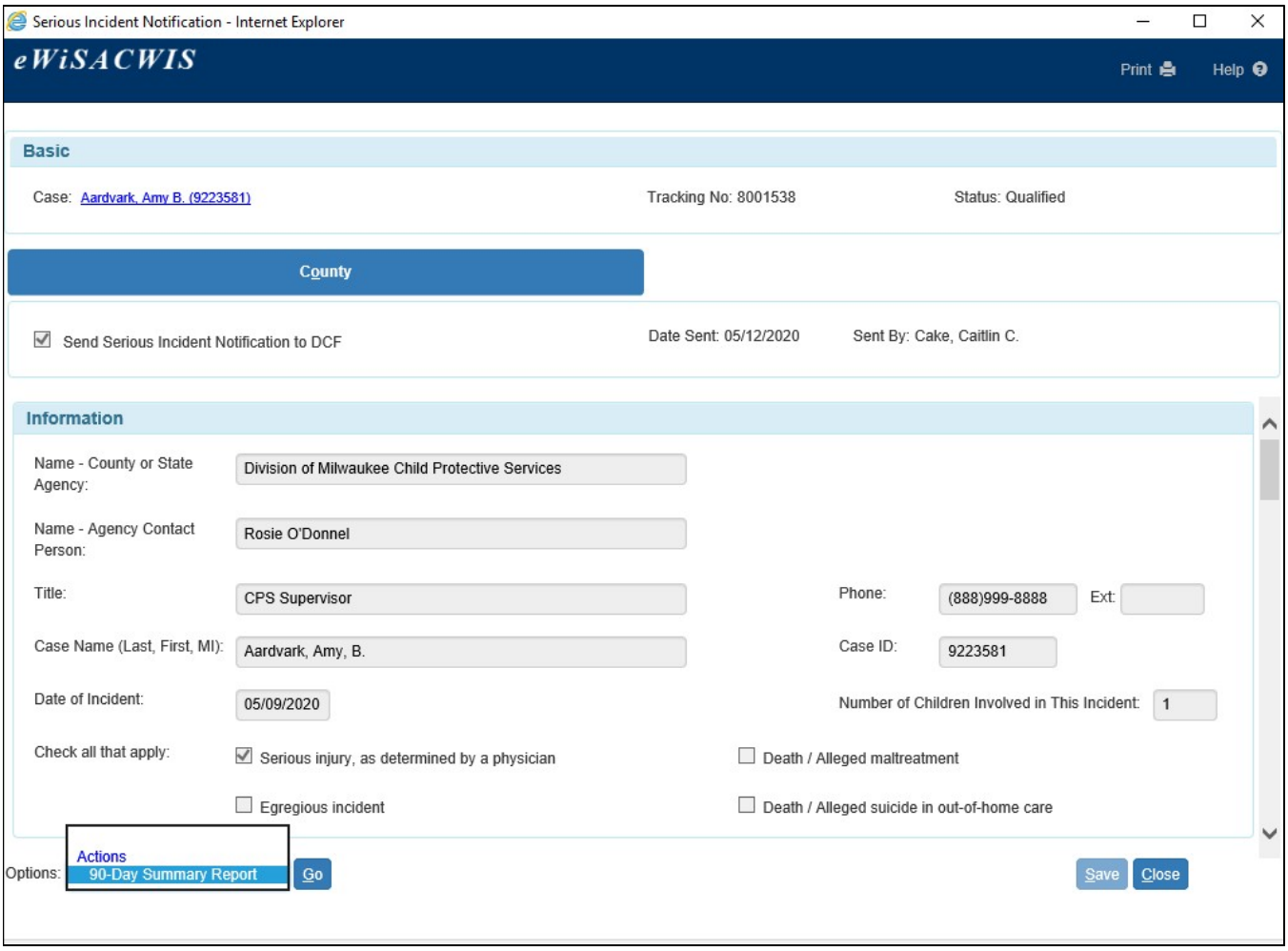
Outliner

Regardless of where the Serious Incident Notification was created from, it will display on the outliner under the Serious Incident Notification icon. It will also display next to the piece of work it was created from: the access report, initial assessment, or out of home placement.

Completing the 90-Day Summary Report for Child Death, Serious Injury or Egregious Incident

Once DSP has identified that an incident qualifies as a serious incident, eWiSACWIS automatically generates a 90-Day Summary Report Serious Incident tickler on the Primary worker's desktop. The tickler due date is 60 days from the date DSP indicates 'Yes' to the incident qualifying as a serious incident.

1. To launch the 90-Day Summary Report, open the associated Serious Incident Notification found under the Serious Incident Notification row on the case. On the Serious Incident Notification page, select 90-Day Summary Report from the Options drop-down and click Go. This opens the 90-Day Summary page.



2. Complete the 90-Day Summary Report. Child information will pre-fill from the child initially identified in the Serious Incident Notification but is modifiable here.

90-Day Summary Report Print Help

Information

Case: Aardvark, Amy B. (9223581) Tracking No: 8001538 Date Sent: Sent By:

Date of incident: 05/09/2020 County or State Agency: Division of Milwaukee Child Protective Services

Child Information (at the time of incident)

DOB: 06/01/2009 Age: 10 Gender: Female Delete Row 1 of 1

Race: American Indian/Alaskan Native Ethnicity: Other Hispanic/LatindUndetermined

Race: Black/African American Indian Tribe: Bad River Band Indian Tribe2:

Race: Native Hawaiian/Other Pacific Islander Special Needs:

Race: White

Race: Asian

Insert

Description of the Incident:

- Date of the incident
- Date of the report to the agency
- Agency that received the report
- Age of victim(s) at time of incident
- Related allegation
- Details about the incident included in the report

Narrative

Medical Findings:

- Official statement/determination by the physician related to injuries and maltreatment
- Findings noted in the Medical Examiner's report, if applicable
- Toxicology results, if applicable

Safety Findings:

- Safety finding at the conclusion of the IA for all children in the household
- Protective or Safety Plans that were implemented as a result of the report
- Information related to TPC
- Location of all children in the household at the conclusion of the IA
- Limitations on access to any children in the household at the conclusion of the IA

IA Conclusion:

- Substantiation determination for the victim(s)
- Case disposition
- Any service referrals made (who was referred and to where)

3. Once all required fields have been completed and you are ready to submit the report to DCF, check the 'Send 90-Day Summary Report to DCF' checkbox. Click Save.

Description of all other persons residing in the OHC placement home:

Licensing history: Including type of license, duration of license, summary of any violations by licensee or an employee of licensee, or other actions that constitute a substantial failure to protect and promote the welfare of the child.

Summary of any actions taken by agency in response to the incident: (Check all that apply.)

- ☐ Screening of Access report
- ☐ Protective Plan implemented
- ☐ Initial Assessment conducted
- ☐ Safety Plan implemented
- ☐ Temporary Physical Custody of child
- ☐ Petitioned for court order/CHIPS (Child in Need of Protection or Services)
- ☐ Placement into foster home
- ☐ Placement with relatives
- ☐ Ongoing Services case management
- ☐ Attempted or successful reunification
- ☐ Referral to services
- ☐ Transportation assistance
- ☐ Collaboration with law enforcement
- ☐ Collaboration with medical professionals
- ☐ Supervised visitation
- ☐ Case remains open for services
- ☐ Case closed by agency
- ☐ Initiated efforts to address or enhance community collaboration on CA/N cases
- ☐ Other(describe):
- ☐ **Send 90-Day Summary Report to DCF**

Save Close

4. The page will freeze and an e-mail will be sent to DCF to notify them that a report has been submitted. (This will delete the 90-Day Summary Report Tickler.)