

## Independent Investigation Assessment Policy

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<b>Contact Div/Bur/Sec:</b>	Division of Milwaukee Child Protective Services (DMCPS)
<b>Contact Name/Phone:</b>	Robin Joseph, Ph.D., Division Administrator, 414-343-5749, Robine.joseph@wisconsin.gov

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*Any information referenced within this document is considered to be a part of this policy with the exception of the "related resources" section.*

### Summary:

This policy and procedure provides a consistent structure for decision-making when the subject of a CPS report (alleging suspected abuse or neglect) is an employee or agent (i.e., foster parent or other out-of-home care provider) of DMCPS as mandated by Wisconsin Statutes §48.981 (3)(d) and CPS Access and Initial Assessment Standards. The policy clarifies roles and responsibilities of the DMCPS, Ongoing contracted agencies and a contracted Independent Assessment agency when a CPS report is referred for an independent assessment.

### Policy:

The DMCPS and Ongoing contracted agencies are responsible for placing a child when temporary physical custody has been obtained to assure for child safety. The agency responsible for placing the child with an out-of-home care provider cannot conduct a safety assessment or independent assessment due to a conflict of interest or potential bias. A conflict of interest also arises if a DMCPS or contracted agency employee is named as an alleged maltreater.

In accordance with Wis. Stats. [§48.981\(3\)\(d\)](#) and CPS Standards, an Independent Assessment is required when DMCPS receives a report of alleged maltreatment of a child who is:

- Placed in the following types of out-of-home care (OHC) providers under the supervision of DMCPS: level 1-5 foster home, group home, residential care center, unlicensed relative or non-relative, assessment/stabilization center, or another licensed agency
- In the household of an agent or employee of the agency required to investigate {§48.981(3)(c)}

- In the household of a person that, because of the relationship between the agency and the subject of the report, there is a substantial probability that the agency would not conduct an unbiased assessment

For further guidance, regarding criteria for an independent assessment see the DMCPs *Independent Investigations Job Aids*.

When DMCPs receives an Access report for an OHC provider located in Milwaukee County that is licensed by another county an independent assessment is not required unless some additional circumstance creates a substantial probability of bias for DMCPs to complete the independent assessment.

### **Procedures:**

The procedures and delineated responsibilities associated with handling independent investigations and assessments are detailed in the following sections:

- A. Access: screening decisions, case assignment, and notification process (page 2-4)
- B. DMCPs Initial Assessment: conducting the safety assessment (page 4-5)
- C. Independent Assessment agency (page 5-7)
- D. Ongoing Case Management (page 7-8)

### **A. Access**

#### **Screening Decisions and Case Assignment**

The Access supervisor determines whether a report of alleged maltreatment warrants an Independent Assessment in accordance with CPS Access and Initial Assessment Standards.

If the Access supervisor determines the report is **screened in** the response time is as follows under each circumstance:

- An independent assessment of the OHC provider with children residing in the home requires a response from an Initial Assessment Specialist (IAS) within 24 hours to conduct the safety assessment.
- An independent assessment of the OHC provider with no child(ren) in the OHC provider's home requires face-to-face contact with the Independent Assessment agency within three days of notification. The email notification from the DMCPs Access supervisor must clearly state the response time and indicate that an IAS will not complete a safety assessment of present danger threats.
- Response time for conflict of interest independent assessments, involving DMCPs or ongoing agency employees, is determined based on the nature of the case.

The Access supervisor either links the CPS report to an existing case or will create a new case in eWiSACWIS and then assign it to an IAS to conduct the initial safety assessment. The case is also linked to whoever is responsible for the child, who was allegedly abused or neglected. When a CPS report alleges maltreatment by the out-of-home care provider (foster, relative, kinship, or unlicensed/non-relative home), the caregiver is identified as the reference person. If the alleged maltreater is a group home, RCC, stabilization/assessment

center, or licensed facilities' employee, the reports is screened as a secondary and listed under the child's case head's case (most likely the parent or legal guardian).

If the OHC provider is an RCC, group home, stabilization/assessment center, or licensed facility located in another county, Access completes the CPS report and forwards the report to the county where the OHC provider is located. The county where the child was maltreated is responsible for conducting the safety assessment. If the county refuses to follow Wis. Stat. (§48.57) and CPS Access Standards Chapter 2 (Multi-County Reports) and Chapter 14 (Initial Assessment Standard), the Access supervisor must confirm with the county that they are refusing to accept the case and then document that they are refusing to accept the case. Then the Access supervisor must notify the DMCPs Bureau Operations director and screen in the case.

An Access report identified as an independent that meets the criteria for screening in is assigned to the Independent Assessment agency, to conduct an independent initial assessment. The Independent Assessment agency is not responsible for managing safety of the home. DMCPs Initial Assessment Specialist (IAS) maintains a secondary assignment throughout the independent assessment to control and manage safety.

When an Ongoing case manager (OCM) is assigned to the child's case or primary case when an allegation is received at Access, the IAS and OCM are both responsible for controlling for safety. See the ongoing case management section (page 7-8) for additional information about roles and responsibilities.

If the named maltreater is a current DMCPs or contracted Ongoing employee, the case must have restricted access in eWiSACWIS. A former employee's case must be staffed to determine if the case should have restricted access.

Note: If the child has been removed (to another placement or respite care provider) from the OHC provider by the OCM, and there are no other children placed there and the parent(s)/guardian(s) have no minor biological children living in the home, a safety assessment is not required by the IAS. If a report is received and the OCM has changed the child's placement and there are no other children (foster care or biological children) living in the home, the case can be assigned directly to the Independent Assessment agency without concurrently being assigned to an IAS.

If a report is **screened out** the by Access supervisor the following occurs:

1. Access supervisor documents the reasoning for recommending a screen out
2. Access supervisor forwards the Access report to the assigned Policy and Program Analyst (PPA) within four hours
3. Within 24 hours of the screen-out recommendation, the PPA evaluates the screening decision and either approves the decision or not.
  - a. If the PPA does not approve the decision and determines the report should be screened in, the PPA explains the reasoning to the Access supervisor.
  - b. Then the Access supervisor screens in the CPS report within 24 hours of receipt of the report and assigns the case after the notification process.

4. If the PPA is not available to review the screen-out decision (either during business hours, After-Hours, or second shift), the Access supervisor contacts the Program Manager on call to review the screening decision.

Note: Reports of alleged maltreatment in a licensed facility that are screened out for not meeting the definitions of child abuse or neglect or threatened child maltreatment must still be referred to the licensing or regulatory agency.

## Notification Process

When a report of alleged maltreatment is screened in (including on second shift and After-Hours) for an independent investigation, the Access supervisor sends an email notification detailing that the report has been received, listing all the children in the OHC Provider's home/residence, and attaches the CPS report to the email. The email notification is sent to the following individuals ([DCFDLDMCPSINDEPENDENTS@wisconsin.gov](mailto:DCFDLDMCPSINDEPENDENTS@wisconsin.gov)):

- The principal contact of the contracted agency responsible for licensing the Level 1-2 or Level 3-5 foster home
- The DMCPs program and policy analyst (PPA) assigned to Independent Investigation Assessments
- The DMCPs Quality Improvement section chief
- DCF Bureau of Permanence and Out-of-Home Care licensing staff
- The Ongoing case manager(s) (OCMs) assigned the alleged child victim and their supervisor
- The DMCPs Health Unit
- The DMCPs OHC liaison (who is responsible for determining if a notification will be sent to the Ongoing agency program director if any Milwaukee County CHIPS child in the provider's home is under their supervision; this includes level 1-5 OHC providers)
- The contracted Independent Investigation Assessment agency supervisor
- The designated DMCPs OA (responsible for data tracking for management)

If the independent investigation involves the household of DMCPs employee or contracted employee, a different notification process must be followed involving fewer individuals to preserve the anonymity of alleged maltreater. This notification process is detailed in *DMCPs job aid: Supervisory Independent Access Reports and Assessments*. Other exception cases must also follow this modified notification process and the Deputy Administrator must be consulted.

When a report of alleged maltreatment is screened out, the Access documents the decision in the screening decision tab of the Access report and sends an email notification to same individuals noted above (list serve: [DCFDLDMCPSINDEPENDENTS@wisconsin.gov](mailto:DCFDLDMCPSINDEPENDENTS@wisconsin.gov)).

## B. Initial Assessment

When a CPS report qualifies as an independent assessment, the Access supervisor gives primary assignment to the Independent Assessment agency supervisor in eWiSACWIS and

secondary assignment to an IAS, who will make contact with the child within the determined response time.

If the report is received during second shift or after-hours and present danger is identified, the case is assigned immediately to an available IAS (on second shift or after-hours). If an independent assessment is not screened with an emergency response time, the case is assigned to an IAS on first shift and Independent Assessment agency.

The process continues as follows:

1. The IAS makes initial contact with the child and the caregiver(s) to assess the immediate safety of the child and all other children within the home of the out-of-home care provider, and ensures for child safety.
2. The IAS conducting the safety assessment briefly explains the Independent Assessment process to the out-of-home care provider and describes each entities role (DMCPS, the OHC provider, and the Independent Agency).
3. The IAS completes documentation in eWiSACWIS, identifying present danger and the protective action taken. This note must be made under the narrative section.
4. The IAS notifies the Independent Assessment agency via email (and cc's their supervisor and the Independent Assessment agency supervisor) when the safety assessment and documentation is completed, allowing the agency may proceed with their assessment.
5. The Independent Assessment agency conducts the independent assessment
6. IAS continues to manage for child safety until the independent assessment concludes.

During after-hours, the following must occur:

1. No later than the morning of next business day, the IAS completes documentation in eWiSACWIS (a note under the narrative section) and forwards the safety assessment to the After Hours supervisor.
2. The After Hours supervisor assigns the case to the Independent Agency's supervisor who will, in turn, assign the case the Independent Investigation agency worker to conduct an assessment.

Documentation: Any medical reports, police reports, reports of contact and any other documents used to assess safety must be scanned into eWiSACWIS, so they are accessible to Independent Agency conducting the Initial Assessment.

### **C. Independent Assessment Agency**

When the Independent Assessment agency supervisor receives CPS reports from DMCPS, the supervisor assigns an agency worker to the case. The assigned worker may staff the case with the DMCPS assigned nurse, if applicable. Within three working days, the assigned agency worker conducts a face-to-face interview with the principals of the report [identified child(ren) and OHC provider]. This information is entered into eWiSACWIS.

The Independent Assessment agency ensures all assessments are conducted in accordance with the Wisconsin CPS Access and Initial Assessment Standards, Safety

Intervention Standards and this policy. Expectations of the Independent Assessment agency include, but are not limited to, the following:

- Adherence to the Primary Assessment Standard (Initial Assessment CPS Standards Chapter 14 and Safety Intervention Standards) when conducting an Independent Assessment related to maltreatment by a foster parent or other caregiver who resides regularly or intermittently with the child;
- If the maltreater is a minor, informing the parent, guardian or other adult protecting the minor's interest as well as the minor him/herself of the allegations against the minor;
- Where there is no clear alleged maltreater or the maltreater is unknown, every person interviewed at the time of initial contact will be informed of the purpose of the assessment (not to include the child victim or collaterals);
- If conducting a joint initial contact or interview with law enforcement, the duty to inform the alleged maltreater still applies.

Independent Assessment workers are responsible for gathering sufficient information to support their conclusions related to the alleged maltreatment. If a child requires a forensic interview, medical evaluation, or if other corroborating documentation is needed, the Independent Assessment worker collaborates with the assigned OCM. The Independent Assessment worker cannot transport the child(ren).

If, at any time during the course of the Independent Assessment, the worker observes any indications that the child's safety may be at risk, they must immediately contact the IAS (with secondary assignment on the case) to report their concerns and to request an additional safety assessment.

At the conclusion of the Independent Assessment process, the Independent Assessment worker must:

- Make the CPS maltreater determination and assessment finding for each allegation in the CPS report and/or for other maltreatment identified during the assessment process.
- Provide recommendations to the ongoing agency (if applicable).
- Identify any unmet service needs for the child(ren) (to include all biological/adoptive children of the OHC provider) and OHC provider. Unmet service needs for foster children must be reported to the OCM and their supervisor; the program manager should be consulted as needed. If there is no assigned OCM, follow up is conducted by the IAS to secure needed services for the child(ren).
- Inform the licensing agency of any identified licensing issues.
- Document all Independent Initial Assessment activities in eWiSACWIS.
- Provide information to mandated or relative reporters {§48.981(3)(c)(6) and (6m)}

The Independent Assessment agency supervisor reviews and approves all Independent Assessments in eWiSACWIS and ensures that all findings are consistent with Access and Initial Assessment Standards and Safety Intervention Standards.

When the Independent Assessment is completed, the agency supervisor ensures that the notifications (as appropriate) are made to following individuals:

- The subject of the report (alleged maltreater): A letter indicating whether the report was substantiated or unsubstantiated must be sent to the alleged maltreater
- The IAS with secondary assignment and their supervisor
- The assigned DMCPs office assistant: The email notification must include the case name, referral date, licensing agency, outcome of each allegation and an attachment containing an electronic copy of the notification to the subject of the report
- The assigned PPA: An email notification including the case name, referral date, licensing agency, outcome of each allegation and an attachment containing an electronic copy of the notification to the subject of the report
- The Ongoing supervisor(s) and case manager(s) with children in OHC: An email notification including the case name, referral date, licensing agency, outcome of each allegation and an attachment containing an electronic copy of the notification to the subject of the report
- The Ongoing agency contact person for licensing (for Level 1-2 foster or adoptive homes)
- The DMCPs OHC Liaison (for Level 3-4 foster homes and group homes)
- The DMCPs deputy administrator, Bureau of Quality Operations director, and designated PPA if the subject of the report is someone other than a licensed foster or adoptive parent (e.g., an employee of DMCPs or its contracted agencies).

If there are case closure issues, the Independent Agency must notify the designated PPA for Independent Assessments.

Should a substantiated maltreater exercise his/her right to appeal the substantiation decision, the Independent Assessment agency conducts the initial appeal pursuant to [DCF Memo Series 2014-07 and 2017-13](#) and [DMCPs Policy ADM 4.00 Appeal Process for Substantiated Maltreatment Policy](#). If the substantiation is upheld, the Division of Hearings and Appeals assumes jurisdiction if the maltreater wishes to further pursue the appeal process: It is incumbent upon the Independent Assessment agency and its attorney(s) to defend its decision before the DHA.

## **D.) Ongoing Case Management**

An independent investigation case is immediately assigned to an IAS and OCM when the case is open with Ongoing. The DMCPs OHC Liaison reviews all children in the OHC provider's home and determines if a notification is sent to the Program Director at each Ongoing agency, if a child is placed there.

The OCM and other relevant ongoing agency staff are involved in independent investigation cases in the five situations noted below:

1.) If the OCM identifies safety concerns on a case they are currently assigned to, they must do the following:

- a) Immediately assess for safety and take appropriate action (which may include removing children from the OHC provider's home if necessary, and finding an alternative placement or respite)
- b) Call DMCP Access (220-SAFE) to report the allegation of abuse or neglect
- c) Once an IAS is assigned, the OCM must communicate with the IAS to share relevant case information and determine if a safety assessment is appropriate.
  - 1. Note: If the OCM removed the children from the OHC provider's home when initial contact was made and there are no longer any children residing in the home, the assigned IAS does not need to complete a safety assessment, unless additional work is required to document child injuries. An IAS Program Manager must approve waiving the present danger threat assessment.
- d) The IAS is then responsible for ensuring the information collected from the OCM is written in an *initial face-to-face contact assessment case note* in eWiSACWIS within three days of contact. The IAS must complete the safety assessment (unless the scenario noted in c1 applies).
- e) If a change of placement or respite has not yet occurred and must occur due to safety threats, the IAS must coordinate with the assigned OCM to ensure this occurs. The OCM must notify the child's parent/guardian when the child is the subject of maltreatment.
- f) When documentation is completed, the IA supervisor notifies the Independent Assessment Supervisor
- g) The OCM continues documentation in eWiSACWIS during this time (such as entering their own case notes and completing the confirming safe environments document)
- h) The OCM and IAS collaborate to manage child safety, while the Independent Assessment agency conducts the assessment.
- i) If the Treatment Foster Care (TFC) worker is assigned by the Licensing Agency to implement recommendations resulting from the assessment, the TFC worker must follow up with the assigned OCM to learn about the allegation. Then, the OCM must document the interaction in a case note.

Documentation: The IAS reports the action they took to control for safety in *initial face-to-face contact assessment case note* or may complete a Safety Analysis and Plan (SAP) if impending danger is identified.

2.) If the case is open with Ongoing and screened out by Access, the OCM, their supervisor and licensing worker must do the following:

- a) Review the screened out report and address any identified concerns or recommended next steps
- b) Follow up with the OHC provider to discuss any identified concerns
- c) The OCM must conduct re-confirming safe environment procedures. See [DSP Memo 2013-03 and Ongoing Standards](#) for additional guidance.
- d) Recommendations that are and are not pursued by the OCM must be documented in eWiSACWIS

3.) When a case is closed by Independent Assessment agency, the OCM and their supervisor review the decision and recommendations. The OCM and their supervisor then



determine whether or not to fulfill the recommendations provided by the Independent Assessment agency (if applicable), and document the action they took in eWiSACWIS, and ensure follow-up occurs by the licensing agency. If the allegation has been substantiated, the agency licensing staff will initiate the process for “intent to revoke” the OHC provider’s license.

4.) If the case is open with Ongoing and screened in, a designated Ongoing staff person coordinates activities to provide support to their licensed OHC provider during an Independent Assessment. The Ongoing agency also explains the Independent Assessment process without discussing the details of the assessment to the OHC provider, and the home will be put on hold for additional placements in eWiSACWIS until the assessment is completed.

5.) If a child assigned to OCM is the named maltreater in an independent investigation, the assigned OCM is responsible for communicating what has occurred to the child’s parent/guardian. The assigned OCM’s supervisor must review if any other children are placed with that OHC provider and inform all parties (placing agency, parent/guardian, etc.)

### **Responsibilities:**

- Access specialists and supervisors: Screen and assign cases to appropriate entity in compliance with this DMCPSP policy and DCF Standards
- IAS and their supervisors: Conduct a safety assessment when a case is deemed an independent investigation and manage for child safety while the independent agency conducts the assessment.
- Ongoing case managers and their supervisors: Report allegations of abuse or neglect, assure for child safety, notify and OHC providers involved in independent investigations, and connect families with services to address unmet needs.
- Designated DMCPSP PPA: Responsible for all quality assurance and monitoring activities including reviewing Access screening decisions and completed independent assessments, and ensuring that necessary follow-up required by DMCPSP and contracted agencies occurs.
- OHC Liaison: Responsible for tracking independent investigations from level 1-5 OHC providers and determining when ongoing agencies are notified if a child resides in the OHC provider’s residence, but is not an alleged victim.
- DMCPSP Deputy Director and Bureau of Operations Director: Advise DMCPSP employees regarding independent investigations involving DMCPSP/Ongoing employees

### **Related Resources**

- [DCF Policies and Procedures](#)
  - *DSP Memo 2013-03: Confirming a Safe Environment when Children are Placed in Out-of-Home Care*
  - *DCF Memo Series 2014-07 and 2017-13: Appeal Procedures for Determinations of Child Abuse or Neglect and Documentation of DHA Orders Regarding Substantiated Determinations of Child Abuse and Neglect.*
- [DMCPSP Internal Job Aids](#) and [Policies](#)

- [DMCPS Policy ADM 4.00 Appeal Process for Substantiated Maltreatment Policy.](#)
- Independent Investigations Job Aid for Access and IAS
- Independent Investigations Job Aid for Supervisors
- [Wisconsin Child Welfare Standards](#)