MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY AND CHILDREN'S SERVICES

Cover Memorandum accompanying the December 31, 2006 filing of Adoption Rule-Final Notice by the Division of Family and Children's Services issuing new Intake, Screening and Assessment policy for its manual.

Listed below are the eight new or amended rules to the agency's policy manual that accounts for the substantive differences between the former policy about intake reports and investigations and is now listed as Intake, Screening and Assessment.

1. Proposed Rule:

   Several sections, that were practice and not policy, were moved to a Worker's Practice.

   Current Rule:

   Duties Of Intake Worker

   The intake worker explains to the reporter:

   1. Immunity is provided by the Mississippi Youth Court Law for reporting in good faith.
   2. Confidentiality is provided to the reporter unless it is determined by the youth court or the district attorney that the testimony of the person reporting is material to the judicial proceeding.
   3. The Department's authority for evaluating referrals for child protective services.
   4. The Department's procedure for investigating reports of suspected child abuse and neglect.
   5. That the report will be referred to other agencies as appropriate.
   6. Other services available that might meet reporter's needs.

   CPS Documentation in Case Record

   For every report received include:

   1. Intake report received that initiated the investigation;
   2. Child's correct name, date of birth, sex, race, and social security number;
   3. Parents' correct names and ages, date of birth and social security numbers;
   4. Correct addresses of child and parents;
   5. Location and date of alleged abuse/neglect;
   6. Where child was observed and interviewed;
   7. Summary of interviews with family members, alleged perpetrators and collateral contacts

8. Criteria or factors determining decision regarding validity of report
9. Extent to which the child's safety is at risk
10. Social worker's decision regarding case disposition;
11. Safety plan for the child(ren), if required;
12. Records of contact.

CPS Written Notice to Parents

1. Parent/Caretaker receives written notice, ten working days in advance, of Agency's intent to petition the court for removal of child from the home as well as for other petitions involving abused/neglected children, unless there is need for emergency removal. The written notice includes:
   - Nature of the hearing
   - How counsel may be obtained
   - Right to written findings from hearing and how they may be obtained
   - Right to appeal any youth court action.
   - (It is the responsibility of the Youth Court of jurisdiction to notify parents regarding hearings and to insure the due process requirements).
2. Two exceptions which are documented in case record are:
   - Emergency situation in which child has been harmed/threatened with harm and immediate removal necessary
   - Situation in which child's health or well-being would be endangered
3. Notice is written in language parent/caretaker can understand and copy filed in case record.
4. If parent/caretaker is not able to read, verbal notice is given. Document in the case record the date that information was given to parent/caretaker and what they were told regarding intended action.

CPS Contents of the Report

The intake worker shall obtain the following information, if possible:

1. The name and address of the child;
2. The name and addresses of the parents;
3. The names and addresses of the suspected perpetrators;
4. The names and addresses of all witnesses, including the reporting party if a witness to the abuse;
5. A brief statement of the facts indicating that the child(ren) has/have been abused and any other pertinent information.

APPENDIX E

"Neglect" means a child:

a. Whose parent, guardian or custodian or any person responsible for his care or support, neglects or refuses, when able so to do, to provide for him proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his well-being; provided, however, a parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter; or

b. Who is otherwise without proper care, custody, supervision or support; or

c. Who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether said mental condition be mentally retarded or mentally ill; or

d. Who, for any reason, lacks the care necessary for his health, morals or well-being.

"Abused child" means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not has caused or allowed to be caused upon said child sexual abuse, sexual exploitation, emotional abuse, mental injury, non-accidental physical injury or other maltreatment. Provided, however, a parent, guardian or custodian shall only be deemed to be abuse under this paragraph when a licensed physician has determined that physical injury has occurred. "Sexual abuse" includes obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened.

2. Proposed Rule:

Created a section on screening reports and developed a "Level" system for response times and a 72 hour response time on reports that are not felony child abuse/neglect.

Screening Reports and Assigning Response

A Supervisor will determine if there is adequate information to locate family; if the apparent maltreater is a parent or guardian; if the report meets state defined maltreatment; and if the child is in immediate harm. If the first three criteria are met but there is not enough evidence to determine harm, the Supervisor will instruct the worker to complete a Safety Assessment with the family. If there is enough information to determine the child is at risk, the Supervisor will assign the case for investigation. Within 24 hours of receipt of the report, the Supervisor will

use one of the following Levels to determine the disposition of the report and assign to a worker:

1. **Level One**- The report is screened out for child protective services and may receive a referral for information or a referral for services.
2. **Level Two**-The report is screened in and assigned to a worker who must initiate a Safety Assessment within 72 hours of assignment of the report. The worker has 7 days from initiation to complete the Safety Assessment and to send to the Supervisor for approval. Refer to Section IV for more about Safety Assessments and Safety Plans.
3. **Level Three**- The report is screened in and assigned for a full investigation. The worker has 24 hours to initiate the investigation and 30 days to complete the investigation. A Safety Assessment and any Safety Plan shall be completed within 7 days from initiation.
   All Investigations of abuse that should be considered a felony crime under state or federal law shall be initiated immediately upon receipt by the Intake Worker.

The Supervisor who receives a report by phone, in person, or in writing that a child has been: 1) Intentionally burned (any burn, including but not limited to cigarette burns and burns from hot water); 2) Intentionally tortured(with or without physical harm, i.e. locked in a dark closet for several hours, tied up, left for a significant period of time without food and water, etc); 3) Seriously injured or that serious injury has been attempted; 4) Sexually abused (any sexual abuse); or 5) Abused in any other way that would be a felony crime under state or federal law (i.e., child pornography, etc), **is to immediately call the law enforcement agency in whose jurisdiction the crime occurred and give all the information available, including the name and address of the person who made the report** pursuant to Section 43-21-353 of the Mississippi Code of 1972.

If at any time during the investigation it becomes apparent that the case does involve serious physical injury, burning, torture, sexual abuse or any other felony crime, the worker then follows the steps outlined for these types of abuse.

Current Rule:

Time Frame For Completion Of An Investigation

The Social Worker shall discuss the report and investigation with the ASWS as soon as possible. The investigation, including the Initial Assessment, which addresses risk and safety, shall be completed within thirty (30) calendar days from the date the report was received and submitted to the ASWS for review.

Area Social Work Supervisor will have five (5) calendar days to review the investigation. Therefore, a **maximum time frame of thirty-five (35) days** is allowed to meet the requirements for completion of the investigation. An investigation is deemed completed only after approval by the Area Social Work Supervisor.

The electronic case must contain the full investigation and findings and the initial safety plan (if needed) for each child identified as abused or neglected.

Documentation of the decision that the CPS investigative finding is "evidence" or "no evidence" and the facts, which support the conclusion, must be clearly stated.

The ASWS will have 5 calendar days to review the investigation. If the case is opened, the assigned social worker will have 30 days, from assignment, to complete the Family Team meeting and Adult Individual Service Plan, (ISP) on the family members in the case with whom the worker will provide services.

The Social Worker assigned the case will initiate the on-going contact with family within seven (7) days of assignment. A Family Team meeting should be held within 30 calendar days of assignment.

The Initial Assessment must be completed as the worker is completing the investigation process. The Initial Assessment screens must be completed and submitted to the Area Social Work Supervisor at the time the investigation report is submitted for review.

The Initial Assessment is used in identifying risk elements along with questions of safety. It is a tool to help capture important elements of a case for the decision making process which may affect individuals and families. The broad categories covered during the initial assessment are:

1. General Information
2. Family Maintenance/Protection
3. Individual Family Member Functioning/Problem Solving
4. Family Functioning/Support
5. Family Socialization/Discipline

3. Proposed Rule:

Created assessment tools to help the DFCS worker make a more accurate disposition on a report.

Safety Assessment and Safety Plan

The Safety Assessment is used in situations when the report has been assigned a Level Two or Level Three investigation. This assessment is completed in MACWIS within 7 days of the assigned report.

In circumstances where safety issues are identified, a Safety Plan will be developed with the family and will be implemented immediately.
In cases where no safety issues are identified, the report is closed after the Supervisor approves of the closure.

The Safety Plan will be documented in MACWIS and may be printed as necessary.

When the DFCS worker completes an investigation, a determination is made to support the disposition of the report. This determination is made based upon:

1. Evidence criteria.
2. MDHS-SS-442B, Safety Assessment.
3. Information gathered and entered in MACWIS.
4. Direct observation/Medical or Psychological information.

The investigating worker will complete a Safety Assessment to submit to the Supervisor within 7 days of report assignment. If the determination is made that a child is unsafe, the worker will ensure a Safety Plan or whatever intervention is needed to make the child safe. Report findings are:

a. No Evidence

b. Evidence of Abuse/Neglect

Report information will be entered in MACWIS on appropriate screens as information is received.

The worker has 30 days to complete the investigation from date of assignment of report. The Supervisor has 5 days to review and approve or disapprove the investigation.

Current Rule:
Ongoing Assessment
The parent's progress or lack thereof toward remedying the problems listed in the Individual Service Plan (ISP) should be evaluated at least every three months and more often if needed. The evaluation is not a summary of activity, but should explain the effect any changes in the family's structure, behavior, condition, or location has had on "the level of risk to the child. The focus of the evaluation should be devoted to the discussion of the parent's progress. Each family problem listed on the Individual Service Plan (ISP) must be discussed in terms of what action was taken to address the problem and with what results.

4. Proposed Rule:

"Post-allegation" developed for reports that received additional information while the present investigation is on-going.

Additional Information on Existing Investigations

The DFCS sometimes receives additional information regarding an incident or situation that is already being investigated.

If the worker is involved in an investigation and observes or receives information about additional maltreatment to the victim or another victim in the household, the worker should discuss this new maltreatment with the Supervisor as well as add this new information to the original report as a post-allegation and investigate to determine if additional safety plans are present. In cases where there are felony reports, refer back to subsection E.

Current Rule:

Second reports of abuse or neglect will not be investigated if it is the same report, same victim and same incident. Information on the additional report will be entered into MACWIS and the system will attach this information to the previous information that was entered.

5. Proposed Rule:

Created a section of handling "Child on Child" report.

Child on Child Reports

In order for a child to be investigated as perpetrator, he/she must be at least 12 years old and one or more of the following conditions must exist:

1. They are in a caretaker role;
2. They are 36 months older than the victim;
3. They forcibly overpower the victim.

If one or more of these conditions exist, this does not preclude the agency from completing a safety assessment or make a referral for services. Any report that meets the criteria listed above must be referred to Youth Services.

Current Rule:

None

6. Proposed Rule:

Enhanced section of reports involving Native Americans to include the counties of the Mississippi Band of Choctaw Indians and questions DFCS worker should ask to determine if of Native American heritage.

The tribal lands of the Mississippi Band of Choctaw Indians are not solely confined to Neshoba County within Mississippi. The Choctaw reside in eight counties and these counties are Neshoba, Attala, Jones, Kemper, Leake, Newton, Scott and Winston.

If the tribe request the DFCS worker to initiate the investigation, that worker must confirm the family is of the Choctaw heritage. If the answer is yes, these additional five questions must be asked:

1. Is parent eligible for tribal membership?
2. Is parent registered with Native American tribe?
3. Is child eligible for tribal membership?
4. Has child been registered with Native American tribe?
5. Does the family live on tribal land?

Current Rule:

None

7. Proposed Rule:

Re-defined "Other Settings" and how DFCS worker should handle these reports.

Other settings include "any person responsible for care or support" of a child, pursuant Section 43-21-105(v) of the Mississippi Code. This means "a person who is providing for the child at any given time which can include but not limit to, stepparents, foster parents, relatives, non-licensed babysitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by MDHS."

When DFCS receives a report that a child has been abused by a person responsible for care or support of the child, a determination must be made that the abuse was not committed or contributed to by a parent, legal guardian or primary caretaker.

Current Rule:

None

8. Proposed Rule:

Instructions to DFCS worker on how to handle discovering a child fatality during an investigation of child abuse neglect.

In some situations, a referral of abuse/neglect could results in the assigned investigating worker finding a child dead. In these situations, the worker shall not move, touch, or handle anything in the vicinity. In particular, the investigating worker shall not move or touch the body or leave the vicinity, thereby leaving the body unattended. The investigating worker shall immediately notify his/her Supervisor, either by mobile phone or enlisting help from another person, so that the worker does not leave the body unattended.

Current Rule:

None

INTAKE, SCREENING AND ASSESSMENT POLICY

I. INTRODUCTION

A. Working Principles

Intake requests for services are accepted at all county Department of Human Services offices within the Division of Family & Children's Services. Section 43-21-353 of the Mississippi Code details how intake reports of suspected child abuse/neglect are made and the actions that shall be taken by the agency.

An intake request for services may be voluntary or involuntary. It is considered voluntary when the applicant is either the person requesting services for himself and any dependent or another person who is acting responsibly in the applicant's behalf. Involuntary applications include requests for intervention from courts of competent jurisdiction, complaints from concerned citizens on alleged neglect, abuse or exploitation of an adult/child, or any other source seeking Agency assistance in exploring or investigating an alleged hazardous personal or family situation.

B. Indian Child Welfare Act (ICWA)

The Federal Indian Child Welfare Act (ICWA) was passed in 1978 to protect the rights of the American Indian children. Refer to Section IV. Investigation of Suspected Child Abuse/Neglect and subsection G. Report on Native American Children.

II. REPORTING ABUSE, NEGLECT OR EXPLOITATION

A. Who May Make a Report

Section 43-21-353 of the Mississippi Code of 1972 states that any person who has reason to suspect the abuse or neglect of a child may make a report, in person or by telephone, to their local MDHS, Division of Family and Children's Services (DFCS) office or to the MDHS Statewide Child Abuse Hotline whose telephone number is located in the white pages of the telephone book. There are also Professional Mandated Reporters who are required by law to report abuse or neglect. These include, but are not limited to, any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child care provider, minister, law enforcement officer, public or private school employee or any professional who becomes privy

to information leading them to believe abuse or neglect to a child, within their scope of professional counseling or treatment of a child.

Professional mandated reporters are required to provide written reports of suspected child abuse or neglect, in addition to any verbal reports. These written reports should be forwarded to the DFCS as soon as possible after the oral report is made.

Section 43-21-257 of the Mississippi Code states any records involving children, including valid and invalid complaints shall be kept confidential and shall not be disclosed except as provided in Section 43-21-261.

B. Immunity From Liability

Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, school attendance officer, public school district employee, nonpublic school employee, licensed professional counselor or any person participating in the making of a required report, pursuant to Section 43-21-355 of the Mississippi Code, participating in the judicial proceeding resulting there from, shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

C. Anonymous Reporters

The agency does not require the identity of a reporter as a condition for reporting suspected child abuse, neglect or exploitation.

Reporters may be reluctant to share their identities due to fear of personal repercussions or other factors. This does not permit an opportunity for future contact by the MDHS; therefore, it is crucial that the intake worker gather as much information as possible before the intake call is terminated.

III. INTAKE RESPONSIBILITIES

A. Initial Report

The Intake Worker shall be responsible for gathering as much information as possible based on the following: 1) How to locate family, 2) whether or not the abuse and/or neglect is caused by the person caring for the child, 3) the nature of the abuse and/or neglect occurring, 4) if this report fall under the statutes of our state law as abuse and/or neglect, and 5) whether or not the family being reported has any tribal affiliation.

Initial reports can be pended by the Supervisor if additional information is needed. The pending selection can only be used for the following reasons:

a. Reporter will respond with additional information
b. Supervisor or worker is seeking additional information

All Investigations of abuse that should be considered a felony crime under state or federal law shall be initiated immediately upon receipt by the Intake Worker.

B. Duties of the Hot Line Worker

The hotline worker will conduct steps 1-5 from the previous section and will contact the on-call worker immediately.

C. Examples of Reports That May be Screened out at Intake

The Supervisor will determine if a report may be screened-out during the Intake process using the following information as a general guideline:

1. Dirty houses or dirty children and no indication of life or health endangering situation. If school/day care officials report dirty children, they should be requested to talk to parents first. ***If their attempts to meet with parents or to correct situation fail, then accept report.***
2. Children inappropriately dressed and no indication of neglect of a life or health-endangering situation.
3. Allegations that speak more to the parent's behaviors rather than the child's condition; (e.g., parent drinks beer or takes drugs; mother has boyfriend) and there is no indication of neglect or life or health endangering situation.
4. Reports of crowded conditions or too many people living in a home and no indication of neglect or life or health endangering situation.
5. Allegations that parent is not spending TANF, Food Stamps, Child Support or other income on children, and there is no indication of neglect of basic necessities, or of a life or health endangering situation. *Reporters should be referred to local Economic Assistance office.*
6. Reports which suggest a need to be addressed by another agency and there is no indication of a life or health endangering situation. (i.e., lack of school attendance, presence of lice, delinquency, lead/asbestos poisoning). *These reports should be referred to the appropriate agency for handling (i.e. school attendance officer, health department).*
7. Sufficient information is not provided to enable the Department to locate the family, and this information cannot be secured through other sources after all reasonable efforts have been made. *General correspondence file should be set up on family.*

8. Reports of incidents that occurred when a person now eighteen (18) or over was a child. When adults report that abuse/neglect was perpetrated on them as children, they must have some other information or reason to believe that children presently cared for by perpetrator are being abused/neglected. *Support Services may be offered to the adult victim, as well as referral to mental health services and law enforcement.*

9. Reports on an unborn child. Reporter should be referred to the County Health Department to contact a public health worker for services of the Health Department for the mother or family of the unborn child as appropriate. Other services of the MDHS may also be provided as necessary. *In cases of physical abuse of a pregnant woman, information may be taken and referred to law enforcement.*

10. Reports of sexual relations involving victims age 16 and over that meet **all of the criteria below**.

    Alleged victim was age sixteen (16) or over at the time incident occurred, and:

    a. alleged victim is a normally functioning child, and
    b. alleged victim, age 16 or over, willfully consented, and
    c. alleged perpetrator is not a parent, guardian, custodian or person responsible for the child's care or support and resides in the child's home, or an employee of a residential child care facility licensed by MDHS.
    d. No parental or caretaker abuse or neglect is suspected.

    If any criteria do not apply, then report should be considered for investigation.

    If a referral is considered outside the jurisdiction of the Department, the report shall be documented and be referred to law enforcement of proper jurisdiction for investigation. Other services of the Department may be provided.

11. Reports of rape, sexual molestation, or exploitation of any age child that meet all of the criteria below. Alleged perpetrator is not a caretaker, friend of caretaker, relative, other person living in the home, or employee of a child care facility where the child attends or lives.

    a. No parental or caretaker neglect is suspected.

    b. Law Enforcement has been informed of the report.

    If either (a) or (b) does not apply, then report should be considered for investigation.

    If law enforcement has not been contacted, the Department will immediately make the report to them. Other services of the Department

will be offered to law enforcement (i.e., interviewing children) and the family (i.e., mental health referrals, counseling) as needed.

12. Reports of children who have not had their immunizations. *Reporter should be referred to the County Health Department to contact a public health worker or to the school attendance officer as appropriate.*

13. Threats or attempts of suicide by children if there is no suspicion of parental/caretaker abuse or neglect. ***If the nature of the report suggests that the child is in immediate danger of self harm, a referral should be made immediately to Mental Health and/or Law enforcement. If reporter is a professional, they should be requested to refer the family to counseling. If family does not follow through, then case can be referred to Department for neglect. If reporter is a non-professional, the Department should determine if family is seeking counseling. If not, Department should investigate for neglect. If reporter feels suspicion exists just because suicide attempt was made, Department will investigate.***

14. Physical injury committed by one child on another that meets <u>all</u> of the following criteria:
    a. Child is not in a care taking role over the other child and does not reside in the same household.
    b. No parental or caretaker abuse or neglect is suspected.
    c. Child victim and perpetrator are not in a residential child caring facility or a home licensed or approved by the Department of Human Services.

Requests for assistance with food, clothing, utilities, shelter, voluntary placement of children, transportation, court-ordered home evaluations, general requests for services, court- ordered supervision etc., should not be considered reports for CPS investigation. *These reports are considered requests for support services to be provided by the Department as appropriate, or referred to other agencies in the community.*

D. Screening Reports and Assigning Response

A Supervisor will determine if there is adequate information to locate family; if the apparent maltreater is a parent or guardian; if the report meets state defined maltreatment; and if the child is in immediate harm. If the first three criteria are met but there is not enough evidence to determine harm, the Supervisor will instruct the worker to complete a Safety Assessment with the family. If there is enough information to determine the child is at risk, the Supervisor will assign the case for investigation. Within 24 hours of receipt of the report, the Supervisor will

use one of the following Levels to determine the disposition of the report and assign to a worker:

4. **Level One-** The report is screened out for child protective services and may receive a referral for information or a referral for services.
5. **Level Two-**The report is screened in and assigned to a worker who must initiate a Safety Assessment within 72 hours of assignment of the report. The worker has 7 days from initiation to complete the Safety Assessment and to send to the Supervisor for approval. Refer to Section IV for more about Safety Assessments and Safety Plans.
6. **Level Three-** The report is screened in and assigned for a full investigation. The worker has 24 hours to initiate the investigation and 30 days to complete the investigation. A Safety Assessment and any Safety Plan shall be completed within 7 days from initiation.
   All Investigations of abuse that should be considered a felony crime under state or federal law shall be initiated immediately upon receipt by the Intake Worker.

The Supervisor who receives a report by phone, in person, or in writing that a child has been: 1) Intentionally burned (any burn, including but not limited to cigarette burns and burns from hot water); 2) Intentionally tortured(with or without physical harm, i.e. locked in a dark closet for several hours, tied up, left for a significant period of time without food and water, etc); 3) Seriously injured or that serious injury has been attempted; 4) Sexually abused (any sexual abuse); or 5) Abused in any other way that would be a felony crime under state or federal law (i.e., child pornography, etc), **is to immediately call the law enforcement agency in whose jurisdiction the crime occurred and give all the information available, including the name and address of the person who made the report** pursuant to Section 43-21-353 of the Mississippi Code of 1972.

If at any time during the investigation it becomes apparent that the case does involve serious physical injury, burning, torture, sexual abuse or any other felony crime, the worker then follows the steps outlined for these types of abuse.

E. Procedure for Notification of Potential Child Abuse/Neglect

After the Supervisor screens in the report, the assigned worker has time frames that must be followed for notifying the following professionals according to Section 43-21-353 of the Mississippi Code of 1972:

1. The appropriate prosecutor and law enforcement in the jurisdiction where the abuse occurred shall be notified immediately.
2. After the investigation is initiated, DFCS and law enforcement shall file the "Preliminary Report" with appropriate prosecutor's office within 24 hours.

3. Advise the youth court and the youth court prosecutor within 72 hours after the report and continue to update this information, as it becomes available.

F. Same Reports

In order to classify a report as the same report and to screen it out for investigation, the Supervisor must determine if the new information includes:

a. Same alleged perpetrator(s);

b. Same victim(s);

c. Same types of child maltreatment(s); and

d. Same incident

If the prior investigation has been completed, the Supervisor must always make sure the prior report was thoroughly investigated. Information on the same report will be entered into MACWIS and the system will attach this information to the previous information that was entered.

G. Additional Information on Existing Investigations

The DFCS sometimes receives additional information regarding an incident or situation that is already being investigated.

If the worker is involved in an investigation and observes or receives information about additional maltreatment to the victim or another victim in the household, the worker should discuss this new maltreatment with the Supervisor as well as add this new information to the original report as a post-allegation and investigate to determine if additional safety plans are present. In cases where there are felony reports, refer back to subsection E.

H. False Reports

An intentional false report is a report in which it is concluded that not only is there no evidence under state law or policy that a child was maltreated or at risk of maltreatment, but the reporter knew the allegation was false. The worker should request that the reporter verify that the allegations made were false. According to Mississippi Code, Section 43-21-353 (7), "anyone who willfully violates and provision of this section [with false reporting], shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars ($5,000.00), or by imprisonment in jail not to exceed one (1) year, or both."

IV. INVESTIGATION OF SUSPECTED CHILD ABUSE/NEGLECT

Any report that is not a felony crime under state law, must be initiated within the time frames allowed for the Levels in Section 3D. Information shall be entered into MACWIS as the information is obtained during the investigation.

A. Safety Assessment and Safety Plan

The Safety Assessment is used in situations when the report has been assigned a Level Two or Level Three investigation. This assessment is completed in MACWIS within 7 days of the assigned report.

In circumstances where safety issues are identified, a Safety Plan will be developed with the family and will be implemented immediately.
In cases where no safety issues are identified, the report is closed after the Supervisor approves of the closure.
The Safety Plan will be documented in MACWIS and may be printed as necessary.

B. Request for Law Enforcement to Accompany

The Mississippi Code of 1972, Section 43-21-353 (6), specifies:

"In any investigation of a report made under this chapter of abuse or neglect of a child as defined in section 43-21-105(m), the Department of Human Services may request the appropriate law enforcement officer with jurisdiction to accompany the Department on its investigation, and in such cases the law enforcement officer shall comply with such requests".

Each county works out a written agreement with the local law enforcement agency on form MDHS-441-Protective Service Agreement, and updates when changes occur or at least annually. The original MDHS-441 is filed in the county office with copies given to the law enforcement agency who signed the form, the Regional Director and the Protection Unit at the State Office.

C. Reports Involving More than One County

A county may receive a report of child abuse/neglect when the incident occurred in another county and the child lives in the county receiving the report. Generally, the report of suspected abuse/neglect will be investigated in the county where the child lives. A case will not be transferred to another county due to the perpetrator and/or witnesses living in that county. Request the other county to interview the perpetrator/witness and report back to the county of residence for the child and/or

his custodian. The county where the child lives is responsible for registering the report, completing the investigation, determining dispositions, and entering the data for the completed investigation. The report, if substantiated must be provided to law enforcement and the District Attorney in the county where the abuse occurred. Coordination between counties is essential.

D. Abused Child from Another State

When the child, who is the subject of an allegation of abuse, is a resident of another state and the abuse occurred in that state, the intake worker receiving the report will:

1. Complete the requested data elements on the MACWIS Intake Screens.
2. Telephone the report to the Protection Unit for the county in the other state where the abuse allegedly occurred. The DFCS staff may assist the other state with its investigation by interviewing the child and his/her custodian. This information may be forwarded directly to the other state. If an address is needed for the Child Protection agency in another state, MDHS staff may call the Child/Adult Abuse Hotline to obtain an address. The state where the abuse occurred will be responsible.

E. Mississippi Child Abused In Another State

When the child who is the subject of an allegation of abuse is a resident in Mississippi and has been allegedly abused in another state, the intake worker will:

1. Complete the requested data elements on the MACWIS Intake Screens.
2. Make an oral report to the Child Protective Service Unit in the State where the abuse allegedly occurred.
3. Request the other State's assistance in completing the investigation.
4. Perpetrator Resides in Mississippi and Child Resides in Another State

F. Child on Child Reports

In order for a child to be investigated as perpetrator, he/she must be at least 12 years old and one or more of the following conditions must exists:

4. They are in a caretaker role;
5. They are 36 months older than the victim;
6. They forcibly overpower the victim.

If one or more of these conditions exist, this does not preclude the agency from completing a safety assessment or make a referral for services. Any report that meets the criteria listed above must be referred to Youth Services.

G. Report on Native American Children

The Federal Indian Child Welfare Act (ICWA) was passed in 1978 and grants Indian tribes extensive jurisdiction in child welfare cases involving Native American children, recognizing "that there is no resource that is more vital to the continuing existence and integrity of Indian tribes than their children". Because of this Act's existence, MDHS has no jurisdiction to investigate allegations of abuse or neglect occurring on Native American tribal lands, but the agency has and will continue to receive reports of abuse/neglect to Native American children whether they live on or off tribal lands. Should a DFCS worker receive such a report, a determination shall be made as to whether:

1. The child is a member of a Native American Tribe and falls under the purview of ICWA;
2. The child resides on land where an Indian tribe has jurisdiction.

The tribal lands of the Mississippi Band of Choctaw Indians are not solely confined to Neshoba County within Mississippi. The Choctaw reside in eight counties and these counties are Neshoba, Attala, Jones, Kemper, Leake, Newton, Scott and Winston.

If the **child is a member of the Choctaw tribe and lives on tribal land**, the intake worker will immediately notify his or her Supervisor, who will in turn notify the Mississippi Band of Choctaw Indians at their Social Services Department in Neshoba County. MDHS permits the tribe an opportunity to assess the report and to provide services as it deems appropriate for the children and/or their families. If the tribe request the DFCS worker to initiate the investigation, that worker must confirm the family is of the Choctaw heritage. If the answer is yes, these additional five questions must be asked:

6. Is parent eligible for tribal membership?
7. Is parent registered with Native American tribe?
8. Is child eligible for tribal membership?
9. Has child been registered with Native American tribe?
10. Does the family live on tribal land?

NOTE: Reports involving children who are determined to be members of another tribe should be shared with the District Worker, Bureau of Indian Affairs, Eastern Area Office, Washington, D.C. If the tribe is unknown, the agency shall contact the Mississippi Band of Choctaw Indians who are willing to help identify the child's tribe and refer appropriately.

In those situations involving **children who do not live on tribal lands** or they are not located on tribal lands at the time of the report, MDHS staff shall conduct an investigation and reasonable efforts must be made to coordinate the investigative activities, excluding emergency situations, with the child's tribe when possible. The MDHS worker must ask the family the following questions:

1. Is parent or child of Native American heritage?

2. Is parent eligible for tribal membership?
3. Is parent registered with Native American tribe?
4. Is child eligible for tribal membership?
5. Has child been registered with Native American tribe?
6. Does the family live on tribal land?

For these children, the Mississippi Band of Choctaw Indians or any other Indian Tribe to which the child belongs has the right to accept or deny jurisdiction of the said child and to help with placement resources. The tribe must be notified of any court hearings involving an Indian child. Notification is to be provided immediately, by telephone and certified letter, to the tribe when a Choctaw child, or other Indian child, is taken into MDHS custody. For aapplicable MDHS time frames for initiating and completing an investigation please refer to Section III-D.

On the Safety Assessment, in MACWIS, the worker shall document any tribal referrals that were made by MDHS.

H. Initiation of Investigation

Any investigation is considered "initiated" when personal contact is made with any of the following:

a. The involved child(ren).

b. The parent/caretaker.

c. Siblings who reside in the home.

d. With other household members.

e. With at least one collateral contact.

It is always best practice to initiate contact with the involved child(ren) first.

Attempted personal contact with the child and/or parent/guardian or custodian or caretaker and efforts to locate does not end the investigation. If the worker cannot make personal contact or locate family, the Supervisor shall be notified immediately on case status.

H1. Family Moves Out of State

If a family moves out-of-state during an investigation of child abuse/neglect and the family's new address can be obtained, a letter to the child protection agency in the other state must be written informing them of the report and must be sent to the Office of Protective Services, Division of Family and Children's Services, for the other state. If the report indicated that there may be imminent danger of harm or threatened harm to the child, a protective services referral must be made immediately

by telephone to the other state and confirmed in writing through DFCS as soon as possible after making the oral report.

H2. Protective Service Alert

Protective Service alerts are used in those case situations when the family and/or victim's exact whereabouts is unknown **and** the worker is of the opinion that further harm may come to the child victim(s) unless protective services are provided. Protective Services alerts may be sent directly to the county offices within this state and/or other states, when a family tends to remain within a known geographical area.
If there is a child fatality, the family has moved to another county or state while case is under investigation, **and siblings** to the deceased child have moved with the parents, a Child Protective Service Alert needs to be sent by the assigned worker and/or Supervisor to the appropriate state and/or county office.

H3. Request from Another State

A county MDHS office may receive a request from another state for completion of a child abuse/neglect investigation when the incident occurred in that state with a child and the alleged perpetrator resides in Mississippi. An assigned worker from the county office shall interview the alleged perpetrator for the other state.

I. Examination of the Victim (Child)

1. All victims of physical abuse should be thoroughly examined for evidence of abuse (bruises, bites, burns, welts, etc.). When possible social worker of same sex as child examines child. Procedure should be explained in a non-threatening, comforting way.
2. Victims of neglect should be thoroughly examined if the investigation indicates reasons to suspect physical abuse; or if there are observable signs of neglect (malnutrition, untreated accidental injuries, infestations, bug bites).
3. A parent/caretaker or another adult witness must be present when child is examined.
4. Social worker should request that the parent/caretaker or child, if old enough, remove child's clothes. Worker should be sensitive to child's feelings of undressing in front of a stranger.
5. If there is reason for an examination of the genital area of any child or breasts of female children over age 6, arrangements should be made for examination by a medical professional.
6. If a child or parent refuses to cooperate, court intervention is sought.

7. If there is reason to suspect physical abuse of other children, examine them.

J. Photographs of Victim (Child)

1. The investigating worker may take photographs of child, child's home, or location where the child was residing when abuse/neglect report in order to document any physical evidence of abuse/neglect. If the parents do not cooperate, seek youth court or law enforcement intervention.
2. A parent, another DFCS worker, or another professional must always be present as a second party when photographs are taken of a child.
3. Identifying information (name of victim or other appropriate identifying information, date photograph was taken, time, and location) should be written on back of photograph or attached to it. The person's name who took photograph and date of photograph should also be included.
4. Each photograph shall have a visible body landmark to distinguish the identity of the child, actual location, and extent of the area of injury. More than one photograph of injury may be required to show landmark and still obtain a clear close-up of abuse.
5. Color film more accurately depicts an injury to child or condition of home.

Photographs, that are clearly labeled, shall be filed in the paper case record and information shall be entered on the appropriate MACWIS screen as to the location of the photographs.

V. ASSESSMENT OF REPORT

When the DFCS worker completes an investigation, a determination is made to support the disposition of the report. This determination is made based upon:

5. Evidence criteria.
6. MDHS-SS-442B, Safety Assessment.
7. Information gathered and entered in MACWIS.
8. Direct observation/Medical or Psychological information.

The investigating worker will complete a Safety Assessment to submit to the Supervisor within 7 days of report assignment. If the determination is made that a child is unsafe, the worker will ensure a Safety Plan or whatever intervention is needed to make the child safe. Report findings are:

a. No Evidence
b. Evidence of Abuse/Neglect

Report information will be entered in MACWIS on appropriate screens as information is received.

The worker has 30 days to complete the investigation from date of assignment of report. The Supervisor has 5 days to review and approve or disapprove the investigation.

VI. INVESTIGATION REPORTS

The worker investigating the report is responsible for completing a finding on all investigations as well as completing a report about these findings.

Modifications and corrections of names and addresses and intake information should be made on the appropriate MACWIS screens and approved by the Supervisor.

A. Report to the District Attorney and Law Enforcement

When a investigation has been determined to be a report of felony child abuse/neglect, the investigating worker shall generate a report from MACWIS and send to his/her Supervisor for approval. These approved reports shall be mailed or hand-delivered to the District Attorney and Law Enforcement.

B. Report to Youth Court

When an investigation of child abuse and neglect is completed, whether or not there is evidence, the investigation shall be forwarded to the Youth Court.

1. When immediate reporting is necessary for the protection of child(ren) a report is made by telephone or in person and promptly confirmed in writing. A report is made by the Department to the Youth Court Intake Unit or judge, and where appropriate, to the Youth Court Prosecutor.
2. Mississippi Code, Section 43-21-357 states that upon completion of an investigation, a written report of any investigation is submitted to the Youth Court with a recommendation of one of the following:
   a. That the Youth Court take no action;
   b. That an informal adjustment be made;
   c. The DHS/DFCS monitor the child, family, and other children in the same environment;
   d. That the child is warned or counseled informally; or
   e. That a petition be filed.

The Investigation report will be generated in MACWIS and printed for sending to the Youth Court.

Information submitted to the District Attorney and law enforcement shall be included in the court report.

C. Follow-up With the Mandated Professional Reporters

If requested by the mandated professional reporter (Refer to Section II-A for a listed of mandated reporters) who made the original intake request, the assigned worker notifies the mandated professionals verbally or by letter that the report has been investigated and services rendered, if warranted. The worker shall provide more information regarding the investigation, without a court order, to the professional reporter if that reporter has a continuing professional relationship with the child and a need for such information in order to protect or treat the child.

VII. SPECIAL INVESTIGATIONS

A. Agency Employees

Any abuse/neglect report received by Intake that names an agency employee as a possible perpetrator, or victim or indicates an agency employee is somehow involved with this report, the worker will immediately notify his/her Supervisor who immediately notifies the Family and Children's Services Regional Director. The Regional Director notifies the Division Director of Family & Children's Services and makes a recommendation on how to proceed. The disposition of this report and the decision on how to proceed with the investigation is made by the Division Director.

B. Resource Family Homes

When an abuse/neglect report is received in Intake that involves a resource family home (foster, adoptive, kinship/relative) the worker shall:

1. Immediately notify his/her Supervisor, who will in turn:
    a. Notify his/her Regional Director.
    b. Notify the Regional Director for the county where the home is located, if different, and the Regional Director and Supervisor for the county where the child victim is from, if applicable.
    c. The Regional Director of the County of Responsibility shall determine whether or not the child(ren) should be removed from the home or further recommendations be made.
    d. Notify the parent(s) of the alleged victim(s) of the alleged abuse or neglect, unless parental rights have been terminated, or the child has been released for adoption. The Supervisor will disclose to the parents the allegations of abuse/neglect, as well as, the nature of any action taken to prevent further abuse or neglect of the child.
    e. Notify parents as to the outcome of the investigation.

2. Immediately notify law enforcement and district attorney's office of jurisdiction, if the report involves felony child abuse/neglect. This notification to law enforcement may also be a request for them to accompany the DFCS worker, if deemed necessary.
3. Immediately give the report, by telephone, to the County of Service Supervisor, if appropriate.
4. Notify the his/her Supervisor who, in turn, shall:
5. Notify the Protection Unit. The Protection Unit will log the report and notify the Division Director, the Deputy Administrators, the Placement Unit Director and the Licensure Unit Director of the report and the nature of the allegations of abuse/neglect in the Agency home.

The Regional Director for the county where the report originated shall assign agency staff to complete a full investigation and monitor the completion of the investigation and final report. The worker who licensed the resource family will not take an active role in the investigation but may accompany the assigned worker on the investigation. This licensing worker's role will be that of a mediator, if necessary, between the resource family and the assigned worker.

The alleged victim(s) must be interviewed the same day the report is received to insure immediate safety. The child victim(s) is to be interviewed individually, privately, and preferably away from the resource family home.

No additional children are to be placed in the home pending completion of the investigation.

The investigating worker shall select in MACWIS Resource Report (a radio button) on General Intake tab on the Intake Report screen.

C. Licensed Placements or Facilities

The DFCS will investigate reports received on placements licensed by the agency such as group homes, emergency shelters and private child placing agency foster homes. The Regional Director shall assign a worker to investigate, which may be a Supervisor, county of responsibility staff or county of service staff. The Regional Director shall also notify the Protection Unit, the Placement Director, licensure director and the Division Director. If the report involves felony child abuse, law enforcement must be notified immediately. The licensing agency is to accompany or otherwise support the assigned worker on the initial visit with the facility director or the child placing agency director.

D. Other Settings

Other settings include "any person responsible for care or support" of a child, pursuant Section 43-21-105(v) of the Mississippi Code. This means "a person who is providing for the child at any given time which can include but not limit

to, stepparents, foster parents, relatives, non-licensed babysitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by MDHS." These reports should be investigated as outlined in Section IV-H.

When DFCS receives a report that a child has been abused by a person responsible for care or support of the child, a determination must be made that the abuse was not committed or contributed to by a parent, legal guardian or primary caretaker. If this is not the case, the report must be handled as an "Out of Home" report. "Out of Home" is defined by Section 43-21-105(x) as temporary supervision or care of children by the staff of licensed day care centers, the staff of public, private and state schools, the staff of juvenile detention facilities, the staff of unlicensed residential care facilities and group homes and the staff of, or individuals representing churches, civic or social organizations. According to Section 43-21-353(8) of the Mississippi Code, these reports of "Out-of-Home" abuse/neglect must be reported to the local licensing entity, law enforcement, and the district attorney's office in the appropriate jurisdiction. Reports must also be made to the appropriate youth court. Reports of incidents allegedly occurring within the state's Training Schools shall be reported to the Division of Youth Services for investigation.

E. Medical Neglect of Handicapped Infants

Federal regulations require DFCS to respond to reports of medical neglect, including instances of the withholding of medically indicated treatment (including appropriate nutrition, hydration, and medication) from disabled infants less than one year of age with life threatening conditions.

"Withholding of medically indicated treatment" is defined in the federal regulations as: The failure to respond to the infant's life threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will most likely be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate) when:

1. The infant is chronically and/or irreversibly comatose as determined by the child's attending physician;
2. The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant as determined by the child's attending physician;
3. The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment under the circumstances would be inhumane, as determined by the child's attending physician.

When an Intake worker receives a report of medical neglect is received that involves the withholding of medically indicated treatment from disabled infants, his/her Supervisor will be immediately notified who shall:

a. Immediately contact the health care facility involved with the child to obtain detailed information and share with the facility the agency's procedure for investigating.

b. Notify immediately designated contact person at health care facility and Protective Services Unit.

c. Conduct interviews or assign a worker to conduct interview at health care facility with:

   i. Designated contact person

   ii. Family

   iii. Others involved with infant

   iv. Infant Care Review Committee (ICRC), if one established at health care facility.

d. Obtain an independent assessment from a medical consultant, if the need determined.

e. Review infant's medical records, if necessary, through the assistance of designated contact person. If parents or facility do not cooperate, contact Youth Court Judge or designee for a court order.

f. Request an independent medical examination of the infant, if necessary, to assure an appropriate resolution of report. If parents or facility do not cooperate, contact Youth Court judge or designee for a court order.

F. Death of a Child

In some situations, a referral of abuse/neglect could results in the assigned investigating worker finding a child dead. In these situations, the worker shall not move, touch, or handle anything in the vicinity. In particular, the investigating worker shall not move or touch the body or leave the vicinity, thereby leaving the body unattended. The investigating worker shall immediately notify his/her Supervisor, either by mobile phone or enlisting help from another person, so that the worker does not leave the body unattended. The Supervisor shall notify the Regional Director.

The investigating worker must to be able to provide the following information:

1. Whether or not the child is in MDHS custody;

2. If the child or family has an open or closed Child Protective Service case;

3. If an investigation is pending at the time of the child's death;
4. If any prior reports concerning the child or family were screened out for DFCS investigation;
5. Whether or not it is known if other children reside in the home who require safety and protection.

The worker who reported the child fatality to his/her supervisor shall also notify:

1. Law Enforcement
2. The Youth Court Judge
3. The District Attorney
4. The Coroner, if not already informed.

Section 43-21-261(17) of the Mississippi Code of 1972, was amended in 1998 to state "the confidential provisions of this section shall not apply" meaning any confidentiality criteria from this section does not apply to child fatalities. All request for disclosure from the media (radio, television, newspaper) or the general public concerning the findings and information about a protective service case should be routed through administrative channels to the Division Director for administrative and legal directives prior to the provision of any response. The Division Director will designate who is to be the spokesperson and what information may be shared to prevent further trauma to the family.

The state law requires an autopsy on all children under age 2 who die of unknown causes. For these cases referred to MDHS:

a. The County Attorney is immediately contacted to order and arrange the autopsy if law enforcement has not.
b. An autopsy is completed by the State Medical Examiner's Office or one of its designated pathologists.

The assigned worker will conduct a Safety Assessment and a Safety Plan, as outlined in Section V, on the family if other children reside in the home. These assessments are to determine the remaining children's safety and well-being.

Information will be entered in MACWIS on appropriate screens.