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101			

102 **200.2 Philosophy Of Child Protective Services Investigations**

103

104 As the first In-Home Service, Child Protective Services (CPS) caseworkers are guided by Practice
105 Model Principles and Skills to keep children safe and strengthen families. CPS caseworkers
106 actively engage with families in an effort to effectively assess for safety and risk. CPS
107 caseworkers make every effort to keep children safe in their own homes or with family through
108 interventions and/or safety planning. Children are only removed when they cannot safely
109 remain in their home.

110

111 **201 A Call For Help: A Community And State Collaborative Effort**

112

113 This section contains the major objectives and procedures that CPS caseworkers need to
114 receive, document, and categorize reports of child abuse, neglect, or dependency.

115

116 **201.1 Intake**

117

Major objectives:

118

119 Child and Family Services will maintain a child welfare management information system (SAFE)
120 for receiving referrals or reports about child abuse, neglect, or dependency when there is
121 reasonable cause to believe that abuse, neglect, or dependency occurred.

122

123 **Applicable Law**

124 Utah Code Ann. [§62A-4a-501](#). Harboring a runaway – Reporting requirements – Division to
125 provide assistance – Affirmative defense – Providing shelter after notice.

126 Utah Code Ann. [§62A-4a-1003](#). Management Information System – Requirements – Contents –
127 Purpose -- Access.

128 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.

129

130 Practice Guidelines

131 SAFE will supply the CPS caseworkers with a complete history for each child, including siblings,
132 foster care episodes, all reports of abuse, neglect, or dependency, treatment plans, and
133 casework deadlines.

134

135 If Child and Family Services receives a report concerning a runaway child, the Intake worker will
136 gather information to determine if there is an allegation of abuse, neglect, or dependency that
137 requires a CPS referral or refer the caller to contact the Youth Services Agency.

138

139 **201.2 Receiving And Researching The Referral**

140

Major objectives:

141

142 Each call received by Child and Family Services regarding concerns of possible abuse, neglect, or
143 dependency involving a child will be considered a potential referral and will be documented by
144 Intake in SAFE. The Intake worker will research all available additional sources to gather more
145 pertinent complete information to help establish the validity, credibility, necessity, and priority
146 of the referral information.

147

148 **Applicable Law**

149 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

150 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --
151 Preremoval interviews of children.

152

153 Practice Guidelines

154 The minimum required information for a referral in any form (e.g., fax, letter, or email) should
155 include:

156

- 157 A. A narrative description of a specific occurrence or allegation of abuse, neglect, or
158 dependency, which falls into at least one of the defined categories in Major objectives
159 [Section 201.11](#).
- 160
- 161 B. A means of identifying an alleged victim under the age of 18 years for each allegation. If
162 the reported concerns involve an unborn child and there are no threats to the safety of
163 the other children in the home, a child must be born before a case can be opened.
- 164
- 165 C. A means of locating (address or contact person) the alleged victim.
- 166
- 167 D. Every referral requires a query of SAFE and EREP.
- 168
- 169 E. Where possible, the following information is preferred in addition to the minimum
170 required information:
- 171 1. Where the abuse, neglect, or dependency occurred.
- 172 2. When the incident occurred.
- 173 3. Any witness to the incident.
- 174 4. Physical evidence.
- 175 5. Alleged victim name, address, phone number, birth date, and primary language.
- 176 6. Parent name, address, phone number, birth date, and primary language of
177 alleged victim.
- 178 7. Alleged perpetrator name, address, phone number, and birth date. Include sex
179 offender registry information if the allegations are related to Sexual Abuse.
- 180 8. Referent name, address, and phone number.
- 181 9. Every known member of the alleged victim's immediate family/household. All
182 siblings should be identified on the referral, regardless of whether or not they
183 reside in the same home as the alleged victim.
- 184 10. Accessibility of the alleged perpetrator to the alleged victim.
- 185 11. School/child care information for the alleged victim and where the alleged victim
186 can be located.
- 187 12. Employment information and schedule for the parents.
- 188 13. How the referent obtained the information regarding the allegation.
- 189 14. Willingness of the referent to testify.
- 190 15. Special circumstances/precautions recommended for investigation.

- 191 a. Including adopted children who may need services.
192 16. Third-party/collateral contacts.
193 17. History or occurrence of domestic violence.
194 18. Indicate whether or not the family has had prior Child and Family Services
195 involvement. If there is currently an open case, document the type of service
196 and the caseworker assigned.
197

198 **201.3 Research Of Information**

199 *(THIS SECTION HAS BEEN COMBINED WITH [SECTION 201.2](#))*
200

201 **201.4 Disposition Of The Referral**

202 Major objectives:

203 The CPS Intake process will be completed by or staffed with a licensed social worker, with the
204 exception of "information only" contacts.
205

206 **Applicable Law**

207 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
208
209

210 Practice Guidelines

211 The CPS Intake process will consist of all actions taken by an Intake worker from the time
212 contact is made with Child and Family Services until the information received is determined to
213 be one of the following:
214

- 215 A. Accepted referral: An accepted referral is one in which the minimum information
216 required for a referral is obtained and opened for investigation. Law enforcement will
217 be notified of accepted referrals.
218
- 219 B. Unaccepted referral: A referral is unaccepted in situations including, but not limited to,
220 any of the following:
- 221 1. The child is not yet born.
 - 222 2. The minimum required information for accepting a referral is not available.
 - 223 a. A narrative description of a specific occurrence or allegation of abuse,
224 neglect, or dependency.
 - 225 b. A means of identifying an alleged victim under the age of 18 years for
226 each allegation, or to the age of 21 years if Child and Family Services has
227 been assigned custody by a court.
 - 228 c. A means of locating the alleged victim.
 - 229 3. The allegations do not amount to abuse or neglect.
 - 230 4. As a result of research, the information is found not credible or reliable.

- 231 5. The specific incidence or allegation has been previously investigated and no new
232 information is gathered.
233 6. The specific incidence occurred out of the geographic jurisdiction, and the
234 referent was referred to the proper child welfare jurisdiction.
235

236 With respect to unaccepted referrals, the Intake worker may offer community resource
237 information and/or referral information including, but not limited to, information about
238 priority of treatment.

239
240 Information received in an unaccepted referral will still be documented, and this history
241 can be used to establish a pattern of concern.
242

243 C. Additional information or allegation:

- 244 1. When there is an open CPS case involving children of the same household and/or
245 who have the same parent or guardian, an additional information referral will be
246 added to the open CPS case.
247 a. If the additional information meets the definition for an allegation not
248 previously assigned to the open case, any new allegation(s), victim(s),
249 and/or perpetrator(s) will be added to the CPS case by the Intake worker.
250 b. If the additional information referral meets the criteria for a Priority 1 or
251 2 response time:
252 (1) The Intake worker will call the worker assigned to the case. If the
253 assigned worker does not respond, the Intake worker will call the
254 worker's supervisor. If the worker's supervisor does not respond,
255 the Intake worker will call the community services manager
256 (CSM). If the CSM does not respond, the Intake worker will call
257 the associate region director.
258 (2) If the call comes in after hours, the Intake worker will call the on-
259 call worker to respond.
260 2. If the additional information involves victims and/or perpetrators not of the
261 same household, where there is no blood or legal relation to any parties involved
262 with the case, a new CPS case will be opened.
263

264 D. An "Information Only" contact is a call which does not meet the criteria of an Accepted,
265 Unaccepted, or Additional Information referral. (Practice Guidelines [Section 201.4](#) A, B,
266 and C.)

- 267 1. These calls will be documented by the Intake worker as an Information Only
268 referral in SAFE and will include the duration of the call. The Information Only
269 referral will be entered into SAFE immediately after the call is completed.
270

271 E. Conflict of Interest and Related Parties Investigation cases:

- 272 1. A case that involves allegations of child abuse, neglect, or dependency of a child
273 in state custody will be forwarded to the contracted independent CPS agency or
274 individual regardless of whether or not the alleged perpetrator is the out-of-
275 home caregiver (see Practice Guidelines [Section 207](#)).
- 276 2. Where a Child and Family Services employee, volunteer, or contractor of the
277 Department of Human Services (DHS) has a relationship with the alleged victim,
278 alleged perpetrator, or another person named in the investigation such that
279 there is or might be a conflict of interest, the appearance of a conflict of interest,
280 impropriety, or the appearance of impropriety if CPS or Child and Family Services
281 performed the investigation, will be forwarded to the Office of Services Review
282 Related Parties Investigators (see Practice Guidelines [Section 207](#)).
- 283
- 284 F. Licensed daycare provider: When the allegation involves a licensed daycare provider,
285 the Intake worker will notify the Department of Health and document the name and
286 phone number of the contact person in the narrative of the CANR.
- 287
- 288 G. The Intake worker will call and email the region director and CC: the associate region
289 director for referrals involving any of the following:
- 290 1. Domestic Violence homicide/suicide.
291 2. Alleged abuse or neglect related child fatality/near fatality.
292 3. Involves or is likely to involve the media.
293 4. Any Conflict of Interest or Related Parties investigation involving the associate
294 region director or region director's region.
- 295
- 296 H. When receiving a referral involving serious injuries to a non-verbal child, Intake will staff
297 the referral with an administrator or with someone at the administrative level.
- 298

299 **201.5 Priority Of The Referral**

300 Major objectives:

301 The priority of the referral will be based upon the information received at Intake and will be
302 determined prior to the face-to-face contact with a child. The priority determines the time
303 allotted for Intake to complete the referral process and for the assigned CPS caseworker to
304 make face-to-face contact with the child.
305

306 **Applicable Law**

307 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.
308

309 Practice Guidelines

310 Child and Family Services will prioritize referrals as follows:
311
312

- 313 A. A priority 1 response will be assigned only if there is an imminent threat to the child's
314 safety as determined by the Intake checklist. Do not use priority 1 when:
315 1. The police are present and able to provide protection to the alleged victim; or if
316 2. The child is in a facility (such as a hospital) where it is reasonable to assume
317 there are responsible adults providing protection and there are no immediate
318 threats to the child's safety.
319

320 Intake has no more than 30 minutes from the completion of the initial contact from the
321 referent to gather additional information, staff the referral to determine the priority,
322 notify law enforcement, and assign to the CPS caseworker. Intake will provide the CPS
323 caseworker with information concerning prior investigations in SAFE. The CPS
324 caseworker has a maximum of 60 minutes from the moment Intake notifies the
325 caseworker to make the face-to-face contact with an alleged victim. For a priority 1R
326 (rural) referral, a CPS caseworker has a maximum of three hours if the alleged victim is
327 more than 40 miles from the investigator who is assigned to make the face-to-face
328 contact.
329

- 330 B. A priority 2 response will be assigned when the following conditions exist: the child is
331 likely to experience further abuse, neglect, or dependency, or the child has immediate
332 protection and safety needs, as determined by the Intake checklist. Intake has no more
333 than 60 minutes from the completion of the initial contact from the referent to gather
334 additional information, staff the referral to determine the priority, assign the referral to
335 the CPS caseworker, and notify law enforcement. Intake will give verbal notification to
336 the assigned CPS caseworker. Intake will also provide the CPS caseworker with
337 information concerning prior investigations on SAFE. The CPS caseworker has 24 hours
338 from the moment Intake notifies the caseworker to make the face-to-face contact with
339 the alleged victim. Intake may assign a priority 2 response with more urgent time
340 frames when:
341 1. The police are present and there is an allegation of abuse, neglect, or
342 dependency and they are asking for immediate assistance.
343 2. The child is in a facility (such as a hospital or school) and there is an allegation of
344 abuse or neglect that requires a more immediate response.
345

- 346 C. A priority 3 response will be assigned when there is an allegation of abuse or neglect
347 that does not require an immediate response as listed in [Section 201.5](#). The Intake
348 worker has no more than 24 hours from the completion of the initial contact from the
349 referent to gather additional information, research data sources, staff the referral as
350 necessary, determine the priority, complete documentation including data entry,
351 disposition to CPS, and notify law enforcement. The CPS caseworker has until midnight
352 of the third working day from the moment Intake assigns the case to make the face-to-
353 face contact with the alleged victim.

354
355 D. Intake has until midnight of the fifth working day to enter unaccepted referrals into
356 SAFE.

357
358 E. Intake has 24 hours to enter an additional information referral into SAFE.
359

360 201.6 Out-Of-State Abuse Or Neglect Report

361 Major objectives:

362 Child and Family Services will take reasonable steps to ensure that reports of abuse or neglect
363 are referred for investigation to the appropriate out-of-state agency and will take reasonable
364 steps to adequately protect children in Utah who were victims of abuse in another state or
365 country from the alleged perpetrator.
366

367 **Applicable Law**

368 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
369

370 Practice Guidelines

- 371
- 372 A. When a referent identifies an incident of abuse or neglect that occurred in a different
373 state, and the child is not in Utah at the time of the referral, the Intake worker will:
- 374 1. Inform the referent that the out-of-state allegations should be referred to the
375 child welfare agency in the other state and complete the steps identified below:
- 376 a. Determine if the referent is willing to make a report to the child welfare
377 agency in the state where the incident occurred. If the referent is willing
378 to make a report, the Intake worker will also:
- 379 i. Assist the referent by providing the name and phone number of
380 the agency where the report can be made;
- 381 ii. Document the unaccepted referral.
- 382 b. If the referent is unable or unwilling to make a report to the other state
383 child welfare agency and it cannot be determined that any failure to
384 protect or other child protection issues are present in the state of Utah,
385 the Intake worker will:
- 386 i. Obtain all relevant information on the incident of abuse or neglect
387 and make the referral to the child welfare agency in the state
388 where the incident occurred;
- 389 ii. Document the unaccepted referral.
390
- 391 B. When the referent identifies an incident of abuse or neglect that occurred outside Utah
392 but the child is in Utah at the time of the referral, the CPS caseworker will:
- 393 1. Obtain all the information needed to complete a referral.

- 394 2. Determine whether the child is at risk of abuse or neglect from the alleged
395 perpetrator.
 - 396 3. Contact the child protective service agency in the state where the incident of
397 abuse occurred and complete the referral process of that state.
 - 398 4. When requested by the other state assign the referral to a CPS caseworker for a
399 courtesy interview and coordination with the other state's investigation.
400 Courtesy interventions should be opened as an IHS case if there is no allegation
401 of abuse, neglect, or dependency occurring in the state of Utah.
 - 402 5. In domestic violence related child abuse cases, recognize another state's
403 protective order (recognized by full faith and credit).
 - 404 6. If the other state refuses to open an investigation and the child needs services or
405 there are ongoing safety concerns, the referral will be assigned as an IHS case to
406 facilitate an assessment of service needs.
- 407
- 408 C. When a referent identifies an incident of abuse or neglect that occurred in Utah, and the
409 child is not in Utah at the time of the referral, the Intake worker will:
- 410 1. Obtain all the information needed to complete a referral.
 - 411 2. Determine the location of the child and the length of time the child will be at
412 their current location. If the child will be outside the state of Utah longer than
413 30 days, a request for courtesy casework will be made in the state where the
414 child is currently located.
 - 415 3. If the child is determined to be at risk, a request will be made for courtesy
416 casework within the Intake priority time frame. [See: [Section 201.5](#) for priority
417 time frames.]
- 418

419 201.7 Case Assignment Based On Child Location

420 Major objectives:

421 The Intake worker will assign the referral to the appropriate office/ supervisor/ worker for a CPS
422 investigation within the established time frame. [See: [Section 201.5](#).]
423

424 **Applicable Law**

425 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
426
427

428 Practice Guidelines

- 429 A. Child in a permanent location: The Child and Family Services office serving the
430 geographical area in which a child is physically located will be responsible to investigate
431 an allegation of abuse, neglect, or dependency, unless the child's location is temporary
432 (such as visitation with a non-custodial parent or placement in a short-term program).
433

- 434 B. Child in a temporary location: If the child's location is temporary and the child will be
435 moving to a known location during the 30-day investigative period, the Child and Family
436 Services office serving the geographical area in which the child's parent or guardian
437 resides will be responsible to complete the investigation. The CPS caseworker may
438 request courtesy assistance from another CPS caseworker in the area where the child is
439 initially located to complete the investigative functions related to the child. If a priority
440 1, 1R, or 2 referral is received in the geographical area where the child is located but the
441 parent or guardian resides elsewhere, the receiving office will make the face-to-face
442 contact, determine immediate protection needs, and transfer the case to the area
443 where the child's parent or guardian resides for completion of the investigation.
444

445 **201.8 Courtesy Casework Request From An Out-Of-State Agency**

446 Major objectives:

447 Child and Family Services will respond to requests from an out-of-state child welfare agency, law
448 enforcement, or other official investigative agencies to assist in the protection of children.
449

451 **Applicable Law**

452 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
454

455 Practice Guidelines

456 If a request is made for casework activities by an out-of-state child welfare agency, law
457 enforcement, or other official investigative agency, Intake will process the request by complying
458 with relevant Utah Child and Family Services major objectives and completing the following:
459

- 460 A. Intake will obtain the child's name, address, and all information relative to the request
461 for courtesy casework activities.
462
- 463 B. The courtesy casework activities requested will be assigned by Intake to the appropriate
464 geographical Child and Family Services supervisor or caseworker.
465
- 466 C. The case will be opened as an I HS case, and all courtesy casework activities will be
467 documented.
468

469 **201.9 Allegation Categories For Abuse, Neglect, Or Dependency**

470 Major objectives:

471 Child and Family Services will investigate an allegation of child abuse, neglect, or dependency
472 when there is reasonable cause to suspect a situation of abuse, neglect, or dependency.
473

474

475

476 **Applicable Law**

477 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

478 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --
479 Preremoval interviews of children.

480 Administrative Rule [R512-202](#). Child Protective Services, General Allegation Categories.

481

482 Practice Guidelines

483 The Intake worker receiving a report of child abuse, neglect, or dependency will categorize the
484 information into at least one of the following (more than one category may be documented, if
485 applicable):

486

487 A. Abuse:

488 1. Child endangerment:

489 a. Cited DUIs with children in the vehicle.

490 b. Homes where there are lab paraphernalia, chemicals for
491 manufacturing of illegal drugs, access to illegal drugs, distribution of
492 illegal drugs in the presence of a child, or loaded weapons in the reach of
493 the child.

494 c. Giving children illegal drugs or substances, alcohol, tobacco, or non-
495 prescribed/not recommended medications for that child.

496 d. Involving a child in the commission of crimes, such as shoplifting.

497 2. Domestic violence related child abuse:

498 a. Potential for or actual injury to a child during a domestic violence
499 episode.

500 b. Violent physical and/or verbal altercation between adults, witnessed by a
501 child.

502 3. Emotional abuse:

503 a. Engaging in conduct or threatening a child with conduct that causes or
504 can reasonably be expected to cause the child emotional harm. This
505 includes, but is not limited to, demeaning or derogatory remarks that
506 affect or can reasonably be expected to affect a child's development of
507 self and social competence; or threatening harm, rejecting, isolating,
508 terrorizing, ignoring, or corrupting the child.

509 b. Emotional Abuse, Chronic: Engaging in conduct or threatening a child
510 with conduct that causes or can reasonably be expected to cause the
511 child emotional harm. This includes, but is not limited to, demeaning or
512 derogatory remarks that affect or can reasonably be expected to affect a
513 child's development of self and social competence; or threatening harm,
514 rejecting, isolating, terrorizing, ignoring, or corrupting the child. Is

- 515 repeated or patterned abuse. (NOTE: Chronic abuse may be identified
516 from the first referral.) [See: Utah Code Ann. [§62A-4a-101.](#)]
- 517 c. Emotional Abuse, Severe: Abuse that causes or threatens to cause serious harm
518 to a child. Engaging in conduct or threatening a child with conduct that causes
519 or can reasonably be expected to cause the child emotional harm. This includes,
520 but is not limited to, demeaning or derogatory remarks that affect or can
521 reasonably be expected to affect a child's development of self and social
522 competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or
523 corrupting the child. Severe abuse is defined in Utah Code Ann. [§78A-6-105.](#)
- 524 4. Material harmful to a child.
- 525 5. Physical abuse:
- 526 a. Physical abuse, general, including (but not limited to):
- 527 i. Non-accidental injury to a child that may or may not be visible;
- 528 ii. Unexplained injuries to an infant or toddler;
- 529 iii. Unexplained injuries to a disabled or non-verbal child.
- 530 6. Physical abuse, serious:
- 531 a. Non-accidental physical injury or a set of injuries, which may or may not
532 be visible, that seriously impairs the child's health, or which involves
533 physical torture or causes serious emotional harm to the child, or which
534 involves a substantial risk of death [see: Utah Code Ann. [§76-5-109,](#)
535 including:
- 536 i. Fracture of any bone or bones;
- 537 ii. Intracranial bleeding, swelling, or contusion of the brain, or retinal
538 hemorrhaging, whether caused by blows, shaking, or causing the
539 child's head to impact with an object or surface (such as Shaken
540 Baby Syndrome);
- 541 iii. A burn, including burns inflicted by hot water or those caused by
542 placing a hot object upon the skin or body of the child;
- 543 iv. An injury caused by use of a deadly or dangerous weapon;
- 544 v. A combination of two or more physical injuries inflicted by the
545 same person, either at the same time or on different occasions;
- 546 vi. Damage to internal organs of the body;
- 547 vii. Conduct toward a child that results in severe emotional harm,
548 severe developmental delay or retardation, or severe impairment
549 of the child's ability to function;
- 550 viii. An injury that creates a permanent disfigurement or protracted
551 loss or impairment of the function of a bodily member, limb, or
552 organ;
- 553 ix. Conduct that causes a child to cease breathing, even if
554 resuscitation is successful following the conduct;

-
- 555 x. Conduct that results in starvation or malnutrition that jeopardizes
556 the child's life.
- 557 7. Fetal exposure to alcohol or other substances.
558 8. Fetal addiction to alcohol or other harmful substances.
559 9. Pediatric Condition Falsification (formerly known as Munchausen Syndrome by
560 Proxy).
- 561 10. Ritual abuse:
562 a. Abuse involving the use of ceremonies or rites:
563 i. Severe physical abuse such as torture;
564 ii. Painful, sadistic, humiliating sexual abuse;
565 iii. Psychological abuse such as indoctrination using mind control
566 techniques and mind altering drugs, or use of intimidation and
567 terrorization.
- 568 11. Sexual abuse:
569 a. Incest;
570 b. Molestation;
571 c. Sexual intercourse;
572 d. Sodomy;
573 e. Oral sexual contact;
574 f. Digital and/or object penetration;
575 g. Indecent liberties;
576 h. Sexual acts;
577 i. Rape and object rape of a child;
578 j. Forcing or coercing a child to observe sexual activities;
579 k. Sexual acts with animals;
580 l. Forcing or coercing a child to engage in sexual activity with an adult with
581 or without legal marriage.
- 582 12. Lewdness.
583 13. Sexual exploitation of a child, including (but not limited to) prostitution and
584 pornography.
- 585
- 586 B. Neglect:
587 1. Medical neglect/PKU: This allegation or finding needs to be based on the opinion
588 of the child's primary care physician or other licensed medical professional. A
589 parent or guardian may obtain a second opinion to be considered in determining
590 medical neglect, at his or her own expense. A parent or guardian may obtain a
591 second medical opinion to present for consideration by Child and Family
592 Services, but Child and Family Services is not bound by the opinion and will
593 consider the totality of the facts.
594 2. Baby Doe (congenital birth defect that parents or caregiver declines to treat).
595 3. Failure to thrive.

-
- 596 4. Physical health.
597 5. Psychological health.
598 6. Dental health.
599 7. Pediatric Condition Falsification (formerly known as Munchausen Syndrome by
600 Proxy).
601 8. Physical neglect. [NOTE: A child adopted from foster care whose parents
602 indicate they can no longer care for and/or meet the needs of the child should
603 be referred to post adoption for services. If the parents expressly request that
604 the child be removed from their home, the CPS case shall only be opened with
605 allegations of Dependency. (The CPS caseworker will assess during the
606 investigation whether additional allegations should be added to the Child Abuse
607 Neglect Report.)]
608 9. Neglect chronic/severe.
609 10. Sibling or child at risk.
610 a. When information is received regarding a child fatality resulting from
611 abuse or neglect or where the cause of death is undetermined, Intake will
612 accept a referral for CPS investigation. The referral should include any
613 siblings/children who were under the care of the same caregivers at the
614 time of the child's death.
615 b. If there is information and/or indications that the safety or health of
616 other siblings/children in the home is threatened, the referral will include
617 all these children as well as the primary victim.
618 11. Educational neglect.
619 12. Failure to protect.
620 13. Non-supervision.
621 14. Abandonment.
622 15. Environmental neglect: Physical neglect of the environment that poses a threat
623 to the physical health or safety of the child.
624 a. Assessment considerations: An assessment of the situation is required to
625 determine whether intervention is necessary. After gathering all
626 information possible, the Intake worker will consider the following to
627 determine whether there are safety concerns that meet allegation
628 definitions:
629 i. The age of the child;
630 ii. The developmental level of the child;
631 iii. The medical condition of the child;
632 iv. Duration or length of the situation (chronic);
633 v. Volume or quantity or toxicity of the hazard;
634 vi. Severity of the threat to the child;
635 vii. Child's access to the hazards;

Concerns	Agency/Resources	Assessment, Education, or Services
safety plan monitoring, provisions, financial assistance	nursery, or other community agencies	

643

644 C. Dependency: A child who is homeless or without proper care through no fault of the
 645 child's parent, guardian, or custodian; institutionalization of a parent or guardian who
 646 has not or cannot arrange for safe and appropriate care for the child.

647

648 D. Court ordered: Referral made by a court order mandating a Child and Family Services
 649 investigation on a case where no other allegation is specified. A case finding of
 650 supported cannot be made on an unknown allegation. The worker must specify another
 651 category of abuse, neglect, or dependency to make a supported finding. (See: [Section](#)
 652 [202.10.](#))

653

654 E. Safe Relinquishment of a Newborn Child: A parent or a parent's designee may safely
 655 relinquish a newborn child at a hospital in accordance with the requirements of Utah
 656 Code Ann. [§62A-4a-802](#) and retain complete anonymity, as long as the child has not
 657 been subjected to abuse or neglect. Safe relinquishment of a newborn child, who has
 658 not otherwise been subjected to abuse or neglect, will not, in and of itself, constitute
 659 neglect (Utah Code Ann. [§78A-6-105](#)), and the child will not be considered a neglected
 660 child as long as the relinquishment has been made in substantial compliance with the
 661 guidelines of that section, which provides that: (a) a newborn child is defined by the
 662 statute as a child who is approximately 72 hours of age or younger, as determined
 663 within a reasonable degree of medical certainty; and (b) the child is to be relinquished at
 664 a general acute hospital [defined in Utah Code Ann. [§26-21-2](#)], which is equipped with
 665 an emergency room, is open 24 hours a day and seven days a week, and employs full
 666 time health care professionals who have emergency medical services training.

667

668 Statutory responsibilities of Child and Family Services following the safe relinquishment
 669 of a newborn child are as follows: Immediately upon notice from the hospital, Child and
 670 Family Services will assume care and custody of a relinquished newborn child.

671 1. As long as Child and Family Services determines there is no abuse or neglect of
 672 the newborn child, neither the newborn child nor the child's parents are to be
 673 subjected to the provisions of Utah Code Ann., Part 2 of [§62A-4a](#), the
 674 investigation provisions contained in Utah Code Ann. [§62A-4a-409](#), or the
 675 provisions of Utah Code Ann. [§78A-6](#), Part 3.

676 2. Unless identifying information relating to the non-relinquishing parent of the
 677 newborn child has been provided, Child and Family Services will work with local
 678 law enforcement and the Bureau of Criminal Identification within the

- 679 Department of Public Safety in an effort to ensure that the newborn child has
680 not been identified as a missing child.
- 681 3. Unless identifying information relating to the non-relinquishing parent of the
682 newborn child has been provided, Child and Family Services will immediately
683 place or contract for placement of the newborn child in a potential adoptive
684 home and, within 10 days after receipt of the child, file a petition for termination
685 of parental rights. [See: Utah Code Ann. [§78A-6](#), Part 4.]
- 686 4. Unless identifying information relating to the non-relinquishing parent of the
687 newborn child has been provided, Child and Family Services will direct the Office
688 of Vital Records and Statistics to: (1) conduct a search for a birth certificate for
689 the child; and (2) conduct an Initiation of Proceedings to Establish Paternity
690 Registry for unmarried biological fathers. Child and Family Services will then
691 provide notice to each potential father identified on the registry. Notice of
692 termination of parental rights proceedings will be provided in the same manner
693 as is utilized for any other termination proceeding in which the identity of the
694 child's parents is unknown.
- 695 5. If no person has affirmatively identified himself within two weeks after notice is
696 complete and established paternity by scientific testing within as expeditious a
697 time frame as practicable, a hearing on the petition for termination of parental
698 rights will be scheduled.
- 699 6. If a non-relinquishing parent is not identified, relinquishment of a newborn child
700 will be considered grounds for termination of parental rights of both the
701 relinquishing and non-relinquishing parents under Utah Code Ann. [§78A-6-507](#).
- 702

703 **201.10 Missed Priority Time Frames**

704 Major objectives:

705 The appropriate Missed Priority Time Frame form/SAFE documentation will be completed when
706 the Intake worker is unable to meet Intake priority time frames established by major objectives.
707 The Intake worker will forward the Missed Priority Time Frame form or documentation along
708 with the reasons the time frame was missed to the Intake supervisor, region director, or
709 designee for review and approval. The approval or non-approval will be documented.
710

711 **Applicable Law**

712
713 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

714 Practice Guidelines

715
716 The Intake worker will notify the Intake supervisor and region director or designee of the
717 missed priority and the reason it was missed.
718
719

720 **201.11 Referral Of Abuse, Neglect, Or Dependency In Licensed Child Care**
721 **Providers And Out-Of-Home Care Providers**

722 Major objectives:

723 The Department of Health Child Care Licensing unit and/or the Department of Human Services
724 (DHS) Office of Licensing and appropriate Child and Family Services staff will be notified by
725 Intake when Child and Family Services receives a referral for an allegation of child abuse,
726 neglect, or dependency against a licensed child care provider, an out-of-home care provider,
727 or a household member residing in a licensed home or facility. The referral will be forwarded to
728 the contract entity for conflict of interest investigations when the allegation involves a child
729 living in substitute care while in protective custody or temporary custody of Child and Family
730 Services and may be forwarded to the contract entity for conflict of interest investigations when
731 the allegation involves a biological or adopted child of a Child and Family Services
732 employee/provider.
733

734
735 **Applicable Law**

736 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

737 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --
738 Preremoval interviews of children.

739
740 Practice Guidelines

741 A. Intake procedure for child care providers: CPS investigation requirements for child care
742 providers will be the same as for other referrals investigated by Child and Family
743 Services. Time frames are the same as for other referrals.
744

745 B. Intake procedure for Out-of-Home Care Related Parties Investigations:

746 1. Upon receipt of an allegation of child abuse, neglect, or dependency, Intake
747 workers will staff the referral with the Office of Services Review (OSR) manager
748 to determine whether there is a conflict of interest. The OSR manager will
749 determine whether there is a conflict of interest and will notify the CPS Intake
750 worker of the decision.. The following duties are to remain the duties of Intake:

- 751 a. Receipt of the referral.
- 752 b. Research.
- 753 c. Disposition of the referral.
- 754 d. Establish priority of the referral.
- 755 e. Establish allegation categories.

756 (1) A child adopted from foster care in need of services that cannot
757 be met by their parents will be referred to post adoption for
758 services. Child and Family Services may not:

- 759 (a) File a petition for removal from the child's home.

- 760 (b) File a petition for a child protective order.
761 (c) Make a supported finding.
762 (d) Seek a substantiated finding.
763 (e) File a petition alleging a child is abused, neglected,
764 dependent, or abandoned.
765 (f) File a petition for termination of parental rights.
766 (2) The child may be removed and categorized as Dependent only if
767 the parents expressly request the child be removed.
768 (3) The CPS caseworker will assess during the investigation whether
769 the circumstances require allegations of abuse or neglect be
770 added to the Child Abuse Neglect Report.
771 f. SAFE forms for child abuse, neglect, or dependency reporting, including
772 any forms relating to out-of-home abuse.
773 g. Intake Checklist.
774 h. Authorization to Furnish Information and Release from Liability form
775 (between Child and Family Services and the contract investigator).
776 i. Mandatory report form to local law enforcement.
777 j. Notify the DHS Office of Licensing.
778 2. Case assignment, when a contracted Related Parties investigator is not involved:
779 a. Notify the law enforcement agency in the area where the incident
780 occurred and request assistance with the investigation; if the law
781 enforcement agency agrees to assist with the investigation, the referral
782 will be assigned according to Major objectives [Section 201.8](#), either to the
783 area in which the child is located if the child is in a permanent location
784 (permanent location being that the child is expected to remain at the
785 current location for at least the next 30 days) or to the area in which the
786 child's parent or guardian resides if the child is in a temporary location; if
787 the alleged victim is a child in foster care, the CPS caseworker is
788 considered the guardian.
789 b. The CPS caseworker assigned to the case will then coordinate with the
790 law enforcement agency to complete the investigation as defined in
791 Major objectives [Section 201.8](#); the only exceptions to the above
792 procedures are referrals with allegations of sexual abuse, which are
793 always assigned to the area that the incident occurred if known.
794 c. If the law enforcement agency refuses for any reason to assist in the
795 investigation, Intake will contact another region in order that the referral
796 be assigned for a Related Parties Investigation.
797 3. A Child and Family Services investigator may assist the Related Parties
798 investigator as a secondary worker.
799 4. The Related Parties investigator will determine whether the allegations
800 are supported, unsupported, without merit, or false. The Related Parties

- 801 investigator will report the findings to the appropriate Child and Family
802 Services employee to ensure that the findings are entered into the
803 Licensing or Management Information System (SAFE) and that the
804 appropriate Notices of Agency Action are issued.
- 805 5. Record-keeping: Intake will retain the original copy of all documentation
806 gathered during the investigation, and will maintain those documents for case
807 closure, unless otherwise directed by the OSR manager or investigator.
808

809 **201.12 72-Hour Hold By A Physician**

810 (THIS SECTION HAS BEEN REPLACED BY [SECTION 205.5.](#))

812 **201.13 Protocol For IHS Cases Involving Youth In Out-Of-Home Care Age 18** 813 **And Older Who Are Identified As Victims Of Abuse Or Neglect**

814 Practice Guidelines

- 815
- 816 A. Case acceptance and assignment responsibilities:
- 817 1. Intake will report the case to Adult Protective Services (APS). If the case is
818 accepted for investigation, an IHS case will not be opened by Child and Family
819 Services. The Intake worker will provide APS with the out-of-home care
820 caseworker's contact information for communication and coordination
821 purposes.
- 822 2. If the case is not accepted by APS for investigation, an IHS case will be opened
823 and assigned to a CPS caseworker. Intake will inform the associate region
824 director of the IHS case. The associate region director will be responsible for
825 case assignment of the IHS case to the appropriate CPS caseworker.
826
- 827 B. IHS assessment responsibilities:
- 828 1. The CPS caseworker will contact law enforcement to investigate in conjunction
829 with the IHS assessment.
- 830 2. The CPS caseworker will inform the out-of-home care caseworker of the open
831 IHS assessment. The CPS caseworker will communicate with the out-of-home
832 care caseworker throughout the IHS assessment and coordinate with them when
833 necessary. The CPS caseworker will inform the out-of-home care caseworker of
834 any identified safety concerns as well as the outcome of their assessment.
- 835 3. The CPS caseworker will interview the foster child.
- 836 4. The CPS caseworker will interview the alleged perpetrator.
- 837 5. The CPS caseworker will interview any appropriate collateral contacts with
838 information regarding the concerns.
- 839 6. The CPS caseworker will document all case activities in the IHS case and copy the
840 information into the out-of-home care case prior to closing the IHS case.

- 841 7. If concerns are identified:
- 842 a. The Office of Licensing will be contacted by the CPS caseworker. They
- 843 will also contact the region contract specialist and resource family
- 844 consultant, if applicable.
- 845 b. The out-of-home care caseworker will make appropriate safety
- 846 arrangements, placement changes, etc.
- 847

848 ~~[201.14 Human Trafficking Protocol]~~

849 ~~Major objectives:~~

850 ~~The purpose of the Human Trafficking protocol is to identify victims of Human Trafficking during~~

851 ~~a law enforcement investigation, refer the child to services or resources, and to track situations~~

852 ~~involving child victims of Human Trafficking.~~

853

854 ~~Applicable Law~~

855 ~~Utah Code Ann. §62A-4a-105. Division responsibilities.~~

856 ~~Utah Code Ann. §76-5-308. Human trafficking—Human smuggling.~~

857

858 ~~Practice Guidelines~~

859 ~~A. Intake Screening:~~

860 ~~1. Intake workers will ask the referring law enforcement officer questions to~~

861 ~~determine if the situation involves prostitution or sexual solicitation (Human~~

862 ~~Trafficking as defined in Utah Code Ann. §76-5-308).~~

863 ~~2. Intake workers will check the Child and Family Services' SAFE database to verify~~

864 ~~whether law enforcement referred the child to Child and Family Services on a~~

865 ~~prior occasion for the child engaging in prostitution or sexual solicitation (Human~~

866 ~~Trafficking as defined in Utah Code Ann. §76-5-308).~~

867 ~~3. Intake will provide this information to the law enforcement officer~~

868 ~~4. Referrals involving a child who has been identified as a victim of Human~~

869 ~~Trafficking will be opened as an Independent Home Study (IHS) case and~~

870 ~~assigned to the appropriate region for response. The Human Trafficking case~~

871 ~~type will be selected for the purposes of assessing child safety and to ensure~~

872 ~~Human Trafficking cases are tracked appropriately.~~

873

874 ~~B. Caseworker Response:~~

875 ~~1. The CPS caseworker will make contact with the biological parents and/or legal~~

876 ~~guardians within five business days.~~

877 ~~2. The CPS caseworker will participate in the law enforcement interview of the child~~

878 ~~whenever possible or appropriate.~~

879 ~~3. The CPS caseworker will offer resource information and additional services to~~

880 ~~the child victim.~~

881

- 882 ~~4. The IHS case will remain open for no more than 60 days, and all CPS caseworker~~
883 ~~activities will be documented.~~
- 884 ~~5. If at any time during the IHS case the CPS caseworker determines the identity of~~
885 ~~the Human Trafficking perpetrator or determines other abuse, neglect, or~~
886 ~~dependency has occurred, the caseworker will staff the case with Intake to~~
887 ~~determine whether or not a case will be opened as a CPS case.]~~
- 888

889 **202 First Contact: Immediate Assessment And Safety**

890

891 **202.1 CPS Investigation And Assessment**

892

Major objectives:

893

The CPS caseworker will assess the threats to safety and the risk of harm to a child. Once contact has been made on a CPS case, the case cannot be reversed as unaccepted. All requirements must be completed for the case. The CPS caseworker will make a finding at case closure based on facts gathered during the investigation.

894

895

896

897

898

Applicable Law

899

900

Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody -- Preremoval interviews of children.

901

902

Administrative Rule [R512-201](#). Child Protective Services, Investigation Services.

903

Practice Guidelines

904

905

A. A CPS investigation will include (but is not limited to) the following:

906

1. Interviews.

907

2. Assessments, including the SDM Safety Assessment and the SDM Risk Assessment.

908

909

3. A home visit.

910

4. Team consultations/staffings.

911

5. Service coordination.

912

6. Additional Information report added to the case by Intake.

913

7. Documentation of all contacts and information received.

914

8. Case closure.

915

916

B. A CPS investigation cannot be reversed to unaccepted once contact has been made with anyone other than the referent on the case. Documentation must exist to show any involvement or contact by Child and Family Services.

917

918

919

920 **202.2 CPS Investigation Of A Case Receiving Services From Child And**
921 **Family Services**

922 Major objectives:

923 When Child and Family Services receives information regarding a new incident of abuse, neglect,
924 or dependency on a family or child receiving ongoing services, a new referral will be generated
925 and a CPS caseworker will conduct the investigation. The CPS caseworker and ongoing worker,
926 including post adoption, will collaborate to ensure that the investigation is conducted in the
927 best interest of the child.
928

929 The CPS caseworker will notify the Attorney General's Office and the Guardian ad Litem when
930 the case is under the jurisdiction of the court.
931

932
933 **Applicable Law**

934 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
935

936 Practice Guidelines

- 937 1. The CPS caseworker may request that the ongoing caseworker complete some of the
938 requirements of the investigation.
939 2. The CPS caseworker will notify the ongoing caseworker, AAG, and GAL at the conclusion
940 of the case of any safety issues identified and of the case finding(s).
941

942 **202.3 Review Of Prior Records**

943 Major objectives:

944 During the initial phase of the investigation, the CPS caseworker will review all relevant records
945 that are maintained by Child and Family Services and, when possible, by any other agencies or
946 individuals. This includes records on the child, alleged perpetrator, and all members of the
947 household. The CPS caseworker will review the details of the prior Child and Family Services
948 cases.
949

950
951 **Applicable Law**

952 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in
953 protective custody.
954

955 Practice Guidelines

956 The CPS caseworker will review the following types of information, when applicable and
957 available:

- 958
959 A. Child and Family Services records.

- 960
961 B. TANF records.
962
963 C. Police and/or court reports, including those for domestic violence (e.g., incident, arrest,
964 protective orders, correction records, etc.).
965
966 D. Court records relating to custody and visitation.
967
968 E. BCI/NCIC reports on the alleged perpetrator.
969
970 F. School records.
971
972 G. Medical records, including the child's primary care provider.
973
974 H. Information as to the eligibility for or membership in a Native American tribe.
975
976 I. Any other relevant records.
977

202.4 Priority Response Time And Face-To-Face Contact

Major objectives:

980 The priority response time will be based upon the information received at Intake and
981 determined prior to the face-to-face contact with a child. The priority determines the time
982 allotted for the CPS caseworker to make face-to-face contact with the alleged victim to assess
983 safety. In cases involving multiple alleged victims, the allegation driving the highest priority
984 determines the overall priority response time for the referral. ~~[The alleged victim with the
985 highest priority allegation will be seen within the priority response time frame.]~~ All alleged
986 victims on the case need to be seen during the initial period of the investigative time frame.

987
988 The purpose of the face-to-face contact is to assess immediate protection and safety needs of
989 the child. The CPS caseworker must gather enough information from the child,
990 parents/guardians, and/or other collateral contacts to identify immediate threats to the safety
991 of the child and what actions and/or interventions are necessary to protect the child from the
992 identified threats.

Applicable Law

994 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
995

Practice Guidelines

- 997 A. The priority response time for the face-to-face contact begins when Intake assigns the
998 referral to the CPS caseworker. An investigative interview is not required at the initial

- 999 contact, but all information required to make an initial safety decision will be gathered
1000 and considered.
- 1001 1. A priority 1 response will be assigned when the child is in need of immediate
1002 protection as determined by the Intake worker [s review of the Intake Checklist]:
1003 a. The CPS caseworker has a maximum of 60 minutes from the moment of
1004 notification by Intake to make the face-to-face contact with an alleged
1005 victim;
1006 b. In a priority 1R (rural), the CPS caseworker has a maximum of three hours
1007 to make the face-to-face contact if the alleged victim is more than 40
1008 miles from the caseworker. The 40-mile factor must be documented.
 - 1009 2. A priority 2 response will be assigned when physical evidence is at risk of being
1010 lost or the child may experience further abuse, neglect, or dependency, but the
1011 circumstances do not meet the criteria for a Priority 1 response:
1012 a. The CPS caseworker has a maximum of 24 hours from the moment of
1013 notification by Intake to make face-to-face contact with an alleged victim,
1014 and more urgent time frames may be assigned by Intake based on child
1015 safety circumstances;
1016 b. Assignment to the CPS caseworker of a priority 2 referral that is received
1017 outside of normal working hours (8:00 a.m. to 5:00 p.m.) will occur by no
1018 later than 9:00 a.m. the following morning. This would include a referral
1019 of a drug-exposed newborn, as there may not be any immediate threats
1020 of harm while hospitalized, but the situation needs to be assessed prior
1021 to the child's release to determine if any additional interventions are
1022 necessary.
 - 1023 3. A priority 3 response will be assigned when potential for further harm to the
1024 child or the loss of physical evidence is low as determined by the Intake
1025 worker [s review of the Intake Checklist]:
1026 a. The CPS caseworker has until midnight of the third working day from the
1027 moment Intake assigns the case to complete the face-to-face contact
1028 with an alleged victim.

1030 **B. In order to meet the face-to-face requirement, workers are required to thoroughly**
1031 **assess the child by completing the following:**

- 1032 1. **Non-verbal Children Under the Age of Five Years: The CPS caseworker will assess**
1033 **any non-verbal child under the age of five years in conjunction with the person**
1034 **currently caring for the child. The assessment will include a review of the**
1035 **Centers for Disease Control (CDC) Developmental Milestone checklist, which**
1036 **corresponds with the current age of the child**
1037 **(<http://www.cdc.gov/ncbddd/actearly/milestones>).**
 - 1038 a. **The child must be awake for the CPS caseworker to satisfy the face-to-**
1039 **face requirement. This must be clearly documented.**

- 1040 b. The CPS caseworker will observe and document any alleged injuries or
1041 other physical conditions (such as rashes) by following the Practice
1042 Guidelines for Visual Assessment of a Child (Section 203.1b).
- 1043 c. If developmental concerns are identified with children under 36 months
1044 of age and the case will not be supported, the CPS caseworker will
1045 provide the parents/guardians with information about Baby Watch Early
1046 Intervention Program (BWEIP).
- 1047 2. Verbal Children: The CPS caseworker will interview a verbal child at the time of
1048 the initial face-to-face contact whenever possible as outlined in Section 203.1 –
1049 Interviews. If an interview is not possible, the CPS caseworker will gather
1050 information from parents/guardians or other collateral contacts who would have
1051 sufficient information about the safety of the child.
- 1052
- 1053 [B]C. A documented [exception to meeting the priority response time frame for the required
1054 face-to-face contact must be supported by documentation of substantial efforts that
1055 include at least two of the following] reason for failing to meet the priority response
1056 time frame for face-to-face contact must be entered into a SAFE activity log and must
1057 include at least one of the following:
- 1058 [1. The CPS caseworker attempted to visit the child at school.
1059 2. There has been verification that the address is correct, and the CPS caseworker
1060 has made an attempt to visit the child at home.
1061 3. The CPS caseworker has made an attempt to make contact after traditional
1062 working hours or on the weekend.
- 1063 Or one of the following:]
- 1064 1. Reliable collateral information is received that indicates that the family or child is
1065 going to be gone for more than three working days (for example, on vacation,
1066 camp, or relative visit).
- 1067 2. [A determination is made that the child is in an alternative placement.]The
1068 caregiver/parent is refusing to allow the CPS caseworker to have contact with
1069 the child, and
- 1070 a. The caseworker has contacted the police for assistance, but the police
1071 have been unsuccessful in attempts to assist the caseworker in seeing the
1072 child, and
- 1073 b. The caseworker contacted an Assistant Attorney General to discuss the
1074 legal options for gaining access to the child.
- 1075 3. The only alleged victim is deceased.
- 1076 [3]4. The child is out of state and a request for courtesy casework is made and
1077 declined by the out of state child welfare agency and law enforcement in the
1078 area and/or the courtesy caseworker/officer cannot complete a face-to-face
1079 contact.

- 1080 [4]5. The child cannot be located despite reasonable efforts. Reasonable efforts
1081 include (but are not limited to):
- 1082 a. Visiting the home at least twice at times other than normal business
1083 hours.
 - 1084 b. Contacting local schools for contact information.
 - 1085 c. Contacting local and county law enforcement agencies for additional
1086 contact information.
 - 1087 d. Checking public assistance records for additional contact information.
 - 1088 e. Checking with the referent for additional contact information.
 - 1089 f. Searching telephone directories (books and online) for additional contact
1090 information.
 - 1091 g. Contacting the CLEAR license holder in the region to search for additional
1092 address information for the family.
- 1093 ~~3. Information received supports the need for joint law enforcement intervention~~
1094 ~~at the time of initial contact.~~
- 1095 ~~4. The caregiver/parent is refusing to allow the CPS caseworker to have contact~~
1096 ~~with the child.~~
- 1097 a. ~~The caseworker has contacted the police for assistance, but the police~~
1098 ~~have been unsuccessful in attempts to assist the caseworker in seeing the~~
1099 ~~child;~~
 - 1100 b. ~~The caseworker will staff the case with a supervisor then contact an AAG~~
1101 ~~to determine whether a warrant or petition can be obtained with the~~
1102 ~~information available.~~
- 1103
- 1104 ~~C. The requirement of a face to face contact with the child is waived if the supervisor~~
1105 ~~agrees that one of the following circumstances exist:~~
- 1106 ~~1. The only alleged victim is deceased.~~
 - 1107 ~~2. The parent/guardian refuses to allow face to face contact, and all of the~~
1108 ~~following apply:~~
 - 1109 a. ~~The caseworker has contacted the police for assistance, but the police~~
1110 ~~have been unsuccessful in attempts to access the child.~~
 - 1111 b. ~~The caseworker has contacted an Assistant Attorney General to staff~~
1112 ~~whether a warrant or petition can be obtained with the information~~
1113 ~~available, but it was determined that a warrant or petition was not~~
1114 ~~appropriate.]~~
- 1115
- 1116 ~~[D. For all missed priority situations, the CPS caseworker will complete the missed priority~~
1117 ~~form in SAFE for approval by the supervisor and region director and place it in the CPS~~
1118 ~~case file.]~~
- 1119

[202.4a — Face-To-Face Requirement

Major objectives:

The purpose of the initial face-to-face contact is to assess immediate protection and safety needs of the child. The CPS caseworker must gather enough information from the child, parents/guardians, and/or other collateral contacts to identify immediate threats to the safety of the child and what actions and/or interventions are necessary to protect the child from the identified threats.

Applicable Law

Utah Code Ann. ~~§62A-4a-105~~. Division responsibilities.

Practice Guidelines

A. — Non-verbal Children Under the Age of 5 Years: The CPS caseworker will assess any non-verbal child under the age of five years in conjunction with the person currently caring for the child. The assessment will include a review of the Centers for Disease Control (CDC) Developmental Milestone checklist, which corresponds with the current age of the child (<http://www.cdc.gov/ncbddd/actearly/milestones>).

1. — The child must be awake for the CPS caseworker to satisfy the face-to-face requirement. This must be clearly documented.

2. — The CPS caseworker will observe and document any alleged injuries or other physical conditions (such as rashes) by following the Practice Guidelines for Visual Assessment of a Child (Section 203.1b).

3. — If developmental concerns are identified with children 203.1b Visual Assessment Of A Child under 36 months of age and the case will not be supported, the CPS caseworker will provide the parents/guardians with information about Baby Watch Early Intervention Program (BWEIP).

B. — Verbal Children: The CPS caseworker will interview a verbal child at the time of the initial face-to-face contact whenever possible as outlined in Section 203.1 — Interviews. If an interview is not possible, the CPS caseworker will gather information from parents/guardians or other collateral contacts who would have sufficient information about the safety of the child.

C. — Missed Priority: When priority response is missed, the CPS caseworker must complete the appropriate documentation in SAFE regarding efforts and attempts made. These efforts may include, but are not limited to:

1. — Visit the child at school. If the child is not at school, check school records for emergency contact information.

2. — Visit the child at home. Make an unscheduled home visit. Document if the family was home but refused to answer the door.

- 1161 ~~3. Attempt contact at least twice at times other than traditional work hours. One~~
- 1162 ~~attempt is sufficient if it is clear the family no longer lives at the residence.~~
- 1163 ~~4. Attempt contact during the weekend.~~
- 1164 ~~5. Re-check the address of the family on the CANR.~~
- 1165 ~~6. Obtain collateral information to indicate the family is gone for more than three~~
- 1166 ~~working days (i.e., on vacation).~~
- 1167 ~~7. Document if the caregiver refused to allow access to the child.~~
- 1168 ~~8. If unable to locate the child, check other agency records for another address for~~
- 1169 ~~the child. Also, check with relatives who may have knowledge of the alleged victim's~~
- 1170 ~~whereabouts.]~~
- 1171

1172 **202.5 Missed Priority Time Frames**

1173 *(THIS SECTION HAS BEEN COMBINED WITH SECTION 202.4a.)*

1174 **202.6 Structured Decision Making (SDM) Safety Assessment**

1176 Major objectives:

1177 The SDM Safety Assessment is used to identify possible threats to a child's safety and
1178 interventions necessary to protect a child from threats to their safety. It guides the CPS
1179 caseworker through the information gathering and safety decision making process in order to
1180 make the most appropriate safety decision. The final outcome of the SDM Safety Assessment
1181 helps to guide the decision about the need for ongoing intervention with the family.
1182

1184 **Applicable Law**

1186 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1187 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a
1188 protected record.]

1189 Practice Guidelines

1191 The caseworker will complete the SDM Safety Assessment on all CPS investigations, including
1192 out-of-home perpetrator investigations.

1193
1194 The initial SDM Safety Assessment is required DURING the first face-to-face contact with the
1195 child victim. In the event the child cannot be seen and/or the caseworker is denied access to
1196 the child, the Safety Assessment is completed based on initial face-to-face contacts with the
1197 caregiver(s) or other contacts if the family refuses. The Safety Assessment will be recorded in
1198 SAFE by the end of the fifth business day.
1199

1200 The caseworker will complete an SDM Safety Plan for all children in the household when any
1201 threat to safety has been identified and it is determined a child can be kept safe through
1202 effective safety planning.

1203
1204 If the child is Safe with a Plan and the CPS case is closed and additional agency services will not
1205 be provided, case documentation will specify how all identified threats to safety were resolved.
1206

1207 If the investigation results in an ongoing case, the CPS caseworker will indicate whether the
1208 SDM Safety Plan and interventions are still applicable as part of the case transfer.
1209

1210 **202.7 Structured Decision Making (SDM) Risk Assessment**

1211 Major objectives:

1212 The SDM Risk Assessment is a research-informed tool that identifies the likelihood a child will
1213 experience abuse or neglect in the next 12 to 18 months. The result of the SDM Risk
1214 Assessment is part of the consideration for whether or not the agency will offer ongoing
1215 services.
1216

1217 **Applicable Law**

1218 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1219 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a
1220 protected record.]
1221

1222 Practice Guidelines

1223 The SDM Risk Assessment will be completed on all CPS investigations of child abuse or neglect,
1224 including new investigations on existing cases except the following:
1225

- 1226
- 1227 A. Cases with a finding of Unable to Locate.
 - 1228
 - 1229 B. Cases with a finding of Unable to Complete.
 - 1230
 - 1231 C. Cases with a finding of False Report.
 - 1232

1233 The case worker assigned to the CPS investigation will complete the SDM Risk Assessment.
1234

1235 Discretionary overrides of the risk level will be reviewed and approved by the caseworker's
1236 supervisor.
1237

1238 The SDM Risk Assessment will be completed on all CPS cases prior to case closure after the CPS
1239 caseworker has reached a finding regarding the allegation (supported, unsupported, or without
1240 merit) AND prior to a decision to open a case for services or close without further services.

1241
1242 The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level
1243 guides the decision to close a referral or open an ongoing case.
1244

Final Risk Level	Recommendation
Low	Do Not Open*
Moderate	Do Not Open*
High	Open
Very High	Open

1245 *Low and moderate risk cases should be opened if the most recent SDM Safety
1246 Assessment finding was Safe with a Plan or Unsafe. If the planned action differs from
1247 the recommended action, the decision will be staffed with the supervisor or designee
1248 and clearly documented in the SDM Risk Assessment.

1249
1250 For cases opened for ongoing services following the investigation, the risk level is used to
1251 determine the contact requirements for the case (service level).

1252
1253 The SDM Risk Assessment is completed on households. A household includes all persons who
1254 have a familial or intimate relationship with any person in the home and who have significant
1255 in-home contact with the child, excluding employees.

- 1256
- 1257 A. Only one household can be assessed on the risk assessment form.
 - 1258
 - 1259 B. Always assess the household in which the child abuse/neglect/dependency incident is
1260 alleged.
 - 1261
 - 1262 C. A second SDM Risk Assessment will be completed for any non-custodial parents who will
1263 receive reunification services.

1264
1265 Sources of information used to determine the caseworker's score of the item may include
1266 statements by the child, caregiver, or collateral persons; caseworker observations; or reports.

1267
1268 The caseworker will refer to the SDM Risk Assessment Definitions to determine the score for
1269 each item.

1270 1271 **202.8 Medical Examination Of The Child**

Major objectives:

1272 Child and Family Services staff will ensure timely medical attention to a child when there has
1273 been trauma caused from severe maltreatment, serious physical injury, recent sexual abuse,
1274 fetal addiction, medical neglect, or any exposure to a hazardous environment, including those
1275 involving illegal drug/chemical production.
1276

1277

1278

1279 **Applicable Law**

1280 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in
1281 protective custody.

1282

1283 Practice Guidelines

1284 A. Child and Family Services staff will obtain all pertinent medical information needed to
1285 provide proper medical care for the child. This would include the child's current medical
1286 diagnosis, allergies, medications, and primary care providers. CPS caseworkers will
1287 request from the caregiver the child's medical history and where all prior medical
1288 attention has been received.

1289

1290 B. When necessary and indicated, a medical examination will be completed within 24
1291 hours in a priority 1 and 1R investigation, and in a timely manner in priority 2, and 3
1292 investigations. [See: Utah Code Ann. [§62A-4a-202.3](#).]

1293

1294 C. Timely medical attention by a qualified health care provider will be ensured by Child and
1295 Family Services staff when there is:

1296 1. Any inadequately explained serious physical injury, especially in a child under the
1297 age of two years.

1298 2. Serious untreated physical injury regardless of the known cause in children of all
1299 ages.

1300 3. Recent sexual abuse (within 72 hours) where there is an indication of physical
1301 trauma to the child and/or a need to gather evidence.

1302 4. Fetal addiction.

1303 5. Medical neglect involving serious medical conditions.

1304 6. Exposure to any hazardous environment, including illegal drug production.

1305 7. In cases involving a serious physical injury, the date of a medical examination
1306 related to the injury will be entered into SAFE prior to case closure. The
1307 examination date may be prior to the case open date as long as it was related to
1308 the injury.

1309

1310 The attached DCFS Child Protective Services Preliminary Exam Checklist and the [DEC](#)
1311 [Protocol](#) (<http://www.utahdecalliance.org/pdf/NBIntakeHX.pdf>) may be used and can
1312 serve as a guide for the CPS caseworker.

1313

1314 D. If a child has been treated for health concerns related to allegations of abuse or neglect
1315 or if a child has been removed and has received medical treatment including surgeries,
1316 laboratory testing, x-ray studies, and/or hospitalizations within the last seven days or is
1317 receiving medications, the CPS caseworker must contact the child's health care provider

- 1318 within 24 hours. If the child has a serious condition, the health care provider should be
1319 contacted immediately. The CPS caseworker should be persistent in contacting the
1320 health care provider.
1321
- 1322 E. The Health Care Team may assist in collecting medical information.
1323
- 1324 F. Past history—The CPS caseworker should obtain the following medical information:
1325 1. Prior medical condition for which the child has received medical attention now
1326 or in the past.
1327 2. Nature of the condition and symptoms.
1328 3. Name of treating physician or clinic.
1329 4. Medications (name, strength, frequency, prescribing physician). Bring the
1330 medication container with the client, if available.
1331 5. Allergies, including foods, medications, and environmental allergens.
1332
- 1333 G. Date the child was last seen by any health care provider.
1334 1. Nature of visit.
1335 2. Required follow-up.
1336
- 1337 H. Name and location of all health care providers.
1338
- 1339 I. The CPS caseworker will notify the child's health care provider of the following:
1340 1. The child's caregiver contact number.
1341 2. The CPS caseworker contact number.
1342 3. The Health Care Coordinator contact number.
1343 4. The child's legal guardian or custodian.
1344
- 1345 J. Medications and treatments including, but not limited to:
1346 1. Prescribed medications.
1347 2. Inhalers, eye drops, dental, or hearing appliances.
1348 3. Over-the-counter medications.
1349 4. Herbal or homeopathic treatments.
1350 5. Illegal drugs.
1351
- 1352 K. Other:
1353 1. Immunization record.
1354 2. High risk behavioral concerns such as:
1355 a. Sleepwalking;
1356 b. Self-mutilation.
1357

- 1358 L. Medical Neglect Recommendations: When a parent/guardian does not agree with a
1359 medical recommendation, they can request, at their cost, a second medical opinion by a
1360 licensed medical professional practitioner. The recommendations from the second
1361 opinion will be included in staffing the outcome and services for the case. When a
1362 parent requests a second medical opinion, but the parent is indigent and cannot pay,
1363 Child and Family Services will pay, by court order and with prior administrative approval,
1364 for the second opinion. [See: Utah Code Ann. [§78A-6-301.5.](#)]
1365

1366 Authorization for Medical Procedures

1367 The CPS caseworker will consult with a health care provider to determine whether specialized
1368 medical tests (i.e., CAT scan, skeletal x-rays, MRI [Magnetic Resonance Imaging], Sonogram,
1369 Ultrasound, etc.) are needed. The health care provider may order the specialized medical tests
1370 as needed. The cost of any test(s) required by Child and Family Services may be the
1371 responsibility of Child and Family Services to pay. Therefore, if tests are recommended,
1372 advanced authorization for payment should be provided by regional administration.
1373

1374 Serious Medical Neglect and Emergency Court Ordered Medical Treatment

- 1375 A. Procedure for investigation of serious medical neglect:
- 1376 1. When Intake receives a referral for serious medical neglect, the Intake worker
1377 determines if the medical situation is an emergency requiring immediate action
1378 and assigns priority accordingly. The caseworker should determine from a health
1379 care provider if death or significant permanent physical or mental damage is the
1380 likely outcome of refusal to follow treatment.
 - 1381 2. The CPS caseworker will contact the treating medical doctor, verify the referral
1382 information, explain the investigation and court process, verify the parents'
1383 refusal to obtain treatment, and establish self as the contact for the doctor.
1384 They will also verify that treatment of the child's condition will not be seriously
1385 jeopardized while awaiting a court hearing, and they will request immediate
1386 notification in the event the child's situation deteriorates.
 - 1387 3. The CPS caseworker will meet with the parents, attempt to negotiate voluntary
1388 compliance with medical treatment pending or in lieu of court involvement, and
1389 assess and document the parents' reasons for refusal to treat.
 - 1390 4. The CPS caseworker will inform the parents that they have the right to request a
1391 second opinion from a licensed professional medical practitioner and that the
1392 parent retains responsibility for payment. If the second opinion is requested but
1393 the child needs medical treatment sooner than the second opinion can be
1394 obtained, the CPS caseworker will move to step 5.
 - 1395 5. The CPS caseworker will initiate court action by contacting the Attorney General
1396 when parents fail to voluntarily comply and medical treatment is necessary.
 - 1397 6. In cases where the consequence of the parents' failure to follow treatment may
1398 be death or significant permanent physical or mental damage, the CPS

- 1399 caseworker will take steps to initiate emergency court proceedings by contacting
1400 an Attorney General immediately and will not attempt to resolve the situation
1401 through voluntary services alone.
- 1402 7. The CPS caseworker will attend all court proceedings related to court orders for
1403 medical treatment and will implement any court orders giving Child and Family
1404 Services responsibility to ensure the child receives necessary medical care until
1405 such time as the case is transferred to an in-home caseworker or is closed.
- 1406 8. The CPS and ongoing caseworker will hold a Child and Family Team Meeting to
1407 involve the family in planning and decision-making.
1408
- 1409 B. Criteria for court-ordered medical treatment of a minor:
- 1410 1. The outcome of failure to treat is death, permanent loss of a body function, or
1411 significant physical or mental impairment.
- 1412 2. The parent or guardian has been fully informed of the probable consequences if
1413 the condition is left untreated, the alternative treatments available, the
1414 consequences of each treatment, the risks of each treatment, and the
1415 probability of each alternative outcome.
- 1416 3. In non-emergent situations, the parent or guardian has been given the
1417 opportunity to obtain a second opinion.
- 1418 4. The treatment is well established and well accepted by the medical profession.
- 1419 5. A reasonable parent or guardian would not refuse treatment for the child yet
1420 treatment is refused.
- 1421 6. Delay in treatment increases the probability of harm.
- 1422 7. The probability that the treatment will be successful and that it will provide the
1423 child a good quality of life outweigh possible negative consequences and side
1424 effects.
- 1425 8. No alternative treatment will meet the child's medical needs.
1426

1427 Triage Procedures for Medical Care

- 1428 A. Always call 911 in an emergency.
- 1429 1. When there is a question, please consult with a health care provider or Primary
1430 Children's Medical Center (PCMC).
- 1431 2. If the following are present, a health care provider should see the child as soon
1432 as possible:
- 1433 a. Any child who appears acutely ill;
- 1434 b. Suicidal ideation and/or threat with lethal plan and with or without
1435 means;
- 1436 c. Need for forensic evidence collection for rape kit (sexual contact within
1437 72 hours);
- 1438 d. Acute vaginal or rectal bleeding, vaginal or rectal pain, and/or genital or
1439 anal trauma (includes blood found on diaper or underwear);

-
- 1440 e. If a drug-facilitated rape is suspected, within 96 hours of "drugging" the
1441 collection of blood and urine specimens should be considered.
- 1442 f. Fever above 100.4 degrees in an infant less than three months of age;
1443 g. Fever accompanied with seizures or other concerning behavior if over
1444 three months;
- 1445 h. Infant with bruising suggestive of fractures;
1446 i. Difficulty walking or moving normally;
1447 j. Child or youth appears severely neglected, malnourished, deprived of
1448 food, or dehydrated;
- 1449 k. Vaginal or penile discharge and the possibility of sexually transmitted
1450 disease or a history suggestive for sexually transmitted disease(s) (vaginal
1451 or penile discharge may not cause any symptoms but may be noticed by a
1452 caregiver on the diaper or underwear; other concerns for sexually
1453 transmitted disease include any history of genital ulcers or blisters, or any
1454 unusual rash in the genital area);
- 1455 l. Severe dental conditions and/or complaints of pain;
1456 m. Exposure to environmental toxins, with a need to collect urine and hair
1457 specimens for forensic purposes (e.g. Methamphetamine lab).
- 1458 3. Photo documentation:
1459 a. Medical attention takes priority;
1460 b. Take photos for forensic use after medical attention has been initiated;
1461 c. Photos may be taken by:
1462 i. Law enforcement;
1463 ii. Medical facility;
1464 iii. Child and Family Services.
1465
- 1466 B. Non-urgent care:
1467 1. Non-urgent medical attention:
1468 a. Well-child examination (five days following removal);
1469 b. Possible failure to thrive without medical compromise;
1470 c. Rash, not associated with fever or an allergic reaction;
1471 d. Skeletal survey needed to determine fractures (only in children below the
1472 age of three years as medically indicated);
1473 e. Medical neglect not involving serious medical conditions (requires
1474 medical examination 30 days before or after disposition of referral).
- 1475 2. Exams conducted in a non-emergency room setting can reduce the anxiety
1476 surrounding sexual abuse investigations.
1477

1478 **202.8a Medical Consultation Protocol When There Is Reasonable Suspicion**
1479 **Of Severe Abuse**

1480 Major objectives:

1481 An investigation involving reasonable suspicion of severe child abuse requires a medical
1482 examination of the primary victim. Caseworkers will investigate all children of the household as
1483 a Sibling or Child at Risk when the injuries on the primary victim are suspected to be severe
1484 abuse and there are concerns related to the caregivers in that household. All non-verbal
1485 children in the household will also be required to receive a medical examination.
1486

1487
1488
1489 Practice Guidelines

- 1490 A. Cases involving reasonable suspicion of Severe Abuse will include the following activities:
- 1491 1. Caseworkers will investigate all children of the household as a Sibling or Child at
1492 Risk when the injuries on the primary victim are suspected to be non-accidental
1493 and there are concerns related to the caregivers in that household.
 - 1494 a. As in all cases, caseworkers will list all children of the household in SAFE.
 - 1495 b. Allegations of Sibling at Risk will be added, with each child of the
1496 household listed as a victim.
 - 1497 c. Caseworkers will request a medical examination for all non-verbal
1498 children of the household from the legal guardians.
 - 1499 d. Caseworkers will document outcomes of medical examination or barriers
1500 to medical examination of children of the household (lack of insurance,
1501 lack of transportation, lack of time, refusal by medical providers, refusal
1502 by caregivers), including steps taken by the caseworker to help the family
1503 overcome those barriers.
 - 1504 e. Caseworkers will give consulting medical providers information regarding
1505 potential abuse exposure and of the potential for unsuspected physical
1506 abuse findings.
 - 1507 2. Caseworkers will provide caregivers information regarding the potential mental
1508 health consequences of witnessing abuse and provide referrals to caregivers.
 - 1509 3. In all cases involving non-verbal children with severe and/or unexplained
1510 injuries, CPS caseworkers will consult with an independent licensed medical
1511 provider with expertise in the evaluation of child physical abuse regarding those
1512 injuries prior to case closure.
1513

202.9 On-Call Intake And CPS (Non-Business Hours)

Major objectives:

Child and Family Services is required to provide a response to reports of child abuse, neglect, or dependency 24 hours a day, seven days a week. To ensure the appropriate response, CPS on-call is assigned to qualified Child and Family Services child welfare staff to obtain information from the referent, fulfill all responsibilities as outlined in major objectives for Intake, and, as necessary, respond within appropriate time frames to priority 1, 1R and 2 cases. All time requirements are applicable to on-call responses. [See: Major objectives [Section 202.4.](#)]

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

The on-call or CPS caseworker assigned to the case will complete the following:

- A. Obtain information from the referent and determine the disposition of the referral (i.e., information only contact, additional information, accepted, unaccepted).
- B. Complete the Intake Checklist on priority 1, 1R, and 2 referrals.
- C. A case involving an alleged victim residing in a domestic violence shelter with a non-offending caretaker should not automatically be assumed to be a priority 3. The case should be screened based on risk and safety factors for the child.
- D. Ensure face-to-face contact with the child within priority time frames.
- E. Conduct a personal interview with or observation of the child, as appropriate.
- F. If the child requests a support person, the CPS caseworker will make reasonable efforts to arrange for the support person, who meets the criteria outlined in Section 203.1, to be present for the interview.
- G. Ensure that the parent/guardian receives notification of the investigation and the interview with the child. [See: Major objectives [Section 203.1.](#)]
- H. If an investigative interview takes place with a child who is able to communicate, and after the child is taken into protective custody, all investigative interviews will be audio and/or videotaped prior to the adjudication hearing. [See: Utah Code Ann. [§62A-4a-202.3.](#)]

- 1555
1556 I. A child under the age of five years will be personally interviewed by the CPS caseworker
1557 if the child is verbal. All investigative interviews will be audio and/or videotaped prior to
1558 the adjudication hearing. [See: Utah Code Ann. [§62A-4a-202.3](#).] If the child is non-
1559 verbal, the CPS caseworker will follow the protocol outlined in [Section 202.4a](#).
1560
1561 J. Complete an SDM Safety Assessment that includes all children in the household.
1562
1563 K. If the safety decision indicates that the child is Safe with a Plan, complete an SDM Safety
1564 Plan as defined in [Section 202.6](#).
1565
1566 L. Complete staffings per major objectives. [See: Major objectives [Section 204.2](#).]
1567
1568 M. Complete all actions to ensure safety and protection for alleged victims and siblings, as
1569 appropriate.
1570
1571 N. Ensure that medical and/or mental health evaluations are completed when appropriate
1572 as required by statute and major objectives for physical injury, severe physical abuse,
1573 medical neglect, or recent sexual abuse. [See: Major objectives [Section 202.8](#).]
1574
1575 O. Ensure that the short-term placement provider has all relevant medical, social, mental
1576 health, and educational information on the child within 24 hours.
1577
1578 P. Complete required documentation in SAFE for Intake and CPS.
1579
1580 Q. Complete removal paperwork, as appropriate.
1581
1582 R. Deliver removal paperwork to the parent/guardian.
1583
1584 S. Complete a personal 48-hour removal visit.
1585
1586 T. Deliver all information to CPS Intake no later than 9:00 a.m. of the following business
1587 day.
1588
1589 U. Attend the 24-hour multidisciplinary team consultation.
1590
1591 V. Attend the Shelter Care Hearing.
1592
1593 W. Attend all other court hearings, as notified by the Attorney General's Office.
1594

202.10 Court-Ordered Family Assessment

Major objectives:

When receiving a court order to investigate and assess a family and there is no allegation of abuse, neglect, or dependency, Child and Family Services will open an In-Home Services (IHS) case. Safety, health, and the best interest of the child will be assessed and a report submitted to the court.

Child and Family Services does not conduct court ordered home evaluations regarding child custody issues.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

An IHS case is appropriate when all of the following criteria are met.

- A. The court order/request is received by Child and Family Services to assess a family, and
 1. There are NO allegations of abuse, neglect, or dependency;
 2. The court has provided Child and Family Services with the child's full name and his/her age;
 3. The court has provided Child and Family Services with an address for the family and additional contact information.

- B. An IHS case will be opened using the following:
 1. The caseworker will make an initial contact with the family.
 - a. The caseworker will disclose the request for investigation from the courts.
 - b. The caseworker will obtain a release of information permission form from the parent/guardian of the child. This release will be documented in the case record and will include the name and role of the person giving permission.
 - c. If the parent/guardian refuses to cooperate, the caseworker will report to the court that the case cannot be completed.
 2. The caseworker will make no collateral contacts without obtaining the authorization form from the parent/guardian.

- C. The IHS case will include the following:
 1. Documentation of release of information from the parent or guardian;
 2. Home and family risk assessment;
 3. Court report describing the findings;

1636 4. Open an IHS case for no more than 45 days.

1637

1638 D. If abuse or neglect is identified during the IHS assessment, open a CPS investigation.

1639

1640 **202.11 Not Used**

1641

1642 **202.12 Independent Home Study**

1643

Major objectives:

When receiving an Independent Home Study (IHS) case, the CPS caseworker will assess for child safety, determine services or resources that may be needed by the family, and provide the family with information needed to access services or resources.

Child and Family Services does not conduct court-ordered home evaluations regarding child custody issues.

1651

1652

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1655

Practice Guidelines

1657 A. An IHS case will include the following:

1658 1. Contact with at least one biological parent and/or legal guardian within five
1659 business days of the case being opened.

1660 2. Interview the child with consent of the parent.

1661 3. The CPS caseworker will make no collateral contacts without obtaining consent
1662 from a parent/guardian.

1663 4. Offer resource information and additional services if deemed appropriate.

1664 5. All CPS caseworker activities will be logged in SAFE.

1665 6. An IHS case will be open for no more than 60 days unless approved by the region
1666 director or designee.

1667

1668 B. If during the IHS case abuse or neglect is identified, the CPS caseworker will call Intake
1669 and a CPS case will be opened.

1670

1671 **203 Engagement Begins: Initial Interviews And Home Visits**

1672

1673 **203.1 Interviews**

1674

Major objectives:

The CPS caseworker will utilize interviews as part of the investigation.

1675

1676

1677

1678 **Applicable Law**

1679 Utah Code Ann. [§62A-4a-202.3](#). Supported or unsupported reports -- Child in protective
1680 custody.

1681 Utah Code Ann. [§62A-4a-414](#). Interviews of children -- Recording required.

1682

1683 Practice Guidelines

1684 Interviews are to follow the statutory requirements indicated below:

1685

1686 A. Referent: The CPS caseworker will interview the person who reported the abuse in
1687 order to gather and/or clarify information, unless the report was made anonymously.
1688 The interview may not be necessary if the report came from law enforcement. The
1689 interview may be conducted by telephone. [See: Utah Code Ann. [§62A-4a-202.3](#).]

1690

1691 B. Child: Any child identified as an alleged victim having the ability to communicate
1692 verbally or through another reliable means (i.e., communication board, American Sign
1693 Language, writing, etc.) will be interviewed. If the child requires a translator for the
1694 interview, the CPS caseworker will make reasonable efforts to have one available. An
1695 infant or child who is non-verbal will be observed and assessed according to [Section](#)
1696 [202.4a](#). The child must be awake for the CPS caseworker to satisfy the face-to-face
1697 requirement. This must be clearly documented. A CPS caseworker will not conduct an
1698 interview with a child by telephonic means (i.e., e-mail, telephone, etc.). The interview
1699 will take place outside the presence of the alleged perpetrator. The CPS caseworker
1700 may request a courtesy caseworker conduct a personal interview or to observe the child
1701 if the caseworker would have to travel an unreasonable distance to see the child. [See:
1702 Utah Code Ann. [§62A-4a-414](#). Interviews of children -- Recording required.]

1703 1. Support person:

1704 a. If the child requests a support person, the CPS caseworker will make
1705 reasonable efforts to arrange for the support person to be present for
1706 the interview.

1707 (1) If the CPS caseworker is assisting law enforcement in the context
1708 of a criminal investigation, law enforcement will make the
1709 decision whether or not to allow the child to have a support
1710 person present during the law enforcement interview.

- 1711 b. The support person will:
- 1712 (1) be an adult over the age of 18 years who is reasonably available;
- 1713 (2) not be the alleged perpetrator;
- 1714 (3) not be a person whose interest appears to be to protect the
- 1715 perpetrator or not to offer support to the child.
- 1716 c. The support person may include (but is not limited to):
- 1717 (1) School teacher or administrator;
- 1718 (2) Guidance counselor;
- 1719 (3) Child care provider;
- 1720 (4) Family member;
- 1721 (5) Family advocate;
- 1722 (6) Clergy.
- 1723 d. The support person may not be a person who is alleged to be, or
- 1724 potentially may be, the alleged perpetrator.
- 1725 e. The CPS caseworker will provide a CPS05 Support Person Form for the
- 1726 support person to sign. This document will be maintained in the CPS
- 1727 record.
- 1728 (1) If the non-offending parent serves as the support person, they do
- 1729 not need to sign the support person confidentiality statement.
- 1730 2. Parent notification of child interview:
- 1731 a. If a child's parent, stepparent, or parent's paramour has been identified
- 1732 as the alleged perpetrator, the CPS caseworker need not notify a parent
- 1733 prior to the initial interview with the child. In all other instances where
- 1734 the alleged perpetrator is known, the parent or guardian must be notified
- 1735 prior to the initial interview with the child. [See: Utah Code Ann. [§62A-](#)
- 1736 [4a-409.](#)]
- 1737 b. If the alleged perpetrator is unknown or if the alleged perpetrator's
- 1738 relationship to the child's family is unknown, the CPS caseworker may
- 1739 conduct a minimal interview, not to exceed 15 minutes from the time the
- 1740 interview begins with the child prior to notification of the interview to
- 1741 the child's parent. This is designed to allow the CPS caseworker to
- 1742 determine whether or not the parent, stepparent, or parent's paramour
- 1743 is the alleged perpetrator. If the initial disclosure made by the child
- 1744 implicates a parent, stepparent, or parent's paramour, the interview is
- 1745 not limited in duration. Notification may take the form of a phone call
- 1746 documented in activity records and does not mean permission or
- 1747 approval. The information imparted to the parent/guardian will include
- 1748 the specific allegations and the time and place of the interview with the
- 1749 child. If criminal activity is disclosed, the CPS caseworker will coordinate
- 1750 with law enforcement prior to notification of the parents so as not to
- 1751 impede the criminal investigation. [See: Utah Code Ann. [§62A-4a-409.](#)]

- 1752 c. The CPS caseworker will notify the parent as soon as practicable after the
1753 child has been interviewed, but in no case later than 24 hours after the
1754 interview has taken place.
- 1755 d. The parent will be notified prior to any subsequent interviews of the
1756 child.
- 1757 e. Exceptions to notification may include:
- 1758 i. Notice to the parent would threaten the safety of a non-offending
1759 parent, the children, or other involved individuals;
- 1760 ii. A parent is incarcerated or there are other legal barriers to
1761 notification (such as court orders, police requests, etc.).
- 1762 3. Disclosure of criminal activity: If the disclosure made by the child gives
1763 reasonable cause to believe that the child has been the alleged victim of criminal
1764 activity, the CPS caseworker will immediately contact law enforcement.
- 1765 4. Suicidal ideation: Refer to [Section 700](#) if concerns regarding suicide are identified
1766 in the referral or during an interview.
- 1767
- 1768 C. Parent/guardian:
- 1769 1. The child's natural parents or other guardian will be personally interviewed
1770 regardless of residence, unless their whereabouts are unknown. [See: Utah Code
1771 Ann. [§62A-4a-202.3](#).] If the child's natural parents or other guardian are
1772 incarcerated at the time of the investigation, they do not need to be personally
1773 interviewed. This interview maybe conducted with only one parent.
1774 Investigation and interview exceptions are as follows:
- 1775 a. Parent(s)/guardian(s) are incarcerated.
- 1776 b. Caseworker is unable to locate parent(s) or guardian(s).
- 1777 c. Parent(s)/guardian(s) are non-cooperative.
1778 Documentation of reasons for not interviewing a parent are required.
- 1779 2. Each specific allegation will be discussed. Admissions or denials will be
1780 documented in the activity recording.
- 1781 3. The parents will be asked about the child's eligibility for or membership in a
1782 Native American tribe.
- 1783
- 1784 D. Third party/collateral contacts:
- 1785 1. Unless impossible or inappropriate, third party/collateral contacts having had
1786 direct association with the child, or who are otherwise knowledgeable about the
1787 case, will be interviewed.
- 1788 2. If a third party or collateral contact is identified as an eyewitness or has first-
1789 hand knowledge of the alleged abuse, neglect, or dependency, an interview will
1790 be conducted.
- 1791
- 1792 E. Alleged perpetrator:

- 1793 1. The alleged perpetrator will be interviewed by the CPS caseworker.
- 1794 2. When the alleged perpetrator resides in the home of the child or has access to
- 1795 the child, and when law enforcement has requested that the CPS caseworker not
- 1796 conduct an interview regarding the allegations, the alleged perpetrator will not
- 1797 be interviewed by the CPS caseworker until the interview is cleared by law
- 1798 enforcement.
- 1799 3. The CPS caseworker will not be obligated to conduct an interview when:
- 1800 a. Law enforcement requests the CPS caseworker not conduct an interview
- 1801 due to a pending criminal investigation in these cases. CPS will
- 1802 communicate with law enforcement the need to have law enforcement
- 1803 interview within CPS investigation time frames.
- 1804 b. The alleged perpetrator's identity or location is unknown.
- 1805 c. The safety of the child or the CPS caseworker is a concern, or in domestic
- 1806 violence cases when the safety of the non-offending parent is a concern,
- 1807 as determined by the reasonable request of the non-offending parent.
- 1808 d. The alleged perpetrator is incarcerated during the course of the CPS
- 1809 investigation.
- 1810 4. If the alleged perpetrator is a juvenile:
- 1811 a. The CPS caseworker will seek the permission of the juvenile's parent or
- 1812 guardian prior to the interview.
- 1813 b. Whether CPS or law enforcement is conducting the interview, all requests
- 1814 for interviews of children in the custody of Child and Family Services will
- 1815 be referred to the Guardian ad Litem assigned to the child. If there is no
- 1816 Guardian ad Litem appointed for the child, the CPS caseworker will refer
- 1817 the request to region administration. If the interview is part of a criminal
- 1818 investigation or could become part of a criminal investigation, either
- 1819 interviewer would need to seek the permission of the Guardian ad Litem
- 1820 prior to conducting an interview of a minor in custody who is an alleged
- 1821 perpetrator. If the Guardian ad Litem does not consent to the interview,
- 1822 the CPS caseworker will contact the Assistant Attorney General. [See:
- 1823 Practice Guidelines [Section 306.7](#), Utah Code Ann. [§62A-4a-415](#).]
- 1824 c. The CPS caseworker will interview a parent or guardian of the juvenile
- 1825 perpetrator for the purpose of gathering additional information.
- 1826 d. The CPS caseworker will not be obligated to conduct an interview with
- 1827 the juvenile perpetrator or their family when law enforcement conducts
- 1828 these interviews and provides CPS with enough information to complete
- 1829 the significant risk assessment and determine whether or not any safety
- 1830 concerns exist.
- 1831 e. At the conclusion of the investigation, assess the past victimization of the
- 1832 juvenile perpetrator and refer for appropriate treatment.
- 1833

- 1834 F. Interview exceptions: The CPS caseworker may rely on a written report of a prior
1835 interview rather than conducting an additional interview if:
- 1836 1. Law enforcement has previously conducted a timely and thorough investigation
1837 regarding the alleged abuse, neglect, or dependency and has produced a written
1838 report. When law enforcement requests that CPS conduct no interview, the CPS
1839 caseworker may review the case with a supervisor for evaluation and
1840 determination of the next step.
 - 1841 2. The investigation included one or more of the interviews required by subsection
1842 (2) of Utah Code Ann. [§62A-4a-202.3](#).
 - 1843 3. It is determined that an additional interview is not in the best interest of the
1844 child.
- 1845
- 1846 G. Additional victims revealed (refer to reporting requirements found in Utah Code Ann.
1847 [§62A-4a-403](#)): If during the course of an interview a child reveals the possibility of
1848 another alleged victim of abuse or neglect, the CPS caseworker will do the following:
- 1849 1. The CPS caseworker will ask the child for further clarification regarding the
1850 identity of the additional alleged victim.
 - 1851 2. If the CPS caseworker is able to identify the additional alleged victim or a means
1852 for locating this alleged victim, and the victim is identified as a child residing
1853 outside the home of the primary victim, the CPS caseworker will contact the
1854 Intake office to determine if the allegations meet the criteria for opening a new
1855 case.
 - 1856 3. If the CPS caseworker is able to identify the additional alleged victim or a means
1857 for locating this alleged victim, and the victim is a sibling residing in the same
1858 home as the primary victim, the new victim will be added to the existing CPS
1859 case if the allegation meets the criteria for investigation.
 - 1860 4. If the child does not reveal the name of the additional alleged victim or does not
1861 provide a means for locating this alleged victim, the CPS caseworker will make
1862 efforts to try to identify the additional alleged victim with the limited
1863 information acquired. This may include talking with a collateral contact, parent,
1864 or relative that may know the identity of the additional alleged victim.
 - 1865 5. If the CPS caseworker is unable to identify the additional alleged victim
1866 mentioned in the interview, the CPS caseworker will contact the Intake office to
1867 provide the information that is available.
 - 1868 6. The Intake worker will determine if there is additional information available
1869 through data inquiries that may assist in identifying the additional alleged victim.
 - 1870 7. If the Intake worker is able to identify the identity of the additional alleged victim
1871 and the information meets the criteria for investigation, Intake will open the
1872 case.
 - 1873 8. If the Intake worker is unable to identify the additional alleged victim, the Intake
1874 worker will notify the CPS caseworker calling in the referral that the case has

1875 been unaccepted so that the referring CPS caseworker can document this
1876 information in the case logs.

1877

1878 **203.1a Recording Interviews**

1879 Major objectives:

1880 Child and Family Services will make an accurate recording of interviews conducted with children
1881 during an investigation into allegations of child abuse or neglect. Information gathered during
1882 the interview will be documented in SAFE.
1883

1884

1885 **Applicable Law**

1886 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1887

1888 Practice Guidelines

- 1889 A. All investigative interviews of children involving allegations of sexual abuse and/or
1890 serious physical abuse are to be videotaped and/or audio recorded. This does not apply
1891 to initial or minimal interviews. The videotaping requirements are as follows:
- 1892 1. The child and the interviewer will be simultaneously videotaped.
 - 1893 2. Videotaping will be continuous and will log the date, place, and time.
 - 1894 3. Videotaping must be for the duration of the interview.
 - 1895 4. Interviews are to be conducted in a Children's Justice Center (CJC) if possible, or,
1896 if necessary, a soft (non-threatening) interview room.
 - 1897 5. If videotape equipment and a soft (non-threatening) interview room are
1898 unavailable, the interview will be audio taped in accordance to sections B and C.
 - 1899 6. Even if videotaping, an audio file compliant with the SAFE system must be
1900 created for every Child and Family Services conducted interview. If the interview
1901 location creating the video does not have the ability to provide Child and Family
1902 Services with a correctly formatted digital audio of the interview, the caseworker
1903 should simultaneously audio record the interview for download into the SAFE
1904 system.
- 1905
- 1906 B. All other interviews will be audio recorded by Child and Family Services in a SAFE
1907 compliant digital format unless there are exceptions as noted in sections D and E.
- 1908
- 1909 C. Information to be recorded at the beginning of each interview is as follows:
- 1910 1. The name of the caseworker conducting the interview.
 - 1911 2. The place of the interview.
 - 1912 3. The time and date of the interview.
 - 1913 4. The full name and age of the child being interviewed.
 - 1914 5. All other persons present in the interview and their roles during the interview
1915 (i.e., support person, police officer, caseworker, etc.).

- 1916
1917 D. The recording will be continuous unless:
1918 1. At some point in the interview the child requests that the recording device be
1919 turned off or refuses to be recorded.
1920 2. There are circumstances that require the interview to be interrupted or
1921 terminated.
1922
- 1923 E. If the child refuses to be recorded, the caseworker is to complete the following steps:
1924 1. Explain that the recording helps the caseworker remember what was said,
1925 assures accurate information, and takes the place of notes.
1926 2. If necessary, ask the child if they would feel more comfortable being recorded if
1927 a support person was in the room with them.
1928 3. If the child still refuses to be recorded, and:
1929 a. The child is over age 9, the caseworker will attempt to get the child's
1930 refusal on the digital audio recording and/or will document in the activity
1931 logs the child's reasons why they do not want to be recorded, and then
1932 continue with the interview, without recording, to assess the child's
1933 safety. The caseworker will document all pertinent information regarding
1934 safety from the interview in the activity logs.
1935 b. If the child is under the age of 9, the caseworker will make reasonable
1936 efforts to put the child at ease with being recorded and continue the
1937 interview, as suggested in section E. If the child again refuses to have the
1938 interview taped, the caseworker will attempt to get the child's refusal on
1939 the digital audio recording, will discontinue the interview, and:
1940 (1) Discuss with the child who they can talk to if they feel unsafe in
1941 the future, and
1942 (2) Document the refusal and the concerns in the activity log.
1943
- 1944 F. Activity Recording documentation:
1945 1. If the allegation involved sexual or serious physical abuse and was not
1946 videotaped at the CJC, the caseworker will document the alternate soft (non-
1947 threatening) location where the interview occurred and why it could not occur at
1948 the CJC.
1949 2. The caseworker will document in the Activity Recordings the information listed
1950 in section C and a brief description of the evidence or information gathered
1951 during the interview that would provide support, if any, to the allegation.
1952 3. If for any reason the interview recording is not continuous or complete, the
1953 caseworker will document the reasons why the interruption and/or non-
1954 completion occurred.
1955 4. All Child and Family Services conducted victim's interview will include a digital
1956 audio recording that will be **[down]up**loaded into **[the-]SAFE** **[-system by the CPS]**

1957 **caseworker or a trained assistant before case closure for the case record and**
1958 **future reference].**

- 1959
- 1960 G. The audio and video recordings and any interview information can be shared and/or
1961 copied for police officers and detectives that are investigating child abuse or neglect.
1962
- 1963 H. Audio and video recordings made at any Children's Justice Center cannot be distributed,
1964 released, or displayed to anyone without a court order as defined in Utah Code Ann.
1965 [§77-37-4](#). All requests for recordings must go through the Government Records and
1966 Management Act (GRAMA) specialist.
1967

203.1b Visual Assessment Of A Child

Major objectives:

When physical abuse, sexual abuse, or neglect with an injury or other physical manifestation is alleged, the child's body will be observed or examined for evidence of the alleged manifestation or injury (physical trauma, such as bruises, welts, or burns; or physical condition, such as bug or rodent bites, rashes, malnutrition, body dirt, or sexual abuse) in a way that is sensitive to the child's age, gender, and emotional well-being. Examination/observation for sexual abuse allegations is to be conducted by a medical professional only.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

- A. When a visual assessment of the child is necessary, the child's body will be observed in the least intrusive manner, and the documentation will be conducted in a way that is sensitive to that child's age and gender according to the standards below.
1. If a child has injuries or manifestations that need immediate medical attention, notify the non-offending parent/guardian and assess their willingness to transport the child for an immediate medical assessment.
 2. If the child does not need immediate medical care and the injury or physical manifestation can be readily seen on the child without repositioning clothing, move ahead with photographing and/or documenting the injuries. If the child refuses to allow photographs, refer to section B.
 3. If the injury or physical manifestation is on non-private areas of the body that can be accessed by minimal repositioning of the clothing:
 - a. If the child is under the age of three years and/or is non-verbal, ask the parent or caregiver to reveal the place of alleged abuse on the child's body for photographing and/or documentation.

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- b. If the child is verbal and/or over the age of three years, ask the child if they are comfortable displaying the injury and, if the child agrees, photograph and/or document the injury or manifestation.
 - c. If the child refuses to display the injuries, refer to section B.
 - 4. If the injury or physical manifestation occurred on the buttock or stomach **area** of the child's body and the child has disclosed that the abuse occurred and/or the child or another person has seen the injury or manifestation:
 - a. Have another adult present (i.e., another professional or caregiver) when possible, and
 - b. Ask the child if they are comfortable showing the area or a partial area of the abuse to be photographed and/or documented, and document if the child agrees.
 - c. If the child refuses to display any part of the injury, refer to section B.
 - 5. If the injury or physical manifestation occurred in a private area of the child's body and the child has disclosed the abuse and possible injury is indicated, refer the non-offending parent/guardian to obtain a medical exam for the child. If the parent refuses, staff the case with a supervisor and Assistant Attorney General to determine whether the allegation circumstances require that a warrant or investigative subpoena should be pursued to ensure the child's safety.
 - 6. If there is alleged sexual abuse with a possible injury or physical evidence indicated, arrange for a sexual abuse exam where a qualified medical professional can conduct an exam and determine whether there is evidence of sexual abuse and/or injury. If there has already been a sexual abuse exam conducted by a qualified professional, use the results of that exam and do not require another exam. If the parent refuses, staff the case with a supervisor and Assistant Attorney General to determine whether the allegation circumstances require that a warrant or investigative subpoena should be pursued to ensure the child's safety.
 - B. If the child refuses to display the injuries or manifestations:
 - 1. Offer to have a non-offending parent/guardian or another adult support person of the child's choice present.
 - 2. If the child continues to refuse and/or the parent/guardian or support person refuses to allow the injury or manifestation to be displayed, contact law enforcement to refer the case and gather evidence. Obtain a copy of this evidence for the CPS record.
 - 3. If law enforcement refuses the case, contact the supervisor and staff with an Assistant Attorney General to determine whether the allegation circumstances require that a warrant or investigative subpoena should be pursued to ensure the child's safety.

- 2039 C. The taking of photographs is an accepted practice in documenting evidence of physical
2040 abuse or neglect. The taking of photographs is subject to the same restrictions listed
2041 above for visual assessment. Photographs of children that involve abuse to the genitalia
2042 or female breast area may only be taken by a qualified medical professional during a
2043 medical examination.
2044

2045 **203.2 Home Visits**

2046 Major objectives:

2047 The CPS caseworker will complete a home visit during the course of each investigation in order
2048 to make a thorough assessment of the family. The caseworker will assess for safety, risk, health,
2049 and well-being of the child and family.
2050

2051 **Applicable Law**

2052 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in
2053 protective custody.
2054

2055 Unscheduled Home Visits

2056 CPS caseworkers will complete unscheduled home visits in cases with allegations involving
2057 Domestic Violence, Child Endangerment (when there are concerns of drug use or drug activity
2058 in the home), Environmental Neglect, Non-Supervision, and Physical Neglect. Unscheduled
2059 home visits will occur on cases involving other allegation types when the information gathered
2060 would indicate a need for an unscheduled visit to the home.
2061

2062 An unscheduled home visit will be completed at the residence where the alleged abuse or
2063 neglect occurred, unless the following circumstances exist:
2064

- 2065
- 2066 A. There is a reasonable basis to believe that the reported abuse was committed by a
2067 person who is not the child's parent, and who does not:
2068 1. Live in the child's home; or
2069 2. Otherwise have access to the child in the child's home; or
2070
- 2071 B. There is reason to believe no additional information related to the allegations would be
2072 obtained by completing an unscheduled home visit.
2073

2074 Scheduled Home Visits

2075 A scheduled home visit will be completed on all cases where an unscheduled home visit is not
2076 required. If the alleged perpetrator is a parent or guardian of the victim, the scheduled home
2077 visit will occur in the household of the alleged perpetrator. If the alleged perpetrator is not a
2078 parent or guardian of the victim, the scheduled home visit will be completed where the child
2079 primarily resides.

2080

2081 Exceptions to Completing an Unscheduled or Scheduled Home Visit

- 2082 A. The family has moved out of state and the child currently resides with the family in
2083 another state.
- 2084
- 2085 B. The child has been placed in foster care prior to the closure of the CPS case.
- 2086
- 2087 C. The parent/guardian refuses access to the home or is unwilling to make an appointment
2088 for a visit to occur.

2089

2090 Practice Guidelines

2091 A. An unscheduled or scheduled home visit may take place anytime during the course of
2092 the investigation.

2093

2094 B. The CPS caseworker may request to observe, in the company of the parent/guardian,
2095 areas of the residence where the child has access to or sleeps, plays, and spends time.
2096 The CPS caseworker will discuss any conditions observed that impact the health or
2097 safety of the child. [See: CPS Practice Guidelines [Section 204.5a.](#)]

2098

2099 C. The CPS caseworker will document the observations made as to the conditions of the
2100 home and of any health and/or safety issues identified. It is not required for the CPS
2101 caseworker to observe the contents of the following, unless the allegations give specific
2102 need to ensure availability of food and/or clothing, or to ensure that conditions do not
2103 pose a threat to the child's safety:

- 2104 1. Cupboards and drawers.
- 2105 2. Refrigerator and/or freezer.
- 2106 3. Areas of the home usually closed to the view of visitors.

2107

2108 The CPS caseworker will obtain the parents' consent prior to looking in the areas
2109 mentioned above.

2110

2111 D. If, after trying to engage with the family, access to the home or the child is denied, and if
2112 there is credible evidence of conditions that must be investigated, the CPS caseworker
2113 will staff the case with the supervisor to determine whether or not the case should be
2114 reviewed with the Attorney General's Office.

2115

2116 E. If the CPS caseworker makes an unscheduled home visit but does not locate anyone
2117 home, the CPS caseworker will continue to return at times when families are normally
2118 found to be at home. If the CPS caseworker is unsuccessful, the CPS caseworker may
2119 leave a business card or other written information at the time of the second visit that
2120 requests the parent or guardian to contact the CPS caseworker.

2121

2122 **203.3 Entry Into The Child's Home**

2123

Major objectives:

2124

CPS caseworkers have authority to enter upon public or private premises, using appropriate legal processes, to investigate reports of alleged child abuse, neglect, or dependency.

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2127

2128 **Applicable Law**

2129

Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody -- Preremoval interviews of children.

2130

2131

2132 Practice Guidelines

2133

A. The CPS caseworker may enter the residence under the following circumstances:

2134

1. When invited by the parent or guardian.

2135

2. If the parent or guardian is not at home: The CPS caseworker may enter the

2136

home if invited by a child or temporary caregiver to assess immediate threats to

2137

safety by asking for basic information about the whereabouts of the parent or

2138

guardian, appropriateness of arrangements for care of children, etc. A child or

2139

temporary caregiver does not normally have authority to consent to a search or

2140

examination of the home.

2141

B. If the CPS caseworker is denied entry into the home and entry into the home is necessary to ensure the safety of a child, the caseworker may:

2142

1. In an emergency summon law enforcement to the home.

2143

2. Consult with an Assistant Attorney General about options to gain entry into the home or access to a child.

2144

2145

2146

2147

2148 **204 The Investigation: Assessment And Making Informed Decisions**

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2150 The purpose of assessment is to assist the CPS caseworker during the investigation to
2151 determine the immediate protection, safety, risk, and services needed by the child and family.
2152 The CPS caseworker will consider the issues of enduring safety and permanency (long-term
2153 view) in making these decisions and providing all parties with due process of the law.
2154

2155 **204.1 Assessments And Investigation Tools**

Major objectives:

- 2157 A. The following assessment tools will be used by the CPS caseworker to determine the
2158 immediate threats to safety and risk of future harm:
2159 1. SDM Safety Assessment.
2160 2. SDM Risk Assessment.
- 2161
2162 B. In cases involving alleged juvenile perpetrators, the following assessment tools may be
2163 used:
2164 1. Significant Risk Assessment.
2165 For use in cases involving supported allegations of:
2166 • Sexual Abuse;
2167 • Sexual Exploitation;
2168 • Lewdness;
2169 • Inappropriate Sexual Conduct.
2170 2. Serious Physical Abuse Assessment.
2171

2172 **Applicable Law**

2173
2174 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --
2175 Preremoval interviews of children.
2176

2177 Practice Guidelines

- 2178 A. SDM Safety Assessment: The CPS caseworker will complete this assessment tool on
2179 every case during the face-to-face contact and enter the information into SAFE by the
2180 end of the fifth business day.
2181
- 2182 B. SDM Risk Assessment:
2183 1. The SDM Risk Assessment will be completed on all initial CPS investigations of
2184 child abuse or neglect. [Refer to: [Section 202.7.](#)] The finding of the SDM Risk
2185 Assessment will be used in formulating an ongoing service plan for supported
2186 cases or cases determined to need other child welfare services beyond CPS.
2187

- 2188 2. Each allegation identified at Intake and any discovered during the investigation
2189 will be assessed for each alleged victim.
2190
- 2191 C. The final safety determination of the SDM Safety Assessment and the final risk level of
2192 the SDM Risk Assessment will be used in determining whether the family needs further
2193 involvement with Child and Family Services.
2194
- 2195 D. Significant Risk Assessment: When there is a supported finding of sexual abuse, sexual
2196 exploitation, lewdness, or inappropriate sexual conduct involving a juvenile perpetrator,
2197 the CPS caseworker will complete the Significant Risk Assessment to determine whether
2198 a juvenile is a significant risk to other children or the community.
2199 1. The assessment is not to be used to determine whether the investigation is
2200 supported or unsupported; a juvenile does not need to be found a significant risk
2201 in order for the case finding to be supported.
2202 2. The assessment must be based upon the facts of the case that are present during
2203 the investigation, not after the minor has been removed from the home or any
2204 other intervention that has occurred.
2205 3. The juvenile's age alone is not a reason for determining the juvenile is not a
2206 significant risk.
2207
- 2208 E. Serious Physical Abuse Assessment: When there is a supported finding of serious
2209 physical abuse involving a juvenile perpetrator, the CPS caseworker will complete the
2210 Serious Physical Abuse Assessment to determine whether a juvenile is a significant risk
2211 to other children or the community.
2212
- 2213 F. When an Administrative Hearing is requested on a supported case or a case that was
2214 substantiated prior to May 6, 2002 involving a juvenile perpetrator or an adult who was
2215 a juvenile at the time of the incident, and the Significant Risk Assessment or the Serious
2216 Physical Abuse Assessment was not completed,
2217 Child and Family Services will be responsible to complete the appropriate assessment
2218 based on the facts at the time of the investigation.
2219

204.2 Case Staffings

Major objectives:

The CPS caseworker will obtain direction and support to identify needed interventions, services, and resources for the child and family and for assistance in making casework decisions.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2229 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

2230

2231 Practice Guidelines

- 2232 A. The CPS caseworker will staff with a Child and Family Services supervisor in addition to
2233 or in conjunction with other professionals when any of the following apply:
- 2234 1. When the SDM Safety Assessment indicates that the child is Safe with a Plan or
2235 Unsafe.
 - 2236 2. Unless it would jeopardize the safety of a child, the Child and Family Services
2237 caseworker will staff with a Child and Family Services supervisor prior to
2238 removal.
 - 2239 3. If the child, family, or alleged perpetrator is receiving services from Child and
2240 Family Services, the case staffing will include the assigned Child and Family
2241 Services in-home, post adoption, out-of-home, or domestic violence caseworker.
 - 2242 4. If the family receives assistance in the form of TANF, the case staffing may
2243 include the Department of Workforce Services employment counselor or self-
2244 sufficiency caseworker.
 - 2245 5. When there are concerns related to domestic violence, the case staffing will
2246 include a Child and Family Services domestic violence worker, if available.
 - 2247 6. When the child is identified as Native American and the case may be screened
2248 for court involvement, the CPS caseworker will review the case with the Child
2249 and Family Services supervisor and the Indian Child Welfare state specialist.
 - 2250 7. When an infant has been exposed to or is dependent upon harmful substances
2251 as a result of the mother's use of illegal substances or abuse of prescribed
2252 medications during pregnancy, the CPS caseworker will staff the case with an
2253 Assistant Attorney General.
 - 2254 8. When there is a fatality or near fatality that is the result of non-accidental
2255 trauma or the manner of death is undetermined by law enforcement or medical
2256 professionals and there are surviving siblings, the case will be staffed jointly with
2257 a Child and Family Services supervisor, region director, and an Assistant Attorney
2258 General within 24 hours of first knowledge of the incident. This review does not
2259 change the priority time frame of the investigation.
 - 2260 9. When there is a need to coordinate the efforts of several investigators, agencies,
2261 or others toward the common goal of protection of the child.
 - 2262 10. When there is a supported finding of chronic/severe physical, sexual or
2263 emotional abuse, or chronic/severe neglect or medical neglect resulting in death,
2264 disability, or somber illness the CPS caseworker will staff with a Child and Family
2265 Services supervisor and an Assistant Attorney General.
 - 2266 11. When there has been a prior adjudicated finding of child abuse, neglect, or
2267 dependency relevant to new supported findings of abuse, neglect, or
2268 dependency, the CPS caseworker will staff with a Child and Family Services
2269 supervisor. The CPS caseworker and supervisor will make a safety decision

- 2270 based on the information gathered. If the safety decision made identifies that
2271 there is a threat to safety and that court involvement is necessary, the CPS
2272 caseworker will staff the case with an Assistant Attorney General.
- 2273 12. When there is a supported finding of drug production or manufacturing, the CPS
2274 caseworker may staff with a Child and Family Services supervisor as described in
2275 10 above. If a safety decision is made that requires law enforcement and/or an
2276 Assistant Attorney General, the CPS caseworker will discuss with them the safety
2277 decision made to determine what needs to occur to ensure enduring safety and
2278 permanency for the child.
- 2279 13. When there are siblings in the same home where a removal is considered, the
2280 CPS caseworker will staff with a Child and Family Services supervisor to discuss
2281 threats to safety and whether court involvement is necessary. If there is an
2282 imminent threat to safety that cannot be mitigated through a safety plan, the
2283 CPS caseworker will staff the safety decision with an Assistant Attorney General
2284 to determine the next steps.
- 2285 14. If the need for services has been identified through safety and risk assessment,
2286 and the family refuses to accept services, the CPS caseworker will staff the case
2287 with an Assistant Attorney General.
- 2288 15. When the referral involves an adopted child whose parents are not able to meet
2289 the child's needs, post adoption will be brought into the staffing to help
2290 determine if services could defer the child coming into custody.
- 2291 16. When the CPS caseworker needs legal advice concerning the sufficiency of the
2292 evidence to make a supported finding or to pursue a substantiated finding, the
2293 CPS caseworker will staff with a Child and Family Services supervisor and
2294 Assistant Attorney General. [See: Utah Code Ann. [§62A-4a-202.1.](#)]
2295

204.3 Sibling Or Child At Risk

Major objectives:

The CPS caseworker will assess the other siblings/children in a household when a child in the same household has been a victim of abuse, neglect, or dependency. Assessment and documentation must be specific for each child.

Applicable Law

Utah Code Ann. [§78A-6-302](#). Court-ordered protective custody of a minor following petition filing -- Grounds.

Practice Guidelines

- A. In cases where the mother is pregnant and delivers the newborn and the newborn's siblings are in custody, or have been determined to be abused, neglected, or dependent, the CPS caseworker will complete a new SDM Safety Assessment.

- 2311
2312 B. The CPS caseworker will complete the following with each sibling or child to determine
2313 if the sibling or child requires immediate protection or services:
2314 1. Complete the SDM Safety Assessment.
2315 2. Conduct a face-to-face interview with each child having verbal or other
2316 communication skills or observe non-verbal children.
2317 3. If law enforcement objects to a Child and Family Services investigation (for
2318 example, in a child fatality investigation), the CPS caseworker will review the
2319 case with the Attorney General's Office to determine legal options to ensure the
2320 safety of other siblings.
2321

2322 **204.4 Coordination With Law Enforcement**

2323 Major objectives:

2324 Child and Family Services will coordinate with law enforcement to protect children and families
2325 when abuse, neglect, or dependency is alleged. This coordination will also serve to protect CPS
2326 caseworkers and keep the peace throughout the investigation.
2327

2328 **Applicable Law**

2329 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --
2330 Preremoval interviews of children.
2331

2332 Practice Guidelines

2333 The CPS caseworker will coordinate with law enforcement in the following ways:
2334

- 2335
- 2336 A. Notification: If, during the course of the investigation, the CPS caseworker becomes
2337 aware of criminal activity, law enforcement will be notified.
2338
- 2339 B. Child placed into protective custody: When a child is to be taken into protective custody,
2340 the CPS caseworker will be accompanied by law enforcement if a peace officer is
2341 reasonably available.
2342
- 2343 C. Entry into the child's home: Neither law enforcement officers nor CPS caseworkers can
2344 enter a home uninvited without a search warrant issued by a court unless there is an
2345 emergency requiring entry be made without a warrant. If the CPS caseworker is denied
2346 entry into the child's home by the parent or caregiver, a request will be made to law
2347 enforcement to accompany the CPS caseworker to the home in an attempt to gain
2348 entry. Should the parent continue to deny entry, the CPS caseworker will coordinate
2349 efforts with law enforcement and the Attorney General's Office to secure a search
2350 warrant. [See: Major objectives [Section 203.3](#).]
2351

204.5 Domestic Violence Related Child Abuse

Major objectives:

When children have witnessed domestic violence, Child and Family Services will assess the safety needs of the family and provide interventions and education to the family. CPS caseworkers will respect and support the role of the non-offending caregiver to protect themselves and the child who witnessed domestic violence between the caregiver and abuser.

Cases involving Domestic Violence Related Child Abuse will be reviewed with a Child and Family Services domestic violence worker.

The Domestic Violence Related Safety Plan information and Risk of Danger information for the non-offending adult/caregiver as well as the child are protected records under Utah Code Ann. [§63G-2-305](#) and will not be released when CPS records are requested because such release may pose a danger to the child and/or non-offending caregiver.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

Upon the identification of Domestic Violence Related Child Abuse, the CPS caseworker or Child and Family Services domestic violence caseworker will proceed as follows:

- A. Investigation: Identify and document in the case record the services, assessments, and education given to the family. These will include:
 1. Assisting the non-offending adult/caregiver by providing them with a list of available resources and supports, educating them on the domestic violence cycle, safety planning with the client, and holding a Risk of Danger discussion to determine the level of lethal risk. Resources should include information on protective orders, domestic violence advocates, financial assistance such as CVR, shelters, crisis nursery, counseling or support groups, etc.
 2. Assisting the offending partner by holding a Risk of Danger discussion, finding support systems, giving treatment resources, safety planning, and educating them on the domestic violence cycle.
 3. Safety planning with child, if appropriate. A safety plan cannot rely on a child alone.
 4. Explaining to each caregiver that:
 - a. Immediate and long-range harm may result from exposing a child to domestic violence;

- 2392 b. According to Utah State law, a person is criminally liable for committing
2393 domestic abuse in the presence of a child;
2394 c. Domestic abuse in the presence of a child is "child abuse" and therefore
2395 such conduct may result in juvenile court intervention and an abuse
2396 record in the Child and Family Services database.
2397
- 2398 B. Protective Order: If the non-offending caregiver has obtained a protective order:
2399 1. Notify the Assistant Attorney General of the protective order and request a
2400 bifurcated hearing in juvenile court.
2401 2. Do not conduct conjoint mediation, Child and Family Team Meetings, treatment
2402 planning, service planning, safety planning, or assessments between the
2403 protected party and the abuser.
2404
- 2405 C. Domestic Violence Shelter: If the caseworker has knowledge that the child and non-
2406 offending caregiver have relocated to a domestic violence shelter, explain to the non-
2407 offending caregiver and the domestic violence shelter staff that it is the caregiver's and,
2408 where appropriate, the domestic violence shelter's responsibility to immediately
2409 contact the caseworker if they leave the domestic violence shelter.
2410
- 2411 D. Failure to Protect: When the CPS caseworker and Child and Family Services domestic
2412 violence caseworker staff a case and agree to make a finding of Failure to Protect
2413 against the non-offending caregiver, the CPS caseworker will document in the case
2414 record the reasons for that finding.
2415
- 2416 E. Notice of Agency Action (NAA) Letter: This letter will be sent to the offending partner in all
2417 supported CPS cases within agency timelines (Practice Guideline [Section 204.15](#)). The
2418 NAA Letter involving domestic violence related child abuse allegations will be sent to the
2419 perpetrator of the abuse in the same manner that all other agency action letters are
2420 sent. Before an NAA Letter is sent, individual safety planning to the non-offending
2421 partner, children, and offending partner will be provided in preparation for the receipt
2422 of this letter, due to the possible significant risk placed on the non-offending parent and
2423 child. The CPS caseworker will:
2424 1. Notify the non-offending caregiver that the letter will be sent and review safety
2425 measures.
2426 2. Document this notification in the case record.
2427
- 2428 F. Case Requirement and Documentation Exceptions: A CPS caseworker may make an
2429 exception to CPS requirements for documentation when it is determined to be a safety
2430 concern (such as unscheduled home visits, priority timeframes on the face-to-face
2431 contact with the adult victim or child, etc.). Prior to making that decision, staff with a
2432 Child and Family Services supervisor and domestic violence caseworker for agreement

2433 that those requirements could pose a potential threat of harm to the child or non-
2434 offending caregiver. Documentation of staffing and approval are required.

2435
2436 G. Family/Friend Disturbance: An altercation between extended family members or other
2437 non-related adults in the presence of a child may be considered emotional abuse and
2438 not domestic violence, if it is determined to have:

- 2439 1. Elements that meet the definition of Emotional Abuse.
2440 2. Does not involve a pattern of domestic violence power and control.

2441
2442 H. Homicide/Suicide: Child and Family Services will respond to situations in which there has
2443 been a homicide and/or suicide as a result of domestic violence when either party has
2444 children that were living with them at the time, whether or not the children witnessed
2445 or were present during the incident. These referrals will be assigned and conducted as a
2446 DVS or CPS case according to [Section 201.4](#).

2447

2448 **204.5a Environmental Neglect**

2449

Major objectives:

2450 Child and Family Services will respond to concerns about the child's home environment when
2451 there is reason to believe that there is a threat to a child's physical health or safety due to
2452 possible neglect or abuse. The Child and Family Services caseworker will respond to these
2453 allegations using positive engagement skills and a solution-focused view.

2454

2455

2456

Applicable Law

2457 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2458

Practice Guidelines

2460 These Practice Guidelines provide parameters for the CPS caseworker to follow in the various
2461 circumstances possible when there are concerns related to the child's environment. The
2462 assessment will determine whether the environment poses a threat to the physical health or
2463 safety of the child. The CPS caseworker may contact other community resources and/or
2464 evaluators to determine if and to what degree the environment poses a safety threat to the
2465 child. If necessary, the CPS caseworker will provide assistance and education for enhancing
2466 safety and preventing the reoccurrence of the neglect. The assessment will include the
2467 following.

2468

- 2469
2470 A. The CPS caseworker will use positive engagement skills with the family and complete an
2471 unscheduled home visit to assess the environment.

2472

- 2473 B. The CPS caseworker will assess whether the environment is safe for the children
2474 involved, considering:
2475 1. Threats to safety:
2476 a. Duration or length of the situation (chronic).
2477 b. Volume, quantity, or toxicity of the potential hazard.
2478 c. Severity of the threat to the child.
2479 d. Child's access to the potential hazards.
2480 e. The age of the child.
2481 f. The developmental level of the child.
2482 g. The medical condition of the child.
2483 h. Other expert opinions (health department, pharmacist, doctor, zoning,
2484 fire department, etc.).
2485 i. The extent to which the child's extended family may provide needed
2486 protection.
2487
- 2488 C. The CPS caseworker will assess whether the environment poses safety concerns. The
2489 CPS caseworker will team with the family to access services or interventions that will
2490 address the safety issues.
2491
- 2492 D. Service and education resources and/or on-site assessment contacts may include, but
2493 are not limited to, the following:
2494

Concerns	Agency/Resources	Assessment, Education, or Services
Pest infestation, sewage/ water issues, urine/ feces	Health Department	Pest infestation, repair/ cleanup/ health
Heat issues, safe heat sources, carbon monoxide	Gas Company	Gas/ carbon monoxide issues, HEAT program assistance
Fire/ electrical dangers	Fire Department	Fire/ electrical dangers and safety code
Sewage/ water issues, lack of access to water	Water Department	Water/ sewage issues
Issues that exacerbate medical conditions (mold, smoke, effects of dangers/ hygiene on medical condition)	Physician or Medical Assistance	Environmental impact on medical condition
Lack of access to food	Food Assistance Program	Subsidizing or providing education on food and nutrition
Poisonous/ toxic chemicals	Poison Control	Exposure to toxic/ poisonous chemicals
Only spoiled foods are available, choking hazards, hygiene, nurturing, housecleaning issues	Parent Education and Advocacy	Safe and healthy parenting
Health and safety issues regarding animals or dangerous animal issues	Animal Control	Containment of excessive or dangerous animals
Drugs, paraphernalia, drug labs	Law Enforcement	Cleanup of drugs, drug labs, or paraphernalia
Access to firearms/ ammunition, danger of firearms issues	Firearm Safety Education	Firearm safety
Dangerous structural issues, construction, code violations	Health Department and Zoning	Dangerous structural, construction, code violation
Cleanup assistance, respite, safety plan monitoring, provisions, financial assistance	Kin, church, neighbors, crisis nursery, or other community agencies	Formal and informal supports

2495
 2496
 2497
 2498

The CPS caseworker may find services and/or agencies by calling 211 or accessing the United Way website at <http://www.uw.org/211/>.

2499 **204.6 False Allegations Of Child Abuse Or Neglect**

2500 Major objectives:

2501 If Child and Family Services determines that an individual has knowingly submitted a false report
2502 of child abuse or neglect, the CPS caseworker will consult with law enforcement.
2503

2505
2506 **Applicable Law**

2507 Utah Code Ann. [§62A-4a-1007](#). False reports -- Penalties.
2508

2509 Practice Guidelines

- 2510 A. At the conclusion of a CPS investigation, the CPS caseworker will determine (after
2511 consultation with the Attorney General's Office, if needed):
- 2512 1. Whether the referent's allegation of child abuse or neglect was false.
 - 2513 2. Whether it is more likely than not that the referent knew, at the time of making
2514 the allegation, that the allegation was false.
 - 2515 3. Whether the referent has knowingly made a prior false allegation about the
2516 same alleged victim or alleged perpetrator.
 - 2517 4. Whether the referent's address is known or reasonably available.
2518
- 2519 B. If the CPS caseworker finds that the referent probably knew, at the time of making the
2520 allegation, that the allegation was false, and that the referent has knowingly made a
2521 prior false allegation about the same alleged victim or alleged perpetrator, the CPS
2522 caseworker will:
- 2523 1. Inform and consult with law enforcement regarding the false allegations made
2524 by the referent and determine whether informing the alleged perpetrator about
2525 the false allegations is likely to jeopardize law enforcement efforts or the health
2526 or safety of any individual.
 - 2527 2. Inform the alleged perpetrator about the false allegations made by the referent,
2528 to the extent that such disclosure does not unreasonably jeopardize law
2529 enforcement efforts or the health and safety of individuals.
2530
- 2531 C. If the CPS caseworker finds that the referent probably knew, at the time of making the
2532 allegation, that the allegation was false, and if the referent's address is available, the
2533 CPS caseworker will send the referent a certified letter that informs the referent that:
- 2534 1. The CPS caseworker has investigated the referent's allegation of abuse or neglect
2535 and has determined that the allegation was false and that the referent probably
2536 knew that the allegation was false at the time of making the allegation.
 - 2537 2. Utah Code Ann. [§76-8-506](#) and other laws impose criminal and civil penalties for
2538 knowingly making a false allegation of abuse or neglect.

- 2539 3. CPS has a statutory obligation to inform law enforcement and the alleged
2540 perpetrator.

2541

204.7 Child Fatalities And Near Fatalities

2543

Major objectives:

2544 Upon report of a child fatality, the CPS caseworker will notify law enforcement, Child and Family
2545 Services administration and DHS administration and take necessary steps to ensure that any
2546 other children in the household are safe. Upon report of a near fatality, the CPS caseworker will
2547 notify the Safe and Healthy Families Team at Primary Children's Medical Center.

2548

2549

2550

Applicable Law

2552 Utah Code Ann. [§62A-4a-405](#). Death of child -- Reporting requirements.

2553 Utah Code Ann. [§62A-16](#). Fatality Review Act.

2554

Practice Guidelines

- 2556 A. The CPS caseworker will immediately notify law enforcement, the Child and Family
2557 Services director or designee, and the Fatality Review Coordinator when a client on an
2558 open CPS case dies:
- 2559 1. All notifications will occur within 24 hours of first knowledge of a death and may
2560 be accomplished through phone calls, e-mail, or written communication and will
2561 be documented in the activity recording.
- 2562 2. A Deceased Client/Employee Report form will be completed by the CPS
2563 caseworker and a notice will be sent to the Child and Family Services director
2564 and Fatality Review Coordinator within three days of knowledge of the fatality.
- 2565
- 2566 B. Upon a report made to Child and Family Services on a child death determined to be a
2567 result of child abuse or neglect or when the cause of death is undetermined and
2568 wherein there are surviving siblings, the CPS caseworker will also immediately notify the
2569 region director or designee. Notification may be accomplished through phone calls, e-
2570 mail, or written communication and will be included in the activity recording. The CPS
2571 caseworker will assess siblings and children in the household or other children the
2572 alleged perpetrator may have access to.
- 2573
- 2574 C. Within seven days of the date that a report is made to Child and Family Services of the
2575 death of a child whose family has received any child welfare services within the year
2576 preceding the date of the death, the caseworker will fill out the Deceased Client
2577 /Employee Report found in SAFE. The caseworker will submit the report to the region
2578 director or designee, and the region director or designee will submit the information to
2579 the DHS child fatality review coordinator within those same seven days.

2580

2581 **204.8 Extension Granted To A CPS Investigation**

2582

Major objectives:

2583

If an investigation cannot be completed within 30 days from the disposition of the case to CPS, the CPS caseworker will make a request for an extension prior to expiration of the initial 30-day period.

2584

2585

2586

2587

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2590

Practice Guidelines

A. The ~~region director~~ supervisor or designee may grant one extension of up to 30 days when ~~there is insufficient information available to make a case finding~~ more information is needed to make a thorough and accurate assessment.

2595

B. An extension will not be granted ~~by the region director or designee~~ for overdue documentation.

2598

C. An additional extension of 30 days may be requested where extenuating circumstances exist.

2601

204.9 Unable To Locate Within The State Of Utah

2603

Major objectives:

A CPS caseworker will close an investigation as Unable to Locate after reasonable efforts have been made by the caseworker to locate the child and family members.

2606

2607

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2610

Practice Guidelines

A finding of Unable to Locate can be made only when reasonable efforts have been completed.

2613

- A. Reasonable efforts include (but are not limited to):
1. Visiting the home at least twice at times other than normal work hours.
 2. Contacting local schools for additional contact and address information
 3. Contacting local and county law enforcement agencies to gain any additional address information.
 4. Checking public assistance records for additional address or contact information.

2619

- 2620 5. Checking with the referent for additional address information.
2621 6. Send the name and any other information regarding the family to the CLEAR (kin
2622 locator) license holder in the region for an internet search for additional address
2623 information
2624
2625 B. Prior to making a finding of Unable to Locate, the caseworker will document and follow-
2626 up on any new information from the above sources regarding the whereabouts of the
2627 child and family. If additional address information is found, the CPS caseworker will
2628 make visits to that address in order to find the child.
2629
2630 C. No face-to-face contact can be conducted on an Unable to Locate case. If the
2631 caseworker has completed a face-to-face on the case and cannot subsequently locate
2632 the family, see practice guideline 204.9a, Unable to Complete.
2633

204.9a Unable To Complete

Major objectives:

The CPS caseworker will close an investigation as Unable to Complete only if reasonable efforts have been made to pursue the assessment and there is insufficient information to make a finding.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody -- Preremoval interviews of children.

Practice Guidelines

Reasonable efforts have been made if one of the following situations exists:

- 2648
2649 A. Face-to-face may or may not have occurred, and all of the following apply:
2650 1. Whereabouts of the child and family are known but the parent/guardian refuses
2651 to allow the child to be seen and/or interviewed;
2652 2. The caseworker has contacted the police for assistance, but the police have been
2653 unsuccessful in attempts to assist the caseworker in seeing the child;
2654 3. The caseworker has contacted an Assistant Attorney General to staff whether a
2655 warrant or petition can be obtained with the information available, but it was
2656 determined that a warrant or petition was not appropriate;
2657 4. There is insufficient information to make a finding.
2658
2659 B. No face-to-face has occurred, and the following apply:

- 2660 1. The child and/or family move outside the state, whereabouts known (note: if
2661 whereabouts of the child and family are unknown, fulfill the requirements of
2662 practice guideline 204.9, Unable to Locate, and close the case as Unable to
2663 Locate);
- 2664 2. A request for courtesy work is requested and declined;
- 2665 3. The caseworker cannot complete the assessment through telephone or other
2666 contact with the family or collaterals;
- 2667 4. There is insufficient information to make a finding.
- 2668
- 2669 C. A face-to-face has occurred, and one of the following apply:
- 2670 1. The child and family moved out-of-state, whereabouts known:
- 2671 a. A request for courtesy work is requested and declined;
- 2672 b. The caseworker cannot complete the assessment through telephone or
2673 other contact with the family or collaterals;
- 2674 c. There is insufficient information to make a finding.
- 2675 2. The child and family moved, whereabouts unknown:
- 2676 a. The child and/or family have moved;
- 2677 b. The whereabouts of the child and/or family are unknown;
- 2678 c. The caseworker has fulfilled the requirements of practice guideline 204.9,
2679 Unable to Locate;
- 2680 d. There is insufficient information to make a finding.
- 2681

204.10 Case Findings

Major objectives:

At the conclusion of a CPS investigation, a finding will be made for each allegation identified at the time of Intake or identified during the investigation. Each alleged victim in the case will be linked to a specific allegation or allegations and to an alleged perpetrator or alleged perpetrators.

Applicable Law

Utah Code Ann. [§62A-4a-106](#). Services provided by division.

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

- A. Acceptable findings include:
1. Supported.
 2. Unsupported.
 - 2698 3. Without Merit.
 - 2699 4. Unable to Locate.
 - 2700 5. Unable to Complete Investigation.

- 2701 6. False Report.
2702
- 2703 B. Case findings are determined as follows:
2704 1. A case finding of Supported will be used when there is reasonable basis to
2705 conclude that abuse, neglect, or dependency occurred, even if the alleged
2706 perpetrator is unknown.
2707 a. A finding of chronic/severe will be considered when a child was taken
2708 into protective custody or protective action was pursued through the
2709 juvenile court or any time the circumstances meet the definition of
2710 chronic/severe abuse or neglect.
2711 b. An adopted child in need of services that cannot be met by their parents
2712 will be categorized as Dependency. The CPS caseworker will assess
2713 during the investigation whether the circumstances require allegations of
2714 abuse or neglect to be added to the Child Abuse Neglect Report.
2715 2. A case finding of Unsupported will be used when there is insufficient evidence to
2716 conclude that abuse, neglect, or dependency occurred.
2717 3. A case finding of Without Merit will be used when there is evidence that abuse,
2718 neglect, or dependency did not occur or that the alleged perpetrator was not
2719 responsible.
2720 4. A case finding of Unable to Locate will be used in the following two situations: a)
2721 The CPS caseworker was unable to complete the face-to-face contact with the
2722 alleged victim and b) The CPS caseworker made all reasonable efforts to locate
2723 the child and was unable to do so.
2724 5. A case finding of Unable to Complete Investigation will be made when the child
2725 and/or family move outside the state and a request for courtesy work is
2726 requested and declined and there is insufficient information to make a finding,
2727 or when the child and/or family move outside the state after the face-to-face
2728 contact is made with the child and there is insufficient information to make a
2729 finding because the whereabouts of the child and/or family are unknown, or
2730 when the child and/or family move within the state, the face-to-face with the
2731 child was made but there is insufficient information to make a finding and the
2732 whereabouts of the child and/or family are unknown.
2733 6. A case finding of False Report will be made when the Child and Family Services
2734 caseworker finds that the report of abuse, neglect, or dependency was made by
2735 a referent who “more likely than not knew that the report was false at the time
2736 the person submitted the report.”
2737
- 2738 C. The case finding decision may be based on the child’s statements alone; corroborating
2739 evidence will not be required in all cases.
2740

- 2741 D. If the case is supported, ~~[the following]~~ a summary of the facts that met the definition
2742 ~~for abuse, neglect, or dependency that led to the supported finding~~ will be documented
2743 in the activity record[:].
2744 ~~[1. The major objectives definition of the supported allegation;~~
2745 ~~2. An explanation of how the facts of the case match the major objectives~~
2746 ~~definition of any supported allegation, including the threats of harm, the child's~~
2747 ~~vulnerabilities, and the protective capacities of the caregiver.]~~
2748
2749 E. The opinion of the alleged victim's primary care physician, a licensed physician or
2750 physician's assistant, or nurse practitioner working under the direction of a physician
2751 will be requested in situations outlined in [Section 202.9](#).
2752
2753 F. If the case is supported, the CPS caseworker will provide a certified Notice of Agency
2754 Action letter and other relevant forms to the alleged perpetrator within five working
2755 days of the ~~[case closure]~~ determination.
2756
2757 G. The CPS caseworker will provide a Notice of Agency Action letter to the perpetrator or
2758 legal guardian if the perpetrator is a juvenile through personal service by a third party
2759 not involved in the action (documenting date, time, manner, and location of service) if a
2760 supported finding of one of the following exists: sexual abuse, lewdness, sexual
2761 exploitation, chronic/severe ~~[physical or emotional]~~ abuse or chronic/severe neglect or
2762 ~~[medical neglect resulting in death, disability, or serious illness]~~ abandonment. [See:
2763 Utah Rules of Civil Procedure [Rule 4](#).]
2764
2765 H. A case finding of Unsupported will not be made solely because ~~[the alleged perpetrator~~
2766 ~~was an alleged out-of-home perpetrator or because]~~ the CPS caseworker was unable to
2767 identify the alleged perpetrator when the evidence shows that abuse, neglect, or
2768 dependency occurred.
2769
2770 I. The determination of acceptable findings will be based on the facts of the case obtained
2771 at the time of the investigation.
2772
2773 J. An allegation will not be considered Unsupported or Without Merit because the family
2774 corrected the conditions that caused the abuse, neglect, or dependency while the
2775 investigation was pending.
2776
2777 K. The conclusions of the health care professional regarding ~~[non-accidental]~~ an abusive
2778 injury, sexual abuse, or medical neglect will be considered by the CPS caseworker in
2779 making case findings. Child and Family Services and the family may obtain a second
2780 opinion. If the family requests a second opinion, they must do so at their own expense.
2781

- 2782 L. Chronic/severe child abuse or neglect in [Section 204.11\(A\)](#) does not include a person's
2783 conduct that:
- 2784 1. Is justified under Utah Code Ann. [§76-2-401](#) regarding the use of reasonable and
2785 necessary physical restraint or force by an educator.
 - 2786 2. Constitutes the use of reasonable and necessary physical restraint or force in
2787 self-defense or otherwise appropriate to the circumstances to obtain possession
2788 of a weapon or other dangerous object in the possession or under the control of
2789 a child or to protect the child or another person from physical injury.
2790

2791 ~~[204.11] Court Findings~~

2792 ~~Major objectives:~~

2793 ~~If Child and Family Services makes a supported finding of one or more of the chronic or severe~~
2794 ~~types of child abuse or neglect, Child and Family Services will:~~

2795

2796 ~~A. Enter the information into the SAFE system. SAFE will be responsible to report the~~
2797 ~~appropriate information to Licensing, without identifying the person as a perpetrator or~~
2798 ~~alleged perpetrator.~~

2799

2800 ~~B. If Child and Family Services makes a decision to seek a court finding of Substantiated,~~
2801 ~~they will file a petition with the juvenile court regarding the Supported finding of abuse~~
2802 ~~or neglect. If a case is Supported, Child and Family Services will send a certified Notice of~~
2803 ~~Agency Action to the alleged perpetrator regardless of the decision to file a petition for a~~
2804 ~~court finding of Substantiated. Only those categories of abuse or neglect listed in~~
2805 ~~Section A may be considered for a court finding of Substantiated.~~
2806

2807

2808 ~~Applicable Law~~

2809 ~~Utah Code Ann. [§78A-6-323](#). Additional finding at adjudication hearing—Petition—Court~~
2810 ~~records.~~

2811

2812 ~~Practice Guidelines~~

2813 ~~A. The types of child abuse or neglect that may require Child and Family Services to seek a~~
2814 ~~petition for a court finding of Substantiated are as follows:~~

- 2815 ~~1. Chronic/Severe Physical Abuse;~~
 - 2816 ~~2. Sexual Abuse;~~
 - 2817 ~~3. Sexual Exploitation;~~
 - 2818 ~~4. Abandonment;~~
 - 2819 ~~5. Medical Neglect resulting in death, disability, or serious illness;~~
 - 2820 ~~6. Chronic/Severe Neglect; or~~
 - 2821 ~~7. Chronic/Severe Emotional Abuse.~~
- 2822

2823 ~~B. Upon the filing of a petition, the juvenile court will be asked to make a finding of~~
2824 ~~Substantiated, Unsubstantiated, or Without Merit.~~

2825
2826 ~~C. Any action taken by the agency does not preclude further civil or criminal action.]~~
2827

2828 **204.12 Changing A Finding On A Closed Case**

2829 Major objectives:

2830 A previously closed CPS case ~~[can be reopened to allow an amendment to the case]~~ will be
2831 ~~amended to reflect the current~~ finding.
2832

2834 **Applicable Law**

2835 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2837 Practice Guidelines

2838 ~~[A. A CPS supervisor can reopen a CPS case to amend the finding and include new~~
2839 ~~information in the activity recording within 60 days of original case closure.~~

2841 ~~B. After 60 days from case closure, the region director may approve reopening a closed~~
2842 ~~CPS case to amend the finding and include new information in the activity recording.~~
2843 ~~The request may be based upon obtaining new information relevant to the facts at the~~
2844 ~~time the case was investigated, or when the juvenile court's ruling is not consistent with~~
2845 ~~the original finding.]~~

2847 ~~[C]A.~~ If an Unsupported finding is amended to Supported, the ~~[CPS caseworker or Child and~~
2848 ~~Family Services supervisor]Administrative Hearing tracker or designee~~ will:

- 2849 1. Document the new information and all consultations held on the case in the
2850 activity recording.
- 2851 2. Enter the amended finding into SAFE ~~[and complete all the requirements for case~~
2852 ~~closure]~~. [See: [Section 204.15](#).]
- 2853 3. ~~Send a Notice of Agency Action letter to the perpetrator.~~

2854
2855 ~~[D]B.~~ If the previous finding is amended from Supported to Unsupported, the ~~[CPS caseworker~~
2856 ~~or Child and Family Services supervisor]Administrative Hearing tracker or designee~~ will:

- 2857 1. Document the new information and consultations held on the case in the activity
2858 recording.
 - 2859 2. Send a letter that outlines or states the newly obtained information for which an
2860 amendment of the original case finding is being made.
 - 2861 3. Ensure that a GRAMA request is provided to the alleged perpetrator.
 - 2862 4. Enter the amended finding into SAFE.
- 2863

204.13 Documentation Of Investigation

Major objectives:

The CPS caseworker will record ~~[details and sequential]~~all casework activities and information obtained on a ~~[n-open]~~ CPS ~~[investigation]~~case.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

CPS documentation will include, but is not limited to, the following:

- A. The date, time, place, and type of casework activity being completed. The specific source of information ~~[and statements regarding credibility of the source]~~ will be documented.
- B. A complete description of all casework activities and the rationale for conclusions made, which may include the following unless an exception applies and is documented:
 1. Review of information contained in all prior Child and Family Services records.
 2. Review of any Additional Information reports added to the case by Intake. Any new allegations will be added to the case.
 3. Results of the SDM Safety Assessment and Risk Assessment ~~[and the SDM]~~, including the details of the Safety Plan, if applicable.
 4. Unscheduled and scheduled home visits, including documentation of the conditions of the residence and/or the specific areas of the home the CPS caseworker observed.
 5. The identity of any support person ~~[requested by the child who is present for the interview]~~ participating in the interview.
 6. Face-to-face contact with the alleged victim ~~[-within the priority response time frame], including incidents when face-to-face contact was not completed within the priority time frame or was not possible.~~
 7. Interviews with the child that include statements made regarding the specific allegations or incidents of abuse, neglect, or dependency; and any other information ~~[deemed important to the investigation and assessment of child safety and risk]~~ regarding the assessment of child safety, risk, and family functioning.
 8. Interview of the alleged perpetrator(s) and any admissions or denials to the allegations.
 9. Interview with the parents or guardian regarding the specific allegations or incidents of abuse, neglect, or dependency and any other information ~~[deemed~~

- 2904 ~~important to the investigation and assessment of child safety and risk]regarding~~
2905 ~~the assessment of child safety, risk, and family functioning.~~
- 2906 10. All collateral or third party contacts, including the referent if they have first-hand
2907 knowledge of the ~~[alleged abuse, neglect, or dependency]child's safety, risk,~~
2908 ~~and/or family functioning.~~
- 2909 11. All case staffings, the identity of persons participating in the staffing, and any
2910 decisions made.
- 2911 ~~[12. — Missed priorities.]~~
- 2912 ~~[13]12. Extensions [requested with documentation of the approval for the extension]~~
2913 ~~granted with documentation regarding the need for the extension.~~
- 2914 ~~[14]13. The appropriate closure notification provided to the referent, which includes law~~
2915 ~~enforcement.~~
- 2916 ~~[15]14. Notice of Agency Action sent or served to the alleged perpetrator that includes~~
2917 ~~the appropriate blank forms for a GRAMA Request and Request for~~
2918 ~~Administrative Hearing.~~
- 2919 ~~[16]15. The caseworker will [summarize]document all case activities in the activity logs.~~
2920 ~~[all third party documents used to make a final disposition on a CPS case. These~~
2921 ~~documents will be included as part of the closed CPS case file.]All other~~
2922 ~~information and/or correspondence associated with the CPS case will be~~
2923 ~~uploaded into SAFE, including Safety Plans.~~

204.14 Determination Of A CPS Case For Ongoing Services

Major objectives:

Every child and family with protection or safety needs, or who are at continued risk, will be considered for ongoing services through Child and Family Services or community partners. SDM Safety and Risk Assessments help inform the decision to open a case for ongoing services.

Applicable Law

- 2934 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
2935 Administrative Rule [R512-100](#). In-Home Services.

2936
 2937
 2938
 2939
 2940

Practice Guidelines

The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level helps guide the decision to close a referral or open an ongoing case.

Final Risk Level	Recommendation
Low	Do Not Open*
Moderate	Do Not Open*
High	Open
Very High	Open

2941
 2942
 2943
 2944
 2945
 2946
 2947
 2948

*The SDM Safety and Risk Assessments used in combination will recommend an ongoing case if any of the following conditions exist:
 -The SDM Safety Assessment final safety decision is Unsafe. This would likely result in a removal.
 -The SDM Safety Assessment final safety decision is Safe with a Plan.
 -If the final safety decision is Safe, but the SDM Risk Assessment concludes the risk is High or Very High.

2949
 2950
 2951

For cases opened for ongoing services following the investigation, the risk level is used to determine the contact requirements for the case (service level).

2952
 2953

After calculating the scored risk level, determine if any overrides apply.

2954
 2955
 2956
 2957
 2958
 2959

Mandatory overrides. Mandatory overrides reflect the seriousness of the incident and child vulnerability concerns and have been determined by Child and Family Services to be cases that warrant the highest level of service regardless of the scored risk level. If the scored risk level is low, moderate, or high, review the mandatory override conditions to see if any apply. Mark any mandatory override reasons that are present. The final risk level is then increased to very high.

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 2971

- Sexual abuse victims in this case AND perpetrator is likely to have access to child. One or more of the children in this household are victims of sexual abuse and actions by the caregivers indicate that the perpetrator is likely to have access to the child, resulting in danger to the child.
- Non-accidental injury to a child younger than 36 months old. Any child under the age of 36 months in the household has a physical injury resulting from the actions or inactions of a caregiver.
- Serious non-accidental injury. Any child in the household has a serious physical injury resulting from the action or inaction of the caregiver. The caregiver caused serious injury, defined as brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocations, sprains, internal injuries, poisoning, burns, scalds, severe cuts; and the child requires medical treatment.

- 2972
- 2973
- 2974
- 2975
- 2976
- 2977
- 2978
- Previous termination of parental rights. The court has terminated parental rights for either caregiver due to abuse or neglect at any time in the past.
 - Caregiver(s) action or inaction resulted in death of a child due to abuse or neglect (previous or current). Any child in the household has died as a result of actions or inactions by the caregiver. This child death may be in the current incident or investigation, or may have occurred at any time in the past.

2979 Discretionary override: A discretionary override is applied by the social worker to increase the risk level in any case where the social worker believes the scored risk level is too low. This should represent a unique situation not considered elsewhere on the risk assessment that increases the likelihood of a future incident of child maltreatment in this household.

2981

2982

2983 Discretionary overrides may only increase the risk level by one level (e.g., from low to moderate, or moderate to high, but NOT low to very high). Use of a discretionary override means there is a clinical judgment that the likelihood of future harm is higher than scored, and requires a reason, supervisory consultation, and approval. Supervisor approval of the discretionary override is indicated when the supervisor reviews and approves the risk assessment.

2985

2986

2987

2988

2989

2990 Planned Action: If the planned action to open or not open an ongoing case differs from the SDM recommended action, provide a clear and detailed explanation in the SDM Risk Assessment.

2991

2992

2993

204.14a Case Transfer Process

Requirements for All Case Transfers from CPS

- 2996 A. An ongoing worker will be identified to work with the family within five business days of the referral from a Child Protective Services (CPS) case.
- 2997
- 2998
- 2999 B. The CPS worker is responsible for following up to ensure the safety plan is being followed and/or to meet any contact standards defined by SDM until the case is opened to the ongoing worker.
- 3000
- 3001
- 3002
- 3003 C. The first face-to-face contact with the family will be done by both the CPS and ongoing worker and will be completed within ten business days of the ongoing worker being identified.
- 3004
- 3005
- 3006 1. Members of the Child and Family Team will be identified during this contact and the meeting will be scheduled with the family. The CPS case will remain open until this first contact has been completed.
- 3007
- 3008
- 3009
- 3010 D. The ongoing worker will take over meeting the SDM contact standards and/or other case requirements at the time of case transfer.
- 3011

3012

3013 E. A Child and Family Team Meeting will be held with both the CPS and ongoing workers
3014 within 15 business days of case assignment to the ongoing worker. The purpose of the
3015 meeting is to discuss the safety and risk factors identified during the CPS case, as well as
3016 the items in the UFACET.

3017

3018 Protective Supervision Collaborative

3019 A. The PSC case will not be opened and assigned to the ongoing worker until after the first
3020 contact with the family is made.

3021

3022 B. The case needs to be opened for PSC within two business days after the first contact
3023 with the family was made. The start date of the PSC case will be the date the first
3024 contact with the family occurred.

3025

3026 C. If the family chooses not to participate in PSC services at the time of the first visit, a PSC
3027 case will not be opened. The CPS worker will maintain an open CPS case and staff the
3028 case with a supervisor regarding the necessity of a PSS petition or other course of
3029 action. If it is decided a PSS petition is warranted, the CPS worker will contact an
3030 AAG. The CPS worker is responsible for ensuring the safety plan is being followed
3031 and/or will meet any contact standards defined by SDM until the PSS petition has gone
3032 to court and orders have been made.

3033 1. If orders are made by the court, a PSS case will be opened to the ongoing worker
3034 within two business days and will be responsible for meeting the recommended
3035 SDM contact standards.

3036 2. The CPS and ongoing worker are both responsible for attending court hearings
3037 and/or mediation until the petition has been adjudicated.

3038

3039 D. If the family chooses not to participate in PSC any time after the first visit but within 14
3040 days of case creation, the CPS worker is responsible for staffing the case with a
3041 supervisor and the AAG for a PSS petition, or other course of action, based upon a
3042 current safety assessment of the child. This staffing will include the CPS and ongoing
3043 workers.

3044

3045 E. If the family chooses not to participate in PSC after 14 days of case creation, the ongoing
3046 worker is responsible for staffing the case with the supervisors and the AAG for a PSS
3047 petition, or other course of action, based upon a current safety assessment of the child.
3048 This staffing should include the CPS and ongoing workers. The PSC case will be closed.

3049

3050 Protective Supervision Services

- 3051 A. The CPS worker is responsible for following up to ensure the safety plan is being
3052 followed and to meet any contact standards defined by SDM until the PSC/PSS case is
3053 opened to the ongoing worker.
3054
3055 B. If the family is willing to begin services prior to the petition being heard, then a PSC case
3056 shall be opened (follow the PSC guidelines).

3057
3058 **C. The CPS case will remain open until the PSC case is opened or the court orders interim
3059 PSC or PSS.**

3060
3061 Protective Supervision Family Preservation (PFP)

- 3062 A. Follow the guidelines for either PSC or PSS depending on whether or not the case is
3063 court ordered.

3064
3065 Protective Services for Families at Risk (PFR)

- 3066 A. If during a Court Ordered Determination Assessment (CODA) it is determined a PFR case
3067 is necessary, the worker will follow the procedure for opening a PSS case.

3068
3069 Out-of-Home (SCF)

- 3070 A. CPS will complete all required visits with the child in their placement (48 hour visit,
3071 weekly visits) until the case has been transferred. After case transfer, the ongoing
3072 worker will be responsible for completing the visits.
3073
3074 B. The CPS and ongoing workers are both responsible for attending court hearings and/or
3075 mediation until the petition has been adjudicated.

3076
3077 **C. [CPS will keep their case opened until the SCF case has been opened to the ongoing
3078 worker.]The removing worker will ensure a SCF case is opened and the current
3079 placement information for the child is entered within 24 hours of the removal.**

3080
3081 Kinship

- 3082 A. CPS to PSS placement where child is in the temporary custody of a relative while DCFS
3083 works on reunification services with the parent(s).
3084 1. If possible, prior to placement, options and resources to the family will be
3085 explained by the CPS worker and/or a kinship specialist.
3086 2. The ongoing worker or designee will record the Kinship Placement in SAFE.
3087 (Kinship Caregiver KR, Kinship Child KC). Placement with a non-custodial parent
3088 will be coded as NCP. Placement with a kinship caregiver/friend will be coded as
3089 BHR. [See: Kinship Practice Guidelines Section 510.]

- 3090 3. The ongoing worker and/or kinship specialists will link the relative caregiver to
3091 resources in the community, such as DWS and Grandfamilies.
3092
- 3093 B. CPS to SCF cases where the child was placed with a relative or friend in a preliminary
3094 placement and DCFS was given temporary custody.
- 3095 1. Before the kinship placement is made the CPS worker will ensure that:
- 3096 a. All adults and juveniles in the home have approved background checks. If
3097 needed, the Region Background Screening Committee will convene to
3098 review applicant's background.
- 3099 b. A Limited Home Inspection KBS16 will be completed.
- 3100 c. The CPS worker will have the parent sign the Parent/Guardian Agreement
3101 KBS03. If the parent refuses to sign, the worker will document refusal.
- 3102 d. The CPS worker will have the kin caregiver sign the Kinship Caregiver
3103 Agreement KBS04. This must be signed by the kin caregiver.
- 3104 2. If an emergency kinship placement is made (before shelter), the CPS worker or
3105 Kinship worker will provide the Placement Report KBS21 to the court at the
3106 Shelter Hearing.
- 3107 3. A kinship specialist will attend the initial CFTM to explore kinship options and
3108 resources.
- 3109 4. Efforts to identify, locate, and engage all possible kin for placement or
3110 connection will take place within 30 days of removal, and ongoing efforts will be
3111 documented in **activity logs in** SAFE by the current worker assigned to the case
3112 **using the policy button "Efforts Made to Locate Possible Kinship Placements."**
- 3113 5. Kin Locate information, including KBS12 letters to relatives and friends who are
3114 present at the CFTM, will be gathered by the CPS worker or kinship specialist and
3115 returned to the Kin Locator.
- 3116 6. The caseworkers and kinship specialist will go over timeframes and requirements
3117 for reunification and the kinship process with the kin caregiver.
- 3118 7. The CPS worker or the ongoing worker (if case has been transferred) will
3119 complete a Request from Worker for Kinship Support Services (KBS09).
- 3120 8. If the child has been placed with a friend, the CPS or kinship worker will educate
3121 the placement regarding timelines for friends to be licensed.
- 3122 9. If a new preliminary placement is made or there is a change from one
3123 preliminary placement to another, the assigned worker will provide notice to the
3124 court using the Court Notification of Preliminary Placement or Preliminary
3125 Placement Change (KBS07) form.
3126

3127 **204.15 Case Closure**

3128 Major objectives:

3129 A CPS case will be closed no later than 30 days from disposition of the case by Intake to CPS.
3130 [See: [Section 204.8](#), Extension Granted To A CPS Investigation.]
3131

3132

3133 **Applicable Law**

3134 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
3135

3136 Practice Guidelines

3137 The CPS caseworker will complete the following prior to case closure:
3138

- 3139 A. Complete activity recording and documentation in SAFE.
3140
- 3141 B. Finalize all SDM Safety Assessments and SDM Risk Assessments.
3142
- 3143 C. Ensure that supporting documents such as safety plans and agreements, letters, forms,
3144 law enforcement reports, medical reports, etc. are contained in the file.
3145
- 3146 D. Determine the case finding and if the case is supported, the following will be
3147 documented in the activity recording and closure statement:
3148 1. The facts, evidence, and rationale that support the findings of the case.
3149 2. A summary of the initial threats to safety and if/how any have changed by the
3150 end of the case. Use multiple SDM Safety Assessments to document the change.
3151 If threats to safety were identified in the SDM Safety Assessment, document the
3152 Safety Plan put in place to address them.
3153
- 3154 E. In conjunction with the Child Abuse Prevention and Treatment Act (CAPTA)
3155 requirements (Public Law [108-446](#), Section 637(a)(6)), any child 34 months or younger,
3156 with a supported finding of abuse or neglect, will be automatically referred to the
3157 Department of Health's Baby Watch Early Intervention Program (BWEIP). SAFE will send
3158 a list of all children meeting these criteria to BWEIP. A letter will be automatically
3159 generated and sent to the parents or guardians of the child to inform them of the
3160 referral.
3161 (1) The CPS caseworker will ensure all parent/guardian information is current in
3162 SAFE, including name, address, and contact information.
3163
- 3164 F. If the case is supported for sexual abuse, lewdness, sexual exploitation, chronic/severe
3165 physical abuse, chronic/severe emotional abuse, chronic/severe neglect or medical
3166 neglect resulting in death, disability, or serious illness, staff with an Assistant Attorney

- 3167 General and determine if a petition should be filed in juvenile court to request a
3168 substantiated finding.
3169
- 3170 G. Provide written or verbal notification of the case closure to the referent, unless
3171 anonymous, within five working days of the case closure.
3172
- 3173 H. If the case is supported, send or initiate service of the Notice of Agency Action and other
3174 relevant forms to the alleged perpetrator within five working days of the case closure,
3175 unless law enforcement requests that this information be held based upon the
3176 likelihood that releasing that information would jeopardize a pending investigation. If
3177 such a request is made by law enforcement, caseworkers may place the information on
3178 hold until such time as law enforcement has completed its investigation. Once the
3179 investigation is completed by law enforcement, the caseworker will send the
3180 information to the alleged perpetrator.
3181

3182 **204.16 [Reopening]Amending CPS Cases**

3183 Practice Guidelines

3184 Cases will not be closed prior to all the work on the case being completed and documented. In
3185 the event changes to the case are necessary after the case has been closed, the following
3186 procedures will be followed.
3187

- 3188
- 3189 A. Fixing Errors. When fixing errors to logs in a closed CPS case, the case will not be
3190 reopened. A new log will be added to make note of the error and add the correct
3191 information. The date of the log will reflect the date the new log was created.
3192
- 3193 B. Adding Information. When adding information or complet[ed]ing items on a closed CPS
3194 case, ~~[the case will not be reopened. A]~~ log will be added to document the
3195 information. The date of the log will reflect the date the new log was created. The date
3196 the item was actually completed can be documented in the log if it is different than the
3197 date the log was entered.
3198
- 3199 C. Items Needing to be Completed. If additional work needs to be completed on a closed
3200 CPS case, the case should be reopened and the appropriate items completed. If
3201 possible, the case will be extended until the work is completed and appropriately
3202 documented. If an extension is not possible, the items needing to be completed will be
3203 completed and appropriately documented as quickly as possible. The reason the case
3204 was reopened will be clearly documented. The case will be closed with the original
3205 closure date.
3206

- 3207 D. Changing Allegation **Findings** ([Section 204.12](#)). If additional information is brought
3208 forward after a case has been closed, which would change the finding(s) of the
3209 allegations ~~[investigated, the case will be reopened. This would not include new~~
3210 ~~allegations or allegation changes due to an Internal Review, Administrative Hearings, or~~
3211 ~~Judicial Reviews], the allegations will be amended. This would not include allegation~~
3212 ~~changes due to new information or as result of an Internal Review, Administrative~~
3213 ~~Hearing, Judicial Review, or an approved expungement.~~
- 3214 1. The finding will be changed ~~by the Administrative Hearing tracker or designee by~~
3215 ~~selecting the Review button for the specific allegation that is being changed.~~
3216 ~~[a. With the documented permission of the CPS caseworker's supervisor, the~~
3217 ~~SAFE Helpdesk will be contacted to reopen the case. After 30 days,~~
3218 ~~region director permission is required.]~~
- 3219 **[b]a.** A log will be added to provide an explanation for the change to the
3220 allegation(s). The explanation will include the new information that led
3221 to the change being made.
- 3222 **[e]b.** The Allegation Description Text will be updated to reflect the changed
3223 allegation and the information that led to the change being made. **The**
3224 **updated information will be added to the Review section to explain the**
3225 **reason for the change.**
- 3226 **[d]c.** The case will be re-closed with the original date of closure.
- 3227 **[e]d.** If the finding is changed to Supported, a NAA letter will be sent to the
3228 perpetrator.
- 3229 **[f]e.** If the finding is changed to Unsupported **or expunged**, a letter will be sent
3230 to the alleged perpetrator to notify them of the change.
3231

205 Removals: Safety And Permanency Considerations

This section provides guidance for CPS caseworkers who must remove a child from their home.

205.1 Grounds For Removal/Placement Of A Child Into Protective Custody

Major objectives:

The Child and Family Services caseworker will obtain a warrant from a court of competent jurisdiction to facilitate the removal and subsequent placement of a child into protective custody, unless there are exigent circumstances that demonstrate a substantial, immediate threat to the health or safety of a child, unless a court order to remove is already in place, or unless a parent gives consent for removal. ~~[A Child and Family Services worker may not take a child into protective custody on the basis of mental illness or poverty of the parent or guardian or on the basis alone of educational neglect. A Child and Family Services worker may not take a child into protective custody when motivated solely by intent to seize or obtain evidence unrelated to the potential abuse or neglect allegation.]~~ A [Child and Family Services CPS] caseworker will consult the Office of the Attorney General for all removals.

The CPS caseworker will use the SDM Safety Assessment to determine if the child is unsafe. If the child is determined to be unsafe, then the Child and Family Services CPS caseworker will review the reasons for removal and other available options with a supervisor or other personnel designated by the region director and an Assistant Attorney General. [See: [Section 208.1](#) for ICWA procedures]

Applicable Law

Utah Code Ann. [§62A-4a-106](#). Services provided by division.

Utah Code Ann. [§62A-4a-202.1](#). Entering home of a minor -- Taking a minor into protective custody -- Caseworker accompanied by peace officer -- Preventive services -- Shelter care or emergency kinship.

Practice Guidelines

The following have authority to place a child into protective custody:

- A. A court of competent jurisdiction issuing a warrant.
- B. A Child and Family Services caseworker, without a warrant, in accordance with the exigent circumstance requirements of Utah Code Ann. [§62A-4a-202.1](#).

-
- 3272 C. A law enforcement/peace officer.
3273
- 3274 D. A physician or person in charge of a medical facility may place the child on a medical
3275 hold for up to 72 hours.
3276
- 3277 A child may be removed from the custody of parents or guardians without a warrant from a
3278 court of competent jurisdiction and placed into protective custody when one or more of the
3279 following circumstances exist:
3280
- 3281 A. A parent or guardian consents to the removal of the child.
3282 1. Consent removals do not require a written agreement or written consent from a
3283 parent. Verbal consent is sufficient.
3284 a. The verbal consent must be documented in activity logs.
3285 2. Consent removals are not voluntary. [Refer to: [Section 704.2](#) for information on
3286 voluntary placements.] A parent may not withdraw consent once a child is
3287 removed. Once a child is removed based on consent, the child remains removed
3288 until a court orders something different.
3289 a. Consent removals trigger juvenile court action and require 24-hour
3290 meetings, notice, and shelter hearings.
3291
- 3292 B. There is imminent danger to the physical health or safety of the minor, and the health
3293 or safety of the minor may not be protected without removing the minor from the
3294 custody of the minor's parent or guardian.
3295
- 3296 C. There is substantial risk to the minor of being physically or sexually abused by a parent,
3297 guardian, or another person known to the parent or guardian.
3298
- 3299 D. The parent or guardian is unwilling to have physical custody of the minor.
3300
- 3301 E. The minor has been abandoned without provision for the minor's support.
3302
- 3303 F. The parent or guardian has been incarcerated or institutionalized and has not arranged
3304 or cannot arrange for safe and appropriate care for the child.
3305
- 3306 G. A relative or other adult custodian with whom the parent or guardian has left the child
3307 is unwilling or unable to provide care or support for the child, and the whereabouts of
3308 the parent or guardian are unknown, and reasonable efforts to locate the parent or
3309 guardian have been unsuccessful.
3310
- 3311 H. An infant has been abandoned, as defined in Utah Code Ann. [§78A-6-316](#).
3312

3313 Warrant Request

3314 A warrant may be requested by Child and Family Services in the following circumstances [see:
3315 Utah Code Ann. [§78A-6-302](#)]:

3316

3317 A. If a child has previously been adjudicated as abused, neglected, or dependent, and a
3318 subsequent incident of abuse, neglect, or dependency has occurred involving the same
3319 alleged abuser or under similar circumstance as the previous abuse, that fact constitutes
3320 prima facie evidence that the child cannot safely remain in the custody of the child's
3321 parent.

3322

3323 B. A parent or guardian engages in or threatens a child with unreasonable conduct that
3324 could be expected to cause the child to suffer emotional damage.

3325

3326 C. A child/sibling at risk of being abused or neglected because another child in the same
3327 home or with the same caregiver has been or is being abused or neglected.

3328

3329 D. If a parent or guardian has received actual notice that abuse and neglect by a person
3330 known to the parent has occurred, and there is evidence that the parent or guardian
3331 failed to protect the child by allowing the child to be in the physical presence of the
3332 alleged abuser, that fact constitutes prima facie evidence that the child is at substantial
3333 risk of being abused or neglected.

3334

3335 E. The child is in immediate need of urgent medical care.

3336

3337 F. A parent or guardian's actions, omissions, or habitual action create an environment that
3338 poses a threat to the child's health or safety.

3339

3340 G. A parent or guardian's action in leaving a child unattended would reasonably pose a
3341 threat to the child's health or safety.

3342

3343 H. The parent, guardian, or an adult residing in the same household as the parent or
3344 guardian, has been charged or arrested pursuant to the Clandestine Drug Lab Act or any
3345 clandestine laboratory operation was located in the residence or on the property where
3346 the child resided. If it is determined that the child is in imminent danger, the Child and
3347 Family Services caseworker may remove without a warrant.

3348

3349 I. There is imminent danger to the physical health or safety of the child and the child's
3350 physical health or safety may not be protected without removing the child.

3351

3352 J. The child's welfare is otherwise endangered.

3353

3354 K. When the parents of a child adopted from foster care indicate they can no longer meet
3355 the needs of the child and request the child be removed, unless there are indications of
3356 abuse or neglect, the case will be supported as Dependency.
3357

3358 A child may not be removed from the child's home or taken into custody solely on the basis of
3359 mental illness or poverty of the parent or guardian or educational neglect, truancy, or failure to
3360 comply with a court order to attend school or parents of a child adopted from foster care are
3361 requesting services or interventions.
3362

3363 A Child and Family Services caseworker may not take a child into protective custody when
3364 motivated solely by intent to seize or obtain evidence unrelated to the potential abuse or
3365 neglect allegation.
3366

3367 A child removed from the custody of the child's parent or guardian may not be placed or kept in
3368 a secure detention facility pending further court proceedings unless the child can be detained
3369 based on procedures set forth by the Division of Youth Corrections.
3370

3371 Child and Family Services caseworkers request a warrant from a court of competent jurisdiction
3372 through the Assistant Attorney General's Office.
3373

3374 **205.2 Actions Required Upon Removal Of A Child**

3375 Major objectives:

3376 Upon removal of a child from the custody of their parent/guardian, the Child and Family
3377 Services caseworker will make reasonable efforts to receive and provide appropriate
3378 procedural, court, and child information to the parent/guardian and placement and to provide
3379 comforting measures for the child through contact, visitation where appropriate, and
3380 information.
3381

3382 **Applicable Law**

3383 Utah Code Ann. [§62A-4a-202.2](#). Notice upon removal of child -- Locating noncustodial parent --
3384 Written statement of procedural rights and preliminary proceedings.
3385

3386 Practice Guidelines

3387 The Child and Family Services caseworker will take diligent steps to:
3388

3389 A. Notify both parents, if their whereabouts are known (including a putative father and
3390 non-custodial parent), and any legal guardian within 24 hours of removal informing
3391 them of the reasons for removal and placement into protective custody.
3392

3393 B. Give the parents/caregivers the following information:
3394

- 3395 1. Notice of Removal and a telephone number where the parents may access
3396 further information.
- 3397 2. Parents' procedural rights.
- 3398 ~~3. Notice of Shelter Hearing, which will be personally served as soon as possible,~~
3399 ~~but no later than one business day after removal of the child from the home. In~~
3400 ~~addition to the parents/caregivers, it will be served to the Guardian ad Litem. It~~
3401 ~~will contain the date, time, and place of the shelter hearing, the name of the~~
3402 ~~child on whose behalf a petition is being brought, and a concise statement~~
3403 ~~regarding the reasons for removal and the allegations.~~
- 3404 ~~4. A Request for Counsel form.~~
- 3405 ~~5. An Affidavit in Support of Request for Appointment of Counsel form.]~~
- 3406 ~~[6]3.~~ Information pamphlet entitled, "What Happens When Your Child Is Removed
3407 From Your Care" (available in SAFE).
- 3408
- 3409 C. Make reasonable efforts to obtain information essential to the safety and well-being of
3410 the child using Form CPS23 and give this information to the provider ~~[and the nurse~~
3411 ~~assigned to the case.]~~ within 24 hours of the child's placement into protective custody.
3412 This information should follow the child to their first assessment. If the child is an
3413 infant, include the hospital of birth and the birth weight if this information is available.
3414
- 3415 D. Audio/videotape investigative interviews initiated by Child and Family Services with
3416 children following placement into protective custody and prior to adjudication. [See:
3417 Utah Code Ann. [§62A-4a-202.3.](#)]
- 3418
- 3419 E. Visit the child in their placement by midnight of the second day after the date of
3420 removal from the child's parents/guardians. The caseworker will assess the child's
3421 adjustment to the placement and their well-being. If the case has been assigned to an
3422 ongoing caseworker, the ongoing caseworker or RN assigned to the case can complete
3423 the visit for the CPS caseworker. The CPS caseworker is responsible to ensure this visit is
3424 completed, and the CPS caseworker and ongoing or RN caseworker need to consult on
3425 the visit within 24 hours of the visit.
- 3426
- 3427 ~~F. Open a new SCF case and enter the placement of the child within 24 hours of the~~
3428 ~~removal.~~
- 3429
- 3430 ~~[F]G.~~ Offer the parents/guardians a visit with the child within three working days of removal,
3431 if appropriate.
- 3432
- 3433 ~~[G]H.~~ After the first visit in placement is completed, the CPS caseworker will visit the child in
3434 their placement once a week until the case is transferred to an ongoing caseworker.

3435 Once the case has been transferred, the ongoing caseworker will be responsible for any
3436 further visits.

3437
3438 **[H]**. Record all of the above actions in SAFE with the date that they were accomplished.
3439

3440 **205.3 Removal Of A Child From A Home Where Methamphetamine Or** 3441 **Other Illicit Drugs Are Manufactured**

3442 Major objectives:

3443 Children/youth located where there is manufacturing of methamphetamines and/or other illicit
3444 drugs will be taken into protective custody where law enforcement determines the child is
3445 present and is at risk due to exposure or access to chemicals or other substances used in the
3446 production, manufacture, or distribution of these drugs. This may include situations in which
3447 the child has been exposed to a contaminated environment.
3448

3449
3450
3451 **Applicable Law**

3452 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3453
3454 Practice Guidelines

3455 For removal of children from methamphetamine or other illicit drug homes, the following will
3456 apply:

- 3457
- 3458 A. Intake receives the information, staffs the referral with a supervisor, and assigns the
3459 case as a priority 1, 1R, or 2 to a CPS caseworker.
3460
 - 3461 B. The CPS caseworker will contact the officer in charge. The officer in charge determines
3462 if it is safe for entry. If not safe, the officer in charge will bring the child out to the CPS
3463 caseworker.
3464
 - 3465 C. The CPS caseworker will document, or assure that law enforcement will document, the
3466 following, preferably by photographs:
 - 3467 1. The height of each child.
 - 3468 2. Safety hazards, such as:
 - 3469 a. Counter height where chemicals/drugs are observed;
 - 3470 b. Areas where children have access to chemicals/drugs;
 - 3471 c. Proximity of food, toys, or clothing to chemicals, needles, etc.
 - 3472 3. Safety attempts, such as door locks/devices utilized to prevent access to
3473 chemicals/drugs.
 - 3474 4. Play area.

- 3475 5. Each room:
3476 a. Include walls, floors, ceiling, and objects within each room;
3477 b. Describe odors associated with each photograph.
3478
3479 D. Obtain a checklist of chemicals/drugs at the scene as identified by law enforcement.
3480
3481 E. Specifically for methamphetamine cases: The CPS caseworker should consult with the
3482 officer in charge regarding removal of possessions (including medication) or clothing
3483 from the residence. Removal of possessions or clothing from the residence is prohibited
3484 except for prescription medications that are clearly labeled as a medication for the child.
3485 Any medication taken from the scene should be placed and secured in a plastic bag.
3486 1. The CPS caseworker will call the prescribing doctor as soon as possible.
3487 2. The CPS caseworker will inform the physician of the child's exposure to
3488 chemicals and placement into protective custody and will request that the
3489 medications prescribed be re-prescribed to the child.
3490 3. The CPS caseworker will request instructions from law enforcement on how to
3491 dispose of the exposed medication.
3492 4. The CPS caseworker will ensure that the new prescriptions will be picked up
3493 from the pharmacy and delivered to the child.
3494
3495 F. Specifically for methamphetamine cases: Determine with law enforcement if gross
3496 contamination of the child exists. If gross contamination exists, the CPS caseworker will
3497 coordinate with law enforcement to ensure that the child is decontaminated. The child
3498 will then be transported to a medical facility for evaluation.
3499
3500 G. The CPS caseworker will notify the foster care provider of the specific circumstances of
3501 the removal and any medical needs of the child.
3502
3503 H. Complete the required paperwork. Assure that the law enforcement officer in charge of
3504 the case is given a copy of the Child and Family Services paperwork.
3505

205.4 CPS Caseworker Safety When Exposed To A Methamphetamine Lab

Major objectives:

CPS caseworkers will take actions to reduce potential exposure to chemicals or drugs when intervening to assess the safety of children in situations where methamphetamines may have been manufactured.

Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3519 Practice Guidelines

- 3520 A. CPS caseworkers responding to situations where exposure to harmful chemicals or
3521 drugs may be present will take the following precautions:
- 3522 1. Wear clothing that can be laundered and avoid wearing open-toe shoes.
 - 3523 2. Contact law enforcement if there is a suspicion that methamphetamines are
3524 being manufactured in a home.
 - 3525 3. Immediately leave the home if there is any observation of indicators that an
3526 active methamphetamine lab may be in operation, and call 911 for assistance.
 - 3527 4. Coordinate child safety with the responding officer(s).
 - 3528
- 3529 B. CPS caseworkers will use the following appropriate methods to avoid further exposure
3530 when intervening in situations that involve exposure to harmful chemicals or drugs:
- 3531 1. Whenever possible, a child will be wrapped in a clean blanket or, if necessary,
3532 changed into clothing that has not been contaminated.
 - 3533 a. CPS caseworkers should not take any clothing, blankets, or other items
3534 for a child from a home that is suspected to be contaminated.
 - 3535 b. Wrapping a child in a clean blanket or dressing them in new clothes
3536 obtained from somewhere other than the residence provides adequate
3537 protection to the caseworker and vehicle.
 - 3538 2. When preparing to leave the scene, whenever possible CPS caseworkers will
3539 place plastic or another covering on the seat of the car.
 - 3540 3. CPS caseworkers will take off clothes/shoes worn at the scene and launder the
3541 clothing separately in a washing machine using hot water and laundry detergent,
3542 then dry the clothing in a clothes dryer.
 - 3543 4. CPS caseworkers will shower using mild soap, ensuring that the entire body and
3544 hair are thoroughly washed.
 - 3545 5. CPS caseworkers will apply fresh clothing.
 - 3546 a. CPS caseworkers should not attempt to clean themselves (or a child) with
3547 baby wipes, as it adds moisture and may cause toxins to be absorbed into
3548 the skin.
 - 3549
- 3550 C. CPS caseworkers should immediately contact their supervisor if there is a suspicion that
3551 they have been exposed to methamphetamines.
3552
- 3553 D. When a CPS caseworker has been exposed to methamphetamines, regardless of the
3554 appearance of symptoms, they should contact their local Human Resource (HR)
3555 technician as soon as possible. The HR technician will gather required information from
3556 the CPS caseworker and complete the on-line Employer's First Report of Injury or Illness
3557 form, which is submitted directly to Workers Compensation Fund on the employee's
3558 behalf. The HR technician will then send both an email and a hard copy of the report to
3559 the CPS caseworker and the HR specialist assigned to Child and Family Services.

- 3560
3561 E. If a CPS caseworker experiences any symptoms from possible exposure (acute exposure:
3562 shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical
3563 irritation, or burns to skin, eyes, nose, and mouth; less severe exposure: headache,
3564 nausea, fatigue, lethargy, and dizziness), they will immediately go to the nearest
3565 hospital to seek medical attention.
3566

3567 **205.5 72-Hour Hold By A Physician**

3568 Major objectives:

3569 A physician has the legal authority to place a child on a 72-hour hold in a medical facility. Upon
3570 notification of a 72-hour hold on a child, the CPS caseworker will respond within a priority 1, 1R,
3571 or 2 response time frame based upon the protection factors identified in the case.
3572
3573

3574 **Applicable Law**

3575 Utah Code Ann. [§62A-4a-407](#). Protective custody.
3576
3577

3578 Practice Guidelines

3579 The CPS caseworker will:
3580

- 3581 A. Immediately open an investigation of the circumstances surrounding the 72-hour hold
3582 and coordinate with the medical facility and the assigned Assistant Attorney General.
3583
3584 B. Obtain all relevant medical information on the child.
3585
3586 C. Obtain all relevant information on the child's parents or guardians and the
3587 circumstances that required the physician to invoke the 72-hour hold.
3588
3589 D. Provide any written instructions for inclusion in the child's medical chart, including the
3590 name of the CPS caseworker and a way to contact the caseworker.
3591

3592 **205.6 Shelter Hearing**

3593 Major objectives:

3594 A juvenile court shelter hearing will be held within 72 hours after removal of the child from his
3595 or her home, excluding weekends and holidays.
3596
3597

3598 **Applicable Law**

3599 Utah Code Ann. [§78A-6-306](#) Shelter hearing.

3600 Utah Code Ann. [§78A-6-308.5](#) Outstanding arrest warrant check before return of custody.

3601

3602 Practice Guidelines

3603 A. If the child is in the protective custody of Child and Family Services, a petition will be
3604 filed with the juvenile court, which will include the following information:

- 3605 1. The reasons why the child was removed from the custody of the parents or
3606 guardian including the threats of harm, the child's vulnerabilities, and the
3607 protective capacities of the caregiver, or,
- 3608 2. The reasons the child would have been removed if the parent had not accessed a
3609 domestic violence shelter at the request of Child and Family Services. [See:
3610 [Section 204.5.](#)]
- 3611 3. Reasonable efforts provided to the child and his or her family to prevent
3612 removal.
- 3613 4. The need, if any, for continued custody.
- 3614 5. The available services that could facilitate the return of the child to the custody
3615 of his or her parents or guardian.
- 3616 6. Whether the child has any relatives who may be able and willing to take
3617 temporary custody.

3618

3619 B. The child will be present at the shelter hearing, unless the Guardian ad Litem
3620 determines it would be detrimental for the child. Kin identified as emergency kinship
3621 placement will also be present at the shelter hearing, if possible.

3622

3623 C. In cases where sexual abuse, abandonment, chronic/severe physical abuse,
3624 chronic/severe neglect, or medical neglect resulting in death, disability, or serious illness
3625 are involved or when the child has been previously removed from the same caregiver,
3626 Child and Family Services may recommend to the court that reunification services not
3627 be provided to the parents.

3628

3629 D. Child and Family Services is required by Utah Code Ann. [§78A-6-308.5](#) to conduct a
3630 felony warrant check through the National Crime Information Center (NCIC) prior to
3631 recommending that a child be returned to a parent or guardian. This includes when
3632 Child and Family Services is recommending a child be returned to a guardian that we
3633 have removed from or a noncustodial or non-offending parent. If Child and Family
3634 Services will be recommending that the child be returned to a parent or guardian at the
3635 shelter hearing, the following process will need to be complete before the
3636 recommendation is provided to the court:

- 3637 1. The Child and Family Services caseworker will complete and submit the "DCFS
3638 Parent/Guardian Felony Warrant Check Request" form as soon as the
3639 determination is made to provide the recommendation to the court to return
3640 the child to a parent/guardian. The form may be found at

3641 https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5FOrAWBPWka
3642 [wNOIHYGcpONOI1ZMqrWKfQ/viewform?usp=sf_link](https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5FOrAWBPWka).

3643 2. The Background Screening Coordinator at the Child and Family Services state
3644 office will complete the felony warrant check. The results will be emailed to
3645 both the Assistant Attorney General (AAG) and the caseworker assigned to the
3646 case. The AAG will file the results with the court.

3648 **205.7 24-Hour Multi-Disciplinary Staffing**

3649 Major objectives:

3650 A multi-disciplinary team staffing will be convened within 24 hours after placing a child into
3651 protective custody, or requesting a shelter hearing, excluding weekends and holidays. The
3652 staffing team members will review the circumstances regarding removal of the child from their
3653 home and prepare the testimony and evidence that will be required of Child and Family Services
3654 at the shelter hearing in accordance with Utah Code Ann. [§78A-6-306](#). In addition, the CPS
3655 caseworker will discuss family support systems, and possible kinship placements.
3656
3657

3658 **Applicable Law**

3659 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3661 Practice Guidelines

- 3662 A. The multi-disciplinary team staffing will be chaired by Child and Family Services.
3663 Members of the team will include, but not be limited to, the following:
3664
3665 1. The CPS caseworker assigned to the case and the CPS caseworker who made the
3666 decision to remove the child, if not the same person.
3667 2. A representative of the school or school district in which the child attends
3668 school.
3669 3. The peace officer who removed the child from the home.
3670 4. A representative of the appropriate Children's Justice Center if one is established
3671 within the county where the child resides.
3672 5. Local mental health provider or therapist, or a therapist or counselor who is
3673 familiar with the child's circumstances, if known.
3674 6. A member of the Health Care Team.
3675 7. Any other individual as determined to be appropriate and necessary by the team
3676 coordinator and chair, such as Child and Family Services clinical staff, health care
3677 provider, Guardian ad Litem, domestic violence specialist, etc.
3678 8. Consider inviting family members when legal circumstances permit.
3679

- 3680 B. Child and Family Services, when possible, will have available for review and
3681 consideration the complete CPS and foster care history of the child and the child's
3682 parents and siblings.
3683
- 3684 C. The team will determine if there are services that may be made available to the family
3685 to enable the child to return home.
3686
- 3687 D. The team will develop a short-term case plan and assign responsibilities for completion,
3688 if the family is present.
3689
- 3690 E. The team will consider the possibility of placing the child with a non-custodial parent or
3691 in a kinship placement after checking the SAFE database and BCI.
3692
- 3693 F. The team will consider whether the facts of the case meet the criteria for not offering
3694 reunification. [See: Utah Code Ann. [§78A-6-312.](#)]
3695
- 3696 G. The team will collect available educational and health information on the child.
3697
- 3698 H. The team will determine if the child may be immediately returned to the custody of a
3699 parent or legal guardian due to a change in circumstances or new information that
3700 changes the threats to safety that has become available since the decision was made to
3701 take protective custody. Notification to the court will still be required even if the child is
3702 returned home.
3703
- 3704 [See: Utah Code Ann. [§62A-4a-202.3.](#)]
3705

3706 **206 Kinship: Safety And Permanency**

3707

3708 **206.1 Kinship**

3709

Major objectives:

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When a child is placed into protective custody, the CPS caseworker will initiate the kinship process. The CPS caseworker will consider kinship options that include a non-custodial parent, the putative father, and/or other relatives as defined by statute. The CPS caseworker will also consider kinship under ICWA when appropriate. The CPS caseworker will provide information obtained about possible kinship placements to the court at the time of the shelter hearing.

3716

3717

Applicable Law

3718

Utah Code Ann. [§62A-4a-209](#). Emergency kinship placement.

3719

3720

Practice Guidelines

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3723

At the shelter hearing the CPS caseworker will request that the child's parents provide names, addresses, and phone numbers of all possible kinship placements within five days. [See: Utah Code Ann. [§78A-6-307](#).]

3724

3725

3726

3727

[See: Utah Code Ann. [§62A-4a-202.3](#) and [§78A-6-306](#).] [See also: [Section 703](#) ICPC (Interstate Compact for the Placement of Children) Major objectives and Procedures, and [Section 500](#) Kinship Major objectives.]

3728

3729

206.2 Emergency Kinship Placement

3730

Major objectives:

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Prior to placing a child in a foster home placement, the CPS caseworker may place a child in a temporary emergency kinship placement (referred to in Practice Guidelines Section 500 as a Preliminary Kinship Placement. Safety, health, and best interest of the child should drive this decision.

3736

3737

Applicable Law

3738

[See: [Section 206.1](#).]

3739

3740

Refer to Kinship Practice Guidelines for Preliminary Placement in [Section 502](#).

3741

3742 **207 Conflict Of Interest And Related Parties Investigations**

3743 *(PLEASE SEE ADMINISTRATIVE GUIDELINES SECTION 020.13 FOR APPROPRIATE PROTOCOL.)*

3744

3745 This section provides guidance for Child and Family Services when a child in the custody of the
3746 state is alleged to have been the victim of abuse, neglect, or dependency (Conflict of Interest
3747 case); or when the case involves a Child and Family Services employee or employee's child
3748 (Related Parties case).

3749

3750 **207.1 Investigation Involving A Licensed Out-Of-Home Provider Or Child**
3751 **And Family Services Employee**

3752

3753 Major objectives:

- 3754 A. Child and Family Services will make every effort to coordinate with a contracted
3755 independent CPS agency or if the contractor is unable, with law enforcement agencies
3756 for Conflict of Interest investigations when a child in the custody of the state is an
3757 alleged victim of child abuse, neglect, or dependency.
- 3758
- 3759 B. Child and Family Services will work with the Office of Services Review Related Parties
3760 investigators to investigate reports of child abuse, neglect, or dependency when a Child
3761 and Family Services employee, volunteer, or contractor of the Department of Human
3762 Services (DHS) has a relationship with the alleged victim, alleged perpetrator, or another
3763 person named in the investigation and there is or might appear to be a conflict of
3764 interest or impropriety if Child and Family Services performed the investigation.

3766

3767

3768 **Applicable Law**

3769 Utah Code Ann. [§62A-4a-202.6](#). Conflict child protective services investigations – Authority of
3770 investigators

3771

3772 Practice Guidelines

- 3773 A. When the need for a worker from a contracted independent CPS agency has been
3774 identified, the following are the procedures:
- 3775 1. Any time a report is made that a child is abused or neglected while in the
3776 custody of Child and Family Services, whether or not the caregiver is the alleged
3777 perpetrator, the case will be assigned to the contracted independent CPS agency
3778 or worker.
 - 3779 2. The contracted independent CPS caseworker will assess the threats to safety and
3780 will then take steps to ensure the safety of any child in the home.

- 3781 3. If there is a reasonable basis to believe that the child is in danger or there is a
3782 substantial threat to the safety of the child in his or her home, the contracted
3783 independent CPS caseworker will advise the region director and recommend a
3784 change of placement if applicable.
- 3785 4. The region director or region director designee will make the final decision
3786 regarding a change of placement based on Child and Family Services Practice
3787 Guidelines and relevant law.
- 3788 5. If the child remains in the parent or caregivers' home during the investigation,
3789 the contracted independent CPS caseworker will prepare a safety plan that
3790 identifies the threats of harm, the child's vulnerabilities, and the protective
3791 capacities of the caregiver and what steps will be taken to assure safety. If the
3792 child is in out-of-home care, the safety plan will be developed with input from
3793 the ongoing caseworker, the foster parents, the family resource consultant, and
3794 the contracted independent CPS caseworker.
- 3795 6. Contracted independent CPS caseworkers will report concerns to the Office of
3796 Licensing.
- 3797
- 3798 B. In the situation in which the contracted independent CPS agency or individual is unable
3799 to respond to a conflict of interest investigation due to capacity, the investigation will be
3800 handled by law enforcement or, with the consent of Child and Family Services, a CPS
3801 investigator employed by the Office of Attorney General as provided in Utah Code Ann.
3802 [§62A-4a-202.6](#). If neither law enforcement nor the Office of Attorney General is willing
3803 to provide an investigator, Child and Family Services will establish a protocol for
3804 handling conflict of interest cases.
- 3805 1. A CPS caseworker will be assigned to the case.
- 3806 2. The CPS caseworker will work with law enforcement to obtain all of the
3807 information needed to complete the investigation per Child and Family Services
3808 major objectives. If law enforcement refuses to complete any or all of the
3809 investigation per Child and Family Services major objectives, clearly document
3810 their refusal in the activity recording.
- 3811 2. The CPS caseworker will request that law enforcement complete the interview of
3812 any child involved, the foster parents, and collateral sources. If law enforcement
3813 refuses to complete any or all interviews, the CPS caseworker will clearly
3814 document the refusal in the activity recording and, when possible, complete the
3815 interviews.
- 3816 3. The CPS caseworker will consult with law enforcement to determine whether the
3817 case should be supported.
- 3818 4. If law enforcement is completing the investigation and the investigation has
3819 been open for more than 25 days, the CPS caseworker will consult with law
3820 enforcement to determine if an extension is needed.
- 3821

- 3822 C. When allegations of abuse, neglect, or dependency involve a Child and Family Services
3823 employee or the child of an employee, the Office of Services Review Related Parties
3824 investigators will be assigned to investigate. When the need for a Related Parties
3825 investigator has been identified, the following are procedures:
- 3826 1. When the Related Parties investigator cannot make priority face-to-face contact
3827 with the primary victim, the Related Parties investigator may request that a CPS
3828 caseworker meet the requirement and assess immediate safety and protection
3829 needs.
 - 3830 2. If it is determined that removal is necessary, the Related Parties investigator will
3831 request a CPS caseworker, who will follow Practice Guidelines [Section 205](#)
3832 protocol.
 - 3833 3. If an ongoing case is needed, the Related Parties investigator will notify the
3834 region director or designee.
3835

3836 **207.2 Investigation Involving A Child Care Provider Or Child Care Center**

3837 **Major objectives:**

3838 CPS will investigate reports of abuse, neglect, or dependency that occur in licensed child care
3839 facilities.
3840

3841 **Applicable Law**

3842 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --
3843 Preremoval interviews of children.
3844

3845 **Practice Guidelines**

- 3846 A. The Department of Health, Child Care Licensing unit will be contacted by the CPS
3847 caseworker.
3848
- 3849 B. The CPS caseworker will coordinate with the Department of Health regarding licensing
3850 violations.
3851
- 3852 C. CPS investigation requirements for child care providers will be the same as for other
3853 referrals investigated by Child and Family Services.
3854

3855 **208 Indian Child Welfare Act (ICWA): Protecting Native American**
3856 **Culture**

3857
3858 **208.1 Placement Of A Native American Child Into Protective Custody**

3859 Major objectives:

3860 A CPS investigation will be completed in compliance with ICWA procedures in order to show
3861 deference to the cultural needs of Native American families in Utah. CPS investigations will be
3862 completed in compliance with ICWA standards. The CPS caseworker will determine whether the
3863 child and family are Native American, complete an investigation that respects the cultural
3864 standard of the tribe, and notify the tribe immediately of any legal action taken during the
3865 investigation.
3866

3867
3868 With regard to an Native American child who resides on a reservation but is temporarily located
3869 off the reservation from his or her parent or Native American custodian, nothing will prevent
3870 the emergency removal of a Native American child or the emergency placement of such child in
3871 a foster home or institution under applicable state law in order to prevent imminent physical
3872 injury or harm to the child. The state authority, official, or agency involved will ensure that the
3873 emergency removal or placement terminates immediately when removal or placement is no
3874 longer necessary to prevent imminent physical injury or harm to the child.

3875
3876 During the initial contact with all families under investigation, the CPS caseworker will ask if
3877 there is any Native American lineage that might make the child eligible for membership in any
3878 Native American Tribe.
3879

3880
3881 **Applicable Law**

3882 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3883
3884 Practice Guidelines

3885 Found in [Section 705](#), ICWA.
3886

3887 **209 Case Transfers And Courtesy Services**

3888

3889 This section provides guidance regarding CPS case transfers and courtesy services for another
3890 state or agency.

3891

3892 **209.1 Request For Courtesy Casework Within The State Of Utah**

3893

Major objectives:

3894

3895 A CPS caseworker may request courtesy assistance for completion of investigative activities on
3896 an open CPS case when the child or other individual related to the case is not accessible to the
3897 assigned CPS caseworker.

3898

3899 **Applicable Law**

3900 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3901

3902 Practice Guidelines

3903 When a courtesy casework request within the state of Utah is made, the requesting CPS
3904 caseworker will complete the following:

3905

3906 A. Notify their supervisor or designee of the need for courtesy casework. The supervisor of
3907 the requesting CPS caseworker will ask the receiving supervisor to assign a courtesy CPS
3908 caseworker.

3909 1. The requesting CPS caseworker will staff with the receiving CPS caseworker to
3910 coordinate investigative activities and give as much notice as possible for
3911 completion of the courtesy activity.

3912 2. The requesting CPS caseworker will maintain responsibility for the case and for
3913 decisions made on the case, such as determination as to the case finding.

3914 3. The courtesy caseworker will be assigned as a secondary caseworker to
3915 complete the case activity requested.

3916

3917 B. Within five days of completing the courtesy activity, the receiving CPS caseworker will
3918 enter the activity logs in SAFE.

3919

3920 **209.2 Transfer Of A Case When A Child Has Moved Within The State Of**
3921 **Utah**

3922 Major objectives:

3923 Child and Family Services offices will cooperate to ensure that a CPS investigation is not
3924 interrupted and children are not placed in danger when an alleged victim has moved within the
3925 State of Utah.
3926

3927
3928 **Applicable Law**

3929 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.
3930

3931 Practice Guidelines

3932 The following procedures will be used to determine when a case will be transferred to a
3933 different office when it has been determined that the child has moved:
3934

- 3935 A. If the child and family moved within the same regional boundaries during the course of
3936 the investigation, the CPS caseworker originally assigned to the case will complete all
3937 remaining investigative activities and ensure that the case is closed per major
3938 objectives. If distance makes continuation and/or completion of the investigation
3939 impractical, the case may be transferred to the office where the child resides. The
3940 transferring and receiving supervisors must coordinate the transfer.
3941
- 3942 B. If the child and the family moved within the state of Utah but outside of the regional
3943 boundaries, the case may be transferred to the new region or a request may be made
3944 for courtesy casework.
3945
- 3946 C. If the child and family moved after the CPS caseworker has made the face-to-face
3947 contact with the alleged victim and the whereabouts of the child and family are
3948 unknown, the CPS caseworker will make reasonable efforts to locate the family in order
3949 to complete the investigation. Once reasonable efforts have been made, the case may
3950 be closed as "Unable to Complete Investigation."
3951

3952 **209.3 Request For Courtesy Casework From Another State**

3953 Major objectives:

3954 CPS may respond to another state's request for courtesy assistance to complete investigative
3955 activities when the child or other individual related to the case is in Utah.
3956

3957
3958 **Applicable Law**

3959 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3960

3961 Practice Guidelines

3962 When a CPS caseworker is assigned a request for courtesy casework from another state, the
3963 CPS caseworker will keep a record of all activities and will forward another copy of the
3964 information to the requesting agency within the time frames identified by the requesting
3965 source.

3966

3967 **209.4 Transfer Of A Case When A Child Has Moved Out Of The State Of**
3968 **Utah**

3969

3970 Major objectives:

3971 Child and Family Services will make reasonable efforts to ensure that a CPS investigation is not
3972 interrupted when an alleged victim has moved out of the state.

3973

3974 **Applicable Law**

3975 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3976

3977 Practice Guidelines

3978 The following steps will be used when the child and family can no longer be located within the
3979 state of Utah.

3980

3981 A. If the child and family move outside the state of Utah before the CPS caseworker is able
3982 to make the face-to-face contact with the child and the new location of the child and
3983 family is known, the CPS caseworker will contact the state child welfare agency where
3984 the family has moved and request courtesy casework. The CPS caseworker may also
3985 contact law enforcement in the state where the child has moved to complete
3986 investigative interviews. If the state child welfare agency where the family has moved
3987 refuses to complete courtesy casework and law enforcement is unable or unwilling to
3988 complete interviews, the case will be closed "unable to complete investigation". If the
3989 receiving state child welfare agency agrees to complete the courtesy casework, the CPS
3990 caseworker will make the appropriate finding based on information from the receiving
3991 state. If a finding of supported is made against one or both of the parents/caregivers,
3992 upon case closure a Notice of Agency Action will be sent to the address of family in the
3993 current state of residence.

3994

3995 B. If the child and family move outside the state of Utah after the CPS caseworker has
3996 made the face-to-face contact with the alleged victim and the whereabouts of the child
3997 and family are known, the CPS caseworker will contact the state child welfare agency
3998 where the family has moved and will make a request for courtesy casework, providing
3999 the information that was obtained in the investigation. The CPS caseworker may also

4000 contact law enforcement in the state where the child has moved to complete
4001 investigative interviews. If the state child welfare agency where the family has moved
4002 refuses to complete courtesy casework and law enforcement is unable or unwilling to
4003 complete the interviews, the case will be closed as "unable to complete investigation."
4004 If the receiving state child welfare agency agrees to complete the courtesy casework,
4005 the CPS caseworker will make the appropriate finding based on information from the
4006 receiving state and casework completed in Utah. If a finding of supported is made
4007 against one or both of the parents/caregivers, upon case closure a Notice of Agency
4008 Action will be sent to the address of family in the current state of residence.
4009

4010 C. If the child and family move out of the state of Utah after the CPS caseworker has made
4011 the face-to-face contact with the alleged victim and the whereabouts of the child and
4012 family are unknown, the CPS caseworker will make reasonable efforts to locate the
4013 family in order to make a request for courtesy casework from the state child welfare
4014 agency where the family now resides. If the receiving state child welfare agency is not
4015 able to find the location of the child, the CPS caseworker will close the investigation
4016 "unable to complete investigation".
4017

4018 D. If the child and family move out of the state of Utah, the CPS caseworker has not made
4019 the face-to-face contact with the alleged victim, and the whereabouts of the child and
4020 family are unknown, the CPS caseworker will make reasonable efforts to locate the
4021 family in order to make a request for courtesy casework from the state child welfare
4022 agency where the family now resides. If the receiving state child welfare agency is not
4023 able to find the location of the child, the CPS caseworker will close the investigation
4024 "unable to locate".
4025

4026 If the facts of the investigation establish reason to suspect the child is in imminent danger, the
4027 CPS caseworker will make appropriate referrals to CPS and law enforcement in the other state
4028 and screen the case with the Assistant Attorney General.
4029

4030 **210 Child Protective Services Records: Confidentiality And Rights To**
4031 **Review**

4032
4033 This section provides guidance to CPS caseworkers who must maintain the confidentiality of
4034 records and advise clients or others of their rights and restrictions concerning confidential
4035 records.

4036
4037 **210.1 Confidentiality Of CPS Records**

4038 Major objectives:

4039 Reports of child abuse, neglect, or dependency, as well as any other information in the
4040 possession of Child and Family Services, obtained as the result of a report of child abuse,
4041 neglect, or dependency, is confidential and may only be made available in accordance with Utah
4042 Code Ann. [§62A-4a-412](#).

4043
4044
4045 **Applicable Law**

4046 Utah Code Ann. [§62A-4a-412](#). Reports and information confidential.

4047
4048 Practice Guidelines

- 4049 A. Under Utah Code Ann. [§62A-4a-412](#), reports of child abuse, neglect, or dependency and
4050 all information related to the report will only be available to:
- 4051 1. A police or law enforcement agency investigating a report of known or suspected
4052 child abuse, neglect, or dependency.
 - 4053 2. A physician who reasonably believes that a child may be the subject of abuse,
4054 neglect, or dependency.
 - 4055 3. An agency that has the responsibility or authority to care for, treat, or supervise
4056 a child who is the subject of a report.
 - 4057 4. A contract provider that has a written contract with Child and Family Services to
4058 render services to a child who is the subject of a report.
 - 4059 5. Any subject of the report, the natural parents of the minor, the Office of
4060 Guardian ad Litem, and CASA.
 - 4061 6. A court, upon a finding that access to the records may be necessary for the
4062 determination of an issue before it, provided that in a divorce, custody, or
4063 related proceeding between private parties the record alone is:
 - 4064 a. Limited to objective or undisputed facts that were verified at the time of
4065 the investigation;
 - 4066 b. Devoid of conclusions drawn by Child and Family Services or any of its
4067 social workers on the ultimate issue of whether or not a person's acts or
4068 omissions constituted any level of abuse, neglect, or dependency of
4069 another person. [See: Utah Code Ann. [§62A-4a-412](#).]

-
- 4070 7. An office of the public prosecutor or its deputies in performing an official duty.
4071 8. A person authorized by a Children's Justice Center for the purposes described in
4072 Utah Code Ann. [§67-5b-102](#).
4073 9. A person engaged in bona fide research, when approved by the director of Child
4074 and Family Services, if the information does not include names and addresses.
4075 10. The state Office of Education, acting on behalf of itself or on behalf of a school
4076 district, for the purpose of evaluating whether an individual should be permitted
4077 to obtain or retain a license as an educator or serve as an employee or volunteer
4078 in a school, limited to information with substantiated findings involving an
4079 alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or
4080 any alleged offense against the person under Title 76, Chapter 5, Offenses
4081 Against the Person, and with the understanding that the office must provide the
4082 subject of a report received under Subsection (1)(k) with an opportunity to
4083 respond to the report before making a decision concerning licensure or
4084 employment.
4085 11. Any person identified in the report as an alleged perpetrator or possible
4086 perpetrator of child abuse, neglect, or dependency after being advised of the
4087 screening prohibition.
4088
4089 B. No person, unless listed above, may request another person to obtain or release a
4090 report or any other information in the possession of Child and Family Services obtained
4091 as a result of the report that is available under Subsection (1)(k) to screen for potential
4092 perpetrators of child abuse, neglect, or dependency.
4093
4094 C. A person who requests information knowing that it is a violation of Subsection (2)(e) to
4095 do so is subject to the criminal penalty in Subsection (4).
4096
4097 D. Except as provided in Utah Code Ann. [§62A-4a-1003](#), Child and Family Services and law
4098 enforcement officials will ensure the anonymity of the person or persons making the
4099 initial report and any others involved in its subsequent investigation.
4100
4101 E. Any person who willfully permits or aides and abets the release of data or information
4102 obtained as a result of this part, in the possession of Child and Family Services, or
4103 contained on any part of the management information system, in violation of this part
4104 or Utah Code Ann. [§62A-4a-1003](#), is guilty of a class C misdemeanor.
4105
4106 F. The physician/patient privilege is not grounds for excluding evidence regarding a child's
4107 injuries or the cause of those injuries in any proceeding resulting from a report made in
4108 good faith pursuant to this part.
4109

4110 **210.2 Request For CPS Records**

4111 Major objectives:

4112 Individuals or agencies identified by Utah Code Ann. [§62A-4a-412](#) may request a copy of the CPS
4113 record, excluding third party information. This copy must first be edited according to GRAMA
4114 regulations. Exceptions to GRAMA may be found in Utah Code Ann. [§62A-4a-412](#).

4117 **Applicable Law**

4118 [See: [Section 210.1](#).]

4120 Practice Guidelines

4121 A. The individual making the request will complete a GRAMA request form, a Request for
4122 Administrative Hearing form, or provide a request in another written form.

4123 B. The records will be released in accordance with Utah Code Ann. [§63G-2-202](#).

4124 **210.3 Process For Internal Agency Review Of Case Findings**

4125 Major objectives:

4126 Internal Agency Reviews of case findings will be conducted when a request is made by an
4127 identified perpetrator **[within the allotted time periods]for the sole purpose of reviewing the**
4128 **finding. The Internal Agency Review will not be used to make determinations related to**
4129 **employment, child placement, or licensure**. The review process will be determined per Utah
4130 statute and Child and Family Services Practice Guidelines.

4131 **Applicable Law**

4132 Utah Code Ann. [§62A-4a-1005](#). Supported finding of a severe type of child abuse or neglect --
4133 Notation in Licensing Information System -- Juvenile court petition or notice to alleged
4134 perpetrator -- Rights of alleged perpetrator -- Juvenile court finding.

4135 Utah Code Ann. [§62-4a-1009](#). Notice and opportunity to challenge supported finding in
4136 Management Information System -- Right of judicial review.

4137 Utah Code Ann. [§62-4a-1010](#). Notice and opportunity for court hearing for persons listed in
4138 Licensing Information System.

4139 Practice Guidelines

4140 Based upon applicable law, a perpetrator may request an Internal Agency Review, an
4141 Administrative Hearing, or both unless there has been a court determination upholding the
4142 Child and Family Services' finding. If the juvenile court has previously made a determination on
4143 a Child and Family Services' finding, the requestor will be directed to pursue an appeal through
4144

4150 the juvenile court, if available. The deadlines for pursuing these avenues of review are
4151 specified below.

4152

4153 A. Internal Agency Reviews will be conducted by an Internal Review Panel.

4154 1. The agency Internal Review Panel will be comprised of the following:

4155 a. CPS caseworker who completed the investigation, if still employed by
4156 Child and Family Services,

4157 b. Supervisor at the time of the investigation, if still employed by Child and
4158 Family Services,

4159 c. Designated Child Welfare Administrator (CWA),

4160 d. Assistant Attorney General (AAG), when applicable and/or available,

4161 e. Administrative hearing tracker, when applicable and/or needed,

4162 f. Any other agency staff the region deems appropriate and/or necessary.

4163 2. All decisions made by the Internal Review Panel will be documented in a log in
4164 the identified CPS case in SAFE. Documentation will include the final decision
4165 reached by the panel, as well as how the Internal Review Panel reached their
4166 decision.

4167 3. The decision of the Internal Review Panel will be recorded under the
4168 Administrative Hearing Tab of the identified CPS case.

4169 4. Internal Agency Reviews will be conducted at the written request of a
4170 perpetrator who makes a request within the specified time frames, but can also
4171 be conducted if the agency determines an Internal Agency Review is necessary.

4172 **5. The Office of Quality and Design will conduct requested reviews for all cases that**
4173 **have been identified as having a conflict of interest for Child and Family Services.**

4174

4175 B. For all cases in which the perpetrator is listed on the Licensing Information System:

4176

4177 **Findings Prior to May 6, 2002:**

4178 If there has been no prior court finding or plea, the Internal Review Panel can make one
4179 of the following determinations:

4180 1. Uphold the finding. The finding will remain Supported or Substantiated in the
4181 Management Information System and the Licensing Information System.

4182 a. If the identified perpetrator disagrees with the decision of the Internal
4183 Review Panel, they will be redirected to pursue recourse through the
4184 juvenile court.

4185 b. If appropriate, a petition for substantiation should be filed by Child and
4186 Family Services with the juvenile court. The petition should be filed
4187 within 14 days of the decision of the Internal Review Panel.

4188 2. Uphold the finding in the Management Information System, but remove the
4189 perpetrator from the Licensing Information System for the identified case. The
4190 finding will remain Supported or Substantiated in the Management Information

- 4191 System, but the perpetrator will no longer appear in the Licensing Information
4192 System for the identified case.
4193 This can be done only when the Internal Review Panel determines the abuse or
4194 neglect was not severe or chronic, or there is not enough information to uphold
4195 severe/chronic findings.
4196 a. If the identified perpetrator disagrees with the decision of the Internal
4197 Review Panel, they will be directed to pursue recourse through the Office
4198 of Administrative Hearings.
4199 3. Amend the finding to Unsupported.

4200

4201 **Findings After May 6, 2002:**

4202 The requestor has one year from the notification of the Severe/Chronic finding to file a
4203 request for an Internal Agency Review or petition the Juvenile Court. If neither of these
4204 requests are made within one year, the finding will remain on the Licensing Information
4205 System.

- 4206 1. If the case qualifies as a Severe/Chronic type of abuse or neglect and if the court
4207 has previously made a finding on an allegation, the requestor will be redirected
4208 to pursue recourse through the juvenile court.
4209 2. If there has been no prior court finding, the Internal Review Panel may make one
4210 of the following determinations:
4211 a. Change the finding to Unsupported.
4212 b. File a petition for substantiation.
4213 c. To uphold the finding in the Management Information System but
4214 remove the case from the Licensing Information System on the basis that
4215 it does not qualify as Severe/Chronic, and direct the requestor to pursue
4216 an Administrative Hearing to amend the finding to Unsupported.
4217 d. Maintain the finding in both the Management Information System and
4218 the Licensing Information System. Direct the requestor to pursue
4219 recourse through the juvenile court.

4220

4221 C. For ALL cases with a Non-Severe/Non-Chronic finding, the Internal Review Panel can
4222 determine one of the following:

- 4223 1. To uphold the finding, thus requiring the requestor to pursue an amendment
4224 through the Office of Administrative Hearings, or
4225 2. To amend the finding, generally from Supported or Substantiated to
4226 Unsupported.

4227

4228 D. If the requestor disagrees with an Internal Review Panel amended finding, they may
4229 request that another review be completed or pursue an Administrative Hearing unless
4230 the amended finding was Severe/Chronic, then the requestor would need to pursue
4231 recourse through the juvenile court.

- 4232
- 4233 E. In addition to the procedures outlined above, if the requestor was a juvenile at the time
- 4234 a Supported or Substantiated finding was made against them, they can follow the
- 4235 procedures outlined in Utah Code Ann. [§78A-6-1105](#) to make a request through the
- 4236 Juvenile Court for their case(s) to be expunged.
- 4237
- 4238 F. Other interested parties involved with a CPS case are not entitled to an Internal Agency
- 4239 Review, but can follow the process outlined in Administrative Guidelines [Section 010.5](#) if
- 4240 they have concerns regarding the finding made during the course of a CPS investigation.
- 4241
- 4242 **G. An individual may submit a written request to expunge an allegation in which they are**
- 4243 **identified as a perpetrator or alleged perpetrator in the Management Information**
- 4244 **System (MIS) and the Licensing Information System (LIS). The criteria, processes, and**
- 4245 **procedures for expungement can be found in Administrative Rule R512-76**
- 4246 **Expungement of DCFS Allegations.**
- 4247