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105 **200.2 Philosophy Of Child Protective Services Investigations**

106

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

113

## 114 **201 A Call For Help: A Community And State Collaborative Effort**

115  
116 This section contains the major objectives and procedures that CPS caseworkers need to receive,  
117 document, and categorize reports of child abuse, neglect, or dependency.

### 118 **201.1 Intake**

#### 119 Major objectives:

120 Child and Family Services will maintain a child welfare management information system (SAFE)  
121 for receiving referrals or reports about child abuse, neglect, or dependency when there is  
122 reasonable cause to believe that abuse, neglect, or dependency occurred.  
123  
124

#### 125 **Applicable Law**

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

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

130 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.  
131  
132

#### 133 Practice Guidelines

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

137  
138 If Child and Family Services receives a report concerning a runaway child, the Intake worker  
139 will gather information to determine if there is an allegation of abuse, neglect, or dependency  
140 that requires a CPS referral or refer the caller to contact the Youth Services Agency.  
141

### 142 **201.2 Receiving And Researching The Referral**

#### 143 Major objectives:

144 Each call received by Child and Family Services regarding concerns of possible abuse, neglect, or  
145 dependency involving a child will be considered a potential referral and will be documented by  
146 Intake in SAFE. The Intake worker will research all available additional sources to gather more  
147 pertinent complete information to help establish the validity, credibility, necessity, and priority of  
148 the referral information.  
149

#### 150 **Applicable Law**

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

152 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
153 Preremoval interviews of children.  
154  
155

156 Practice Guidelines

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

159

160 A. A narrative description of a specific occurrence or allegation of abuse, neglect, or  
161 dependency, which falls into at least one of the defined categories in Major objectives  
162 [Section 201.11](#).

163

164 B. A means of identifying an alleged victim under the age of 18 years for each allegation. If  
165 the reported concerns involve an unborn child and there are no threats to the safety of the  
166 other children in the home, a child must be born before a case can be opened.

167

168 C. A means of locating (address or contact person) the alleged victim.

169

170 D. Every referral requires a query of SAFE and EREP.

171

172 E. Where possible, the following information is preferred in addition to the minimum  
173 required information:

174 1. Where the abuse, neglect, or dependency occurred.

175 2. When the incident occurred.

176 3. Any witness to the incident.

177 4. Physical evidence.

178 5. Alleged victim name, address, phone number, birth date, and primary language.

179 6. Parent name, address, phone number, birth date, and primary language of alleged  
180 victim.

181 7. Alleged perpetrator name, address, phone number, and birth date. Include sex  
182 offender registry information if the allegations are related to Sexual Abuse.

183 8. Referent name, address, and phone number.

184 9. Every known member of the alleged victim's immediate family/household. All  
185 siblings should be identified on the referral, regardless of whether or not they  
186 reside in the same home as the alleged victim.

187 10. Accessibility of the alleged perpetrator to the alleged victim.

188 11. School/child care information for the alleged victim and where the alleged victim  
189 can be located.

190 12. Employment information and schedule for the parents.

191 13. How the referent obtained the information regarding the allegation.

192 14. Willingness of the referent to testify.

193 15. Special circumstances/precautions recommended for investigation.

194 a. Including adopted children who may need services.

195 16. Third-party/collateral contacts.

196 17. History or occurrence of domestic violence.

197 18. Indicate whether or not the family has had prior Child and Family Services  
198 involvement. If there is currently an open case, document the type of service and  
199 the caseworker assigned.

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**201.3 Research Of Information**  
(THIS SECTION HAS BEEN COMBINED WITH [SECTION 201.2](#))

**201.4 Disposition Of The Referral**

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

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

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

- A. Accepted referral: An accepted referral is one in which the minimum information required for a referral is obtained and opened for investigation. Law enforcement will be notified of accepted referrals.
- B. Unaccepted referral: A referral is unaccepted in situations including, but not limited to, any of the following:
  - 1. The child is not yet born.
  - 2. The minimum required information for accepting a referral is not available.
    - a. A narrative description of a specific occurrence or allegation of abuse, neglect, or dependency.
    - b. A means of identifying an alleged victim under the age of 18 years for each allegation, or to the age of 21 years if Child and Family Services has been assigned custody by a court.
    - c. A means of locating the alleged victim.
  - 3. The allegations do not amount to abuse or neglect.
  - 4. As a result of research, the information is found not credible or reliable.
  - 5. The specific incidence or allegation has been previously investigated and no new information is gathered.
  - 6. The specific incidence occurred out of the geographic jurisdiction, and the referent was referred to the proper child welfare jurisdiction.

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

- 243 Information received in an unaccepted referral will still be documented, and this history  
244 can be used to establish a pattern of concern.  
245
- 246 C. Additional information or allegation:
- 247 1. When there is an open CPS case involving children of the same household and/or  
248 who have the same parent or guardian, an additional information referral will be  
249 added to the open CPS case.
- 250 a. If the additional information meets the definition for an allegation not  
251 previously assigned to the open case, any new allegation(s), victim(s),  
252 and/or perpetrator(s) will be added to the CPS case by the Intake worker.
- 253 b. If the additional information referral meets the criteria for a Priority 1 or 2  
254 response time:
- 255 (1) The Intake worker will call the worker assigned to the case. If the  
256 assigned worker does not respond, the Intake worker will call the  
257 worker's supervisor. If the worker's supervisor does not respond,  
258 the Intake worker will call the community services manager  
259 (CSM). If the CSM does not respond, the Intake worker will call  
260 the associate region director.
- 261 (2) If the call comes in after hours, the Intake worker will call the on-  
262 call worker to respond.
- 263 2. If the additional information involves victims and/or perpetrators not of the same  
264 household, where there is no blood or legal relation to any parties involved with  
265 the case, a new CPS case will be opened.  
266
- 267 D. An "Information Only" contact is a call which does not meet the criteria of an Accepted,  
268 Unaccepted, or Additional Information referral. (Practice Guidelines [Section 201.4](#) A, B,  
269 and C.)
- 270 1. These calls will be documented by the Intake worker as an Information Only  
271 referral in SAFE and will include the duration of the call. The Information Only  
272 referral will be entered into SAFE immediately after the call is completed.  
273
- 274 E. Conflict of Interest and Related Parties Investigation cases:
- 275 1. A case that involves allegations of child abuse, neglect, or dependency of a child  
276 in state custody will be forwarded to the contracted independent CPS agency or  
277 individual regardless of whether or not the alleged perpetrator is the out-of-home  
278 caregiver (see Practice Guidelines [Section 207](#)).
- 279 2. Where a Child and Family Services employee, volunteer, or contractor of the  
280 Department of Human Services (DHS) has a relationship with the alleged victim,  
281 alleged perpetrator, or another person named in the investigation such that there is  
282 or might be a conflict of interest, the appearance of a conflict of interest,  
283 impropriety, or the appearance of impropriety if CPS or Child and Family  
284 Services performed the investigation, will be forwarded to the Office of Quality  
285 and Design Related Parties Investigators (see Practice Guidelines [Section 207](#)).  
286



- 287 F. Licensed daycare provider: When the allegation involves a licensed daycare provider, the  
288 Intake worker will notify the Department of Health and document the name and phone  
289 number of the contact person in the narrative of the CANR.  
290
- 291 G. The Intake worker will call and email the region director and CC: the associate region  
292 director for referrals involving any of the following:  
293 1. Domestic Violence homicide/suicide.  
294 2. Alleged abuse or neglect related child fatality/near fatality.  
295 3. Involves or is likely to involve the media.  
296 4. Any Conflict of Interest or Related Parties investigation involving the associate  
297 region director or region director's region.  
298
- 299 H. When receiving a referral involving serious injuries to a non-verbal child, Intake will  
300 staff the referral with an administrator or with someone at the administrative level.  
301

## 302 **201.5 Priority Of The Referral**

### 303 Major objectives:

304 The priority of the referral will be based upon the information received at Intake and will be  
305 determined prior to the face-to-face contact with a child. The priority determines the time  
306 allotted for Intake to complete the referral process and for the assigned CPS caseworker to make  
307 face-to-face contact with the child.  
308

### 309 **Applicable Law**

311 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.  
312

### 313 Practice Guidelines

314 Child and Family Services will prioritize referrals as follows:  
315

- 316 A. A priority 1 response will be assigned only if there is an imminent threat to the child's  
317 safety as determined by the Intake checklist. Do not use priority 1 when:  
318 1. The police are present and able to provide protection to the alleged victim; or if  
319 2. The child is in a facility (such as a hospital) where it is reasonable to assume there  
320 are responsible adults providing protection and there are no immediate threats to  
321 the child's safety.  
322

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

- 330 more than 40 miles from the investigator who is assigned to make the face-to-face  
331 contact.  
332
- 333 B. A priority 2 response will be assigned when the following conditions exist: the child is  
334 likely to experience further abuse, neglect, or dependency, or the child has immediate  
335 protection and safety needs, as determined by the Intake checklist. Intake has no more  
336 than 60 minutes from the completion of the initial contact from the referent to gather  
337 additional information, staff the referral to determine the priority, assign the referral to  
338 the CPS caseworker, and notify law enforcement. Intake will give verbal notification to  
339 the assigned CPS caseworker. Intake will also provide the CPS caseworker with  
340 information concerning prior investigations on SAFE. The CPS caseworker has 24 hours  
341 from the moment Intake notifies the caseworker to make the face-to-face contact with the  
342 alleged victim. Intake may assign a priority 2 response with more urgent time frames  
343 when:
- 344 1. The police are present and there is an allegation of abuse, neglect, or dependency  
345 and they are asking for immediate assistance.
  - 346 2. The child is in a facility (such as a hospital or school) and there is an allegation of  
347 abuse or neglect that requires a more immediate response.  
348
- 349 C. A priority 3 response will be assigned when there is an allegation of abuse or neglect that  
350 does not require an immediate response as listed in [Section 201.5](#). The Intake worker has  
351 no more than 24 hours from the completion of the initial contact from the referent to  
352 gather additional information, research data sources, staff the referral as necessary,  
353 determine the priority, complete documentation including data entry, disposition to CPS,  
354 and notify law enforcement. The CPS caseworker has until midnight of the third working  
355 day from the moment Intake assigns the case to make the face-to-face contact with the  
356 alleged victim.  
357
- 358 D. Intake has until midnight of the fifth working day to enter unaccepted referrals into  
359 SAFE.  
360
- 361 E. Intake has 24 hours to enter an additional information referral into SAFE.  
362

## 363 201.6 Out-Of-State Abuse Or Neglect Report

### 364 Major objectives:

365 Child and Family Services will take reasonable steps to ensure that reports of abuse or neglect are  
366 referred for investigation to the appropriate out-of-state agency and will take reasonable steps to  
367 adequately protect children in Utah who were victims of abuse in another state or country from  
368 the alleged perpetrator.  
369

### 370 **Applicable Law**

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

- A. When a referent identifies an incident of abuse or neglect that occurred in a different state, and the child is not in Utah at the time of the referral, the Intake worker will:
  - 1. Inform the referent that the out-of-state allegations should be referred to the child welfare agency in the other state and complete the steps identified below:
    - a. Determine if the referent is willing to make a report to the child welfare agency in the state where the incident occurred. If the referent is willing to make a report, the Intake worker will also:
      - i. Assist the referent by providing the name and phone number of the agency where the report can be made;
      - ii. Document the unaccepted referral.
    - b. If the referent is unable or unwilling to make a report to the other state child welfare agency and it cannot be determined that any failure to protect or other child protection issues are present in the state of Utah, the Intake worker will:
      - i. Obtain all relevant information on the incident of abuse or neglect and make the referral to the child welfare agency in the state where the incident occurred;
      - ii. Document the unaccepted referral.
- B. When the referent identifies an incident of abuse or neglect that occurred outside Utah but the child is in Utah at the time of the referral, the CPS caseworker will:
  - 1. Obtain all the information needed to complete a referral.
  - 2. Determine whether the child is at risk of abuse or neglect from the alleged perpetrator.
  - 3. Contact the child protective service agency in the state where the incident of abuse occurred and complete the referral process of that state.
  - 4. When requested by the other state assign the referral to a CPS caseworker for a courtesy interview and coordination with the other state's investigation. Courtesy interventions should be opened as an IHS case if there is no allegation of abuse, neglect, or dependency occurring in the state of Utah.
  - 5. In domestic violence related child abuse cases, recognize another state's protective order (recognized by full faith and credit).
  - 6. If the other state refuses to open an investigation and the child needs services or there are ongoing safety concerns, the referral will be assigned as an IHS case to facilitate an assessment of service needs.
- C. When a referent identifies an incident of abuse or neglect that occurred in Utah, and the child is not in Utah at the time of the referral, the Intake worker will:
  - 1. Obtain all the information needed to complete a referral.
  - 2. Determine the location of the child and the length of time the child will be at their current location. If the child will be outside the state of Utah longer than 30 days,

- 416 a request for courtesy casework will be made in the state where the child is  
417 currently located.  
418 3. If the child is determined to be at risk, a request will be made for courtesy  
419 casework within the Intake priority time frame. [See: [Section 201.5](#) for priority  
420 time frames.]  
421

## 201.7 Case Assignment Based On Child Location

### Major objectives:

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

### **Applicable Law**

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

### Practice Guidelines

- 432 A. Child in a permanent location: The Child and Family Services office serving the  
433 geographical area in which a child is physically located will be responsible to investigate  
434 an allegation of abuse, neglect, or dependency, unless the child's location is temporary  
435 (such as visitation with a non-custodial parent or placement in a short-term program).  
436
- 437 B. Child in a temporary location: If the child's location is temporary and the child will be  
438 moving to a known location during the 30-day investigative period, the Child and Family  
439 Services office serving the geographical area in which the child's parent or guardian  
440 resides will be responsible to complete the investigation. The CPS caseworker may  
441 request courtesy assistance from another CPS caseworker in the area where the child is  
442 initially located to complete the investigative functions related to the child. If a priority  
443 1, 1R, or 2 referral is received in the geographical area where the child is located but the  
444 parent or guardian resides elsewhere, the receiving office will make the face-to-face  
445 contact, determine immediate protection needs, and transfer the case to the area where the  
446 child's parent or guardian resides for completion of the investigation.  
447

## 201.8 Courtesy Casework Request From An Out-Of-State Agency

### Major objectives:

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

### **Applicable Law**

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

458 Practice Guidelines

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

- 462
- 463 A. Intake will obtain the child's name, address, and all information relative to the request for  
464 courtesy casework activities.
  - 465
  - 466 B. The courtesy casework activities requested will be assigned by Intake to the appropriate  
467 geographical Child and Family Services supervisor or caseworker.
  - 468
  - 469 C. The case will be opened as an I HS case, and all courtesy casework activities will be  
470 documented.
- 471

472 **201.9 Allegation Categories For Abuse, Neglect, Or Dependency**  
473 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN THE [DEFINITIONS](#)*  
474 *SECTION.)*

475

476 **201.10 Missed Priority Time Frames**

477 Major objectives:

478 The appropriate Missed Priority Time Frame form/SAFE documentation will be completed when  
479 the Intake worker is unable to meet Intake priority time frames established by major objectives.

480 The Intake worker will forward the Missed Priority Time Frame form or documentation along  
481 with the reasons the time frame was missed to the Intake supervisor, region director, or designee  
482 for review and approval. The approval or non-approval will be documented.

483

484

485

486 **Applicable Law**

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

488

489 Practice Guidelines

490 The Intake worker will notify the Intake supervisor and region director or designee of the missed  
491 priority and the reason it was missed.

492

493 **201.11 Referral Of Abuse, Neglect, Or Dependency In Licensed Child**  
494 **Care Providers And Out-Of-Home Care Providers**

495 Major objectives:

496 The Department of Health Child Care Licensing unit and/or the Department of Human Services  
497 (DHS) Office of Licensing and appropriate Child and Family Services staff will be notified by  
498 Intake when Child and Family Services receives a referral for an allegation of child abuse,  
499 neglect, or dependency against a licensed child care provider, an out-of-home care provider,  
500 or a household member residing in a licensed home or facility. The referral will be forwarded to  
501 the contract entity for conflict of interest investigations when the allegation involves a child  
502 living in substitute care while in protective custody or temporary custody of Child and Family  
503 Services and may be forwarded to the contract entity for conflict of interest investigations when  
504 the allegation involves a biological or adopted child of a Child and Family Services  
505 employee/provider.  
506

507  
508 **Applicable Law**

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

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

512  
513 Practice Guidelines

514 A. Intake procedure for child care providers: CPS investigation requirements for child care  
515 providers will be the same as for other referrals investigated by Child and Family  
516 Services. Time frames are the same as for other referrals.  
517

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

519 1. Upon receipt of an allegation of child abuse, neglect, or dependency, Intake  
520 workers will staff the referral with the Office of Quality and Design (OSR)  
521 manager to determine whether there is a conflict of interest. The OSR manager  
522 will determine whether there is a conflict of interest and will notify the CPS  
523 Intake worker of the decision.. The following duties are to remain the duties of  
524 Intake:

- 525 a. Receipt of the referral.
- 526 b. Research.
- 527 c. Disposition of the referral.
- 528 d. Establish priority of the referral.
- 529 e. Establish allegation categories.

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

- 533 (a) File a petition for removal from the child's home.
- 534 (b) File a petition for a child protective order.
- 535 (c) Make a supported finding.

- 536 (d) Seek a substantiated finding.  
537 (e) File a petition alleging a child is abused, neglected,  
538 dependent, or abandoned.  
539 (f) File a petition for termination of parental rights.  
540 (2) The child may be removed and categorized as Dependent only if  
541 the parents expressly request the child be removed.  
542 (3) The CPS caseworker will assess during the investigation whether  
543 the circumstances require allegations of abuse or neglect be added  
544 to the Child Abuse Neglect Report.  
545 f. SAFE forms for child abuse, neglect, or dependency reporting, including  
546 any forms relating to out-of-home abuse.  
547 g. Intake Checklist.  
548 h. Authorization to Furnish Information and Release from Liability form  
549 (between Child and Family Services and the contract investigator).  
550 i. Mandatory report form to local law enforcement.  
551 j. Notify the DHS Office of Licensing.  
552 2. Case assignment, when a contracted Related Parties investigator is not involved:  
553 a. Notify the law enforcement agency in the area where the incident occurred  
554 and request assistance with the investigation; if the law enforcement  
555 agency agrees to assist with the investigation, the referral will be assigned  
556 according to Major objectives [Section 201.8](#), either to the area in which  
557 the child is located if the child is in a permanent location (permanent  
558 location being that the child is expected to remain at the current location  
559 for at least the next 30 days) or to the area in which the child's parent or  
560 guardian resides if the child is in a temporary location; if the alleged  
561 victim is a child in foster care, the CPS caseworker is considered the  
562 guardian.  
563 b. The CPS caseworker assigned to the case will then coordinate with the law  
564 enforcement agency to complete the investigation as defined in Major  
565 objectives [Section 201.8](#); the only exceptions to the above procedures are  
566 referrals with allegations of sexual abuse, which are always assigned to the  
567 area that the incident occurred if known.  
568 c. If the law enforcement agency refuses for any reason to assist in the  
569 investigation, Intake will contact another region in order that the referral  
570 be assigned for a Related Parties Investigation.  
571 3. A Child and Family Services investigator may assist the Related Parties  
572 investigator as a secondary worker.  
573 4. The Related Parties investigator will determine whether the allegations are  
574 supported, unsupported, without merit, or false. The Related Parties  
575 investigator will report the findings to the appropriate Child and Family  
576 Services employee to ensure that the findings are entered into the  
577 Licensing or Management Information System (SAFE) and that the  
578 appropriate Notices of Agency Action are issued.

- 579           5.       Record-keeping: Intake will retain the original copy of all documentation gathered  
580                    during the investigation, and will maintain those documents for case closure,  
581                    unless otherwise directed by the OSR manager or investigator.  
582

583 **201.12       72-Hour Hold By A Physician**  
584 *(THIS SECTION HAS BEEN REPLACED BY [SECTION 205.5.](#))*  
585

586 **201.13       Protocol For IHS Cases Involving Youth In Out-Of-Home Care**  
587 **Age 18 And Older Who Are Identified As Victims Of Abuse Or Neglect**  
588

589 Practice Guidelines

- 590 A.       Case acceptance and assignment responsibilities:  
591       1.       Intake will report the case to Adult Protective Services (APS). If the case is  
592                    accepted for investigation, an IHS case will not be opened by Child and Family  
593                    Services. The Intake worker will provide APS with the out-of-home care  
594                    caseworker's contact information for communication and coordination purposes.  
595       2.       If the case is not accepted by APS for investigation, an IHS case will be opened  
596                    and assigned to a CPS caseworker. Intake will inform the associate region  
597                    director of the IHS case. The associate region director will be responsible for  
598                    case assignment of the IHS case to the appropriate CPS caseworker.  
599
- 600 B.       IHS assessment responsibilities:  
601       1.       The CPS caseworker will contact law enforcement to investigate in conjunction  
602                    with the IHS assessment.  
603       2.       The CPS caseworker will inform the out-of-home care caseworker of the open  
604                    IHS assessment. The CPS caseworker will communicate with the out-of-home  
605                    care caseworker throughout the IHS assessment and coordinate with them when  
606                    necessary. The CPS caseworker will inform the out-of-home care caseworker of  
607                    any identified safety concerns as well as the outcome of their assessment.  
608       3.       The CPS caseworker will interview the foster child.  
609       4.       The CPS caseworker will interview the alleged perpetrator.  
610       5.       The CPS caseworker will interview any appropriate collateral contacts with  
611                    information regarding the concerns.  
612       6.       The CPS caseworker will document all case activities in the IHS case and copy  
613                    the information into the out-of-home care case prior to closing the IHS case.  
614       7.       If concerns are identified:  
615            a.       The Office of Licensing will be contacted by the CPS caseworker. They  
616                    will also contact the region contract specialist and resource family  
617                    consultant, if applicable.  
618            b.       The out-of-home care caseworker will make appropriate safety  
619                    arrangements, placement changes, etc.  
620



621 **201.14 Human Trafficking Protocol**  
622 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [DEFINITIONS.](#))*  
623

624 **202 First Contact: Immediate Assessment And Safety**

625

626 **202.1 CPS Investigation And Assessment**

627

Major objectives:

628

629

630

631

632

633

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.

634

**Applicable Law**

635

636

637

638

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

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

639

Practice Guidelines

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649

650

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

1. Interviews.

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

3. A home visit.

4. Team consultations/staffings.

5. Service coordination.

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

7. Documentation of all contacts and information received.

8. Case closure.

651

652

653

654

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.

655 **202.2 CPS Investigation Of A Case Receiving Services From Child And**  
656 **Family Services**

657 Major objectives:

658 When Child and Family Services receives information regarding a new incident of abuse, neglect,  
659 or dependency on a family or child receiving ongoing services, a new referral will be generated  
660 and a CPS caseworker will conduct the investigation. The CPS caseworker and ongoing worker,  
661 including post adoption, will collaborate to ensure that the investigation is conducted in the best  
662 interest of the child.  
663

664 The CPS caseworker will notify the Attorney General's Office and the Guardian ad Litem when  
665 the case is under the jurisdiction of the court.  
666

667  
668  
669 **Applicable Law**

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

671  
672 Practice Guidelines

- 673 1. The CPS caseworker may request that the ongoing caseworker complete some of the  
674 requirements of the investigation.  
675 2. The CPS caseworker will notify the ongoing caseworker, AAG, and GAL at the  
676 conclusion of the case of any safety issues identified and of the case finding(s).  
677

678 **202.3 Review Of Prior Records**

679 Major objectives:

680 During the initial phase of the investigation, the CPS caseworker will review all relevant records  
681 that are maintained by Child and Family Services and, when possible, by any other agencies or  
682 individuals. This includes records on the child, alleged perpetrator, and all members of the  
683 household. The CPS caseworker will review the details of the prior Child and Family Services  
684 cases.  
685  
686

687 **Applicable Law**

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

690  
691 Practice Guidelines

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

- 694  
695 A. Child and Family Services records.  
696  
697 B. TANF records.

- 698  
699 C. Police and/or court reports, including those for domestic violence (e.g., incident, arrest,  
700 protective orders, correction records, etc.).  
701  
702 D. Court records relating to custody and visitation.  
703  
704 E. BCI/NCIC reports on the alleged perpetrator.  
705  
706 F. School records.  
707  
708 G. Medical records, including the child's primary care provider.  
709  
710 H. Information as to the eligibility for or membership in a Native American tribe.  
711  
712 I. Any other relevant records.  
713

#### 714 **202.4 Priority Response Time And Face-To-Face Contact**

715 Major objectives:

716 The priority response time will be based upon the information received at Intake and determined  
717 prior to the face-to-face contact with a child. The priority determines the time allotted for the  
718 CPS caseworker to make face-to-face contact with the alleged victim to assess safety. In cases  
719 involving multiple alleged victims, the allegation driving the highest priority determines the  
720 overall priority response time for the referral. All alleged victims on the case need to be seen  
721 during the priority time frame that is associated with the specific allegation(s) of each victim. If  
722 an additional information referral results in a new allegation, all victims associated with the new  
723 allegation(s) will be seen within the new priority time frame, as driven by the new allegation(s).

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

#### 728 **Applicable Law**

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

#### 731 Practice Guidelines

- 732  
733 A. The priority response time for the face-to-face contact begins when Intake assigns the  
734 referral to the CPS caseworker. An investigative interview is not required at the initial  
735 contact, but all information required to make an initial safety decision will be gathered  
736 and considered.  
737 1. A priority 1 response will be assigned when the child is in need of immediate  
738 protection as determined by the Intake worker:

- 739 a. The CPS caseworker has a maximum of 60 minutes from the moment of  
740 notification by Intake to make the face-to-face contact with an alleged  
741 victim;
- 742 b. In a priority 1R (rural), the CPS caseworker has a maximum of three hours  
743 to make the face-to-face contact if the alleged victim is more than 40 miles  
744 from the caseworker. The 40-mile factor must be documented.
- 745 2. A priority 2 response will be assigned when physical evidence is at risk of being  
746 lost or the child may experience further abuse, neglect, or dependency, but the  
747 circumstances do not meet the criteria for a Priority 1 response:
- 748 a. The CPS caseworker has a maximum of 24 hours from the moment of  
749 notification by Intake to make face-to-face contact with an alleged victim,  
750 and more urgent time frames may be assigned by Intake based on child  
751 safety circumstances;
- 752 b. Assignment to the CPS caseworker of a priority 2 referral that is received  
753 outside of normal working hours (8:00 a.m. to 5:00 p.m.) will occur by no  
754 later than 9:00 a.m. the following morning. This would include a referral  
755 of a drug-exposed newborn, as there may not be any immediate threats of  
756 harm while hospitalized, but the situation needs to be assessed prior to the  
757 child's release to determine if any additional interventions are necessary.
- 758 3. A priority 3 response will be assigned when potential for further harm to the child  
759 or the loss of physical evidence is low as determined by the Intake worker:
- 760 a. The CPS caseworker has until midnight of the third working day from the  
761 moment Intake assigns the case to complete the face-to-face contact with  
762 an alleged victim.  
763
- 764 B. In order to meet the face-to-face requirement, workers are required to thoroughly assess  
765 the child by completing the following:
- 766 1. Non-verbal Children Under the Age of Five Years: The CPS caseworker will  
767 assess any non-verbal child under the age of five years in conjunction with the  
768 person currently caring for the child. The assessment will include a review of the  
769 Centers for Disease Control (CDC) Developmental Milestone checklist, which  
770 corresponds with the current age of the child  
771 (<http://www.cdc.gov/ncbddd/actearly/milestones>).
- 772 a. The child must be awake for the CPS caseworker to satisfy the face-to-  
773 face requirement. This must be clearly documented.
- 774 b. The CPS caseworker will observe and document any alleged injuries or  
775 other physical conditions (such as rashes) by following the Practice  
776 Guidelines for Visual Assessment of a Child ([Section 203.1b](#)).
- 777 c. If developmental concerns are identified with children under 36 months of  
778 age and the case will not be supported, the CPS caseworker will provide  
779 the parents/guardians with information about Baby Watch Early  
780 Intervention Program (BWEIP).
- 781 2. Verbal Children: The CPS caseworker will interview a verbal child at the time of  
782 the initial face-to-face contact whenever possible as outlined in [Section 203.1](#). If

783 an interview is not possible, the CPS caseworker will gather information from  
784 parents/guardians or other collateral contacts who would have sufficient  
785 information about the safety of the child.  
786

- 787 C. A documented reason for failing to meet the priority response time frame for face-to-face  
788 contact must be entered into a SAFE activity log and must include at least one of the  
789 following:
- 790 1. Reliable collateral information is received that indicates that the family or child is  
791 going to be gone for more than three working days (for example, on vacation,  
792 camp, or relative visit).
  - 793 2. The caregiver/parent is refusing to allow the CPS caseworker to have contact with  
794 the child, and
    - 795 a. The caseworker has contacted the police for assistance, but the police have  
796 been unsuccessful in attempts to assist the caseworker in seeing the child,  
797 and
    - 798 b. The caseworker contacted an Assistant Attorney General to discuss the  
799 legal options for gaining access to the child.
  - 800 3. The only alleged victim is deceased.
  - 801 4. The child is out of state and a request for courtesy casework is made and declined  
802 by the out of state child welfare agency and law enforcement in the area and/or  
803 the courtesy caseworker/officer cannot complete a face-to-face contact.
  - 804 5. The child cannot be located despite reasonable efforts. Reasonable efforts include  
805 (but are not limited to):
    - 806 a. Visiting the home at least twice at times other than normal business hours.
    - 807 b. Contacting local schools for contact information.
    - 808 c. Contacting local and county law enforcement agencies for additional  
809 contact information.
    - 810 d. Checking public assistance records for additional contact information.
    - 811 e. Checking with the referent for additional contact information.
    - 812 f. Searching telephone directories (books and online) for additional contact  
813 information.
    - 814 g. Contacting the CLEAR license holder in the region to search for  
815 additional address information for the family.  
816

#### 817 **202.4a Face-To-Face Requirement**

818 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [SECTION 202.4.](#))*  
819

#### 820 **202.5 Missed Priority Time Frames**

821 *(THIS SECTION HAS BEEN REMOVED AND IS ADDRESSED IN [SECTION 202.4.](#))*  
822

## 823 **202.6 Structured Decision Making (SDM) Safety Assessment**

### 824 Major objectives:

825 The SDM Safety Assessment is used to identify possible threats to a child's safety and  
826 interventions necessary to protect a child from threats to their safety. It guides the CPS  
827 caseworker through the information gathering and safety decision making process in order to  
828 make the most appropriate safety decision. The final outcome of the SDM Safety Assessment  
829 helps to guide the decision about the need for ongoing intervention with the family.  
830

### 831 **Applicable Law**

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

833 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a  
834 protected record.]  
835

### 836 Practice Guidelines

837 The caseworker will complete the SDM Safety Assessment on all CPS investigations, including  
838 out-of-home perpetrator investigations.  
839

840 The initial SDM Safety Assessment is required DURING the first face-to-face contact with the  
841 child victim. In the event the child cannot be seen and/or the caseworker is denied access to the  
842 child, the Safety Assessment is completed based on initial face-to-face contacts with the  
843 caregiver(s) or other contacts if the family refuses. The Safety Assessment will be recorded in  
844 SAFE by the end of the fifth business day.  
845

846 The caseworker will complete an SDM Safety Plan for all children in the household when any  
847 threat to safety has been identified and it is determined a child can be kept safe through effective  
848 safety planning.  
849

850 If the child is Safe with a Plan and the CPS case is closed and additional agency services will not  
851 be provided, case documentation will specify how all identified threats to safety were resolved.  
852

853 If the investigation results in an ongoing case, the CPS caseworker will indicate whether the  
854 SDM Safety Plan and interventions are still applicable as part of the case transfer.  
855

## 856 **202.7 Structured Decision Making (SDM) Risk Assessment**

### 857 Major objectives:

858 The SDM Risk Assessment is a research-informed tool that identifies the likelihood a child will  
859 experience abuse or neglect in the next 12 to 18 months. The result of the SDM Risk Assessment  
860 is part of the consideration for whether or not the agency will offer ongoing services.  
861  
862  
863  
864

865 **Applicable Law**

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

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

869

870 **Practice Guidelines**

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

873

874 A. Cases with a finding of Unable to Locate.

875

876 B. Cases with a finding of Unable to Complete.

877

878 C. Cases with a finding of False Report.

879

880 The caseworker assigned to the CPS investigation will complete the SDM Risk Assessment.

881

882 Discretionary overrides of the risk level will be reviewed and approved by the caseworker's  
883 supervisor.

884

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

889

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

892

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

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

897

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

900

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



- 904  
905 A. Only one household can be assessed on the risk assessment form.  
906  
907 B. Always assess the household in which the child abuse/neglect/dependency incident is  
908 alleged.  
909  
910 C. A second SDM Risk Assessment will be completed for any non-custodial parents who  
911 will receive reunification services.  
912

913 Sources of information used to determine the caseworker's score of the item may include  
914 statements by the child, caregiver, or collateral persons; caseworker observations; or reports.  
915

916 The caseworker will refer to the SDM Risk Assessment Definitions to determine the score for  
917 each item.  
918

## 919 **202.8 Medical Examination Of The Child**

### 920 Major objectives:

921 Child and Family Services staff will ensure timely medical attention to a child when there has  
922 been trauma caused from severe maltreatment, serious physical injury, recent sexual abuse, fetal  
923 addiction, medical neglect, or any exposure to a hazardous environment, including those  
924 involving illegal drug/chemical production.  
925

### 926 **Applicable Law**

927 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in  
928 protective custody.  
929

### 930 Practice Guidelines

- 931
- 932 A. Child and Family Services staff will obtain all pertinent medical information needed to  
933 provide proper medical care for the child. This would include the child's current medical  
934 diagnosis, allergies, medications, and primary care providers. CPS caseworkers will  
935 request from the caregiver the child's medical history and where all prior medical  
936 attention has been received.  
937
- 938 B. When necessary and indicated, a medical examination will be completed within 24 hours  
939 in a priority 1 and 1R investigation, and in a timely manner in priority 2, and 3  
940 investigations. [See: Utah Code Ann. [§62A-4a-202.3](#).]  
941
- 942 C. Timely medical attention by a qualified health care provider will be ensured by Child and  
943 Family Services staff when there is:  
944 1. Any inadequately explained serious physical injury, especially in a child under the  
945 age of two years.

- 946 2. Serious untreated physical injury regardless of the known cause in children of all  
947 ages.
- 948 3. Recent sexual abuse (within 72 hours) where there is an indication of physical  
949 trauma to the child and/or a need to gather evidence.
- 950 4. Fetal addiction.
- 951 5. Medical neglect involving serious medical conditions.
- 952 6. Exposure to any hazardous environment, including illegal drug production.
- 953 7. In cases involving a serious physical injury, the date of a medical examination  
954 related to the injury will be entered into SAFE prior to case closure. The  
955 examination date may be prior to the case open date as long as it was related to  
956 the injury.
- 957

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

- 961
- 962 D. If a child has been treated for health concerns related to allegations of abuse or neglect or  
963 if a child has been removed and has received medical treatment including surgeries,  
964 laboratory testing, x-ray studies, and/or hospitalizations within the last seven days or is  
965 receiving medications, the CPS caseworker must contact the child's health care provider  
966 within 24 hours. If the child has a serious condition, the health care provider should be  
967 contacted immediately. The CPS caseworker should be persistent in contacting the  
968 health care provider.
- 969
- 970 E. The Health Care Team may assist in collecting medical information.
- 971
- 972 F. Past history—The CPS caseworker should obtain the following medical information:
  - 973 1. Prior medical condition for which the child has received medical attention now or  
974 in the past.
  - 975 2. Nature of the condition and symptoms.
  - 976 3. Name of treating physician or clinic.
  - 977 4. Medications (name, strength, frequency, prescribing physician). Bring the  
978 medication container with the client, if available.
  - 979 5. Allergies, including foods, medications, and environmental allergens.
- 980
- 981 G. Date the child was last seen by any health care provider.
  - 982 1. Nature of visit.
  - 983 2. Required follow-up.
- 984
- 985 H. Name and location of all health care providers.
- 986
- 987 I. The CPS caseworker will notify the child's health care provider of the following:
  - 988 1. The child's caregiver contact number.
  - 989 2. The CPS caseworker contact number.

- 990 3. The Health Care Coordinator contact number.  
991 4. The child's legal guardian or custodian.  
992  
993 J. Medications and treatments including, but not limited to:  
994 1. Prescribed medications.  
995 2. Inhalers, eye drops, dental, or hearing appliances.  
996 3. Over-the-counter medications.  
997 4. Herbal or homeopathic treatments.  
998 5. Illegal drugs.  
999  
1000 K. Other:  
1001 1. Immunization record.  
1002 2. High risk behavioral concerns such as:  
1003 a. Sleepwalking;  
1004 b. Self-mutilation.  
1005  
1006 L. Medical Neglect Recommendations: When a parent/guardian does not agree with a  
1007 medical recommendation, they can request, at their cost, a second medical opinion by a  
1008 licensed medical professional practitioner. The recommendations from the second  
1009 opinion will be included in staffing the outcome and services for the case. When a parent  
1010 requests a second medical opinion, but the parent is indigent and cannot pay, Child and  
1011 Family Services will pay, by court order and with prior administrative approval, for the  
1012 second opinion. [See: Utah Code Ann. [§78A-6-301.5.](#)]  
1013

#### 1014 Authorization for Medical Procedures

1015 The CPS caseworker will consult with a health care provider to determine whether specialized  
1016 medical tests (i.e., CAT scan, skeletal x-rays, MRI [Magnetic Resonance Imaging], Sonogram,  
1017 Ultrasound, etc.) are needed. The health care provider may order the specialized medical tests as  
1018 needed. The cost of any test(s) required by Child and Family Services may be the responsibility  
1019 of Child and Family Services to pay. Therefore, if tests are recommended, advanced  
1020 authorization for payment should be provided by regional administration.  
1021

#### 1022 Serious Medical Neglect and Emergency Court Ordered Medical Treatment

- 1023 A. Procedure for investigation of serious medical neglect:  
1024 1. When Intake receives a referral for serious medical neglect, the Intake worker  
1025 determines if the medical situation is an emergency requiring immediate action  
1026 and assigns priority accordingly. The caseworker should determine from a health  
1027 care provider if death or significant permanent physical or mental damage is the  
1028 likely outcome of refusal to follow treatment.  
1029 2. The CPS caseworker will contact the treating medical doctor, verify the referral  
1030 information, explain the investigation and court process, verify the parents'  
1031 refusal to obtain treatment, and establish self as the contact for the doctor. They  
1032 will also verify that treatment of the child's condition will not be seriously

- 1033 jeopardized while awaiting a court hearing, and they will request immediate  
1034 notification in the event the child's situation deteriorates.
- 1035 3. The CPS caseworker will meet with the parents, attempt to negotiate voluntary  
1036 compliance with medical treatment pending or in lieu of court involvement, and  
1037 assess and document the parents' reasons for refusal to treat.
- 1038 4. The CPS caseworker will inform the parents that they have the right to request a  
1039 second opinion from a licensed professional medical practitioner and that the  
1040 parent retains responsibility for payment. If the second opinion is requested but  
1041 the child needs medical treatment sooner than the second opinion can be obtained,  
1042 the CPS caseworker will move to step 5.
- 1043 5. The CPS caseworker will initiate court action by contacting the Attorney General  
1044 when parents fail to voluntarily comply and medical treatment is necessary.
- 1045 6. In cases where the consequence of the parents' failure to follow treatment may be  
1046 death or significant permanent physical or mental damage, the CPS caseworker  
1047 will take steps to initiate emergency court proceedings by contacting an Attorney  
1048 General immediately and will not attempt to resolve the situation through  
1049 voluntary services alone.
- 1050 7. The CPS caseworker will attend all court proceedings related to court orders for  
1051 medical treatment and will implement any court orders giving Child and Family  
1052 Services responsibility to ensure the child receives necessary medical care until  
1053 such time as the case is transferred to an in-home caseworker or is closed.
- 1054 8. The CPS and ongoing caseworker will hold a Child and Family Team Meeting to  
1055 involve the family in planning and decision-making.
- 1056
- 1057 B. Criteria for court-ordered medical treatment of a minor:
- 1058 1. The outcome of failure to treat is death, permanent loss of a body function, or  
1059 significant physical or mental impairment.
- 1060 2. The parent or guardian has been fully informed of the probable consequences if  
1061 the condition is left untreated, the alternative treatments available, the  
1062 consequences of each treatment, the risks of each treatment, and the probability of  
1063 each alternative outcome.
- 1064 3. In non-emergent situations, the parent or guardian has been given the opportunity  
1065 to obtain a second opinion.
- 1066 4. The treatment is well established and well accepted by the medical profession.
- 1067 5. A reasonable parent or guardian would not refuse treatment for the child yet  
1068 treatment is refused.
- 1069 6. Delay in treatment increases the probability of harm.
- 1070 7. The probability that the treatment will be successful and that it will provide the  
1071 child a good quality of life outweigh possible negative consequences and side  
1072 effects.
- 1073 8. No alternative treatment will meet the child's medical needs.
- 1074

1075 Triage Procedures for Medical Care

- 1076 A. Always call 911 in an emergency.

- 1077 1. When there is a question, please consult with a health care provider or Primary  
1078 Children's Medical Center (PCMC).  
1079 2. If the following are present, a health care provider should see the child as soon as  
1080 possible:  
1081 a. Any child who appears acutely ill;  
1082 b. Suicidal ideation and/or threat with lethal plan and with or without means;  
1083 c. Need for forensic evidence collection for rape kit (sexual contact within  
1084 72 hours);  
1085 d. Acute vaginal or rectal bleeding, vaginal or rectal pain, and/or genital or  
1086 anal trauma (includes blood found on diaper or underwear);  
1087 e. If a drug-facilitated rape is suspected, within 96 hours of "drugging" the  
1088 collection of blood and urine specimens should be considered.  
1089 f. Fever above 100.4 degrees in an infant less than three months of age;  
1090 g. Fever accompanied with seizures or other concerning behavior if over  
1091 three months;  
1092 h. Infant with bruising suggestive of fractures;  
1093 i. Difficulty walking or moving normally;  
1094 j. Child or youth appears severely neglected, malnourished, deprived of  
1095 food, or dehydrated;  
1096 k. Vaginal or penile discharge and the possibility of sexually transmitted  
1097 disease or a history suggestive for sexually transmitted disease(s) (vaginal  
1098 or penile discharge may not cause any symptoms but may be noticed by a  
1099 caregiver on the diaper or underwear; other concerns for sexually  
1100 transmitted disease include any history of genital ulcers or blisters, or any  
1101 unusual rash in the genital area);  
1102 l. Severe dental conditions and/or complaints of pain;  
1103 m. Exposure to environmental toxins, with a need to collect urine and hair  
1104 specimens for forensic purposes (e.g. Methamphetamine lab).  
1105 3. Photo documentation:  
1106 a. Medical attention takes priority;  
1107 b. Take photos for forensic use after medical attention has been initiated;  
1108 c. Photos may be taken by:  
1109 i. Law enforcement;  
1110 ii. Medical facility;  
1111 iii. Child and Family Services.  
1112  
1113 B. Non-urgent care:  
1114 1. Non-urgent medical attention:  
1115 a. Well-child examination (five days following removal);  
1116 b. Possible failure to thrive without medical compromise;  
1117 c. Rash, not associated with fever or an allergic reaction;  
1118 d. Skeletal survey needed to determine fractures (only in children below the  
1119 age of three years as medically indicated);

- 1120 e. Medical neglect not involving serious medical conditions (requires  
1121 medical examination 30 days before or after disposition of referral).  
1122 2. Exams conducted in a non-emergency room setting can reduce the anxiety  
1123 surrounding sexual abuse investigations.  
1124

## 1125 **202.8a Medical Consultation Protocol When There Is Reasonable** 1126 **Suspicion Of Severe Abuse**

### 1127 Major objectives:

1128 An investigation involving reasonable suspicion of severe child abuse requires a medical  
1129 examination of the primary victim. Caseworkers will investigate all children of the household as  
1130 a Sibling or Child at Risk when the injuries on the primary victim are suspected to be severe  
1131 abuse and there are concerns related to the caregivers in that household. All non-verbal children  
1132 in the household will also be required to receive a medical examination.  
1133

### 1134 Practice Guidelines

- 1135  
1136 A. Cases involving reasonable suspicion of Severe Abuse will include the following  
1137 activities:  
1138 1. Caseworkers will investigate all children of the household as a Sibling or Child at  
1139 Risk when the injuries on the primary victim are suspected to be non-accidental  
1140 and there are concerns related to the caregivers in that household.  
1141 a. As in all cases, caseworkers will list all children of the household in  
1142 SAFE.  
1143 b. Allegations of Sibling at Risk will be added, with each child of the  
1144 household listed as a victim.  
1145 c. Caseworkers will request a medical examination for all non-verbal  
1146 children of the household from the legal guardians.  
1147 d. Caseworkers will document outcomes of medical examination or barriers  
1148 to medical examination of children of the household (lack of insurance,  
1149 lack of transportation, lack of time, refusal by medical providers, refusal  
1150 by caregivers), including steps taken by the caseworker to help the family  
1151 overcome those barriers.  
1152 e. Caseworkers will give consulting medical providers information regarding  
1153 potential abuse exposure and of the potential for unsuspected physical  
1154 abuse findings.  
1155 2. Caseworkers will provide caregivers information regarding the potential mental  
1156 health consequences of witnessing abuse and provide referrals to caregivers.  
1157 3. In all cases involving non-verbal children with severe and/or unexplained injuries,  
1158 CPS caseworkers will consult with an independent licensed medical provider with  
1159 expertise in the evaluation of child physical abuse regarding those injuries prior to  
1160 case closure.  
1161  
1162

## 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.](#)]

- 
- 1205 I. A child under the age of five years will be personally interviewed by the CPS caseworker  
1206 if the child is verbal. All investigative interviews will be audio and/or videotaped prior to  
1207 the adjudication hearing. [See: Utah Code Ann. [§62A-4a-202.3.](#)] If the child is non-  
1208 verbal, the CPS caseworker will follow the protocol outlined in [Section 202.4a.](#)  
1209
- 1210 J. Complete an SDM Safety Assessment that includes all children in the household.  
1211
- 1212 K. If the safety decision indicates that the child is Safe with a Plan, complete an SDM Safety  
1213 Plan as defined in [Section 202.6.](#)  
1214
- 1215 L. Complete staffings per major objectives. [See: Major objectives [Section 204.2.](#)]  
1216
- 1217 M. Complete all actions to ensure safety and protection for alleged victims and siblings, as  
1218 appropriate.  
1219
- 1220 N. Ensure that medical and/or mental health evaluations are completed when appropriate as  
1221 required by statute and major objectives for physical injury, severe physical abuse,  
1222 medical neglect, or recent sexual abuse. [See: Major objectives [Section 202.8.](#)]  
1223
- 1224 O. Ensure that the short-term placement provider has all relevant medical, social, mental  
1225 health, and educational information on the child within 24 hours.  
1226
- 1227 P. Complete required documentation in SAFE for Intake and CPS.  
1228
- 1229 Q. Complete removal paperwork, as appropriate.  
1230
- 1231 R. Deliver removal paperwork to the parent/guardian.  
1232
- 1233 S. Complete a personal 48-hour removal visit.  
1234
- 1235 T. Deliver all information to CPS Intake no later than 9:00 a.m. of the following business  
1236 day.  
1237
- 1238 U. Attend the 24-hour multidisciplinary team consultation.  
1239
- 1240 V. Attend the Shelter Care Hearing.  
1241
- 1242 W. Attend all other court hearings, as notified by the Attorney General's Office.  
1243



1244 **202.10 Court-Ordered Family Assessment**

1245 Major objectives:

1246 When receiving a court order to investigate and assess a family and there is no allegation of  
1247 abuse, neglect, or dependency, Child and Family Services will open an In-Home Services (IHS)  
1248 case. Safety, health, and the best interest of the child will be assessed and a report submitted to  
1249 the court.  
1250

1251 Child and Family Services does not conduct court ordered home evaluations regarding child  
1252 custody issues.  
1253

1254 **Applicable Law**

1255 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
1256

1257 Practice Guidelines

1258 An IHS case is appropriate when all of the following criteria are met.  
1259

- 1260
- 1261 A. The court order/request is received by Child and Family Services to assess a family, and
    - 1262 1. There are NO allegations of abuse, neglect, or dependency;
    - 1263 2. The court has provided Child and Family Services with the child's full name and  
1264 his/her age;
    - 1265 3. The court has provided Child and Family Services with an address for the family  
1266 and additional contact information.  
1267
  - 1268 B. An IHS case will be opened using the following:
    - 1269 1. The caseworker will make an initial contact with the family.
      - 1270 a. The caseworker will disclose the request for investigation from the courts.
      - 1271 b. The caseworker will obtain a release of information permission form from  
1272 the parent/guardian of the child. This release will be documented in the  
1273 case record and will include the name and role of the person giving  
1274 permission.
      - 1275 c. If the parent/guardian refuses to cooperate, the caseworker will report to  
1276 the court that the case cannot be completed.
    - 1277 2. The caseworker will make no collateral contacts without obtaining the  
1278 authorization form from the parent/guardian.  
1279
  - 1280 C. The IHS case will include the following:
    - 1281 1. Documentation of release of information from the parent or guardian;
    - 1282 2. Home and family risk assessment;
    - 1283 3. Court report describing the findings;
    - 1284 4. Open an IHS case for no more than 45 days.  
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  - 1286 D. If abuse or neglect is identified during the IHS assessment, open a CPS investigation.

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**202.11 Not Used**

**202.12 Independent Home Study**

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.

**Applicable Law**

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

Practice Guidelines

- A. An IHS case will include the following:
  - 1. Contact with at least one biological parent and/or legal guardian within five business days of the case being opened.
  - 2. Interview the child with consent of the parent.
  - 3. The CPS caseworker will make no collateral contacts without obtaining consent from a parent/guardian.
  - 4. Offer resource information and additional services if deemed appropriate.
  - 5. All CPS caseworker activities will be logged in SAFE.
  - 6. An IHS case will be open for no more than 60 days unless approved by the region director or designee.
  
- B. If during the IHS case abuse or neglect is identified, the CPS caseworker will call Intake and a CPS case will be opened.

1319 **203 Engagement Begins: Initial Interviews And Home Visits**

1320

1321 **203.1 Interviews**

1322

1323 Major objectives:

1324 The CPS caseworker will utilize interviews as part of the investigation.

1325

1326

**Applicable Law**

1327

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

1328

1329

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

1330

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Practice Guidelines

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Interviews are to follow the statutory requirements indicated below:

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1334

A. Referent:

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1. The CPS caseworker will interview the person who reported the abuse in order to gather and/or clarify information, unless the report was made anonymously. This includes referents for all additional information allegations.

1336

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1338

2. When the referent is law enforcement, an interview with law enforcement may not be necessary if Child and Family Services has a copy of the police report; however, law enforcement's referral source will be contacted.

1339

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

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1. Support person:

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

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1358

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

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- 1362                   b.     The support person will:
- 1363                   (1)     be an adult over the age of 18 years who is reasonably available;
- 1364                   (2)     not be the alleged perpetrator;
- 1365                   (3)     not be a person whose interest appears to be to protect the
- 1366                   perpetrator or not to offer support to the child.
- 1367                   c.     The support person may include (but is not limited to):
- 1368                   (1)     School teacher or administrator;
- 1369                   (2)     Guidance counselor;
- 1370                   (3)     Child care provider;
- 1371                   (4)     Family member;
- 1372                   (5)     Family advocate;
- 1373                   (6)     Clergy.
- 1374                   d.     The support person may not be a person who is alleged to be, or
- 1375                   potentially may be, the alleged perpetrator.
- 1376                   e.     The CPS caseworker will provide a CPS05 Support Person Form for the
- 1377                   support person to sign. This document will be maintained in the CPS
- 1378                   record.
- 1379                   (1)     If the non-offending parent serves as the support person, they do
- 1380                   not need to sign the support person confidentiality statement.
- 1381                   2.     Parent notification of child interview:
- 1382                   a.     If a child's parent, stepparent, or parent's paramour has been identified as
- 1383                   the alleged perpetrator, the CPS caseworker need not notify a parent prior
- 1384                   to the initial interview with the child. In all other instances where the
- 1385                   alleged perpetrator is known, the parent or guardian must be notified prior
- 1386                   to the initial interview with the child. [See: Utah Code Ann. [§62A-4a-](#)
- 1387                   [409.](#)]
- 1388                   b.     If the alleged perpetrator is unknown or if the alleged perpetrator's
- 1389                   relationship to the child's family is unknown, the CPS caseworker may
- 1390                   conduct a minimal interview, not to exceed 15 minutes from the time the
- 1391                   interview begins with the child prior to notification of the interview to the
- 1392                   child's parent. This is designed to allow the CPS caseworker to determine
- 1393                   whether or not the parent, stepparent, or parent's paramour is the alleged
- 1394                   perpetrator. If the initial disclosure made by the child implicates a parent,
- 1395                   stepparent, or parent's paramour, the interview is not limited in duration.
- 1396                   Notification may take the form of a phone call documented in activity
- 1397                   records and does not mean permission or approval. The information
- 1398                   imparted to the parent/guardian will include the specific allegations and
- 1399                   the time and place of the interview with the child. If criminal activity is
- 1400                   disclosed, the CPS caseworker will coordinate with law enforcement prior
- 1401                   to notification of the parents so as not to impede the criminal
- 1402                   investigation. [See: Utah Code Ann. [§62A-4a-409.](#)]
- 1403                   c.     The CPS caseworker will notify the parent as soon as practicable after the
- 1404                   child has been interviewed, but in no case later than 24 hours after the
- 1405                   interview has taken place.

- 1406 d. The parent will be notified prior to any subsequent interviews of the child.  
1407 e. Exceptions to notification may include:  
1408 i. Notice to the parent would threaten the safety of a non-offending  
1409 parent, the children, or other involved individuals;  
1410 ii. A parent is incarcerated or there are other legal barriers to  
1411 notification (such as court orders, police requests, etc.).  
1412 3. Disclosure of criminal activity: If the disclosure made by the child gives  
1413 reasonable cause to believe that the child has been the alleged victim of criminal  
1414 activity, the CPS caseworker will immediately contact law enforcement.  
1415 4. Suicidal ideation: Refer to [Section 700](#) if concerns regarding suicide are identified  
1416 in the referral or during an interview.  
1417  
1418 C. Parent/guardian:  
1419 1. The child's natural parents or other guardian will be personally interviewed  
1420 regardless of residence, unless their whereabouts are unknown. [See: Utah Code  
1421 Ann. [§62A-4a-202.3](#).] If the child's natural parents or other guardian are  
1422 incarcerated at the time of the investigation, they do not need to be personally  
1423 interviewed. This interview maybe conducted with only one parent.  
1424 Investigation and interview exceptions are as follows:  
1425 a. Parent(s)/guardian(s) are incarcerated.  
1426 b. Caseworker is unable to locate parent(s) or guardian(s).  
1427 c. Parent(s)/guardian(s) are non-cooperative.  
1428 Documentation of reasons for not interviewing a parent are required.  
1429 2. Each specific allegation will be discussed. Admissions or denials will be  
1430 documented in the activity recording.  
1431 3. The parents will be asked about the child's eligibility for or membership in a  
1432 Native American tribe.  
1433  
1434 D. Third party/collateral contacts:  
1435 1. Third party/collateral contacts having had direct association with the child, or who  
1436 are otherwise knowledgeable about the child's safety and family's functioning,  
1437 will be interviewed.  
1438 2. If a third party or collateral contact is identified as an eyewitness or has first-hand  
1439 knowledge of the child's safety and family's functioning, an interview will be  
1440 conducted, including siblings. If the third party can only speak to the allegations,  
1441 the CPS caseworker must speak to others who know about the family's  
1442 functioning.  
1443  
1444 E. Alleged perpetrator:  
1445 1. The alleged perpetrator will be interviewed by the CPS caseworker.  
1446 2. When the alleged perpetrator resides in the home of the child or has access to the  
1447 child, and when law enforcement has requested that the CPS caseworker not  
1448 conduct an interview regarding the allegations, the alleged perpetrator will not be

- 1449 interviewed by the CPS caseworker until the interview is cleared by law  
1450 enforcement.
- 1451 3. The CPS caseworker will not be obligated to conduct an interview when:  
1452 a. Law enforcement requests the CPS caseworker not conduct an interview  
1453 due to a pending criminal investigation in these cases. CPS will  
1454 communicate with law enforcement the need to have law enforcement  
1455 interview within CPS investigation time frames.  
1456 b. The alleged perpetrator's identity or location is unknown.  
1457 c. The safety of the child or the CPS caseworker is a concern, or in domestic  
1458 violence cases when the safety of the non-offending parent is a concern, as  
1459 determined by the reasonable request of the non-offending parent.  
1460 d. The alleged perpetrator is incarcerated during the course of the CPS  
1461 investigation.
- 1462 4. If the alleged perpetrator is a juvenile:  
1463 a. The CPS caseworker will seek the permission of the juvenile's parent or  
1464 guardian prior to the interview.  
1465 b. Whether CPS or law enforcement is conducting the interview, all requests  
1466 for interviews of children in the custody of Child and Family Services will  
1467 be referred to the Guardian ad Litem assigned to the child. If there is no  
1468 Guardian ad Litem appointed for the child, the CPS caseworker will refer  
1469 the request to region administration. If the interview is part of a criminal  
1470 investigation or could become part of a criminal investigation, either  
1471 interviewer would need to seek the permission of the Guardian ad Litem  
1472 prior to conducting an interview of a minor in custody who is an alleged  
1473 perpetrator. If the Guardian ad Litem does not consent to the interview,  
1474 the CPS caseworker will contact the Assistant Attorney General. [See:  
1475 Practice Guidelines [Section 306.7](#), Utah Code Ann. [§62A-4a-415](#).]  
1476 c. The CPS caseworker will interview a parent or guardian of the juvenile  
1477 perpetrator for the purpose of gathering additional information.  
1478 d. The CPS caseworker will not be obligated to conduct an interview with  
1479 the juvenile perpetrator or their family when law enforcement conducts  
1480 these interviews and provides CPS with enough information to complete  
1481 the significant risk assessment and determine whether or not any safety  
1482 concerns exist.  
1483 e. At the conclusion of the investigation, assess the past victimization of the  
1484 juvenile perpetrator and refer for appropriate treatment.  
1485
- 1486 F. Interview exceptions: The CPS caseworker may rely on a written report of a prior  
1487 interview rather than conducting an additional interview if:  
1488 1. Law enforcement has previously conducted a timely and thorough investigation  
1489 regarding the alleged abuse, neglect, or dependency and has produced a written  
1490 report. When law enforcement requests that CPS conduct no interview, the CPS  
1491 caseworker may review the case with a supervisor for evaluation and  
1492 determination of the next step.

- 1493 2. The investigation included one or more of the interviews required by subsection  
1494 (2) of Utah Code Ann. [§62A-4a-202.3](#).  
1495 3. It is determined that an additional interview is not in the best interest of the child.  
1496
- 1497 G. Additional victims revealed (refer to reporting requirements found in Utah Code Ann.  
1498 [§62A-4a-403](#)): If during the course of an interview a child reveals the possibility of  
1499 another alleged victim of abuse or neglect, the CPS caseworker will do the following:
- 1500 1. The CPS caseworker will ask the child for further clarification regarding the  
1501 identity of the additional alleged victim.  
1502 2. If the CPS caseworker is able to identify the additional alleged victim or a means  
1503 for locating this alleged victim, and the victim is identified as a child residing  
1504 outside the home of the primary victim, the CPS caseworker will contact the  
1505 Intake office to determine if the allegations meet the criteria for opening a new  
1506 case.  
1507 3. If the CPS caseworker is able to identify the additional alleged victim or a means  
1508 for locating this alleged victim, and the victim is a sibling residing in the same  
1509 home as the primary victim, the new victim will be added to the existing CPS case  
1510 if the allegation meets the criteria for investigation.  
1511 4. If the child does not reveal the name of the additional alleged victim or does not  
1512 provide a means for locating this alleged victim, the CPS caseworker will make  
1513 efforts to try to identify the additional alleged victim with the limited information  
1514 acquired. This may include talking with a collateral contact, parent, or relative  
1515 that may know the identity of the additional alleged victim.  
1516 5. If the CPS caseworker is unable to identify the additional alleged victim  
1517 mentioned in the interview, the CPS caseworker will contact the Intake office to  
1518 provide the information that is available.  
1519 6. The Intake worker will determine if there is additional information available  
1520 through data inquiries that may assist in identifying the additional alleged victim.  
1521 7. If the Intake worker is able to identify the identity of the additional alleged victim  
1522 and the information meets the criteria for investigation, Intake will open the case.  
1523 8. If the Intake worker is unable to identify the additional alleged victim, the Intake  
1524 worker will notify the CPS caseworker calling in the referral that the case has  
1525 been unaccepted so that the referring CPS caseworker can document this  
1526 information in the case logs.  
1527

1528 **203.1a Recording Interviews**

1529 Major objectives:

1530 Child and Family Services will make an accurate recording of interviews conducted with children  
1531 during an investigation into allegations of child abuse or neglect. Information gathered during the  
1532 interview will be documented in SAFE.  
1533

1534  
1535 **Applicable Law**

1536 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
1537

1538 Practice Guidelines

- 1539 A. All investigative interviews of children involving allegations of sexual abuse and/or  
1540 serious physical abuse are to be videotaped and/or audio recorded. This does not apply to  
1541 initial or minimal interviews. The videotaping requirements are as follows:
- 1542 1. The child and the interviewer will be simultaneously videotaped.
  - 1543 2. Videotaping will be continuous and will log the date, place, and time.
  - 1544 3. Videotaping must be for the duration of the interview.
  - 1545 4. Interviews are to be conducted in a Children's Justice Center (CJC) if possible, or,  
1546 if necessary, a soft (non-threatening) interview room.
  - 1547 5. If videotape equipment and a soft (non-threatening) interview room are  
1548 unavailable, the interview will be audio taped in accordance to sections B and C.
  - 1549 6. Even if videotaping, an audio file compliant with the SAFE system must be  
1550 created for every Child and Family Services conducted interview. If the interview  
1551 location creating the video does not have the ability to provide Child and Family  
1552 Services with a correctly formatted digital audio of the interview, the caseworker  
1553 should simultaneously audio record the interview for download into the SAFE  
1554 system.  
1555
- 1556 B. All other interviews will be audio recorded by Child and Family Services in a SAFE  
1557 compliant digital format unless there are exceptions as noted in sections D and E.  
1558
- 1559 C. Information to be recorded at the beginning of each interview is as follows:
- 1560 1. The name of the caseworker conducting the interview.
  - 1561 2. The place of the interview.
  - 1562 3. The time and date of the interview.
  - 1563 4. The full name and age of the child being interviewed.
  - 1564 5. All other persons present in the interview and their roles during the interview (i.e.,  
1565 support person, police officer, caseworker, etc.).  
1566
- 1567 D. The recording will be continuous unless:
- 1568 1. At some point in the interview the child requests that the recording device be  
1569 turned off or refuses to be recorded.
  - 1570 2. There are circumstances that require the interview to be interrupted or terminated.



- 1571  
1572 E. If the child refuses to be recorded, the caseworker is to complete the following steps:  
1573 1. Explain that the recording helps the caseworker remember what was said, assures  
1574 accurate information, and takes the place of notes.  
1575 2. If necessary, ask the child if they would feel more comfortable being recorded if a  
1576 support person was in the room with them.  
1577 3. If the child still refuses to be recorded, and:  
1578 a. The child is over age 9, the caseworker will attempt to get the child's  
1579 refusal on the digital audio recording and/or will document in the activity  
1580 logs the child's reasons why they do not want to be recorded, and then  
1581 continue with the interview, without recording, to assess the child's safety.  
1582 The caseworker will document all pertinent information regarding safety  
1583 from the interview in the activity logs.  
1584 b. If the child is under the age of 9, the caseworker will make reasonable  
1585 efforts to put the child at ease with being recorded and continue the  
1586 interview, as suggested in section E. If the child again refuses to have the  
1587 interview taped, the caseworker will attempt to get the child's refusal on  
1588 the digital audio recording, will discontinue the interview, and:  
1589 (1) Discuss with the child who they can talk to if they feel unsafe in  
1590 the future, and  
1591 (2) Document the refusal and the concerns in the activity log.  
1592  
1593 F. Activity Recording documentation:  
1594 1. If the allegation involved sexual or serious physical abuse and was not videotaped  
1595 at the CJC, the caseworker will document the alternate soft (non-threatening)  
1596 location where the interview occurred and why it could not occur at the CJC.  
1597 2. The caseworker will document in the Activity Recordings the information listed  
1598 in section C and a brief description of the evidence or information gathered during  
1599 the interview that would provide support, if any, to the allegation.  
1600 3. If for any reason the interview recording is not continuous or complete, the  
1601 caseworker will document the reasons why the interruption and/or non-  
1602 completion occurred.  
1603 4. All Child and Family Services conducted victim's interview will include a digital  
1604 audio recording that will be uploaded into SAFE.  
1605  
1606 G. The audio and video recordings and any interview information can be shared and/or  
1607 copied for police officers and detectives that are investigating child abuse or neglect.  
1608  
1609 H. Audio and video recordings made at any Children's Justice Center cannot be distributed,  
1610 released, or displayed to anyone without a court order as defined in Utah Code Ann. [§77-](#)  
1611 [37-4](#). All requests for recordings must go through the Government Records and  
1612 Management Act (GRAMA) specialist.  
1613

## 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.
    - 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.

- 1657 5. If the injury or physical manifestation occurred in a private area of the child's  
1658 body and the child has disclosed the abuse and possible injury is indicated, refer  
1659 the non-offending parent/guardian to obtain a medical exam for the child. If the  
1660 parent refuses, staff the case with a supervisor and Assistant Attorney General to  
1661 determine whether the allegation circumstances require that a warrant or  
1662 investigative subpoena should be pursued to ensure the child's safety.
- 1663 6. If there is alleged sexual abuse with a possible injury or physical evidence  
1664 indicated, arrange for a sexual abuse exam where a qualified medical professional  
1665 can conduct an exam and determine whether there is evidence of sexual abuse  
1666 and/or injury. If there has already been a sexual abuse exam conducted by a  
1667 qualified professional, use the results of that exam and do not require another  
1668 exam. If the parent refuses, staff the case with a supervisor and Assistant  
1669 Attorney General to determine whether the allegation circumstances require that a  
1670 warrant or investigative subpoena should be pursued to ensure the child's safety.  
1671
- 1672 B. If the child refuses to display the injuries or manifestations:
- 1673 1. Offer to have a non-offending parent/guardian or another adult support person of  
1674 the child's choice present.
- 1675 2. If the child continues to refuse and/or the parent/guardian or support person  
1676 refuses to allow the injury or manifestation to be displayed, contact law  
1677 enforcement to refer the case and gather evidence. Obtain a copy of this evidence  
1678 for the CPS record.
- 1679 3. If law enforcement refuses the case, contact the supervisor and staff with an  
1680 Assistant Attorney General to determine whether the allegation circumstances  
1681 require that a warrant or investigative subpoena should be pursued to ensure the  
1682 child's safety.  
1683
- 1684 C. The taking of photographs is an accepted practice in documenting evidence of physical  
1685 abuse or neglect. The taking of photographs is subject to the same restrictions listed  
1686 above for visual assessment. Photographs of children that involve abuse to the genitalia  
1687 or female breast area may only be taken by a qualified medical professional during a  
1688 medical examination.  
1689

## 1690 **203.1c Images Of Child Pornography Obtained By Child and Family** 1691 **Services**

### 1692 Practice Guidelines

1694 When images of a child are obtained by Child and Family Services staff as part of their regular  
1695 job function which meet the definition of child pornography (Utah Code Ann. [§76-5b-103](#)), the  
1696 images will be immediately reported to the Internet Crimes Against Children investigative unit  
1697 through the Office of the Attorney General. Any image meeting the definition of child  
1698 pornography will not be uploaded in SAFE.

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## 203.2 Home Visits

### Major objectives:

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

### **Applicable Law**

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

### Unscheduled Home Visits

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

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

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

### Scheduled Home Visits

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

### Exceptions to Completing an Unscheduled or Scheduled Home Visit

- A. The family has moved out of state and the child currently resides with the family in another state.
- B. The child has been placed in foster care prior to the closure of the CPS case.

- 1742 C. The parent/guardian refuses access to the home or is unwilling to make an appointment  
1743 for a visit to occur.  
1744

1745 Practice Guidelines

- 1746 A. An unscheduled or scheduled home visit may take place anytime during the course of the  
1747 investigation.  
1748

- 1749 B. The CPS caseworker may request to observe, in the company of the parent/guardian,  
1750 areas of the residence where the child has access to or sleeps, plays, and spends time.  
1751 The CPS caseworker will discuss any conditions observed that impact the health or safety  
1752 of the child. [See: CPS Practice Guidelines [Section 204.5a.](#)]  
1753

- 1754 C. The CPS caseworker will document the observations made as to the conditions of the  
1755 home and of any health and/or safety issues identified. It is not required for the CPS  
1756 caseworker to observe the contents of the following, unless the allegations give specific  
1757 need to ensure availability of food and/or clothing, or to ensure that conditions do not  
1758 pose a threat to the child's safety:

- 1759 1. Cupboards and drawers.
  - 1760 2. Refrigerator and/or freezer.
  - 1761 3. Areas of the home usually closed to the view of visitors.
- 1762

1763 The CPS caseworker will obtain the parents' consent prior to looking in the areas  
1764 mentioned above.  
1765

- 1766 D. If, after trying to engage with the family, access to the home or the child is denied, and if  
1767 there is credible evidence of conditions that must be investigated, the CPS caseworker  
1768 will staff the case with the supervisor to determine whether or not the case should be  
1769 reviewed with the Attorney General's Office.  
1770

- 1771 E. If the CPS caseworker makes an unscheduled home visit but does not locate anyone  
1772 home, the CPS caseworker will continue to return at times when families are normally  
1773 found to be at home. If the CPS caseworker is unsuccessful, the CPS caseworker may  
1774 leave a business card or other written information at the time of the second visit that  
1775 requests the parent or guardian to contact the CPS caseworker.  
1776

1777 **203.3 Entry Into The Child's Home**

1778 Major objectives:

1779 CPS caseworkers have authority to enter upon public or private premises, using appropriate legal  
1780 processes, to investigate reports of alleged child abuse, neglect, or dependency.  
1781  
1782

1783 **Applicable Law**

1784 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
1785 Preremoval interviews of children.

1786

1787 Practice Guidelines

1788 A. The CPS caseworker may enter the residence under the following circumstances:

1789 1. When invited by the parent or guardian.

1790 2. If the parent or guardian is not at home: The CPS caseworker may enter the home  
1791 if invited by a child or temporary caregiver to assess immediate threats to safety  
1792 by asking for basic information about the whereabouts of the parent or guardian,  
1793 appropriateness of arrangements for care of children, etc. A child or temporary  
1794 caregiver does not normally have authority to consent to a search or examination  
1795 of the home.

1796

1797 B. If the CPS caseworker is denied entry into the home and entry into the home is necessary  
1798 to ensure the safety of a child, the caseworker may:

1799 1. In an emergency summon law enforcement to the home.

1800 2. Consult with an Assistant Attorney General about options to gain entry into the  
1801 home or access to a child.

1802

## 1803 **204 The Investigation: Assessment And Making Informed Decisions**

1804  
1805 The purpose of assessment is to assist the CPS caseworker during the investigation to determine  
1806 the immediate protection, safety, risk, and services needed by the child and family. The CPS  
1807 caseworker will consider the issues of enduring safety and permanency (long-term view) in  
1808 making these decisions and providing all parties with due process of the law.  
1809

### 1810 **204.1 Assessments And Investigation Tools**

#### 1811 Major objectives:

1812 A. The following assessment tools will be used by the CPS caseworker to determine the  
1813 immediate threats to safety and risk of future harm:

- 1814 1. SDM Safety Assessment.
- 1815 2. SDM Risk Assessment.

1816  
1817 B. In cases involving alleged juvenile perpetrators, the following assessment tools may be  
1818 used:

- 1819 1. Significant Risk Assessment.

1820 For use in cases involving supported allegations of:

- 1821 • Sexual Abuse;
- 1822 • Sexual Exploitation;
- 1823 • Lewdness;
- 1824 • Inappropriate Sexual Conduct.

- 1825 2. Serious Physical Abuse Assessment.
- 1826  
1827  
1828

#### 1829 **Applicable Law**

1830 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
1831 Preremoval interviews of children.

#### 1832 Practice Guidelines

1833 A. SDM Safety Assessment: The CPS caseworker will complete this assessment tool on  
1834 every case during the face-to-face contact and enter the information into SAFE by the end  
1835 of the fifth business day.  
1836

1837 B. SDM Risk Assessment:

- 1838 1. The SDM Risk Assessment will be completed on all initial CPS investigations of  
1839 child abuse or neglect. [Refer to: [Section 202.7.](#)] The finding of the SDM Risk  
1840 Assessment will be used in formulating an ongoing service plan for supported  
1841 cases or cases determined to need other child welfare services beyond CPS.
- 1842 2. Each allegation identified at Intake and any discovered during the investigation  
1843 will be assessed for each alleged victim.  
1844  
1845

- 1846 C. The final safety determination of the SDM Safety Assessment and the final risk level of  
1847 the SDM Risk Assessment will be used in determining whether the family needs further  
1848 involvement with Child and Family Services.  
1849
- 1850 D. Significant Risk Assessment: When there is a supported finding of sexual abuse, sexual  
1851 exploitation, lewdness, or inappropriate sexual conduct involving a juvenile perpetrator,  
1852 the CPS caseworker will complete the Significant Risk Assessment to determine whether  
1853 a juvenile is a significant risk to other children or the community.
- 1854 1. The assessment is not to be used to determine whether the investigation is  
1855 supported or unsupported; a juvenile does not need to be found a significant risk  
1856 in order for the case finding to be supported.
  - 1857 2. The assessment must be based upon the facts of the case that are present during  
1858 the investigation, not after the minor has been removed from the home or any  
1859 other intervention that has occurred.
  - 1860 3. The juvenile's age alone is not a reason for determining the juvenile is not a  
1861 significant risk.  
1862
- 1863 E. Serious Physical Abuse Assessment: When there is a supported finding of serious  
1864 physical abuse involving a juvenile perpetrator, the CPS caseworker will complete the  
1865 Serious Physical Abuse Assessment to determine whether a juvenile is a significant risk  
1866 to other children or the community.  
1867
- 1868 F. When an Administrative Hearing is requested on a supported case or a case that was  
1869 substantiated prior to May 6, 2002 involving a juvenile perpetrator or an adult who was a  
1870 juvenile at the time of the incident, and the Significant Risk Assessment or the Serious  
1871 Physical Abuse Assessment was not completed,  
1872 Child and Family Services will be responsible to complete the appropriate assessment  
1873 based on the facts at the time of the investigation.  
1874

## 1875 204.2 Case Staffings

### 1876 Major objectives:

1877 The CPS caseworker will obtain direction and support to identify needed interventions, services,  
1878 and resources for the child and family and for assistance in making casework decisions.  
1879

### 1881 **Applicable Law**

1882 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1883 Utah Code Ann. [§62A-4a-106](#). Services provided by division.  
1884

### 1885 Practice Guidelines

- 1886 A. The CPS caseworker will staff with a Child and Family Services supervisor in addition to  
1887 or in conjunction with other professionals when any of the following apply:



- 1888 1. When the SDM Safety Assessment indicates that the child is Safe with a Plan or  
1889 Unsafe.
- 1890 2. Unless it would jeopardize the safety of a child, the Child and Family Services  
1891 caseworker will staff with a Child and Family Services supervisor prior to  
1892 removal.
- 1893 3. If the child, family, or alleged perpetrator is receiving services from Child and  
1894 Family Services, the case staffing will include the assigned Child and Family  
1895 Services in-home, post adoption, out-of-home, or domestic violence caseworker.
- 1896 4. If the family receives assistance in the form of TANF, the case staffing may  
1897 include the Department of Workforce Services employment counselor or self-  
1898 sufficiency caseworker.
- 1899 5. When there are concerns related to domestic violence, the case staffing will  
1900 include a Child and Family Services domestic violence worker, if available.
- 1901 6. When the child is identified as Native American and the case may be screened for  
1902 court involvement, the CPS caseworker will review the case with the Child and  
1903 Family Services supervisor and the Indian Child Welfare state specialist.
- 1904 7. When an infant has been exposed to or is dependent upon harmful substances as a  
1905 result of the mother's use of illegal substances or abuse of prescribed medications  
1906 during pregnancy, the CPS caseworker will staff the case with an Assistant  
1907 Attorney General.
- 1908 8. When there is a fatality or near fatality that is the result of non-accidental trauma  
1909 or the manner of death is undetermined by law enforcement or medical  
1910 professionals and there are surviving siblings, the case will be staffed jointly with  
1911 a Child and Family Services supervisor, region director, and an Assistant  
1912 Attorney General within 24 hours of first knowledge of the incident. This review  
1913 does not change the priority time frame of the investigation.
- 1914 9. When there is a need to coordinate the efforts of several investigators, agencies,  
1915 or others toward the common goal of protection of the child.
- 1916 10. When there is a supported finding of chronic/severe physical, sexual or emotional  
1917 abuse, or chronic/severe neglect or medical neglect resulting in death, disability,  
1918 or somber illness the CPS caseworker will staff with a Child and Family Services  
1919 supervisor and an Assistant Attorney General.
- 1920 11. When there has been a prior adjudicated finding of child abuse, neglect, or  
1921 dependency relevant to new supported findings of abuse, neglect, or dependency,  
1922 the CPS caseworker will staff with a Child and Family Services supervisor. The  
1923 CPS caseworker and supervisor will make a safety decision based on the  
1924 information gathered. If the safety decision made identifies that there is a threat  
1925 to safety and that court involvement is necessary, the CPS caseworker will staff  
1926 the case with an Assistant Attorney General.
- 1927 12. When there is a supported finding of drug production or manufacturing, the CPS  
1928 caseworker may staff with a Child and Family Services supervisor as described in  
1929 10 above. If a safety decision is made that requires law enforcement and/or an  
1930 Assistant Attorney General, the CPS caseworker will discuss with them the safety

- 1931 decision made to determine what needs to occur to ensure enduring safety and  
1932 permanency for the child.
- 1933 13. When there are siblings in the same home where a removal is considered, the CPS  
1934 caseworker will staff with a Child and Family Services supervisor to discuss  
1935 threats to safety and whether court involvement is necessary. If there is an  
1936 imminent threat to safety that cannot be mitigated through a safety plan, the CPS  
1937 caseworker will staff the safety decision with an Assistant Attorney General to  
1938 determine the next steps.
- 1939 14. If the need for services has been identified through safety and risk assessment,  
1940 and the family refuses to accept services, the CPS caseworker will staff the case  
1941 with an Assistant Attorney General.
- 1942 15. When the referral involves an adopted child whose parents are not able to meet  
1943 the child's needs, post adoption will be brought into the staffing to help determine  
1944 if services could defer the child coming into custody.
- 1945 16. When the CPS caseworker needs legal advice concerning the sufficiency of the  
1946 evidence to make a supported finding or to pursue a substantiated finding, the  
1947 CPS caseworker will staff with a Child and Family Services supervisor and  
1948 Assistant Attorney General. [See: Utah Code Ann. [§62A-4a-202.1.](#)]  
1949

### 204.3 Sibling Or Child At Risk

1951 Major objectives:

1952 The CPS caseworker will assess the other siblings/children in a household when a child in the same  
1953 household has been a victim of abuse, neglect, or dependency. Assessment and documentation  
1954 must be specific for each child.  
1955

1956

1957 **Applicable Law**

1958 Utah Code Ann. [§78A-6-302](#). Court-ordered protective custody of a minor following petition  
1959 filing -- Grounds.

1960

1961 Practice Guidelines

- 1962 A. In cases where the mother is pregnant and delivers the newborn and the newborn's  
1963 siblings are in custody, or have been determined to be abused, neglected, or dependent,  
1964 the CPS caseworker will complete a new SDM Safety Assessment.  
1965
- 1966 B. The CPS caseworker will complete the following with each sibling or child to determine  
1967 if the sibling or child requires immediate protection or services:
- 1968 1. Complete the SDM Safety Assessment.
- 1969 2. Conduct a face-to-face interview with each child having verbal or other  
1970 communication skills or observe non-verbal children.
- 1971 3. If law enforcement objects to a Child and Family Services investigation (for  
1972 example, in a child fatality investigation), the CPS caseworker will review the

1973 case with the Attorney General's Office to determine legal options to ensure the  
1974 safety of other siblings.  
1975

## 1976 **204.4 Coordination With Law Enforcement**

### Major objectives:

1977 Child and Family Services will coordinate with law enforcement to protect children and families  
1978 when abuse, neglect, or dependency is alleged. This coordination will also serve to protect CPS  
1979 caseworkers and keep the peace throughout the investigation.  
1980  
1981

### **Applicable Law**

1983 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
1984 Preremoval interviews of children.  
1985

### Practice Guidelines

1986 The CPS caseworker will coordinate with law enforcement in the following ways:  
1987

- 1988 A. Notification: If, during the course of the investigation, the CPS caseworker becomes  
1989 aware of criminal activity, law enforcement will be notified.  
1990  
1991 B. Child placed into protective custody: When a child is to be taken into protective custody,  
1992 the CPS caseworker will be accompanied by law enforcement if a peace officer is  
1993 reasonably available.  
1994  
1995 C. Entry into the child's home: Neither law enforcement officers nor CPS caseworkers can  
1996 enter a home uninvited without a search warrant issued by a court unless there is an  
1997 emergency requiring entry be made without a warrant. If the CPS caseworker is denied  
1998 entry into the child's home by the parent or caregiver, a request will be made to law  
1999 enforcement to accompany the CPS caseworker to the home in an attempt to gain entry.  
2000 Should the parent continue to deny entry, the CPS caseworker will coordinate efforts with  
2001 law enforcement and the Attorney General's Office to secure a search warrant. [See:  
2002 Major objectives [Section 203.3](#).]  
2003  
2004  
2005

2006 **204.5 Domestic Violence Related Child Abuse**

2007 Major objectives:

2008 When children have witnessed domestic violence, Child and Family Services will assess the safety  
2009 needs of the family and provide interventions and education to the family. CPS caseworkers will  
2010 respect and support the role of the non-offending caregiver to protect themselves and the child who  
2011 witnessed domestic violence between the caregiver and abuser.  
2012

2013 Cases involving Domestic Violence Related Child Abuse will be reviewed with a Child and Family  
2014 Services domestic violence worker.  
2015

2016 The Domestic Violence Related Safety Plan information and Risk of Danger information for the non-  
2017 offending adult/caregiver as well as the child are protected records under Utah Code Ann. [§63G-2-](#)  
2018 [305](#) and will not be released when CPS records are requested because such release may pose a danger  
2019 to the child and/or non-offending caregiver.  
2020  
2021

2022  
2023 **Applicable Law**

2024 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
2025

2026 Practice Guidelines

2027 Upon the identification of Domestic Violence Related Child Abuse, the CPS caseworker or Child  
2028 and Family Services domestic violence caseworker will proceed as follows:  
2029

- 2030 A. Investigation: Identify and document in the case record the services, assessments, and  
2031 education given to the family. These will include:
- 2032 1. Assisting the non-offending adult/caregiver by providing them with a list of  
2033 available resources and supports, educating them on the domestic violence cycle,  
2034 safety planning with the client, and holding a Risk of Danger discussion to  
2035 determine the level of lethal risk. Resources should include information on  
2036 protective orders, domestic violence advocates, financial assistance such as CVR,  
2037 shelters, crisis nursery, counseling or support groups, etc.
  - 2038 2. Assisting the offending partner by holding a Risk of Danger discussion, finding  
2039 support systems, giving treatment resources, safety planning, and educating them  
2040 on the domestic violence cycle.
  - 2041 3. Safety planning with child, if appropriate. A safety plan cannot rely on a child  
2042 alone.
  - 2043 4. Explaining to each caregiver that:
    - 2044 a. Immediate and long-range harm may result from exposing a child to  
2045 domestic violence;
    - 2046 b. According to Utah State law, a person is criminally liable for committing  
2047 domestic abuse in the presence of a child;

- 2048                   c.       Domestic abuse in the presence of a child is "child abuse" and therefore  
2049                   such conduct may result in juvenile court intervention and an abuse record  
2050                   in the Child and Family Services database.  
2051
- 2052 B.       Protective Order: If the non-offending caregiver has obtained a protective order:  
2053       1.       Notify the Assistant Attorney General of the protective order and request a  
2054           bifurcated hearing in juvenile court.  
2055       2.       Do not conduct conjoint mediation, Child and Family Team Meetings, treatment  
2056           planning, service planning, safety planning, or assessments between the protected  
2057           party and the abuser.  
2058
- 2059 C.       Domestic Violence Shelter: If the caseworker has knowledge that the child and non-  
2060       offending caregiver have relocated to a domestic violence shelter, explain to the non-  
2061       offending caregiver and the domestic violence shelter staff that it is the caregiver's and,  
2062       where appropriate, the domestic violence shelter's responsibility to immediately contact  
2063       the caseworker if they leave the domestic violence shelter.  
2064
- 2065 D.       Failure to Protect: When the CPS caseworker and Child and Family Services domestic  
2066       violence caseworker staff a case and agree to make a finding of Failure to Protect against  
2067       the non-offending caregiver, the CPS caseworker will document in the case record the  
2068       reasons for that finding.  
2069
- 2070 E.       Notice of Agency Action (NAA) Letter: This letter will be sent to the offending partner in  
2071       all supported CPS cases within agency timelines (Practice Guideline [Section 204.15](#)).  
2072       The NAA Letter involving domestic violence related child abuse allegations will be sent  
2073       to the perpetrator of the abuse in the same manner that all other agency action letters are  
2074       sent. Before an NAA Letter is sent, individual safety planning to the non-offending  
2075       partner, children, and offending partner will be provided in preparation for the receipt of  
2076       this letter, due to the possible significant risk placed on the non-offending parent and child.  
2077       The CPS caseworker will:  
2078       1.       Notify the non-offending caregiver that the letter will be sent and review safety  
2079           measures.  
2080       2.       Document this notification in the case record.  
2081
- 2082 F.       Case Requirement and Documentation Exceptions: A CPS caseworker may make an  
2083       exception to CPS requirements for documentation when it is determined to be a safety  
2084       concern (such as unscheduled home visits, priority timeframes on the face-to-face contact  
2085       with the adult victim or child, etc.). Prior to making that decision, staff with a Child and  
2086       Family Services supervisor and domestic violence caseworker for agreement that those  
2087       requirements could pose a potential threat of harm to the child or non-offending  
2088       caregiver. Documentation of staffing and approval are required.  
2089

- 2090 G. Family/Friend Disturbance: An altercation between extended family members or other  
2091 non-related adults in the presence of a child may be considered emotional abuse and not  
2092 domestic violence, if it is determined to have:  
2093 1. Elements that meet the definition of Emotional Abuse.  
2094 2. Does not involve a pattern of domestic violence power and control.  
2095
- 2096 H. Homicide/Suicide: Child and Family Services will respond to situations in which there  
2097 has been a homicide and/or suicide as a result of domestic violence when either party has  
2098 children that were living with them at the time, whether or not the children witnessed or  
2099 were present during the incident. These referrals will be assigned and conducted as a  
2100 DVS or CPS case according to [Section 201.4](#).  
2101

## 2102 **204.5a Environmental Neglect**

### Major objectives:

2103 Child and Family Services will respond to concerns about the child's home environment when  
2104 there is reason to believe that there is a threat to a child's physical health or safety due to possible  
2105 neglect or abuse. The Child and Family Services caseworker will respond to these allegations  
2106 using positive engagement skills and a solution-focused view.  
2107  
2108  
2109  
2110

### **Applicable Law**

2111 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
2112  
2113

### Practice Guidelines

2114 These Practice Guidelines provide parameters for the CPS caseworker to follow in the various  
2115 circumstances possible when there are concerns related to the child's environment. The  
2116 assessment will determine whether the environment poses a threat to the physical health or safety  
2117 of the child. The CPS caseworker may contact other community resources and/or evaluators to  
2118 determine if and to what degree the environment poses a safety threat to the child. If necessary,  
2119 the CPS caseworker will provide assistance and education for enhancing safety and preventing  
2120 the reoccurrence of the neglect. The assessment will include the following.  
2121  
2122

- 2123 A. The CPS caseworker will use positive engagement skills with the family and complete an  
2124 unscheduled home visit to assess the environment.  
2125
- 2126 B. The CPS caseworker will assess whether the environment is safe for the children  
2127 involved, considering:  
2128 1. Threats to safety:  
2129 a. Duration or length of the situation (chronic).  
2130 b. Volume, quantity, or toxicity of the potential hazard.  
2131 c. Severity of the threat to the child.  
2132 d. Child's access to the potential hazards.

- 2133 e. The age of the child.
- 2134 f. The developmental level of the child.
- 2135 g. The medical condition of the child.
- 2136 h. Other expert opinions (health department, pharmacist, doctor, zoning, fire
- 2137 department, etc.).
- 2138 i. The extent to which the child's extended family may provide needed
- 2139 protection.
- 2140
- 2141 C. The CPS caseworker will assess whether the environment poses safety concerns. The
- 2142 CPS caseworker will team with the family to access services or interventions that will
- 2143 address the safety issues.
- 2144
- 2145 D. Service and education resources and/or on-site assessment contacts may include, but are
- 2146 not limited to, the following:
- 2147

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

2148  
 2149  
 2150  
 2151

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



2152 **204.6 False Allegations Of Child Abuse Or Neglect**

2153 Major objectives:

2154 If Child and Family Services determines that an individual has knowingly submitted a false report  
2155 of child abuse or neglect, the CPS caseworker will consult with law enforcement.  
2156

2157  
2158 **Applicable Law**

2159 Utah Code Ann. [§62A-4a-1007](#). False reports -- Penalties.  
2160

2161 Practice Guidelines

- 2162 A. At the conclusion of a CPS investigation, the CPS caseworker will determine (after  
2163 consultation with the Attorney General's Office, if needed):
- 2164 1. Whether the referent's allegation of child abuse or neglect was false.
  - 2165 2. Whether it is more likely than not that the referent knew, at the time of making  
2166 the allegation, that the allegation was false.
  - 2167 3. Whether the referent has knowingly made a prior false allegation about the same  
2168 alleged victim or alleged perpetrator.
  - 2169 4. Whether the referent's address is known or reasonably available.
- 2170
- 2171 B. If the CPS caseworker finds that the referent probably knew, at the time of making the  
2172 allegation, that the allegation was false, and that the referent has knowingly made a prior  
2173 false allegation about the same alleged victim or alleged perpetrator, the CPS caseworker  
2174 will:
- 2175 1. Inform and consult with law enforcement regarding the false allegations made by  
2176 the referent and determine whether informing the alleged perpetrator about the  
2177 false allegations is likely to jeopardize law enforcement efforts or the health or  
2178 safety of any individual.
  - 2179 2. Inform the alleged perpetrator about the false allegations made by the referent, to  
2180 the extent that such disclosure does not unreasonably jeopardize law enforcement  
2181 efforts or the health and safety of individuals.
- 2182
- 2183 C. If the CPS caseworker finds that the referent probably knew, at the time of making the  
2184 allegation, that the allegation was false, and if the referent's address is available, the CPS  
2185 caseworker will send the referent a certified letter that informs the referent that:
- 2186 1. The CPS caseworker has investigated the referent's allegation of abuse or neglect  
2187 and has determined that the allegation was false and that the referent probably  
2188 knew that the allegation was false at the time of making the allegation.
  - 2189 2. Utah Code Ann. [§76-8-506](#) and other laws impose criminal and civil penalties for  
2190 knowingly making a false allegation of abuse or neglect.
  - 2191 3. CPS has a statutory obligation to inform law enforcement and the alleged  
2192 perpetrator.
- 2193

2194 **204.7 Child Fatalities And Near Fatalities**

2195 Major objectives:

2196 Upon report of a child fatality, the CPS caseworker will notify law enforcement, Child and  
2197 Family Services administration and DHS administration and take necessary steps to ensure that  
2198 any other children in the household are safe. Upon report of a near fatality, the CPS caseworker  
2199 will notify the Safe and Healthy Families Team at Primary Children's Medical Center.  
2200

2201  
2202 **Applicable Law**

2203 Utah Code Ann. [§62A-4a-405](#). Death of child -- Reporting requirements.

2204 Utah Code Ann. [§62A-16](#). Fatality Review Act.  
2205

2206 Practice Guidelines

- 2207 A. The CPS caseworker will immediately notify law enforcement, the Child and Family  
2208 Services director or designee, and the Fatality Review Coordinator when a client on an  
2209 open CPS case dies:
- 2210 1. All notifications will occur within 24 hours of first knowledge of a death and may  
2211 be accomplished through phone calls, e-mail, or written communication and will  
2212 be documented in the activity recording.
  - 2213 2. A Deceased Client/Employee Report form will be completed by the CPS  
2214 caseworker and a notice will be sent to the Child and Family Services director and  
2215 Fatality Review Coordinator within three days of knowledge of the fatality.  
2216
- 2217 B. Upon a report made to Child and Family Services on a child death determined to be a  
2218 result of child abuse or neglect or when the cause of death is undetermined and wherein  
2219 there are surviving siblings, the CPS caseworker will also immediately notify the region  
2220 director or designee. Notification may be accomplished through phone calls, e-mail, or  
2221 written communication and will be included in the activity recording. The CPS  
2222 caseworker will assess siblings and children in the household or other children the  
2223 alleged perpetrator may have access to.  
2224
- 2225 C. Within seven days of the date that a report is made to Child and Family Services of the  
2226 death of a child whose family has received any child welfare services within the year  
2227 preceding the date of the death, the caseworker will fill out the Deceased Client  
2228 /Employee Report found in SAFE. The caseworker will submit the report to the region  
2229 director or designee, and the region director or designee will submit the information to  
2230 the DHS child fatality review coordinator within those same seven days.  
2231

2232 **204.8 Extension Granted To A CPS Investigation**

2233 Major objectives:

2234 If an investigation cannot be completed within 30 days from the disposition of the case to CPS,  
2235 the CPS caseworker will make a request for an extension prior to expiration of the initial 30-day  
2236 period.  
2237

2238  
2239 **Applicable Law**

2240 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2241  
2242 Practice Guidelines

- 2243 A. The supervisor or designee may grant one extension of up to 30 days when more  
2244 information is needed to make a thorough and accurate assessment.  
2245  
2246 B. An extension will not be granted for overdue documentation.  
2247  
2248 C. An additional extension of 30 days may be requested where extenuating circumstances  
2249 exist.  
2250

2251 **204.9 Unable To Locate Within The State Of Utah**

2252 Major objectives:

2253 A CPS caseworker will close an investigation as Unable to Locate after reasonable efforts have  
2254 been made by the caseworker to locate the child and family members.  
2255

2256  
2257 **Applicable Law**

2258 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2259  
2260 Practice Guidelines

- 2261 A finding of Unable to Locate can be made only when reasonable efforts have been completed.  
2262  
2263 A. Reasonable efforts include (but are not limited to):  
2264 1. Visiting the home at least twice at times other than normal work hours.  
2265 2. Contacting local schools for additional contact and address information  
2266 3. Contacting local and county law enforcement agencies to gain any additional  
2267 address information.  
2268 4. Checking public assistance records for additional address or contact information.  
2269 5. Checking with the referent for additional address information.  
2270 6. Send the name and any other information regarding the family to the CLEAR (kin  
2271 locator) license holder in the region for an internet search for additional address  
2272 information  
2273

- 2274 B. Prior to making a finding of Unable to Locate, the caseworker will document and follow-  
2275 up on any new information from the above sources regarding the whereabouts of the  
2276 child and family. If additional address information is found, the CPS caseworker will  
2277 make visits to that address in order to find the child.  
2278
- 2279 C. No face-to-face contact can be conducted on an Unable to Locate case. If the caseworker  
2280 has completed a face-to-face on the case and cannot subsequently locate the family, see  
2281 practice guideline 204.9a, Unable to Complete.  
2282

### 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:

- 2296
- 2297
- 2298 A. Face-to-face may or may not have occurred, and all of the following apply:
- 2299 1. Whereabouts of the child and family are known but the parent/guardian refuses to  
2300 allow the child to be seen and/or interviewed;
- 2301 2. The caseworker has contacted the police for assistance, but the police have been  
2302 unsuccessful in attempts to assist the caseworker in seeing the child;
- 2303 3. The caseworker has contacted an Assistant Attorney General to staff whether a  
2304 warrant or petition can be obtained with the information available, but it was  
2305 determined that a warrant or petition was not appropriate;
- 2306 4. There is insufficient information to make a finding.  
2307
- 2308 B. No face-to-face has occurred, and the following apply:
- 2309 1. The child and/or family move outside the state, whereabouts known (note: if  
2310 whereabouts of the child and family are unknown, fulfill the requirements of  
2311 practice guideline 204.9, Unable to Locate, and close the case as Unable to  
2312 Locate);
- 2313 2. A request for courtesy work is requested and declined;
- 2314 3. The caseworker cannot complete the assessment through telephone or other  
2315 contact with the family or collaterals;
- 2316 4. There is insufficient information to make a finding.

- 2317  
2318 C. A face-to-face has occurred, and one of the following apply:  
2319 1. The child and family moved out-of-state, whereabouts known:  
2320 a. A request for courtesy work is requested and declined;  
2321 b. The caseworker cannot complete the assessment through telephone or  
2322 other contact with the family or collaterals;  
2323 c. There is insufficient information to make a finding.  
2324 2. The child and family moved, whereabouts unknown:  
2325 a. The child and/or family have moved;  
2326 b. The whereabouts of the child and/or family are unknown;  
2327 c. The caseworker has fulfilled the requirements of practice guideline 204.9,  
2328 Unable to Locate;  
2329 d. There is insufficient information to make a finding.  
2330

## 2331 **204.10 Case Findings**

### 2332 Major objectives:

2333 At the conclusion of a CPS investigation, a finding will be made for each allegation identified at  
2334 the time of Intake or identified during the investigation. Each alleged victim in the case will be  
2335 linked to a specific allegation or allegations and to an alleged perpetrator or alleged perpetrators.  
2336  
2337  
2338

### 2339 **Applicable Law**

2340 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

2341 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
2342

### 2343 Practice Guidelines

2344 A. Acceptable findings include:

- 2345 1. Supported.  
2346 2. Unsupported.  
2347 3. Without Merit.  
2348 4. Unable to Locate.  
2349 5. Unable to Complete Investigation.  
2350 6. False Report.  
2351

2352 B. Case findings are determined as follows:

- 2353 1. A case finding of Supported will be used when there is reasonable basis to  
2354 conclude that abuse, neglect, or dependency occurred, even if the alleged  
2355 perpetrator is unknown.  
2356 a. A finding of chronic/severe will be considered when a child was taken into  
2357 protective custody or protective action was pursued through the juvenile  
2358 court or any time the circumstances meet the definition of chronic/severe  
2359 abuse or neglect.

- 2360                    b.        An adopted child in need of services that cannot be met by their parents  
2361                                   will be categorized as Dependency. The CPS caseworker will assess  
2362                                   during the investigation whether the circumstances require allegations of  
2363                                   abuse or neglect to be added to the Child Abuse Neglect Report.
- 2364                    2.        A case finding of Unsupported will be used when there is insufficient evidence to  
2365                                   conclude that abuse, neglect, or dependency occurred.
- 2366                    3.        A case finding of Without Merit will be used when there is evidence that abuse,  
2367                                   neglect, or dependency did not occur or that the alleged perpetrator was not  
2368                                   responsible.
- 2369                    4.        A case finding of Unable to Locate will be used in the following two situations:  
2370                                   a) The CPS caseworker was unable to complete the face-to-face contact with the  
2371                                   alleged victim and b) The CPS caseworker made all reasonable efforts to locate  
2372                                   the child and was unable to do so.
- 2373                    5.        A case finding of Unable to Complete Investigation will be made when the child  
2374                                   and/or family move outside the state and a request for courtesy work is requested  
2375                                   and declined and there is insufficient information to make a finding, or when the  
2376                                   child and/or family move outside the state after the face-to-face contact is made  
2377                                   with the child and there is insufficient information to make a finding because the  
2378                                   whereabouts of the child and/or family are unknown, or when the child and/or  
2379                                   family move within the state, the face-to-face with the child was made but there is  
2380                                   insufficient information to make a finding and the whereabouts of the child and/or  
2381                                   family are unknown.
- 2382                    6.        A case finding of False Report will be made when the Child and Family Services  
2383                                   caseworker finds that the report of abuse, neglect, or dependency was made by a  
2384                                   referent who “more likely than not knew that the report was false at the time the  
2385                                   person submitted the report.”
- 2386
- 2387                    C.        The case finding decision may be based on the child’s statements alone; corroborating  
2388                                   evidence will not be required in all cases.
- 2389
- 2390                    D.        If the case is supported, a summary of the facts that met the definition for abuse, neglect,  
2391                                   or dependency that led to the supported finding will be documented in the activity record.
- 2392
- 2393                    E.        The opinion of the alleged victim’s primary care physician, a licensed physician or  
2394                                   physician’s assistant, or nurse practitioner working under the direction of a physician will  
2395                                   be requested in situations outlined in [Section 202.9](#).
- 2396
- 2397                    F.        If the case is supported, the CPS caseworker will provide a certified Notice of Agency  
2398                                   Action letter and other relevant forms to the alleged perpetrator within five working days  
2399                                   of the determination.
- 2400
- 2401                    G.        The CPS caseworker will provide a Notice of Agency Action letter to the perpetrator or  
2402                                   legal guardian if the perpetrator is a juvenile through personal service by a third party not  
2403                                   involved in the action (documenting date, time, manner, and location of service) if a

- 2404 supported finding of one of the following exists: sexual abuse, lewdness, sexual  
2405 exploitation, chronic/severe abuse or chronic/severe neglect or abandonment. [See: Utah  
2406 Rules of Civil Procedure [Rule 4.](#)]  
2407
- 2408 H. A case finding of Unsupported will not be made solely because the CPS caseworker was  
2409 unable to identify the alleged perpetrator when the evidence shows that abuse, neglect, or  
2410 dependency occurred.  
2411
- 2412 I. The determination of acceptable findings will be based on the facts of the case obtained  
2413 at the time of the investigation.  
2414
- 2415 J. An allegation will not be considered Unsupported or Without Merit because the family  
2416 corrected the conditions that caused the abuse, neglect, or dependency while the  
2417 investigation was pending.  
2418
- 2419 K. The conclusions of the health care professional regarding an abusive injury, sexual abuse,  
2420 or medical neglect will be considered by the CPS caseworker in making case findings.  
2421 Child and Family Services and the family may obtain a second opinion. If the family  
2422 requests a second opinion, they must do so at their own expense.  
2423
- 2424 L. Chronic/severe child abuse or neglect in [Section 204.11\(A\)](#) does not include a person's  
2425 conduct that:  
2426 1. Is justified under Utah Code Ann. [§76-2-401](#) regarding the use of reasonable and  
2427 necessary physical restraint or force by an educator.  
2428 2. Constitutes the use of reasonable and necessary physical restraint or force in self-  
2429 defense or otherwise appropriate to the circumstances to obtain possession of a  
2430 weapon or other dangerous object in the possession or under the control of a child  
2431 or to protect the child or another person from physical injury.  
2432

## 2433 **204.11 Court Findings**

### Major objectives:

2434 The juvenile court has the authority to Substantiate a DCFS Supported finding.  
2435  
2436  
2437

### **Applicable Law**

2438 Utah Code Ann. [§78A-6-323](#). Additional finding at adjudication hearing -- Petition -- Court  
2439 records.  
2440

### Practice Guidelines

- 2441
- 2442 A. The juvenile court may Substantiate a DCFS Supported finding.  
2443  
2444
- 2445 B. The court order will be given to the region administrative hearing tracker by the  
2446 caseworker or supervisor. The administrative hearing tracker will enter the Substantiated

2447 finding and date it was ordered by the court in the coinciding allegation(s) section in  
2448 SAFE, and import a copy of the court order into content manager.

2449 C. Any appeal of the Substantiated finding will have to be made through the juvenile court.  
2450

2451

## 2452 **204.12 Changing A Finding On A Closed Case**

2453

### Major objectives:

2454

A previously closed CPS case will be amended to reflect the current finding.

2455

2456

### **Applicable Law**

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

2458

2459

2460

### Practice Guidelines

2461 A. If an Unsupported finding is amended to Supported, the Administrative Hearing tracker  
2462 or designee will:

2463

1. Document the new information and all consultations held on the case in the  
2464 activity recording.

2465

2. Enter the amended finding into SAFE. [See: [Section 204.15](#).]

2466

3. Send a Notice of Agency Action letter to the perpetrator.

2467

2468 B. If the previous finding is amended from Supported to Unsupported, the Administrative  
2469 Hearing tracker or designee will:

2470

1. Document the new information and consultations held on the case in the activity  
2471 recording.

2472

2. Send a letter that outlines or states the newly obtained information for which an  
2473 amendment of the original case finding is being made.

2474

3. Ensure that a GRAMA request is provided to the alleged perpetrator.

2475

4. Enter the amended finding into SAFE.

2476

## 2477 **204.13 Documentation Of Investigation**

2478

### Major objectives:

2479

The CPS caseworker will record all casework activities and information obtained on a CPS case.

2480

2481

2482

### **Applicable Law**

2483 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2484

2485

### Practice Guidelines

2486 CPS documentation will include, but is not limited to, the following:

2487

2488 A. The date, time, place, and type of casework activity being completed. The specific  
2489 source of information will be documented.



- 2490  
2491 B. A complete description of all casework activities and the rationale for conclusions made,  
2492 which may include the following unless an exception applies and is documented:  
2493 1. Review of information contained in all prior Child and Family Services records.  
2494 2. Review of any Additional Information reports added to the case by Intake. Any  
2495 new allegations will be added to the case.  
2496 3. Results of the SDM Safety Assessment and Risk Assessment, including the  
2497 details of the Safety Plan, if applicable.  
2498 4. Unscheduled and scheduled home visits, including documentation of the  
2499 conditions of the residence and/or the specific areas of the home the CPS  
2500 caseworker observed.  
2501 5. The identity of any support person participating in the interview.  
2502 6. Face-to-face contact with the alleged victim, including incidents when face-to-  
2503 face contact was not completed within the priority time frame or was not possible.  
2504 7. Interviews with the child that include statements made regarding the specific  
2505 allegations or incidents of abuse, neglect, or dependency; and any other  
2506 information regarding the assessment of child safety, risk, and family functioning.  
2507 8. Interview of the alleged perpetrator(s) and any admissions or denials to the  
2508 allegations.  
2509 9. Interview with the parents or guardian regarding the specific allegations or  
2510 incidents of abuse, neglect, or dependency and any other information regarding  
2511 the assessment of child safety, risk, and family functioning.  
2512 10. All collateral or third party contacts, including the referent if they have first-hand  
2513 knowledge of the child's safety, risk, and/or family functioning.  
2514 11. All case staffings, the identity of persons participating in the staffing, and any  
2515 decisions made.  
2516 12. Extensions granted with documentation regarding the need for the extension.  
2517 13. The appropriate closure notification provided to the referent, which includes law  
2518 enforcement.  
2519 14. Notice of Agency Action sent or served to the alleged perpetrator that includes the  
2520 appropriate blank forms for a GRAMA Request and Request for Administrative  
2521 Hearing.  
2522 15. The caseworker will document all case activities in the activity logs. All other  
2523 information and/or correspondence associated with the CPS case will be uploaded  
2524 into SAFE, including Safety Plans.  
2525

#### 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.

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 2533  
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 2538  
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 2540  
 2541

**Applicable Law**

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

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

2542  
 2543  
 2544  
 2545  
 2546  
 2547  
 2548  
 2549

\*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.

2550  
 2551  
 2552

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

2553  
 2554

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

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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.

- 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

- 2570 or hematoma, dislocations, sprains, internal injuries, poisoning, burns, scalds, severe  
2571 cuts; and the child requires medical treatment.
- 2572 • Previous termination of parental rights. The court has terminated parental rights for  
2573 either caregiver due to abuse or neglect at any time in the past.
  - 2574 • Caregiver(s) action or inaction resulted in death of a child due to abuse or neglect  
2575 (previous or current). Any child in the household has died as a result of actions or  
2576 inactions by the caregiver. This child death may be in the current incident or  
2577 investigation, or may have occurred at any time in the past.
- 2578

2579 **Discretionary override:** A discretionary override is applied by the social worker to increase the  
2580 risk level in any case where the social worker believes the scored risk level is too low. This  
2581 should represent a unique situation not considered elsewhere on the risk assessment that  
2582 increases the likelihood of a future incident of child maltreatment in this household.  
2583 Discretionary overrides may only increase the risk level by one level (e.g., from low to moderate,  
2584 or moderate to high, but NOT low to very high). Use of a discretionary override means there is a  
2585 clinical judgment that the likelihood of future harm is higher than scored, and requires a reason,  
2586 supervisory consultation, and approval. Supervisor approval of the discretionary override is  
2587 indicated when the supervisor reviews and approves the risk assessment.

2588

2589 **Planned Action:** If the planned action to open or not open an ongoing case differs from the SDM  
2590 recommended action, provide a clear and detailed explanation in the SDM Risk Assessment.

2591

## 2592 **204.14a Case Transfer Process**

### 2593 Requirements for All Case Transfers from CPS

- 2594 A. An ongoing worker will be identified to work with the family within five business days  
2595 of the referral from a Child Protective Services (CPS) case.
- 2596
- 2597 B. The CPS worker is responsible for following up to ensure the safety plan is being  
2598 followed and/or to meet any contact standards defined by SDM until the case is opened to  
2599 the ongoing worker.
- 2600
- 2601 C. The first face-to-face contact with the family will be done by both the CPS and ongoing  
2602 worker and will be completed within ten business days of the ongoing worker being  
2603 identified.
- 2604 1. Members of the Child and Family Team will be identified during this contact and  
2605 the meeting will be scheduled with the family. The CPS case will remain open  
2606 until this first contact has been completed.
- 2607
- 2608 D. The ongoing worker will take over meeting the SDM contact standards and/or other case  
2609 requirements at the time of case transfer.
- 2610
- 2611 E. A Child and Family Team Meeting will be held with both the CPS and ongoing workers  
2612 within 15 business days of case assignment to the ongoing worker. The purpose of the

2613 meeting is to discuss the safety and risk factors identified during the CPS case, as well as  
2614 the items in the UFACET.  
2615

2616 Protective Supervision Collaborative

2617 A. The PSC case will not be opened and assigned to the ongoing worker until after the first  
2618 contact with the family is made.  
2619

2620 B. The case needs to be opened for PSC within two business days after the first contact with  
2621 the family was made. The start date of the PSC case will be the date the first contact with  
2622 the family occurred.  
2623

2624 C. If the family chooses not to participate in PSC services at the time of the first visit, a PSC  
2625 case will not be opened. The CPS worker will maintain an open CPS case and staff the  
2626 case with a supervisor regarding the necessity of a PSS petition or other course of  
2627 action. If it is decided a PSS petition is warranted, the CPS worker will contact an  
2628 AAG. The CPS worker is responsible for ensuring the safety plan is being followed  
2629 and/or will meet any contact standards defined by SDM until the PSS petition has gone to  
2630 court and orders have been made.

2631 1. If orders are made by the court, a PSS case will be opened to the ongoing worker  
2632 within two business days and will be responsible for meeting the recommended  
2633 SDM contact standards.

2634 2. The CPS and ongoing worker are both responsible for attending court hearings  
2635 and/or mediation until the petition has been adjudicated.  
2636

2637 D. If the family chooses not to participate in PSC any time after the first visit but within 14  
2638 days of case creation, the CPS worker is responsible for staffing the case with a  
2639 supervisor and the AAG for a PSS petition, or other course of action, based upon a  
2640 current safety assessment of the child. This staffing will include the CPS and ongoing  
2641 workers.  
2642

2643 E. If the family chooses not to participate in PSC after 14 days of case creation, the ongoing  
2644 worker is responsible for staffing the case with the supervisors and the AAG for a PSS  
2645 petition, or other course of action, based upon a current safety assessment of the child.  
2646 This staffing should include the CPS and ongoing workers. The PSC case will be closed.  
2647

2648 Protective Supervision Services

2649 A. The CPS worker is responsible for following up to ensure the safety plan is being  
2650 followed and to meet any contact standards defined by SDM until the PSC/PSS case is  
2651 opened to the ongoing worker.  
2652

2653 B. If the family is willing to begin services prior to the petition being heard, then a PSC case  
2654 shall be opened (follow the PSC guidelines).  
2655

- 2656 C. The CPS case will remain open until the PSC case is opened or the court orders interim  
2657 PSC or PSS.  
2658

2659 Protective Supervision Family Preservation (PFP)

- 2660 A. Follow the guidelines for either PSC or PSS depending on whether or not the case is  
2661 court ordered.  
2662

2663 Protective Services for Families at Risk (PFR)

- 2664 A. If during a Court Ordered Determination Assessment (CODA) it is determined a PFR  
2665 case is necessary, the worker will follow the procedure for opening a PSS case.  
2666

2667 Out-of-Home (SCF)

- 2668 A. CPS will complete all required visits with the child in their placement (48 hour visit,  
2669 weekly visits) until the case has been transferred. After case transfer, the ongoing worker  
2670 will be responsible for completing the visits.  
2671

- 2672 B. The CPS and ongoing workers are both responsible for attending court hearings and/or  
2673 mediation until the petition has been adjudicated.  
2674

- 2675 C. The removing worker will ensure a SCF case is opened and the current placement  
2676 information for the child is entered within 24 hours of the removal.  
2677

2678 Kinship

- 2679 A. CPS to PSS placement where child is in the temporary custody of a relative while DCFS  
2680 works on reunification services with the parent(s).

- 2681 1. If possible, prior to placement, options and resources to the family will be  
2682 explained by the CPS worker and/or a kinship specialist.  
2683 2. The ongoing worker or designee will record the Kinship Placement in SAFE.  
2684 (Kinship Caregiver KR, Kinship Child KC). Placement with a non-custodial  
2685 parent will be coded as NCP. Placement with a kinship caregiver/friend will be  
2686 coded as BHR. [See: Kinship Practice Guidelines Section 510.]  
2687 3. The ongoing worker and/or kinship specialists will link the relative caregiver to  
2688 resources in the community, such as DWS and Grandfamilies.  
2689

- 2690 B. CPS to SCF cases where the child was placed with a relative or friend in a preliminary  
2691 placement and DCFS was given temporary custody.

- 2692 1. Before the kinship placement is made the CPS worker will ensure that:  
2693 a. All adults and juveniles in the home have approved background checks. If  
2694 needed, the Region Background Screening Committee will convene to  
2695 review applicant's background.  
2696 b. A Limited Home Inspection KBS16 will be completed.  
2697 c. The CPS worker will have the parent sign the Parent/Guardian Agreement  
2698 KBS03. If the parent refuses to sign, the worker will document refusal.

- 2699 d. The CPS worker will have the kin caregiver sign the Kinship Caregiver  
2700 Agreement KBS04. This must be signed by the kin caregiver.
- 2701 2. If an emergency kinship placement is made (before shelter), the CPS worker or  
2702 Kinship worker will provide the Placement Report KBS21 to the court at the  
2703 Shelter Hearing.
- 2704 3. A kinship specialist will attend the initial CFTM to explore kinship options and  
2705 resources.
- 2706 4. Efforts to identify, locate, and engage all possible kin for placement or connection  
2707 will take place within 30 days of removal, and ongoing efforts will be  
2708 documented in activity logs in SAFE by the current worker assigned to the case  
2709 using the policy button "Efforts Made to Locate Possible Kinship Placements."
- 2710 5. Kin Locate information, including KBS12 letters to relatives and friends who are  
2711 present at the CFTM, will be gathered by the CPS worker or kinship specialist  
2712 and returned to the Kin Locator.
- 2713 6. The caseworkers and kinship specialist will go over timeframes and requirements  
2714 for reunification and the kinship process with the kin caregiver.
- 2715 7. The CPS worker or the ongoing worker (if case has been transferred) will  
2716 complete a Request from Worker for Kinship Support Services (KBSO9).
- 2717 8. If the child has been placed with a friend, the CPS or kinship worker will educate  
2718 the placement regarding timelines for friends to be licensed.
- 2719 9. If a new preliminary placement is made or there is a change from one preliminary  
2720 placement to another, the assigned worker will provide notice to the court using  
2721 the Court Notification of Preliminary Placement or Preliminary Placement  
2722 Change (KBS07) form.
- 2723

## 204.15 Case Closure

### Major objectives:

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

### **Applicable Law**

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

### Practice Guidelines

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

- 2735
- 2736 A. Complete activity recording and documentation in SAFE.
- 2737
- 2738 B. Finalize all SDM Safety Assessments and SDM Risk Assessments.
- 2739
- 2740 C. Ensure that supporting documents such as safety plans and agreements, letters, forms,  
2741 law enforcement reports, medical reports, etc. are contained in the file.

- 2742  
2743 D. Determine the case finding and if the case is supported, the following will be documented  
2744 in the activity recording and closure statement:  
2745 1. The facts, evidence, and rationale that support the findings of the case.  
2746 2. A summary of the initial threats to safety and if/how any have changed by the end  
2747 of the case. Use multiple SDM Safety Assessments to document the change. If  
2748 threats to safety were identified in the SDM Safety Assessment, document the  
2749 Safety Plan put in place to address them.  
2750
- 2751 E. In conjunction with the Child Abuse Prevention and Treatment Act (CAPTA)  
2752 requirements (Public Law [108-446](#), Section 637(a)(6)), any child 34 months or younger,  
2753 with a supported finding of abuse or neglect, will be automatically referred to the  
2754 Department of Health's Baby Watch Early Intervention Program (BWEIP). SAFE will  
2755 send a list of all children meeting these criteria to BWEIP. A letter will be automatically  
2756 generated and sent to the parents or guardians of the child to inform them of the referral.  
2757 (1) The CPS caseworker will ensure all parent/guardian information is current in  
2758 SAFE, including name, address, and contact information.  
2759
- 2760 F. If the case is supported for sexual abuse, lewdness, sexual exploitation, chronic/severe  
2761 physical abuse, chronic/severe emotional abuse, chronic/severe neglect or medical  
2762 neglect resulting in death, disability, or serious illness, staff with an Assistant Attorney  
2763 General and determine if a petition should be filed in juvenile court to request a  
2764 substantiated finding.  
2765
- 2766 G. Provide written or verbal notification of the case closure to the referent, unless  
2767 anonymous, within five working days of the case closure.  
2768
- 2769 H. If the case is supported, send or initiate service of the Notice of Agency Action and other  
2770 relevant forms to the alleged perpetrator within five working days of the case closure,  
2771 unless law enforcement requests that this information be held based upon the likelihood  
2772 that releasing that information would jeopardize a pending investigation. If such a  
2773 request is made by law enforcement, caseworkers may place the information on hold until  
2774 such time as law enforcement has completed its investigation. Once the investigation is  
2775 completed by law enforcement, the caseworker will send the information to the alleged  
2776 perpetrator.  
2777

## 204.16 Amending CPS Cases

### Practice Guidelines

2781 Cases will not be closed prior to all the work on the case being completed and documented. In  
2782 the event changes to the case are necessary after the case has been closed, the following  
2783 procedures will be followed.  
2784

- 2785 A. Fixing Errors. When fixing errors to logs in a closed CPS case, the case will not be  
2786 reopened. A new log will be added to make note of the error and add the correct  
2787 information. The date of the log will reflect the date the new log was created.  
2788
- 2789 B. Adding Information. When adding information or completing items on a closed CPS  
2790 case, a log will be added to document the information. The date of the log will reflect the  
2791 date the new log was created. The date the item was actually completed can be  
2792 documented in the log if it is different than the date the log was entered.  
2793
- 2794 C. Items Needing to be Completed. If additional work needs to be completed on a closed  
2795 CPS case, the case should be reopened and the appropriate items completed. If possible,  
2796 the case will be extended until the work is completed and appropriately documented. If  
2797 an extension is not possible, the items needing to be completed will be completed and  
2798 appropriately documented as quickly as possible. The reason the case was reopened will  
2799 be clearly documented. The case will be closed with the original closure date.  
2800
- 2801 D. Changing Allegation Findings ([Section 204.12](#)). If additional information is brought  
2802 forward after a case has been closed, which would change the finding(s) of the  
2803 allegations, the allegations will be amended. This would not include allegation changes  
2804 due to new information or as result of an Internal Review, Administrative Hearing,  
2805 Judicial Review, or an approved expungement.
- 2806 1. The finding will be changed by the Administrative Hearing tracker or designee by  
2807 selecting the Review button for the specific allegation that is being changed.
    - 2808 a. A log will be added to provide an explanation for the change to the  
2809 allegation(s). The explanation will include the new information that led to  
2810 the change being made.
    - 2811 b. The Allegation Description Text will be updated to reflect the changed  
2812 allegation and the information that led to the change being made. The  
2813 updated information will be added to the Review section to explain the  
2814 reason for the change.
    - 2815 c. The case will be re-closed with the original date of closure.
    - 2816 d. If the finding is changed to Supported, a NAA letter will be sent to the  
2817 perpetrator.
    - 2818 e. If the finding is changed to Unsupported or expunged, a letter will be sent  
2819 to the alleged perpetrator to notify them of the change.  
2820



2821 **205 Removals: Safety And Permanency Considerations**

2822  
2823 This section provides guidance for CPS caseworkers who must remove a child from their home.

2824  
2825 **205.1 Grounds For Removal/Placement Of A Child Into Protective**  
2826 **Custody**

2827 Major objectives:

2828 The Child and Family Services caseworker will obtain a warrant from a court of competent  
2829 jurisdiction to facilitate the removal and subsequent placement of a child into protective custody,  
2830 unless there are exigent circumstances that demonstrate a substantial, immediate threat to the  
2831 health or safety of a child, unless a court order to remove is already in place, or unless a parent  
2832 gives consent for removal. A caseworker will consult the Office of the Attorney General for all  
2833 removals.

2834  
2835 The CPS caseworker will use the SDM Safety Assessment to determine if the child is unsafe. If  
2836 the child is determined to be unsafe, then the Child and Family Services CPS caseworker will  
2837 review the reasons for removal and other available options with a supervisor or other personnel  
2838 designated by the region director and an Assistant Attorney General. [See: [Section 208.1](#) for  
2839 ICWA procedures]

2840  
2841  
2842 **Applicable Law**

2843 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

2844 Utah Code Ann. [§62A-4a-202.1](#). Entering home of a minor -- Taking a minor into protective  
2845 custody -- Caseworker accompanied by peace officer -- Preventive services -- Shelter care or  
2846 emergency kinship.

2847  
2848 Practice Guidelines

2849 The following have authority to place a child into protective custody:

- 2850  
2851 A. A court of competent jurisdiction issuing a warrant.  
2852  
2853 B. A Child and Family Services caseworker, without a warrant, in accordance with the  
2854 exigent circumstance requirements of Utah Code Ann. [§62A-4a-202.1](#).  
2855  
2856 C. A law enforcement/peace officer.  
2857  
2858 D. A physician or person in charge of a medical facility may place the child on a medical  
2859 hold for up to 72 hours.

2860  
2861 A child may be removed from the custody of parents or guardians without a warrant from a court  
2862 of competent jurisdiction and placed into protective custody when one or more of the following  
2863 circumstances exist:

- 2864  
2865 A. A parent or guardian consents to the removal of the child.  
2866 1. Consent removals do not require a written agreement or written consent from a  
2867 parent. Verbal consent is sufficient.  
2868 a. The verbal consent must be documented in activity logs.  
2869 2. Consent removals are not voluntary. [Refer to: [Section 704.2](#) for information on  
2870 voluntary placements.] A parent may not withdraw consent once a child is  
2871 removed. Once a child is removed based on consent, the child remains removed  
2872 until a court orders something different.  
2873 a. Consent removals trigger juvenile court action and require 24-hour  
2874 meetings, notice, and shelter hearings.  
2875  
2876 B. There is imminent danger to the physical health or safety of the minor, and the health or  
2877 safety of the minor may not be protected without removing the minor from the custody of  
2878 the minor's parent or guardian.  
2879  
2880 C. There is substantial risk to the minor of being physically or sexually abused by a parent,  
2881 guardian, or another person known to the parent or guardian.  
2882  
2883 D. The parent or guardian is unwilling to have physical custody of the minor.  
2884  
2885 E. The minor has been abandoned without provision for the minor's support.  
2886  
2887 F. The parent or guardian has been incarcerated or institutionalized and has not arranged or  
2888 cannot arrange for safe and appropriate care for the child.  
2889  
2890 G. A relative or other adult custodian with whom the parent or guardian has left the child is  
2891 unwilling or unable to provide care or support for the child, and the whereabouts of the  
2892 parent or guardian are unknown, and reasonable efforts to locate the parent or guardian  
2893 have been unsuccessful.  
2894  
2895 H. An infant has been abandoned, as defined in Utah Code Ann. [§78A-6-316](#).

2896  
2897 Warrant Request

2898 A warrant may be requested by Child and Family Services in the following circumstances [see:  
2899 Utah Code Ann. [§78A-6-302](#)]:

- 2900  
2901 A. If a child has previously been adjudicated as abused, neglected, or dependent, and a  
2902 subsequent incident of abuse, neglect, or dependency has occurred involving the same  
2903 alleged abuser or under similar circumstance as the previous abuse, that fact constitutes  
2904 prima facie evidence that the child cannot safely remain in the custody of the child's  
2905 parent.  
2906

- 
- 2907 B. A parent or guardian engages in or threatens a child with unreasonable conduct that could  
2908 be expected to cause the child to suffer emotional damage.  
2909
- 2910 C. A child/sibling at risk of being abused or neglected because another child in the same  
2911 home or with the same caregiver has been or is being abused or neglected.  
2912
- 2913 D. If a parent or guardian has received actual notice that abuse and neglect by a person  
2914 known to the parent has occurred, and there is evidence that the parent or guardian failed  
2915 to protect the child by allowing the child to be in the physical presence of the alleged  
2916 abuser, that fact constitutes prima facie evidence that the child is at substantial risk of  
2917 being abused or neglected.  
2918
- 2919 E. The child is in immediate need of urgent medical care.  
2920
- 2921 F. A parent or guardian's actions, omissions, or habitual action create an environment that  
2922 poses a threat to the child's health or safety.  
2923
- 2924 G. A parent or guardian's action in leaving a child unattended would reasonably pose a  
2925 threat to the child's health or safety.  
2926
- 2927 H. The parent, guardian, or an adult residing in the same household as the parent or  
2928 guardian, has been charged or arrested pursuant to the Clandestine Drug Lab Act or any  
2929 clandestine laboratory operation was located in the residence or on the property where the  
2930 child resided. If it is determined that the child is in imminent danger, the Child and  
2931 Family Services caseworker may remove without a warrant.  
2932
- 2933 I. There is imminent danger to the physical health or safety of the child and the child's  
2934 physical health or safety may not be protected without removing the child.  
2935
- 2936 J. The child's welfare is otherwise endangered.  
2937
- 2938 K. When the parents of a child adopted from foster care indicate they can no longer meet the  
2939 needs of the child and request the child be removed, unless there are indications of abuse  
2940 or neglect, the case will be supported as Dependency.  
2941
- 2942 A child may not be removed from the child's home or taken into custody solely on the basis of  
2943 mental illness or poverty of the parent or guardian or educational neglect, truancy, or failure to  
2944 comply with a court order to attend school or parents of a child adopted from foster care are  
2945 requesting services or interventions.  
2946
- 2947 A Child and Family Services caseworker may not take a child into protective custody when  
2948 motivated solely by intent to seize or obtain evidence unrelated to the potential abuse or neglect  
2949 allegation.  
2950

2951 A child removed from the custody of the child's parent or guardian may not be placed or kept in  
2952 a secure detention facility pending further court proceedings unless the child can be detained  
2953 based on procedures set forth by the Division of Youth Corrections.

2954  
2955 Child and Family Services caseworkers request a warrant from a court of competent jurisdiction  
2956 through the Assistant Attorney General's Office.

## 205.2 Actions Required Upon Removal Of A Child

### Major objectives:

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

### **Applicable Law**

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

### Practice Guidelines

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

- A. Notify both parents, if their whereabouts are known (including a putative father and non-custodial parent), and any legal guardian within 24 hours of removal informing them of the reasons for removal and placement into protective custody.
- B. Give the parents/caregivers the following information:
  1. Notice of Removal and a telephone number where the parents may access further information.
  2. Parents' procedural rights.
  3. Information pamphlet entitled, "What Happens When Your Child Is Removed From Your Care" (available in SAFE).
- C. Make reasonable efforts to obtain information essential to the safety and well-being of the child using Form CPS23 and give this information to the provider within 24 hours of the child's placement into protective custody. This information should follow the child to their first assessment. If the child is an infant, include the hospital of birth and the birth weight if this information is available.
- D. Audio/videotape investigative interviews initiated by Child and Family Services with children following placement into protective custody and prior to adjudication. [*See:* Utah Code Ann. [§62A-4a-202.3](#).]

- 2994  
2995 E. Visit the child in their placement by midnight of the second day after the date of removal  
2996 from the child's parents/guardians. The caseworker will assess the child's adjustment to  
2997 the placement and their well-being. If the case has been assigned to an ongoing  
2998 caseworker, the ongoing caseworker or RN assigned to the case can complete the visit for  
2999 the CPS caseworker. The CPS caseworker is responsible to ensure this visit is  
3000 completed, and the CPS caseworker and ongoing or RN caseworker need to consult on  
3001 the visit within 24 hours of the visit.  
3002  
3003 F. Open a new SCF case and enter the placement of the child within 24 hours of the  
3004 removal.  
3005  
3006 G. Offer the parents/guardians a visit with the child within three working days of removal, if  
3007 appropriate.  
3008  
3009 H. After the first visit in placement is completed, the CPS caseworker will visit the child in  
3010 their placement once a week until the case is transferred to an ongoing caseworker. Once  
3011 the case has been transferred, the ongoing caseworker will be responsible for any further  
3012 visits.  
3013  
3014 I. Record all of the above actions in SAFE with the date that they were accomplished.  
3015

### 205.3 Removal Of A Child From A Home Where Methamphetamine Or Other Illicit Drugs Are Manufactured

Major objectives:

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

#### **Applicable Law**

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

#### Practice Guidelines

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

- 3033  
3034 A. Intake receives the information, staffs the referral with a supervisor, and assigns the case  
3035 as a priority 1, 1R, or 2 to a CPS caseworker.  
3036

- 3037 B. The CPS caseworker will contact the officer in charge. The officer in charge determines  
3038 if it is safe for entry. If not safe, the officer in charge will bring the child out to the CPS  
3039 caseworker.  
3040
- 3041 C. The CPS caseworker will document, or assure that law enforcement will document, the  
3042 following, preferably by photographs:  
3043 1. The height of each child.  
3044 2. Safety hazards, such as:  
3045 a. Counter height where chemicals/drugs are observed;  
3046 b. Areas where children have access to chemicals/drugs;  
3047 c. Proximity of food, toys, or clothing to chemicals, needles, etc.  
3048 3. Safety attempts, such as door locks/devices utilized to prevent access to  
3049 chemicals/drugs.  
3050 4. Play area.  
3051 5. Each room:  
3052 a. Include walls, floors, ceiling, and objects within each room;  
3053 b. Describe odors associated with each photograph.  
3054
- 3055 D. Obtain a checklist of chemicals/drugs at the scene as identified by law enforcement.  
3056
- 3057 E. Specifically for methamphetamine cases: The CPS caseworker should consult with the  
3058 officer in charge regarding removal of possessions (including medication) or clothing  
3059 from the residence. Removal of possessions or clothing from the residence is prohibited  
3060 except for prescription medications that are clearly labeled as a medication for the child.  
3061 Any medication taken from the scene should be placed and secured in a plastic bag.  
3062 1. The CPS caseworker will call the prescribing doctor as soon as possible.  
3063 2. The CPS caseworker will inform the physician of the child's exposure to  
3064 chemicals and placement into protective custody and will request that the  
3065 medications prescribed be re-prescribed to the child.  
3066 3. The CPS caseworker will request instructions from law enforcement on how to  
3067 dispose of the exposed medication.  
3068 4. The CPS caseworker will ensure that the new prescriptions will be picked up from  
3069 the pharmacy and delivered to the child.  
3070
- 3071 F. Specifically for methamphetamine cases: Determine with law enforcement if gross  
3072 contamination of the child exists. If gross contamination exists, the CPS caseworker will  
3073 coordinate with law enforcement to ensure that the child is decontaminated. The child  
3074 will then be transported to a medical facility for evaluation.  
3075
- 3076 G. The CPS caseworker will notify the foster care provider of the specific circumstances of  
3077 the removal and any medical needs of the child.  
3078
- 3079 H. Complete the required paperwork. Assure that the law enforcement officer in charge of  
3080 the case is given a copy of the Child and Family Services paperwork.

3081  
3082 **205.4 CPS Caseworker Safety When Exposed To A Methamphetamine**  
3083 **Lab**

3084 Major objectives:

3085 CPS caseworkers will take actions to reduce potential exposure to chemicals or drugs when  
3086 intervening to assess the safety of children in situations where methamphetamines may have been  
3087 manufactured.  
3088  
3089  
3090  
3091  
3092

3093 **Applicable Law**

3094 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
3095

3096 Practice Guidelines

- 3097 A. CPS caseworkers responding to situations where exposure to harmful chemicals or drugs  
3098 may be present will take the following precautions:
- 3099 1. Wear clothing that can be laundered and avoid wearing open-toe shoes.
  - 3100 2. Contact law enforcement if there is a suspicion that methamphetamines are being  
3101 manufactured in a home.
  - 3102 3. Immediately leave the home if there is any observation of indicators that an active  
3103 methamphetamine lab may be in operation, and call 911 for assistance.
  - 3104 4. Coordinate child safety with the responding officer(s).  
3105
- 3106 B. CPS caseworkers will use the following appropriate methods to avoid further exposure  
3107 when intervening in situations that involve exposure to harmful chemicals or drugs:
- 3108 1. Whenever possible, a child will be wrapped in a clean blanket or, if necessary,  
3109 changed into clothing that has not been contaminated.
    - 3110 a. CPS caseworkers should not take any clothing, blankets, or other items for  
3111 a child from a home that is suspected to be contaminated.
    - 3112 b. Wrapping a child in a clean blanket or dressing them in new clothes  
3113 obtained from somewhere other than the residence provides adequate  
3114 protection to the caseworker and vehicle.
  - 3115 2. When preparing to leave the scene, whenever possible CPS caseworkers will  
3116 place plastic or another covering on the seat of the car.
  - 3117 3. CPS caseworkers will take off clothes/shoes worn at the scene and launder the  
3118 clothing separately in a washing machine using hot water and laundry detergent,  
3119 then dry the clothing in a clothes dryer.
  - 3120 4. CPS caseworkers will shower using mild soap, ensuring that the entire body and  
3121 hair are thoroughly washed.
  - 3122 5. CPS caseworkers will apply fresh clothing.
    - 3123 a. CPS caseworkers should not attempt to clean themselves (or a child) with  
3124 baby wipes, as it adds moisture and may cause toxins to be absorbed into  
3125 the skin.  
3126

- 3127 C. CPS caseworkers should immediately contact their supervisor if there is a suspicion that  
3128 they have been exposed to methamphetamines.  
3129
- 3130 D. When a CPS caseworker has been exposed to methamphetamines, regardless of the  
3131 appearance of symptoms, they should contact their local Human Resource (HR)  
3132 technician as soon as possible. The HR technician will gather required information from  
3133 the CPS caseworker and complete the on-line Employer's First Report of Injury or Illness  
3134 form, which is submitted directly to Workers Compensation Fund on the employee's  
3135 behalf. The HR technician will then send both an email and a hard copy of the report to  
3136 the CPS caseworker and the HR specialist assigned to Child and Family Services.  
3137
- 3138 E. If a CPS caseworker experiences any symptoms from possible exposure (acute exposure:  
3139 shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation,  
3140 or burns to skin, eyes, nose, and mouth; less severe exposure: headache, nausea, fatigue,  
3141 lethargy, and dizziness), they will immediately go to the nearest hospital to seek medical  
3142 attention.  
3143

## 205.5 72-Hour Hold By A Physician

### Major objectives:

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

### **Applicable Law**

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

### Practice Guidelines

The CPS caseworker will:

- 3157
- 3158 A. Immediately open an investigation of the circumstances surrounding the 72-hour hold  
3159 and coordinate with the medical facility and the assigned Assistant Attorney General.  
3160
- 3161 B. Obtain all relevant medical information on the child.  
3162
- 3163 C. Obtain all relevant information on the child's parents or guardians and the circumstances  
3164 that required the physician to invoke the 72-hour hold.  
3165
- 3166 D. Provide any written instructions for inclusion in the child's medical chart, including the  
3167 name of the CPS caseworker and a way to contact the caseworker.  
3168



3169 **205.6 Shelter Hearing**

3170 Major objectives:

3171 A juvenile court shelter hearing will be held within 72 hours after removal of the child from his  
3172 or her home, excluding weekends and holidays.  
3173

3174  
3175 **Applicable Law**

3176 Utah Code Ann. [§78A-6-306](#) Shelter hearing.

3177 Utah Code Ann. [§78A-6-308.5](#) Outstanding arrest warrant check before return of custody.  
3178

3179 Practice Guidelines

- 3180 A. If the child is in the protective custody of Child and Family Services, a petition will be  
3181 filed with the juvenile court, which will include the following information:
- 3182 1. The reasons why the child was removed from the custody of the parents or  
3183 guardian including the threats of harm, the child's vulnerabilities, and the  
3184 protective capacities of the caregiver, or,
  - 3185 2. The reasons the child would have been removed if the parent had not accessed a  
3186 domestic violence shelter at the request of Child and Family Services. [*See:*  
3187 [Section 204.5.](#)]
  - 3188 3. Reasonable efforts provided to the child and his or her family to prevent removal.
  - 3189 4. The need, if any, for continued custody.
  - 3190 5. The available services that could facilitate the return of the child to the custody of  
3191 his or her parents or guardian.
  - 3192 6. Whether the child has any relatives who may be able and willing to take  
3193 temporary custody.  
3194
- 3195 B. The child will be present at the shelter hearing, unless the Guardian ad Litem determines  
3196 it would be detrimental for the child. Kin identified as emergency kinship placement will  
3197 also be present at the shelter hearing, if possible.  
3198
- 3199 C. In cases where sexual abuse, abandonment, chronic/severe physical abuse, chronic/severe  
3200 neglect, or medical neglect resulting in death, disability, or serious illness are involved or  
3201 when the child has been previously removed from the same caregiver, Child and Family  
3202 Services may recommend to the court that reunification services not be provided to the  
3203 parents.  
3204
- 3205 D. Child and Family Services is required by Utah Code Ann. [§78A-6-308.5](#) to conduct a  
3206 felony warrant check through the National Crime Information Center (NCIC) prior to  
3207 recommending that a child be returned to a parent or guardian. This includes when Child  
3208 and Family Services is recommending a child be returned to a guardian that we have  
3209 removed from or a noncustodial or non-offending parent. If Child and Family Services  
3210 will be recommending that the child be returned to a parent or guardian at the shelter

3211 hearing, the following process will need to be complete before the recommendation is  
3212 provided to the court:

- 3213 1. The Child and Family Services caseworker will complete and submit the “DCFS  
3214 Parent/Guardian Felony Warrant Check Request” form as soon as the  
3215 determination is made to provide the recommendation to the court to return the  
3216 child to a parent/guardian. The form may be found at  
3217 [https://docs.google.com/forms/d/e/1FAIpQLScXndX7K\\_nnREa9M5F0rAWBPW  
3219 kawNOIHYGcpONOl1ZMqrWKFO/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLScXndX7K_nnREa9M5F0rAWBPW<br/>3218 kawNOIHYGcpONOl1ZMqrWKFO/viewform?usp=sf_link).  
3220 2. The Background Screening Coordinator at the Child and Family Services state  
3221 office will complete the felony warrant check. The results will be emailed to both  
3222 the Assistant Attorney General (AAG) and the caseworker assigned to the case.  
3223 The AAG will file the results with the court.

## 3224 **205.7 24-Hour Multi-Disciplinary Staffing**

### 3225 Major objectives:

3226 A multi-disciplinary team staffing will be convened within 24 hours after placing a child into  
3227 protective custody, or requesting a shelter hearing, excluding weekends and holidays. The  
3228 staffing team members will review the circumstances regarding removal of the child from their  
3229 home and prepare the testimony and evidence that will be required of Child and Family Services  
3230 at the shelter hearing in accordance with Utah Code Ann. [§78A-6-306](#). In addition, the CPS  
3231 caseworker will discuss family support systems, and possible kinship placements.  
3232  
3233

### 3234 **Applicable Law**

3235 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
3236  
3237

### 3238 Practice Guidelines

- 3239 A. The multi-disciplinary team staffing will be chaired by Child and Family Services.  
3240 Members of the team will include, but not be limited to, the following:
  - 3241 1. The CPS caseworker assigned to the case and the CPS caseworker who made the  
3242 decision to remove the child, if not the same person.
  - 3243 2. A representative of the school or school district in which the child attends school.
  - 3244 3. The peace officer who removed the child from the home.
  - 3245 4. A representative of the appropriate Children’s Justice Center if one is established  
3246 within the county where the child resides.
  - 3247 5. Local mental health provider or therapist, or a therapist or counselor who is  
3248 familiar with the child’s circumstances, if known.
  - 3249 6. A member of the Health Care Team.
  - 3250 7. Any other individual as determined to be appropriate and necessary by the team  
3251 coordinator and chair, such as Child and Family Services clinical staff, health care  
3252 provider, Guardian ad Litem, domestic violence specialist, etc.
  - 3253 8. Consider inviting family members when legal circumstances permit.

- 3254  
3255 B. Child and Family Services, when possible, will have available for review and  
3256 consideration the complete CPS and foster care history of the child and the child's  
3257 parents and siblings.  
3258  
3259 C. The team will determine if there are services that may be made available to the family to  
3260 enable the child to return home.  
3261  
3262 D. The team will develop a short-term case plan and assign responsibilities for completion,  
3263 if the family is present.  
3264  
3265 E. The team will consider the possibility of placing the child with a non-custodial parent or  
3266 in a kinship placement after checking the SAFE database and BCI.  
3267  
3268 F. The team will consider whether the facts of the case meet the criteria for not offering  
3269 reunification. [See: Utah Code Ann. [§78A-6-312.](#)]  
3270  
3271 G. The team will collect available educational and health information on the child.  
3272  
3273 H. The team will determine if the child may be immediately returned to the custody of a  
3274 parent or legal guardian due to a change in circumstances or new information that  
3275 changes the threats to safety that has become available since the decision was made to  
3276 take protective custody. Notification to the court will still be required even if the child is  
3277 returned home.  
3278  
3279 [See: Utah Code Ann. [§62A-4a-202.3.](#)]  
3280

### **205.8 Safe Relinquishment Of A Newborn Child**

- 3282 A. A parent or a parent's designee may safely relinquish a newborn child at a hospital in  
3283 accordance with the requirements of Utah Code Ann. [§62A-4a-802](#) and retain complete  
3284 anonymity, as long as the child has not been subjected to abuse or neglect. Safe  
3285 relinquishment of a newborn child, who has not otherwise been subjected to abuse or  
3286 neglect, will not, in and of itself, constitute neglect (Utah Code Ann. [§78A-6-105](#)), and  
3287 the child will not be considered a neglected child as long as the relinquishment has been  
3288 made in substantial compliance with the guidelines of that section, which provides that:  
3289 (a) a newborn child is defined by the statute as a child who is approximately 72 hours of  
3290 age or younger, as determined within a reasonable degree of medical certainty; and (b)  
3291 the child is to be relinquished at a general acute hospital [defined in Utah Code Ann. [§26-](#)  
3292 [21-2](#)], which is equipped with an emergency room, is open 24 hours a day and seven days  
3293 a week, and employs full time health care professionals who have emergency medical  
3294 services training.

- 3295 **B. Statutory responsibilities of Child and Family Services following the safe relinquishment**  
3296 **of a newborn child are as follows: Immediately upon notice from the hospital, Child and**  
3297 **Family Services will assume care and custody of a relinquished newborn child.**
- 3298 **1. As long as Child and Family Services determines there is no abuse or neglect of**  
3299 **the newborn child, neither the newborn child nor the child's parents are to be**  
3300 **subjected to the provisions of Utah Code Ann., Part 2 of §62A-4a, the**  
3301 **investigation provisions contained in Utah Code Ann. §62A-4a-409, or the**  
3302 **provisions of Utah Code Ann. §78A-6, Part 3.**
- 3303 **2. Unless identifying information relating to the non-relinquishing parent of the**  
3304 **newborn child has been provided, Child and Family Services will work with local**  
3305 **law enforcement and the Bureau of Criminal Identification within the Department**  
3306 **of Public Safety in an effort to ensure that the newborn child has not been**  
3307 **identified as a missing child.**
- 3308 **3. Unless identifying information relating to the non-relinquishing parent of the**  
3309 **newborn child has been provided, Child and Family Services will immediately**  
3310 **place or contract for placement of the newborn child in a potential adoptive home**  
3311 **and, within 10 days after receipt of the child, file a petition for termination of**  
3312 **parental rights. [See: Utah Code Ann. §78A-6, Part 4.]**
- 3313 **4. Unless identifying information relating to the non-relinquishing parent of the**  
3314 **newborn child has been provided, Child and Family Services will direct the**  
3315 **Office of Vital Records and Statistics to: (1) conduct a search for a birth**  
3316 **certificate for the child; and (2) conduct an Initiation of Proceedings to Establish**  
3317 **Paternity Registry for unmarried biological fathers. Child and Family Services**  
3318 **will then provide notice to each potential father identified on the registry. Notice**  
3319 **of termination of parental rights proceedings will be provided in the same manner**  
3320 **as is utilized for any other termination proceeding in which the identity of the**  
3321 **child's parents is unknown.**
- 3322 **5. If no person has affirmatively identified himself within two weeks after notice is**  
3323 **complete and established paternity by scientific testing within as expeditious a**  
3324 **time frame as practicable, a hearing on the petition for termination of parental**  
3325 **rights will be scheduled.**
- 3326 **6. If a non-relinquishing parent is not identified, relinquishment of a newborn child**  
3327 **will be considered grounds for termination of parental rights of both the**  
3328 **relinquishing and non-relinquishing parents under Utah Code Ann. §78A-6-507.**  
3329

3330 **206 Kinship: Safety And Permanency**

3331

3332 **206.1 Kinship**

3333

Major objectives:

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3340

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.

3341

**Applicable Law**

3342

3343

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

3344

Practice Guidelines

3345

3346

3347

3348

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](#).]

3349

3350

3351

[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.]

3352

3353 **206.2 Emergency Kinship Placement**

3354

Major objectives:

3355

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3357

3358

3359

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.

3360

**Applicable Law**

3361

3362

3363

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

3364

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

3365

3366 **207 Conflict Of Interest And Related Parties Investigations**  
3367 (PLEASE SEE ADMINISTRATIVE GUIDELINES SECTION 020.13 FOR APPROPRIATE  
3368 PROTOCOL.)  
3369

3370 This section provides guidance for Child and Family Services when a child in the custody of the  
3371 state is alleged to have been the victim of abuse, neglect, or dependency (Conflict of Interest  
3372 case); or when the case involves a Child and Family Services employee or employee's child  
3373 (Related Parties case).  
3374

3375 **207.1 Investigation Involving A Licensed Out-Of-Home Provider Or**  
3376 **Child And Family Services Employee**  
3377

3378 Major objectives:

- 3379 A. Child and Family Services will make every effort to coordinate with a contracted  
3380 independent CPS agency or if the contractor is unable, with law enforcement agencies for  
3381 Conflict of Interest investigations when a child in the custody of the state is an alleged  
3382 victim of child abuse, neglect, or dependency.  
3383
- 3384 B. Child and Family Services will work with the Office of Quality and Design Related  
3385 Parties investigators to investigate reports of child abuse, neglect, or dependency when a  
3386 Child and Family Services employee, volunteer, or contractor of the Department of  
3387 Human Services (DHS) has a relationship with the alleged victim, alleged perpetrator, or  
3388 another person named in the investigation and there is or might appear to be a conflict of  
3389 interest or impropriety if Child and Family Services performed the investigation.  
3390  
3391

3392  
3393 **Applicable Law**

3394 Utah Code Ann. [§62A-4a-202.6](#). Conflict child protective services investigations – Authority of  
3395 investigators  
3396

3397 Practice Guidelines

- 3398 A. When the need for a worker from a contracted independent CPS agency has been  
3399 identified, the following are the procedures:  
3400 1. Any time a report is made that a child is abused or neglected while in the custody  
3401 of Child and Family Services, whether or not the caregiver is the alleged  
3402 perpetrator, the case will be assigned to the contracted independent CPS agency  
3403 or worker.  
3404 2. The contracted independent CPS caseworker will assess the threats to safety and  
3405 will then take steps to ensure the safety of any child in the home.  
3406 3. If there is a reasonable basis to believe that the child is in danger or there is a  
3407 substantial threat to the safety of the child in his or her home, the contracted

- 3408 independent CPS caseworker will advise the region director and recommend a  
3409 change of placement if applicable.
- 3410 4. The region director or region director designee will make the final decision  
3411 regarding a change of placement based on Child and Family Services Practice  
3412 Guidelines and relevant law.
- 3413 5. If the child remains in the parent or caregivers' home during the investigation,  
3414 the contracted independent CPS caseworker will prepare a safety plan that  
3415 identifies the threats of harm, the child's vulnerabilities, and the protective  
3416 capacities of the caregiver and what steps will be taken to assure safety. If the  
3417 child is in out-of-home care, the safety plan will be developed with input from the  
3418 ongoing caseworker, the foster parents, the family resource consultant, and the  
3419 contracted independent CPS caseworker.
- 3420 6. Contracted independent CPS caseworkers will report concerns to the Office of  
3421 Licensing.
- 3422
- 3423 B. In the situation in which the contracted independent CPS agency or individual is unable  
3424 to respond to a conflict of interest investigation due to capacity, the investigation will be  
3425 handled by law enforcement or, with the consent of Child and Family Services, a CPS  
3426 investigator employed by the Office of Attorney General as provided in Utah Code Ann.  
3427 [§62A-4a-202.6](#). If neither law enforcement nor the Office of Attorney General is willing  
3428 to provide an investigator, Child and Family Services will establish a protocol for  
3429 handling conflict of interest cases.
- 3430 1. A CPS caseworker will be assigned to the case.
- 3431 2. The CPS caseworker will work with law enforcement to obtain all of the  
3432 information needed to complete the investigation per Child and Family Services  
3433 major objectives. If law enforcement refuses to complete any or all of the  
3434 investigation per Child and Family Services major objectives, clearly document  
3435 their refusal in the activity recording.
- 3436 2. The CPS caseworker will request that law enforcement complete the interview of  
3437 any child involved, the foster parents, and collateral sources. If law enforcement  
3438 refuses to complete any or all interviews, the CPS caseworker will clearly  
3439 document the refusal in the activity recording and, when possible, complete the  
3440 interviews.
- 3441 3. The CPS caseworker will consult with law enforcement to determine whether the  
3442 case should be supported.
- 3443 4. If law enforcement is completing the investigation and the investigation has been  
3444 open for more than 25 days, the CPS caseworker will consult with law  
3445 enforcement to determine if an extension is needed.
- 3446
- 3447 C. When allegations of abuse, neglect, or dependency involve a Child and Family Services  
3448 employee or the child of an employee, the Office of Quality and Design Related Parties  
3449 investigators will be assigned to investigate. When the need for a Related Parties  
3450 investigator has been identified, the following are procedures:

- 3451 1. When the Related Parties investigator cannot make priority face-to-face contact  
3452 with the primary victim, the Related Parties investigator may request that a CPS  
3453 caseworker meet the requirement and assess immediate safety and protection  
3454 needs.  
3455 2. If it is determined that removal is necessary, the Related Parties investigator will  
3456 request a CPS caseworker, who will follow Practice Guidelines [Section 205](#)  
3457 protocol.  
3458 3. If an ongoing case is needed, the Related Parties investigator will notify the  
3459 region director or designee.  
3460

## 3461 **207.2 Investigation Involving A Child Care Provider Or Child Care** 3462 **Center**

3463 Major objectives:

3464 CPS will investigate reports of abuse, neglect, or dependency that occur in licensed child care  
3465 facilities.  
3466

### 3467 **Applicable Law**

3468 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
3469 Preremoval interviews of children.  
3470

### 3471 Practice Guidelines

- 3472 A. The Department of Health, Child Care Licensing unit will be contacted by the CPS  
3473 caseworker.  
3474  
3475 B. The CPS caseworker will coordinate with the Department of Health regarding licensing  
3476 violations.  
3477  
3478 C. CPS investigation requirements for child care providers will be the same as for other  
3479 referrals investigated by Child and Family Services.  
3480



3481 **208 Indian Child Welfare Act (ICWA): Protecting Native American**  
3482 **Culture**

3483  
3484 **208.1 Placement Of A Native American Child Into Protective Custody**

3485 Major objectives:

3486 A CPS investigation will be completed in compliance with ICWA procedures in order to show  
3487 deference to the cultural needs of Native American families in Utah. CPS investigations will be  
3488 completed in compliance with ICWA standards. The CPS caseworker will determine whether the  
3489 child and family are Native American, complete an investigation that respects the cultural  
3490 standard of the tribe, and notify the tribe immediately of any legal action taken during the  
3491 investigation.  
3492

3493  
3494 With regard to an Native American child who resides on a reservation but is temporarily located  
3495 off the reservation from his or her parent or Native American custodian, nothing will prevent the  
3496 emergency removal of a Native American child or the emergency placement of such child in a  
3497 foster home or institution under applicable state law in order to prevent imminent physical injury  
3498 or harm to the child. The state authority, official, or agency involved will ensure that the  
3499 emergency removal or placement terminates immediately when removal or placement is no  
3500 longer necessary to prevent imminent physical injury or harm to the child.

3501  
3502 During the initial contact with all families under investigation, the CPS caseworker will ask if  
3503 there is any Native American lineage that might make the child eligible for membership in any  
3504 Native American Tribe.  
3505

3506  
3507 **Applicable Law**

3508 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3509  
3510 Practice Guidelines

3511 Found in [Section 705](#), ICWA.  
3512

## 3513 **209 Case Transfers And Courtesy Services**

3514  
3515 This section provides guidance regarding CPS case transfers and courtesy services for another  
3516 state or agency.

### 3518 **209.1 Request For Courtesy Casework Within The State Of Utah**

#### 3519 Major objectives:

3520 A CPS caseworker may request courtesy assistance for completion of investigative activities on  
3521 an open CPS case when the child or other individual related to the case is not accessible to the  
3522 assigned CPS caseworker.  
3523

#### 3524 **Applicable Law**

3525 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

#### 3527 Practice Guidelines

3528 When a courtesy casework request within the state of Utah is made, the requesting CPS  
3529 caseworker will complete the following:

- 3530
- 3531 A. Notify their supervisor or designee of the need for courtesy casework. The supervisor of  
3532 the requesting CPS caseworker will ask the receiving supervisor to assign a courtesy CPS  
3533 caseworker.
    - 3534 1. The requesting CPS caseworker will staff with the receiving CPS caseworker to  
3535 coordinate investigative activities and give as much notice as possible for  
3536 completion of the courtesy activity.
    - 3537 2. The requesting CPS caseworker will maintain responsibility for the case and for  
3538 decisions made on the case, such as determination as to the case finding.
    - 3539 3. The courtesy caseworker will be assigned as a secondary caseworker to complete  
3540 the case activity requested.
  - 3541 B. Within five days of completing the courtesy activity, the receiving CPS caseworker will  
3542 enter the activity logs in SAFE.  
3543

### 3544 **209.2 Transfer Of A Case When A Child Has Moved Within The State Of Utah**

#### 3547 Major objectives:

3548 Child and Family Services offices will cooperate to ensure that a CPS investigation is not  
3549 interrupted and children are not placed in danger when an alleged victim has moved within the  
3550 State of Utah.  
3551

#### 3552 **Applicable Law**

3553 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

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Practice Guidelines

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

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

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

Major objectives:  
CPS may respond to another state’s request for courtesy assistance to complete investigative activities when the child or other individual related to the case is in Utah.

**Applicable Law**

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

Practice Guidelines

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

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

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

3599 **Applicable Law**

3600 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3601

3602 Practice Guidelines

3603 The following steps will be used when the child and family can no longer be located within the  
3604 state of Utah.

3605

3606 A. If the child and family move outside the state of Utah before the CPS caseworker is able  
3607 to make the face-to-face contact with the child and the new location of the child and  
3608 family is known, the CPS caseworker will contact the state child welfare agency where  
3609 the family has moved and request courtesy casework. The CPS caseworker may also  
3610 contact law enforcement in the state where the child has moved to complete investigative  
3611 interviews. If the state child welfare agency where the family has moved refuses to  
3612 complete courtesy casework and law enforcement is unable or unwilling to complete  
3613 interviews, the case will be closed "unable to complete investigation". If the receiving  
3614 state child welfare agency agrees to complete the courtesy casework, the CPS caseworker  
3615 will make the appropriate finding based on information from the receiving state. If a  
3616 finding of supported is made against one or both of the parents/caregivers, upon case  
3617 closure a Notice of Agency Action will be sent to the address of family in the current  
3618 state of residence.

3619

3620 B. If the child and family move outside the state of Utah after the CPS caseworker has made  
3621 the face-to-face contact with the alleged victim and the whereabouts of the child and  
3622 family are known, the CPS caseworker will contact the state child welfare agency where  
3623 the family has moved and will make a request for courtesy casework, providing the  
3624 information that was obtained in the investigation. The CPS caseworker may also contact  
3625 law enforcement in the state where the child has moved to complete investigative  
3626 interviews. If the state child welfare agency where the family has moved refuses to  
3627 complete courtesy casework and law enforcement is unable or unwilling to complete the  
3628 interviews, the case will be closed as "unable to complete investigation." If the receiving  
3629 state child welfare agency agrees to complete the courtesy casework, the CPS caseworker  
3630 will make the appropriate finding based on information from the receiving state and  
3631 casework completed in Utah. If a finding of supported is made against one or both of the  
3632 parents/caregivers, upon case closure a Notice of Agency Action will be sent to the  
3633 address of family in the current state of residence.

3634

3635 C. If the child and family move out of the state of Utah after the CPS caseworker has made  
3636 the face-to-face contact with the alleged victim and the whereabouts of the child and  
3637 family are unknown, the CPS caseworker will make reasonable efforts to locate the  
3638 family in order to make a request for courtesy casework from the state child welfare  
3639 agency where the family now resides. If the receiving state child welfare agency is not  
3640 able to find the location of the child, the CPS caseworker will close the investigation  
3641 "unable to complete investigation".

3642

3643 D. If the child and family move out of the state of Utah, the CPS caseworker has not made  
3644 the face-to-face contact with the alleged victim, and the whereabouts of the child and  
3645 family are unknown, the CPS caseworker will make reasonable efforts to locate the  
3646 family in order to make a request for courtesy casework from the state child welfare  
3647 agency where the family now resides. If the receiving state child welfare agency is not  
3648 able to find the location of the child, the CPS caseworker will close the investigation  
3649 “unable to locate”.

3650  
3651 If the facts of the investigation establish reason to suspect the child is in imminent danger, the  
3652 CPS caseworker will make appropriate referrals to CPS and law enforcement in the other state  
3653 and screen the case with the Assistant Attorney General.  
3654

## 3655 **210 Child Protective Services Records: Confidentiality And Rights To** 3656 **Review**

3657

3658 This section provides guidance to CPS caseworkers who must maintain the confidentiality of  
3659 records and advise clients or others of their rights and restrictions concerning confidential  
3660 records.

3661

### 3662 **210.1 Confidentiality Of CPS Records**

3663

#### Major objectives:

3664

3665 Reports of child abuse, neglect, or dependency, as well as any other information in the possession  
3666 of Child and Family Services, obtained as the result of a report of child abuse, neglect, or  
3667 dependency, is confidential and may only be made available in accordance with Utah Code Ann.  
3668 [§62A-4a-412](#).

3669

3670

#### **Applicable Law**

3671

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

3672

#### Practice Guidelines

3674

A. Under Utah Code Ann. [§62A-4a-412](#), reports of child abuse, neglect, or dependency and  
3675 all information related to the report will only be available to:

3676

1. A police or law enforcement agency investigating a report of known or suspected  
3677 child abuse, neglect, or dependency.

3678

2. A physician who reasonably believes that a child may be the subject of abuse,  
3679 neglect, or dependency.

3680

3. An agency that has the responsibility or authority to care for, treat, or supervise a  
3681 child who is the subject of a report.

3682

4. A contract provider that has a written contract with Child and Family Services to  
3683 render services to a child who is the subject of a report.

3684

5. Any subject of the report, the natural parents of the minor, the Office of Guardian  
3685 ad Litem, and CASA.

3686

6. A court, upon a finding that access to the records may be necessary for the  
3687 determination of an issue before it, provided that in a divorce, custody, or related  
3688 proceeding between private parties the record alone is:

3689

a. Limited to objective or undisputed facts that were verified at the time of  
3690 the investigation;

3691

b. Devoid of conclusions drawn by Child and Family Services or any of its  
3692 social workers on the ultimate issue of whether or not a person's acts or  
3693 omissions constituted any level of abuse, neglect, or dependency of  
3694 another person. [*See:* Utah Code Ann. [§62A-4a-412](#).]

3695

7. An office of the public prosecutor or its deputies in performing an official duty.

3696

8. A person authorized by a Children's Justice Center for the purposes described in  
3697 Utah Code Ann. [§67-5b-102](#).

- 3698 9. A person engaged in bona fide research, when approved by the director of Child  
3699 and Family Services, if the information does not include names and addresses.  
3700 10. The state Office of Education, acting on behalf of itself or on behalf of a school  
3701 district, for the purpose of evaluating whether an individual should be permitted  
3702 to obtain or retain a license as an educator or serve as an employee or volunteer in  
3703 a school, limited to information with substantiated findings involving an alleged  
3704 sexual offense, an alleged felony or class A misdemeanor drug offense, or any  
3705 alleged offense against the person under Title 76, Chapter 5, Offenses Against the  
3706 Person, and with the understanding that the office must provide the subject of a  
3707 report received under Subsection (1)(k) with an opportunity to respond to the  
3708 report before making a decision concerning licensure or employment.  
3709 11. Any person identified in the report as an alleged perpetrator or possible  
3710 perpetrator of child abuse, neglect, or dependency after being advised of the  
3711 screening prohibition.  
3712  
3713 B. No person, unless listed above, may request another person to obtain or release a report  
3714 or any other information in the possession of Child and Family Services obtained as a  
3715 result of the report that is available under Subsection (1)(k) to screen for potential  
3716 perpetrators of child abuse, neglect, or dependency.  
3717  
3718 C. A person who requests information knowing that it is a violation of Subsection (2)(e) to  
3719 do so is subject to the criminal penalty in Subsection (4).  
3720  
3721 D. Except as provided in Utah Code Ann. [§62A-4a-1003](#), Child and Family Services and  
3722 law enforcement officials will ensure the anonymity of the person or persons making the  
3723 initial report and any others involved in its subsequent investigation.  
3724  
3725 E. Any person who willfully permits or aides and abets the release of data or information  
3726 obtained as a result of this part, in the possession of Child and Family Services, or  
3727 contained on any part of the management information system, in violation of this part or  
3728 Utah Code Ann. [§62A-4a-1003](#), is guilty of a class C misdemeanor.  
3729  
3730 F. The physician/patient privilege is not grounds for excluding evidence regarding a child's  
3731 injuries or the cause of those injuries in any proceeding resulting from a report made in  
3732 good faith pursuant to this part.  
3733

3734 **210.2 Request For CPS Records**

3735 Major objectives:

3736 Individuals or agencies identified by Utah Code Ann. [§62A-4a-412](#) may request a copy of the  
3737 CPS record, excluding third party information. This copy must first be edited according to  
3738 GRAMA regulations. Exceptions to GRAMA may be found in Utah Code Ann. [§62A-4a-412](#).  
3739

3740  
3741  
3742 **Applicable Law**

3743 [See: [Section 210.1](#).]

3744  
3745 Practice Guidelines

3746 A. The individual making the request will complete a GRAMA request form, a Request for  
3747 Administrative Hearing form, or provide a request in another written form.

3748  
3749 B. The records will be released in accordance with Utah Code Ann. [§63G-2-202](#).  
3750

3751 **210.3 Process For Internal Agency Review Of Case Findings**

3752 Major objectives:

3753 Internal Agency Reviews of case findings will be conducted when a request is made by an  
3754 identified perpetrator for the sole purpose of reviewing the finding. The Internal Agency Review  
3755 will not be used to make determinations related to employment, child placement, or licensure.  
3756 The review process will be determined per Utah statute and Child and Family Services Practice  
3757 Guidelines.  
3758  
3759

3760 **Applicable Law**

3761 Utah Code Ann. [§62A-4a-1005](#). Supported finding of a severe type of child abuse or neglect --  
3762 Notation in Licensing Information System -- Juvenile court petition or notice to alleged  
3763 perpetrator -- Rights of alleged perpetrator -- Juvenile court finding.

3764 Utah Code Ann. [§62-4a-1009](#). Notice and opportunity to challenge supported finding in  
3765 Management Information System -- Right of judicial review.

3766 Utah Code Ann. [§62-4a-1010](#). Notice and opportunity for court hearing for persons listed in  
3767 Licensing Information System.  
3768

3769 Practice Guidelines

3770 Based upon applicable law, a perpetrator may request an Internal Agency Review, an  
3771 Administrative Hearing, or both unless there has been a court determination upholding the Child  
3772 and Family Services' finding. If the juvenile court has previously made a determination on a  
3773 Child and Family Services' finding, the requestor will be directed to pursue an appeal through  
3774 the juvenile court, if available. The deadlines for pursuing these avenues of review are specified  
3775 below.  
3776



- 3777 A. Internal Agency Reviews will be conducted by an Internal Review Panel.  
3778 1. The agency Internal Review Panel will be comprised of the following:  
3779 a. CPS caseworker who completed the investigation, if still employed by  
3780 Child and Family Services,  
3781 b. Supervisor at the time of the investigation, if still employed by Child and  
3782 Family Services,  
3783 c. Designated Child Welfare Administrator (CWA),  
3784 d. Assistant Attorney General (AAG), when applicable and/or available,  
3785 e. Administrative hearing tracker, when applicable and/or needed,  
3786 f. Any other agency staff the region deems appropriate and/or necessary.  
3787 2. All decisions made by the Internal Review Panel will be documented in a log in  
3788 the identified CPS case in SAFE. Documentation will include the final decision  
3789 reached by the panel, as well as how the Internal Review Panel reached their  
3790 decision.  
3791 3. The decision of the Internal Review Panel will be recorded under the  
3792 Administrative Hearing Tab of the identified CPS case.  
3793 4. Internal Agency Reviews will be conducted at the written request of a perpetrator  
3794 who makes a request within the specified time frames, but can also be conducted  
3795 if the agency determines an Internal Agency Review is necessary.  
3796 5. The Office of Quality and Design will conduct requested reviews for all cases that  
3797 have been identified as having a conflict of interest for Child and Family Services.  
3798

- 3799 B. For all cases in which the perpetrator is listed on the Licensing Information System:  
3800

3801 **Findings Prior to May 6, 2002:**

3802 If there has been no prior court finding or plea, the Internal Review Panel can make one  
3803 of the following determinations:

- 3804 1. Uphold the finding. The finding will remain Supported or Substantiated in the  
3805 Management Information System and the Licensing Information System.  
3806 a. If the identified perpetrator disagrees with the decision of the Internal  
3807 Review Panel, they will be redirected to pursue recourse through the  
3808 juvenile court.  
3809 b. If appropriate, a petition for substantiation should be filed by Child and  
3810 Family Services with the juvenile court. The petition should be filed  
3811 within 14 days of the decision of the Internal Review Panel.  
3812 2. Uphold the finding in the Management Information System, but remove the  
3813 perpetrator from the Licensing Information System for the identified case. The  
3814 finding will remain Supported or Substantiated in the Management Information  
3815 System, but the perpetrator will no longer appear in the Licensing Information  
3816 System for the identified case.  
3817 This can be done only when the Internal Review Panel determines the abuse or  
3818 neglect was not severe or chronic, or there is not enough information to uphold  
3819 severe/chronic findings.

- 3820 a. If the identified perpetrator disagrees with the decision of the Internal  
3821 Review Panel, they will be directed to pursue recourse through the Office  
3822 of Administrative Hearings.  
3823 3. Amend the finding to Unsupported.  
3824

3825 **Findings After May 6, 2002:**

3826 The requestor has one year from the notification of the Severe/Chronic finding to file a  
3827 request for an Internal Agency Review or petition the Juvenile Court. If neither of these  
3828 requests are made within one year, the finding will remain on the Licensing Information  
3829 System.

- 3830 1. If the case qualifies as a Severe/Chronic type of abuse or neglect and if the court  
3831 has previously made a finding on an allegation, the requestor will be redirected to  
3832 pursue recourse through the juvenile court.  
3833 2. If there has been no prior court finding, the Internal Review Panel may make one  
3834 of the following determinations:  
3835 a. Change the finding to Unsupported.  
3836 b. File a petition for substantiation.  
3837 c. To uphold the finding in the Management Information System but remove  
3838 the case from the Licensing Information System on the basis that it does  
3839 not qualify as Severe/Chronic, and direct the requestor to pursue an  
3840 Administrative Hearing to amend the finding to Unsupported.  
3841 d. Maintain the finding in both the Management Information System and the  
3842 Licensing Information System. Direct the requestor to pursue recourse  
3843 through the juvenile court.  
3844

- 3845 C. For ALL cases with a Non-Severe/Non-Chronic finding, the Internal Review Panel can  
3846 determine one of the following:  
3847 1. To uphold the finding, thus requiring the requestor to pursue an amendment  
3848 through the Office of Administrative Hearings, or  
3849 2. To amend the finding, generally from Supported or Substantiated to Unsupported.  
3850  
3851 D. If the requestor disagrees with an Internal Review Panel amended finding, they may  
3852 request that another review be completed or pursue an Administrative Hearing unless the  
3853 amended finding was Severe/Chronic, then the requestor would need to pursue recourse  
3854 through the juvenile court.  
3855  
3856 E. In addition to the procedures outlined above, if the requestor was a juvenile at the time a  
3857 Supported or Substantiated finding was made against them, they can follow the  
3858 procedures outlined in Utah Code Ann. [§78A-6-1105](#) to make a request through the  
3859 Juvenile Court for their case(s) to be expunged.  
3860  
3861 F. Other interested parties involved with a CPS case are not entitled to an Internal Agency  
3862 Review, but can follow the process outlined in Administrative Guidelines [Section 010.5](#)

- 3863 if they have concerns regarding the finding made during the course of a CPS  
3864 investigation.
- 3865
- 3866 G. An individual may submit a written request to expunge an allegation in which they are  
3867 identified as a perpetrator or alleged perpetrator in the Management Information System  
3868 (MIS) and the Licensing Information System (LIS). The criteria, processes, and  
3869 procedures for expungement can be found in Administrative Rule [R512-76](#) Expungement  
3870 of DCFS Allegations.  
3871