

ALABAMA DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-5-34
PROTECTIVE SERVICES FOR CHILDREN

660-5-34-.05 Investigative/Initial Assessment Process.

(1) The following standards for conducting CA/N assessments on child abuse/neglect reports must be followed. Any deviations from these standards must have supervisory consultation and approval.

(a) Contacts with Law Enforcement. Each County Department must have a written working agreement on procedures for handling child abuse and neglect investigations with the law enforcement agency holding jurisdiction in the county. Law enforcement officers may accompany DHR workers on home visits when information indicates that safety may be an issue.

(b) Assessing Reports with Parents. Contact must be initiated with a custodial parent promptly upon receipt of a report except in instances where such action could pose danger for the child involved. The contact should establish the need for protective services or agency non-intervention. A home visit is required and may be made with or without prior notification.

(c) Interview with/observation of Child Victim and all other Children in the Home.

1. All children who are subjects of child abuse/neglect reports must be seen and privately interviewed if they are capable of a verbal response. Non-verbal children must be observed while awake. The child may be interviewed/observed at some site other than the home, (e.g. school, daycare). If the worker is refused access to a child for interview or observation purposes, a court order may be sought to obtain access to the child.

2. Photographs may be taken to document physical injuries or conditions of children or neglectful conditions of the child's home. Video and audiotapes may be used to record interviews. Parental consent for photographs, video and audio taping is not necessary. If a parent refuses to permit photographs or taping and the worker believes that photographs or taping is necessary, law enforcement should be contacted or court action should be explored.

3. If psychological evaluations, physical examinations, or psychiatric evaluations of the children are considered necessary during the CA/N assessment process, they may be

obtained with or without parental consent. If parental consent cannot be obtained, a court order should be sought.

4. All other children who are regular members of the household must be interviewed privately and in person.

(d) Securing Medical Care. If the worker believes that a child is in need of immediate medical care, every effort must be made to get the parent or legal custodian to take the child immediately to a medical facility for such treatment. If the parent or legal custodian is unavailable, refuses to cooperate, or is in disagreement with the attending physician, the worker must seek the assistance of the court in securing medical care for the child. To obtain the court's assistance, workers have three options:

1. Petition for legal temporary custody and request that the Department have the authority to consent to medical treatment; or

2. File a petition for protective supervision which provides the Department the authority to consent to medical care; or

3. Petition for an order authorizing emergency medical care.

(e) Interview with the Person Allegedly Responsible For Abuse/Neglect. The worker is to interview the person allegedly responsible individually and in person unless the person is being criminally investigated, and law enforcement, the District Attorney's office or the defense attorney refuses to allow the interview. A copy of the person's statement to law enforcement is then sufficient to document this part of the CA/N assessment.

(f) The worker must interview all other adult household members individually and in person.

(g) The worker must contact all other persons known to have first-hand knowledge of the abuse/neglect allegations. These persons may be interviewed either in person or by telephone.

(2) Reports of Child Abuse/Neglect on Department Employees. When a report of suspected child abuse/neglect is received by the County Department on an individual who is employed by the Department, the Office of Child Welfare Consultation, Family Services Division, is to be contacted if the County Department needs assistance with determining who will conduct the investigation.

(3) Reports of Medical Neglect of Handicapped Infants Under One Year of Age.

(a) When the County Department receives a report that medically indicated treatment is being withheld from an infant solely on the basis of a present or anticipated mental or physical impairment, an assessment must be made immediately. If the medical facility where the infant is a patient has an Infant Care Review Committee, the County Department will consult with the Committee during the assessment. If there is no Infant Care Review Committee available, and the county has a multi-disciplinary team in operation, that team (with the appropriate medical experts added for these cases) must be consulted for a recommendation. In counties where there are no Infant Care Review Committees or multi-disciplinary teams operational the County Department must consult an independent specialist for a written medical opinion on the case.

(b) The withholding of medically indicated treatment is defined as the failure to respond to an infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's reasonable medical judgment, will most likely be effective in ameliorating or correcting all life-threatening conditions. These standards must also be considered during assessments involving any medical treatment issues for children over age one year when the children have been continuously hospitalized since birth, born extremely prematurely, or have a long term disability. All of these children must be provided appropriate nutrition, hydration and medication.

(c) Additional treatment to ameliorate or correct all life-threatening conditions may be withheld in the following cases:

1. The child is chronically and irreversibly comatose; or
2. Treatment would merely prolong death, would not be effective in ameliorating or correcting all life-threatening conditions, or would otherwise be futile in terms of the child's survival; or
3. The treatment itself, under such circumstances, would be inhumane.

(d) Reasonable medical judgment is defined as medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. In cases where there is agreement between the treating physician and the Infant Review Committee, the multi-disciplinary team, or the independent physician, the County Department shall document all parties' agreement in the child's case record. In cases where there is disagreement, the County Department must file a petition for court intervention, and notify the Office

of Child Protective Services and SDHR Legal that the petition has been filed.

(4) Additional Procedures for CA/N Assessments Involving Out-of-Home Care Settings.

(a) CA/N assessments of child abuse/neglect in out-of-home care settings refers to a report alleging that a child has been abused and/or neglected while in the care and control of a facility/agency/home which is licensed, approved or certified by the state, operated as a state facility, or is a private or religious facility/agency that is exempt from licensing procedures. These facilities/agencies/homes include, but are not limited to, foster homes, day care centers/nighttime centers, family/group day care homes/nighttime homes, child-care institutions, child-placing agencies, nursing homes, group homes, schools (public and private), and non-finalized adoptive homes.

(b) Day Care Centers/Nighttime Centers Licensed by Department of Human Resources.

1. The CA/N assessment must be conducted by a worker with child protective service experience and one who has no responsibility for the licensing of the center. In some cases, it may be appropriate for licensing staff to assist the worker with the CA/N assessment.

2. The Department is to notify the administrator of the day care center/nighttime center of the specific allegations upon receipt of the report. If the administrator has been identified as the person allegedly responsible for the abuse/ neglect and the center is owned by another individual or is governed by a board, the owner or the chairman of the board must be notified. That person will be substituted for "administrator" at each reference in this rule. The administrator is to be kept informed of the CA/N assessment. Information which may be disclosed to the administrator includes allegations reported, who will be interviewed at the center, name of the person identified as allegedly responsible for abuse and neglect, approximate timeframe within which the CA/N assessment will be completed, and any other information that could prevent the abuse/ neglect of other children at the center. DHR may also request that the person allegedly responsible for the abuse/neglect not have contact with the children at the center until the CA/N assessment is complete.

3. Persons allegedly responsible for the abuse/ neglect must receive written notification of the allegations within five days of the report's receipt.

4. Parents/custodians of the children identified in the report must be notified about the allegations. The identity of alleged person(s) responsible for abuse/neglect of the identified children can be revealed only to the parents/custodians of the identified children.

5. Other children at the center may be interviewed in order to complete the CA/N assessment. Permission of parents is not necessary for this interview; however, if the interview reveals allegations of abuse/neglect of the child being interviewed, the parents/custodians must be notified about the allegations. The identity of alleged person(s) responsible for abuse/neglect cannot be revealed to the other children's parents/custodians unless these children are identified as allegedly abused or neglected by the so named person responsible for abuse/neglect.

6. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/neglect must be provided written notice of the allegations and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and may be provided to the center administrator and the appropriate licensing unit.

7. All persons receiving notice of the allegations will also receive notice of the final disposition.

(c) Exempt Day Care Centers/Nighttime Centers.

1. The CA/N assessment must be conducted by a protective service worker in the County Department. In some cases it may be appropriate for state office staff to assist in the CA/N assessment.

2. The Department must notify the administrator of the day care center/nighttime center of the allegations upon receipt of the report. If the administrator is the person allegedly responsible for the abuse/neglect, the pastor of the church, chairman of the committee in charge of administering the day care program, or chairman of the governing board must be notified. That person will be substituted for "administrator" at each reference in this rule. The administrator is to be kept informed of the CA/N assessment. Information which may be disclosed includes who will be interviewed at the center, the allegations, the name of the person allegedly responsible for the abuse/neglect, approximate timeframe within which the CA/N assessment will be completed, and any information that could prevent the abuse/neglect of other children at the center. DHR staff may request that the person

allegedly responsible for the abuse/neglect not have contact with the children at the center during the course of the CA/N assessment.

3. Parents/custodians of the children identified in the report must be notified about the allegations.

4. Persons allegedly responsible for the abuse/ neglect must receive written notification of the allegations within five days of the report's receipt.

5. Other children in the center may be interviewed in order to complete the CA/N assessment. Permission of their parents/custodians is not necessary for an interview; however, if there are allegations of abuse/ neglect of the child being interviewed, the parents/ custodians must be notified about the report.

6. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/ neglect must be provided written notice of the allegations and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and may be provided to the center administrator and the appropriate licensing unit.

7. All persons receiving notice of the allegations will also receive notice of the final disposition.

(d) Family/Group Day Care Homes/Nighttime Homes

1. The CA/N assessment is to be conducted by a worker with child protective service experience and one who is not responsible for approving the home. The approving worker may accompany the CA/N assessment worker during the CA/N assessment.

2. The approving unit within the Department is to be notified about the allegations upon receipt of the report. DHR staff may request that the person allegedly responsible for the abuse/neglect not have contact with the children in the home during the course of the CA/N assessment.

3. The parents/custodians of the children identified in the report must be notified about the allegations. The identity of alleged person(s) responsible for abuse/ neglect of the identified children can only be revealed to the parents/custodians of the identified children.

4. Notification regarding the abuse/neglect report is to be provided to the care provider and they shall be kept

informed about the CA/N assessment and called upon when appropriate to expedite the CA/N assessment process. Information that may be shared with the provider includes allegations reported, who at the home will be interviewed, the person allegedly responsible for the abuse/neglect, approximate timeframe within which the CA/N assessment will be completed, and any information that could prevent abuse/neglect of other children at the home.

5. Persons who are allegedly responsible for the abuse/neglect must receive written notification of the allegations within 5 working days of the report's receipt.

6. Other children in the home may be interviewed in order to complete the CA/N assessment. Permission of parents is not necessary for an interview; however, if the interview reveals allegations of abuse/neglect of the child being interviewed, parents/custodians must be notified about the report. The identity of alleged person(s) responsible for abuse/neglect cannot not be revealed to the other children's parents/custodians unless these children are identified as having been allegedly abused or neglected by the so named person responsible for abuse/neglect.

7. The approved care provider must be notified about disposition of the report.

8. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/ neglect must be provided written notice of the allegations and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and may be provided to the care provider and the appropriate licensing unit.

9. All persons receiving notice of the allegations will also receive notice of the final disposition.

(e) Foster Family Homes Approved by Department of Human Resources

1. A worker with protective service experience, but one who is not directly responsible for the approval of the home, must conduct the CA/N assessment. The approval worker may accompany the worker during the CA/N assessment.

2. Unless parental rights have been terminated, the parents/custodians of the child identified in the report must be notified of the alleged actions upon receipt of

the report. The identity of alleged person(s) responsible for abuse/neglect can only be revealed to the parents/custodians of the identified children.

3. The person allegedly responsible for the abuse/neglect must receive written notification of the allegations within five days of the report's receipt.

4. CPS staff in the county shall notify the SDHR Office of Permanency, the County's Resource Unit, other County Departments if the report involves other counties, and District Attorney's office and law enforcement per the county's written working agreement.

5. Other children in the home may be interviewed in order to complete the CA/N assessment. Permission of the parents is not necessary for an interview; however, if allegations of abuse/neglect are revealed for the child being interviewed, the child's parents/custodians must be notified about the report. The identity of alleged person(s) responsible for abuse/neglect cannot be revealed to the other children's parents/custodians unless these children are identified as allegedly abused or neglected by the so named person responsible for abuse/neglect.

(6) Foster parents are to be notified when a member of the foster parent's household is alleged to have abused/neglected children in the foster parent's home.

7. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/neglect must be provided written notice of the allegations and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and the approving unit.

8. All persons receiving notice of the allegations will also receive notice of the final disposition.

(f) Foster Homes approved by a Private Child-Placing Agency or Other State Agency.

1. The report will be investigated by a worker with protective services experience. A worker from the private child-placing agency or other state agency may accompany the Department of Human Resources worker as determined appropriate.

2. SDHR's Office of Licensing and Resource Development must be notified about the allegations upon receipt of the report. SDHR's Office of Licensing and Resource

Development will notify the private child placing or state agency having approval responsibility when the home is approved by another agency. DHR staff may request that the approving agency not notify the person allegedly responsible for the abuse/ neglect. The approving agency shall be kept informed about the CA/N assessment and called upon when appropriate to expedite the CA/N assessment process. Information that may be shared with the agency includes allegations reported, who at the home will be interviewed, the person allegedly responsible for the abuse/neglect, approximate timeframe within which the CA/N assessment will be completed, and any information that could prevent the abuse/neglect of other children in the home.

3. Persons who are allegedly responsible for the abuse/ neglect must receive written notification of the allegations within 5 working days of the report's receipt.

4. If the child identified in the report is in the custody of the Department of Human Resources, the parents/ custodians must be notified about the allegations unless parental rights have been terminated. Workers may also disclose to the parent the allegations, as well as any action taken to protect the child. The identity of alleged person(s) responsible for abuse/ neglect cannot be revealed to the parents/custodians' of other children unless these children are identified as allegedly abused or neglected by the so named person responsible for abuse/neglect.

5. A foster parent is entitled to written notification within five (5) working days, of reaching a "not indicated" disposition when alleged abuse/neglect occurred in the foster parent's home and the person allegedly responsible for abuse/neglect is a member of the foster parent's household. Each County Department shall develop a written notification form to be used uniformly within the county. Child welfare staff shall provide this notification as directed and file a copy in the CA/N record.

6. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/ neglect must be provided written notice of the allegations and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and may be provided to the approving agency.

7. All persons receiving notice of the allegations will also receive notice of the final disposition.

(g) Institutions and Group Homes Licensed by Department of Human Resources.

1. Child protective services staff in the County Department where the institution or group home is located will conduct the CA/N assessment.
2. SDHR's Office of Licensing and Resource Development must be notified about the allegations upon receipt of the report.
3. The administrator of the institution or group home will be notified about the report. If the administrator has been identified as the person allegedly responsible for the abuse neglect, the governing chairperson or authority will be notified. DHR staff may request that the person allegedly responsible for the abuse/neglect not be informed about the report. The administrator of the institution or group home shall be kept informed about the CA/N assessment and called upon when appropriate to expedite the CA/N assessment process. Information that may be shared includes allegations reported, who will be interviewed, the person allegedly responsible for the abuse/neglect, approximate timeframe within which the CA/N assessment will be completed, and any information that could prevent the abuse/neglect of other children in the institution or group home.
4. Persons who are allegedly responsible for the abuse/neglect must receive written notification of the allegations within 5 working days of the report's receipt.
5. The parents/custodians of the children identified in the report must be notified about the allegations unless parental rights have been terminated. The identity of alleged person(s) responsible for abuse/neglect of the identified children may only be revealed to the parents/custodians.
6. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/ neglect must be provided written notice of the disposition and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and may be provided to the institution or group home administrator.
7. All persons receiving notice of the allegations will also receive notice of the final disposition.

(h) Group Homes and Institutions **Operated** By State Agencies
Other Than DHR

1. Law enforcement in the county where the institution or group home is located, with the assistance of the operating state agency, will conduct the investigation.
2. County DHR staff will provide notification of the report to the institution or group home, law enforcement, and the other state agency who has approval responsibility.
3. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/neglect must be provided written notice of the disposition and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and will be provided to the group home's or institution's administrator.
4. Administrators may be notified about "indicated" dispositions prior to a CA/N hearing if the safety of the children in the home/institution would be jeopardized by withholding that information.

(i) Group Homes and Institutions Licensed/Certified **(But Not Operated)** By Other State Agencies

1. Child protective services staff in the county where the institution or group home is located will conduct the CA/N assessment and may have the assistance of the licensing state agency when both state agencies agree it is necessary.
2. SDHR's Office of Licensing and Resource Development must be notified about the allegations upon receipt of the report.
3. SDHR's Office of Licensing and Resource Development will notify the state agency who has licensing responsibility.
4. County DHR staff will notify the group home / institution administrator about the report. DHR staff may request that the licensing agency not notify the person allegedly responsible for the abuse/neglect. The administrator shall be kept informed about the CA/N assessment and called upon when appropriate to expedite the CA/N assessment process. Information that may be shared includes allegations reported, who will be interviewed, the name of the person allegedly responsible for the abuse/neglect, approximate timeframe within which

the CA/N assessment will be completed, and any information that could prevent the abuse/neglect of other children.

5. Persons who are allegedly responsible for the abuse/neglect must receive written notification of the allegations within 5 working days of the report's receipt.

6. The parents/custodians of the children identified in the report must be notified about the allegations. The identity of alleged person(s) responsible for abuse/neglect of the identified children can only be revealed to the parents/custodians.

7. When the preliminary disposition of the report is "indicated," the person allegedly responsible for the abuse/neglect must be provided written notice of the disposition and their due process rights. If the person waives the right to a hearing, does not respond, or has a hearing, the final disposition will be provided to that person and may be provided to the group home/institution administrator and the licensing agency.

8. All persons receiving notice of the allegations will also receive notice of the final disposition.

9. Child welfare staff shall not disclose "indicated" dispositional information prior to a CA/N hearing. If the safety of the children in the group home/institution would be jeopardized by withholding that information, the disposition may be shared with the administrator prior to the hearing.

(j) Schools And Allegations Involving Discipline/ Corporal Punishment

1. Law enforcement agencies conduct the investigation on CA/N reports where the person responsible for abuse/neglect is a public or private school teacher or other school official and the allegations involve discipline or corporal punishment.

2. If law enforcement determines the incident was consistent with the board of education's written discipline policy, the allegations are not considered a CA/N report and the report is not entered into the Central Registry. When law enforcement determines the incident was not consistent with established discipline policy, they may investigate the incident as child abuse/neglect. Violation of school board policy does not necessarily indicate that child abuse has occurred. Child welfare staff in the county where the school is located

are responsible for entering these CA/N reports into the Central Registry after law enforcement confirms that the report will be or has been investigated as child abuse.

3. Child welfare staff shall provide the person responsible for abuse/neglect with written notice of the disposition and the opportunity for a CA/N hearing. If due process rights are waived, child welfare staff shall then provide notification of the final disposition to the school principal or superintendent. If a CA/N hearing is held, the Hearing Officer will provide written notification of the disposition to the person responsible for abuse/neglect, and child welfare staff shall then notify the school principal. If the school principal was identified as the person responsible for the abuse/neglect, the notification must be sent to the superintendent of the Board of Education.

4. Principals/superintendents may be notified about "indicated" dispositions prior to a CA/N hearing if the safety of children in the school would be jeopardized by withholding that information.

(k) Schools And Allegations **Not Involving** Discipline/ Corporal Punishment

1. CPS staff in the county where the school is located shall conduct the CA/N assessment.

2. The school principal will be notified about the report. If the principal has been identified as the person responsible for abuse/neglect, the superintendent of the Board of Education shall be notified and may designate another school official to act as the contact person during the CA/N assessment. The principal, superintendent or designee shall also be kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes allegations reported and who, at the school, will be interviewed; name(s) of the school employees or volunteers who have been identified as responsible for the abuse/neglect; approximate timeframe within which the CA/N assessment will be completed; and any other information that could prevent the abuse/neglect of other children at the school. It may be appropriate for the person conducting the CA/N assessment to request that the person responsible for abuse/neglect not have contact with children at the school until the CA/N assessment is complete.

3. Persons allegedly responsible for the abuse/neglect shall be provided written notice of the allegations within five (5) working days of the report's receipt.

4. Parents/custodians of the children allegedly abuse/neglected must be provided notice (written or verbal) that addresses a general description of the allegations and information that a CA/N assessment is being conducted. The identity of alleged person(s) responsible for abuse/neglect of the identified children can be revealed to the parents/custodians.

5. Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is "not indicated" or "unable to complete." If the disposition is "indicated," the notification is considered a preliminary disposition and must include information on due process rights. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

6. All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for "not indicated" and "unable to complete" dispositions, and following the provision of due process rights if the disposition is "indicated."

7. Child welfare staff shall not disclose "indicated" dispositional information prior to a CA/N hearing. If the safety of the children in the school would be jeopardized by withholding that information, the disposition may be shared with the principal, superintendent, or designee prior to the hearing.

(1) Non-Finalized Adoptive Homes

1. "Non-finalized" means the child has been placed in the adoptive home and the Adoptive Home Placement Agreement has been signed, but the final decree of adoption has not yet been issued by the Probate Court.

2. Child protective services staff in the county where the adoptive home is located shall conduct the CA/N assessment, and this person must not have responsibility for approving the home. The person responsible for approving the home may be present during the CA/N assessment interviews.

3. The County Resource Unit responsible for approving the home and SDHR's Office of Permanency shall be notified about the allegations when the report involves a child in DHR permanent custody who has been placed in a non-foster parent adoptive home.

4. If an adoptive placement was made by a licensed child-placing agency, the agency administrator shall be notified about the report and kept informed about the CA/N assessment and called upon, when appropriate, to expedite the CA/N assessment process. Information that may be disclosed to this person includes allegations reported; name(s) of the adoptive parent(s) who have been identified as responsible for the abuse/neglect; approximate timeframe within which the CA/N assessment will be completed; and any other information that could prevent the abuse/neglect of other children in the home.

5. Persons allegedly responsible for abuse/neglect shall be provided notice of the allegations within five (5) working days of the report's receipt.

6. A decision may be made to remove children from the adoptive home at any time during the CA/N assessment process, and this decision is the responsibility of the child's individualized service planning team. The adoptive parents right to a CA/N hearing does not preclude DHR's right to remove children prior to the hearing if the situation warrants the removal.

7. Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is "not indicated" or "unable to complete." If the disposition is "indicated," the notification is considered a preliminary disposition and must include information on due process rights. If a CA/N hearing is held, the hearing officer will notify persons allegedly responsible for abuse/neglect as to the final disposition.

8. All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for "not indicated" and "unable to complete" dispositions, and following the provision of due process rights if the disposition is "indicated." Due process rights are not extended to the adoptive parents' family members, even if these family members are part of the household. Information obtained about the adoptive parents' family members can be used to determine the ongoing approval of the home.

9. Child welfare staff shall not disclose "indicated" dispositional information prior to a CA/N hearing. If the safety of the children in the home would be jeopardized by withholding that information, the disposition may be shared with the reporter or the child-placing agency administrator prior to the hearing.

(m) All Other Out-of-Home Care Settings

1. Reports of child abuse/neglect involving incidents occurring in settings (e.g., unlicensed day care homes, church camps, boy scouts, girl scouts) where the person allegedly responsible for the abuse/neglect was in a caregiver role (paid or volunteer) at the time of the alleged incident are assessed by Child protective services staff in the County Department where the setting is located.

2. The person/agency/organization responsible for supervising or overseeing the person allegedly responsible for the abuse/neglect must be advised of the specific allegations. This person is to be kept informed about the CA/N assessment. Information which may be disclosed to this person includes allegations reported; name(s) of the person(s) who have been identified as responsible for the abuse/neglect; approximate timeframe within which the CA/N assessment will be completed; and any other information that could prevent the abuse/neglect of other children in the setting. It may be appropriate to request that the person allegedly responsible for the abuse/neglect not have contact with the children during the course of the CA/N assessment.

3. Persons identified as allegedly responsible for the abuse/neglect must be provided written notification of the allegations within five (5) days of the report's receipt.

4. Parents/custodians of the children identified in the report must be notified of the allegations. The identity of alleged person(s) responsible for abuse/neglect of the identified children can only be revealed to the parents/custodians.

5. Child welfare staff shall provide persons allegedly responsible for the abuse/neglect with written notification of the disposition upon completion of the CA/N assessment when the disposition is "not indicated" or "unable to complete." If the disposition is "indicated," the notification is considered a preliminary disposition and must include information on due process rights. Due process rights for these individuals is provided through an administrative record review, and if

a review is held, the SDHR administrative record reviewer will notify the person as to the final disposition.

6. All individuals and agencies receiving notification of the allegations shall also be notified about the disposition. The notification is provided at the completion of the CA/N assessment for "not indicated" and "unable to complete" dispositions, and following the provision of due process rights if the disposition is "indicated."

7. Child welfare staff shall not disclose "indicated" dispositional information prior to an administrative record review. If the safety of the children in the out-of-home setting would be jeopardized by withholding that information, the disposition may be shared with the reporter and the entity supervising/overseeing the setting prior to the administrative record review.

(n) Timeframes for Completion - CA/N assessments shall be completed within ninety (90) days from the date the child neglect report is received. Due process procedures do not have an established timeframe and are not included in the ninety-(90) day timeframe for completing CA/N assessments.

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