



TEXAS

**Department of Family
and Protective Services**

**Child Care
Investigations
Child Fatality Protocol
Handbook**

February 2024

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INTRODUCTION

This protocol handbook serves as a companion to the policy handbook. It is designed to provide staff with a state-wide, consistent model for best practices and task-specific details to help staff meet policies.

Staff should be familiar with all sections of the protocol handbook and can utilize it throughout the course of a child fatality investigation.

It is important to note that this protocol handbook serves as the state-wide protocol.

INVESTIGATION POLICY & PROTOCOLS

It is critical that all staff that investigate child fatalities, understand all the applicable policies and procedures. In the section below, the various tasks and responsibilities are laid out following the ordering in the CCI Policy Handbook and in the timeline of an investigation. It is the responsibility of staff to refer to the CCI Policy Handbook for all tasks associated with any investigation, including those that involve child fatalities.

INTERNAL NOTIFICATIONS WHEN A CHILD DIES

Notifying DFPS and HHSC Staff When a Child Dies

Notification of a child fatality occurs when an intake report regarding the fatality is stage progressed to an investigation or the fatality involves a child in an open case, regardless of the stage of service or cause of death.

Within 24 hours, the Supervisor or Program Administrator:

- completes CCI Notification of Child Fatality form 3021A; and
- Forwards it by email to the Complex Investigations Division and to the appropriate staff as indicated below.

See: [Form 3021A](#)

Regional Notification List:

- CCI Program Administrator
- Special Investigator Regional Director
- Special Investigator Program Director for the county of the child fatality
- Media Specialist
- Regional Nurse
- Current CCI investigators, CCI Supervisors, and Special Investigators assigned to the fatality investigation

If the fatality involves CPS, notifications are also sent to:

- CPS Regional Director
- CPS Program Administrator
- Child's Home Region CVS Regional Director (*DC, only if applicable*)

State Office Notification List

- DFPS Commissioner
- DFPS Deputy Commissioner
- DFPS Chief of Staff
- DFPS General Counsel
- Associate Commissioner for Investigations

- Associate Commissioner for CPS
- Deputy Associate Commissioner for CPS
- Deputy Director of Government Relations
- Deputy Director of CCI
- Division Administrator of CID
- Division Administrator of CCI Field
- Director of CCI
- CPS Director of Field Operations
- Director of Special Investigations
- Director of Placement Services
- DFPS Media Relations Manager
- DFPS designated attorney (if requested)
- Chief Audit Officer
- CCI Program Specialist VI
- Director of FCL Coordination
- Director of CCI Heightened Monitoring
- FCL Mailbox

HHSC Notification List

- Associate Commissioner
- Director of Field for Day Care
- Director of Field for Residential Child Care
- Director of Heightened Monitoring
- Child Care Regulation Program Manager
- FCL Project Manager
- Director of Unregulated Operations Unit

(Note: Administration may request that other individuals be added to these lists.)

Within 5 calendar days of notifying the Complex Investigations Division of the fatality, a staffing must occur. The Complex Investigation Analyst completes CCI Notification of Child Fatality form 3021B as part of the staffing and uploads the form to OneCase. See: [Form 3021B](#)

INVESTIGATING A CHILD'S DEATH

Steps for Investigating a Child's Death

When CCI receives a report that a child is alleged to have died from abuse or neglect, the supervisor follows standard DFPS policies and procedures in [3000 Intake and Screening](#) for accepting the report and assigning it for investigation. The procedures in [5300 Fatalities and Near Fatal Investigations](#) are also followed.

Once assigned, the investigator (CCI investigator and/or SI) takes the following steps:

1. The investigator gathers as much information as possible about the circumstances of the death, including information gathered from examinations, interviews, photographs, and the autopsy of the deceased child.
2. The investigator assesses the immediate safety of any surviving children in the home or operation, including following the procedures in CCI Handbook Section [4422.2 Contacting a Children's Advocacy Center About Certain Allegations](#).
3. The investigator determines by a preponderance of evidence whether the child's death was the result of abuse or neglect.

ENTERING PRELIMINARY FINDINGS RELATED TO A CHILD’S DEATH

The investigator enters into IMPACT the information that is known within the first 24 hours after being notified of the child’s death including:

- The child’s name.
- The child’s gender.
- The child’s date of birth (or the child’s approximate age, if the date of birth is unknown). The date of the child’s death (must be entered to activate the Fatality Information section).

The investigator may update the information as the investigation progresses and upon completion of the investigation.

The investigator makes the following selections in the *Fatality* section on the *Person Detail* page in IMPACT, as explained in the table below:

| From the drop-down-menu titled ... | the investigator chooses the following ... |
|---|---|
| <i>Manner of Death</i> | <i>Pending investigation</i> , unless the manner of death is known at the beginning of the investigation. In that case, the investigator chooses either <i>natural causes</i> or <i>unnatural causes</i> , whichever best describes the cause of death. |
| <i>Cause of Death</i> | The specific disease, illness, or injury that best describes the cause of death. |
| <i>Reason for Death (CPS)</i> | <i>Not Complete or Edit.</i> |
| <i>Reason for Death (Non-CPS)</i> | Left blank until the investigation can be dispositioned. |
| <i>Findings</i> | <i>Preliminary.</i> |
| <i>Death Certificate/Autopsy</i> | <i>Pending.</i> |

INITIAL DOCUMENTATION OF A CHILD’S DEATH

When documenting a child’s death, the Initial Actions includes all of the following:

- Entering the Date of Death
- Completing the Maintain Allegation Task in IMPACT When a Child Dies
- Completing the maintain Person Task in IMPACT When a Child Dies

ENTERING THE DATE OF DEATH

Initial Action

To allow the IMPACT system to properly distinguish a death that was investigated as being the possible result of abuse or neglect, the investigation worker:

- Reviews the *Person Detail* page in IMPACT immediately after the case is progressed to the *Investigation* stage; and
- Determines whether the date of death was entered at intake.

If no date of death was entered at intake, the investigation worker enters the date on the *Person Detail* page as soon as it is known.

If a child dies after an investigation of abuse or neglect is initiated, and CCI intends to investigate the death as the possible result of abuse or neglect, the investigation worker immediately enters the date of death on the *Person Detail* page.

Once the date of death is entered, whether at intake or during an investigation, the investigation worker immediately updates the Child Fatality Indicator question in the *Allegation Detail* page in the *Investigation* stage.

Texas Family Code [§261.203 Child Fatality](#)
Subchapter D, Chapter 702, Title 40 Texas Administrative Code ([§§702.301-702.317](#))

If it becomes known during the course of an investigation that a child on the person list was deceased prior to the current involvement and the case is not a fatality investigation, enter the date of death and select the CPS Reason for Death as Not Investigated (NIN).

COMPLETING THE MAINTAIN ALLEGATION TASK IN IMPACT

Initial Action - Answering the Child Fatality Allegation Indicator Question

When a date of death is entered for a child in an investigation (regardless of whether the date was entered in the *Intake* or *Investigation* stages of IMPACT), the investigation worker:

- Reviews in the *Investigation* stage on the *Allegation Detail* page each allegation that involves the deceased child as an alleged victim; and
- For each allegation selects either *Yes* or *No* in answer to the question: *Is this a child fatality allegation?*
 - If one question or more is asked to determine if the death is related to abuse or neglect, then the caseworker must answer *Yes*

Answering *Yes* to the Child Fatality Indicator question allows the department to gather and report data required by state and federal laws and regulations.

Answering *Yes* to the Child Fatality Indicator question does not imply that any abuse or neglect was found and does not affect the *CPS Reason for Death* entered or the allegation disposition.

If the deceased child is not an alleged victim however one question or more is asked to determine if the death is related to abuse or neglect, then allegations regarding the deceased child should be added and the Child Fatality Indicator question answered *Yes*.

Required Timeframe

The allegation Child Fatality Indicator question must be answered in IMPACT:

- Immediately upon progressing the case to the Investigation stage, if the date of death is entered during the intake for the death. or
- As soon as possible, but no later than 24 hours after the date of death becomes known to the investigation worker, if the date is being entered during an open investigation

Staffing an Investigation of a Child's Death

During the course of an investigation involving the death of a child, the investigator keeps the supervisor apprised of all investigation-related activities.

The investigator must conduct a minimum of one interim staffing with the supervisor and the special investigator no later than the 5th day after the intake report is received. See [4122 Interim Staffing With Supervisor](#).

Upon completion of the investigation, a final staffing includes all of the following individuals:

- The investigator.
- The supervisor.
- The program administrator
- Complex Investigation Analyst

- The DFPS attorney, if an Administrator will be given a disposition of Reason to Believe.

Completing the Investigation of a Child Fatality

When the investigator has completed all investigation activities, and sufficient evidence has been gathered to reach a disposition, the investigator consults with the supervisor. The investigator and supervisor determine the disposition. The Complex Investigations Division (CID) conducts a secondary review and approves the investigation.

The investigator updates documentation about the child's death in IMPACT.

If the final autopsy report or death certificate has not been received when the investigation is completed, the investigator enters the preliminary autopsy findings. The investigator requests, on agency letterhead and by email or mail, that the final autopsy report or death certificate be sent when it is available. The investigator documents this request in a contact in IMPACT and uploads a copy of the request to the OneCase application within IMPACT.

If the final autopsy report or death certificate is received after the investigation has been closed, it is uploaded to OneCase and documented in the investigation as a closed stage addendum.

DOCUMENTING A CHILD’S DEATH AT CASE CLOSURE

Documenting the Allegation(s), Disposition, and Severity

At the conclusion of the investigation, the investigator updates the reason for a child’s death under the *Non-CPS Reason for Death* drop-down menu on the *Person Detail* page in IMPACT.

The table below explains the *Reason for Death* codes used under the *Non-CPS Reason for Death* drop-down menu.

The investigator chooses a *Reason for Death* code for abuse or neglect, if all of the following apply:

- The disposition is *Reason to Believe*.
- The severity is *Fatal*.
- The answer is *Yes* to the IMPACT question *Is this a child fatality allegation?*

The reason for death entered in IMPACT automatically transfers to the *Investigation Victim and Parent Details* page in CLASS.

| The Reason for Death Code | Applicable Dispositions | Circumstances Surrounding the Child's Death | Involvement With DFPS |
|---|--|---|---|
| <p><i>NAB</i> Not Abuse/Neglect Related</p> | <p>Any disposition, as long as the severity is not <i>Fatal</i> (that is, as long as the abuse or neglect was not the cause of death).</p> | <p>Either of the following:</p> <ul style="list-style-type: none"> • A cause other than abuse or neglect. • There is not enough evidence to confirm | <p>The child or perpetrator was or is involved with a DFPS investigation.</p> |

| | | | |
|---|--------------------|---|---|
| | | abuse or neglect. | |
| <i>ABN</i> Abuse/Neglect In Open Case | <i>RTB – Fatal</i> | The child died due to abuse or neglect. | An unrelated investigation involving the child was open when a report of the child's death was received. |
| <i>ABO</i> Abuse/Neglect In Closed Case | <i>RTB – Fatal</i> | The child died due to abuse or neglect. | Both of the following are true: <ul style="list-style-type: none"> • The deceased child was a victim in a prior investigation or the person responsible for the death (the designated perpetrator) was an alleged or confirmed perpetrator in a closed investigation conducted by CCI. • There was no open investigation involving the child when the report of the child's death was received. |
| <i>ABP</i> Abuse/Neglect and No Prior Case | <i>RTB – Fatal</i> | The child died due to abuse or neglect. | Both of the following are true: <ul style="list-style-type: none"> • The child and designated perpetrator have not been involved with a DFPS investigation. • There was no open investigation involving the child when the report of the child's death was received. |

Assigning the Severity of Allegations When a Child Dies

If the investigator concludes that abuse or neglect caused or contributed to a child's death, the investigator does as follows in IMPACT on the *Allegation* page:

- Assigns the disposition as *Reason to Believe*.
- Assigns the severity as *Fatal*.

If the investigator concludes that abuse or neglect has occurred but did not cause or contribute to the child's death, the investigator does as follows in IMPACT on the *Allegation* page:

- Assigns the disposition as *Reason to Believe*.
- Assigns the severity as *Mild, Moderate, or Serious* (the investigator does not assign the severity as *Fatal*).

If the deceased child is not an alleged victim however one question or more is asked to determine if the death is related to abuse or neglect, then allegations regarding the deceased child should be added and the Child Fatality Indicator question answered Yes.

If the child died as a result of prior abuse neglect or exploitation of a CPI investigation the CCI Program Administrator will notify the CPI Program Administrator so they may review the closed CPI Investigation and determine if the severity code of the previous disposition needs to be corrected. CCI Supervisor will

also notify law enforcement in the jurisdiction in which the abuse or neglect occurred.

The CCI Program Administrator will document in IMPACT the reason why the fatality severity code was not selected in the CCI investigation as well as their notification to the CPI Program Administrator. The CCI Program Administrator then sends an email to the CCI designee to move the previous completed CCI Notification of Fatality Form 3021A (if applicable) to the non-releasable folder on Child Fatality SharePoint Site.

COMPLETING THE FATALITY INFORMATION IN IMPACT

In order to complete the Fatality Information in IMPACT, the investigation worker selects *Fatality Information* as an option in the Person Detail window in IMPACT. The investigation worker completes the appropriate fields indicating:

- The *Manner of Death*;
- The *Cause of Death*;
- The *Autopsy Findings* and whether they are preliminary or final;
- The *Status of the Death Certificate/Autopsy* (pending or received); and
- The *Medical Examiner's Findings*.

The investigator should enter the autopsy findings into the *Fatality Information* window. These could be the preliminary findings if the final autopsy has not been received. In IMPACT, there is no 'pending investigation' drop down option for cause of death. If the manner of death is still pending, but you have a preliminary cause of death from the medical examiner or the case circumstances strongly indicate a cause of death (i.e. asphyxiation, drowning, vehicle, etc.); enter 'pending investigation' for manner of death, select the cause of death, and discuss the ME information in the comment box. If the medical examiner is unable to provide a preliminary finding, leave the manner and cause of death BLANK and document in the comment box why this information cannot be provided until final autopsy.

If the final autopsy is received after case closure, CCI staff will need to update the fatality information on the deceased child's person detail page and provide a copy to the Complex Investigation Analyst.

If the final autopsy is received after case closure and includes information that was not previously known or suspected, consult with CCI management for next steps.

ENSURING CONSISTENCY IN IMPACT WHEN A CHILD DIES

The investigation worker ensures that the following data is entered consistently into the IMPACT case management system:

- The CPS reason for the child's death
- The disposition assigned to each allegation
- The severity of the allegations that have a disposition of *Reason to Believe*
- The answer to the question: *Is this a child fatality allegation?*

The following chart summarizes the data that must be entered consistently during the investigation.

| Conclusion | Allegation | Reason for Death (Non-CPS) |
|--------------------------------------|---|--|
| The child died from abuse or neglect | IMPACT has at least one allegation relating to the abuse or neglect that resulted in the child's death. For at least one allegation entered, the | The investigation worker chooses one of the following in IMPACT: |

| | | |
|---|---|--|
| | <p>worker:</p> <ul style="list-style-type: none"> names the deceased child as a victim; selects Yes in answer to the question: <i>Is this a child fatality allegation?</i> assigns the disposition of <i>Reason to Believe</i>; and assigns the severity of <i>Fatal</i>. | <ul style="list-style-type: none"> <i>Abuse or neglect in an open case (ABN)</i> <i>Abuse or neglect in a closed case (ABO)</i> <i>Abuse or neglect, no prior (ABP)</i> |
| The child's death was investigated as possibly due to abuse or neglect, but was found not to be from abuse or neglect | The investigation worker: <ul style="list-style-type: none"> does not assign the severity of <i>Fatal</i> to any allegation naming the deceased child as a victim; and on at least one allegation must answer Yes to the question: <i>Is this a child fatality allegation?</i> | The investigation worker chooses <i>Not abuse or neglect related</i> in IMPACT (NAB) |
| The child's death was investigated as possibly due to abuse or neglect, but it could not be determined if the child died due to abuse/neglect | The investigation worker: <ul style="list-style-type: none"> does not assign the severity code of <i>Fatal</i> to any allegation naming the deceased child as a victim; and on at least one allegation must answer Yes to the question: <i>Is this a child fatality allegation?</i> | The investigation worker chooses <i>Not able to determine</i> in IMPACT (UTD) |
| The child's death was investigated as possibly due to abuse or neglect, but the investigation could not be completed | The investigation worker: <ul style="list-style-type: none"> does not assign the severity code of <i>Fatal</i> to any allegation naming the deceased child as a victim; and on at least one allegation must answer Yes to the question: <i>Is this a child fatality allegation?</i> | The investigation worker chooses <i>Not able to complete</i> in IMPACT (UTC) |
| The child's death was not investigated. | The investigation worker answers No to the question <i>Is this a child fatality allegation?</i> | The investigation worker chooses <i>Not related to abuse or neglect</i> in IMPACT (NIN) |

Death Related to Restraints

If the child's death was related to the use of restraints, the investigator chooses one (or more) of the following types of restraints in the *Types of Restraints* section of the *CCL Investigation Conclusion* page in IMPACT:

- Chemical Restraint*
- Emergency Medication*
- Mechanical Restraint*
- Personal Restraint*
- Seclusion*

If the death was not related to restraints, the investigator checks *No Restraints*.

Supervisory Approval of the Investigation of a Child's Death

When the investigator is ready to submit the case for approval in IMPACT, the investigator also does the

following:

- Completes the Supervisor Reading Guide and uploads to One Case.

If CPI and CCI are both investigating the death of a child, the investigator must ensure that the information entered in in the *Fatality Information* section in IMPACT matches the information that is in CLASS by coordinating the following:

- The handling of the investigation with the CPI worker.
- The closure of the investigation in IMPACT with CPI staff.

Once the supervisor has approved the investigation in IMPACT, the supervisor must send the investigation to a Complex Investigation Analyst for secondary approval.

The secondary approver then has five days to review and either approve or reject the investigation in IMPACT.

Upon approval of a fatality investigation, the Complex Investigation Analyst will notify the worker, supervisor, Program Administrator and the CID Division Administrator via email on the same day of the secondary approval.

The Roles of SWI, SI, CPS, and CCI When a Child Dies in a Residential Placement

It is important that CPS staff share the needed information about the deceased child to CCI and or the SI assigned, coordinate information to be updated in IMPACT, and be available for any staffings that are scheduled.

See [5300 Investigating Fatal or Near Fatal Injuries](#)

SUPPORTIVE SUPERVISION WHEN NOTIFIED OF THE CHILD FATALITY

Secondary trauma is very common in child protection work, particularly when a critical incident such as a child fatality occurs with a family who was known to the caseworker. Secondary trauma must be addressed to help support staff. Managers are expected to help staff process the traumatic event and address their own individual response about the child fatality. The management response needed can range from a check-in by the manager to see how the staff is doing, modified duty, to allowing the worker to take time off.

All staff who were assigned to an open case in which a new incident of abuse or neglect resulted in the child's death must be provided with information about the Employee Assistance Program (EAP). Regional management may also provide EAP information to other staff affected by the fatality as needed.

Additionally, if needed, the Program Administrator should work with EAP to have a debriefing session for staff that worked with the family prior to the child fatality as well as the child fatality investigation. This debriefing session should be specifically for the staff that worked with the family and not open for all staff.