Licensing Policy and Procedures Handbook Revision \_\_

This revision of the Licensing Policy and Procedures Handbook was published on \_\_\_\_. Summaries of new or revised items are provided below.

For Licensing revisions only: Immediately following signoff, Licensing staff will prepare a highlighted document showing significant changes that we will post with the revision memo.

Licensing Investigations

The items below are revised to change the times within which investigators are required to send notification letters. Titles of some items are reworded for clarity and other minor changes are made.

Display of Revisions with Changes Highlighted (Word Document)

See:

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[6421.1 Observing and Interviewing Alleged Victims (Abuse or Neglect Only) 1](#_Toc353371264)

[6422.1 Interviewing Alleged Perpetrators 3](#_Toc353371265)

[6520 Investigation of a Child’s Death 5](#_Toc353371266)

[6521 Actions Taken in the First 24 Hours 6](#_Toc353371267)

[6523.3 Notifications Within DFPS 7](#_Toc353371268)

[6524 Completing the Child Death Report in CLASS 7](#_Toc353371269)

[6525 Staffing an Investigation of a Child's Death 7](#_Toc353371270)

[6526 Completing the Investigation of a Child's Death 7](#_Toc353371271)

[6526.2 Completing the Investigation Before the Results of the Autopsy Are Received 8](#_Toc353371272)

[6527 Documenting the Investigation of a Child’s Death 9](#_Toc353371273)

[6528 Closing the Investigation of a Child's Death 9](#_Toc353371274)

[6529.1 Completing Form 2058a to Release Information About a Child’s Death 9](#_Toc353371275)

[6622.4 Roles of Persons Involved in the Investigation 10](#_Toc353371276)

[Appendix 6000-1: Time Frames for Investigations 10](#_Toc353371277)

##### 6421.1 Observing and Interviewing Alleged Victims (Abuse or Neglect Only)

LPPH ~~December 2012~~ DRAFT 6177-CCL

Time Frames for Observing and Interviewing Alleged Victims

Policy

The investigator must interview all alleged victims as soon as possible after receiving the intake report, but no later than:

• five days after receiving the intake report for a Priority 1 (P1) investigation; and

• seven days after receiving the intake report for a Priority 2 (P2) investigation.

If the information in the intake report indicates that an alleged victim has serious injuries, the investigator must observe the child sooner than these time frames.

During the interview, the investigator makes a reasonable effort to obtain the following information about the child:

a. Full legal name

b. Date of birth

c. Ethnicity

d. Social Security number

e. Home address

f. Home telephone number

If the child is unable to provide the above information, the investigator may request enrollment records to obtain the information or may request the information from the child’s parent.

See:

[6413.4](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6413_4) Initiation of an Investigation Involving a Child With Serious Injuries

[1422](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1422) Photos of Children

Exceptions to Observing and Interviewing Alleged Victims Within Time Frames

Policy

The investigator is exempt from observing or interviewing an alleged victim within the required time frames when:

a. the alleged victim’s whereabouts are unknown;

b. the alleged victim no longer lives in Texas;

c. the alleged victim has already been interviewed about the allegations by CPS, law enforcement, or a children’s advocacy center; or

d. other circumstances beyond the investigator’s control prevent the interview from taking place within the required time frame.

Procedure

When the investigator is unable to interview an alleged victim within the required time frame, the investigator:

a. explains the circumstances to the supervisor and requests an exception;

b. arranges for an interview to take place as soon as circumstances allow; and

c. documents in a contact in CLASS the circumstances that prevented the investigator from observing and interviewing the child within the required time frames and that an exception was granted by the supervisor.

Observations and Interviews of Alleged Victims by Another Professional Entity

Procedure

Interview Takes Place Before Receipt of Intake Report

If another professional, including a CPS investigator, a worker from a child advocacy center (CAC), or a law enforcement officer has already interviewed the alleged victim about the allegations by the time the intake report is received, the investigator must:

a. request a copy of the recording, a transcript, or detailed documentation of the interview;

b. review the interview recording or notes to assess whether all of the allegations were addressed in the interview; and

c. document a contact in CLASS, including a summary of the interview and a statement explaining who conducted the interview.

If the investigator determines that the interview conducted by the other entity did not sufficiently address all of the allegations in the intake report, the investigator:

• consults with the supervisor to determine whether another interview should be conducted; and

• determines whether there is an active criminal investigation, if the supervisor agrees that another interview is warranted, and coordinates with the investigating law enforcement agency before proceeding with the interview.

Interview Is Scheduled to Take Place After the Receipt of the Intake Report

If another professional entity, such as a child advocacy center (CAC) or law enforcement, has not conducted an interview with the alleged victim by the time the intake report is received, and the investigator determines that a forensic interview is necessary, the investigator:

a. works with law enforcement and the local CAC to schedule an interview with the alleged victim;

b. attends and observes the forensic interview, if possible;

c. requests a copy of the interview recording or transcript; and

d. documents a contact in CLASS, including a summary of the interview and a statement explaining who conducted the interview.

If the investigator is unable to attend the forensic interview, he or she must also document the reason that the investigator did not attend the interview.

##### 6422.1 Interviewing Alleged Perpetrators

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Policy

The investigator must conduct a face-to-face interview with all alleged perpetrators, whenever possible.

In the event that the alleged perpetrator is no longer employed at the operation, the investigator must obtain locating information on the person, including the person’s last known address or phone number.

Procedure

During the interview with an alleged perpetrator, the investigator:

• informs the alleged perpetrator about the allegations being investigated; and

• informs the alleged perpetrator that he or she is being investigated for his or her involvement in the incident.

During the interview, the investigator makes a reasonable effort to obtain the following information about the alleged perpetrator:

a. Full legal name

b. Date of birth

c. Ethnicity

d. Social Security number

e. Home address

f. Home telephone number

If the perpetrator refuses to provide the above information, the investigator may request employee records to obtain the information.

See [6352.2](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6352_2) Exceptions to Notifying the Operation.

Interview of an Alleged Perpetrator by Law Enforcement

Procedure

Interview Takes Place Before Receipt of Intake Report

If law enforcement has already interviewed the alleged perpetrator about the allegations by the time the intake report is received, the investigator must:

a. request a copy of the recording, a transcript, or detailed documentation of the interview;

b. review the interview recording or notes to assess whether all of the allegations were addressed in the interview; and

c. document a contact in CLASS, including a summary of the interview and a statement explaining who conducted the interview.

If the investigator determines that the interview conducted by law enforcement did not sufficiently address all of the allegations in the intake report, the investigator:

a. consults with the supervisor to determine whether another interview should be conducted;

b. determines whether there is an active criminal investigation, if the supervisor agrees that another interview is warranted; and

c. coordinates with the investigating law enforcement agency, if there is an active criminal investigation, before proceeding with the interview.

Interview Is Scheduled to Take Place After the Receipt of the Intake Report

If law enforcement conducts a joint investigation with Licensing, the investigator consults with law enforcement before interviewing the alleged perpetrator.

If law enforcement interviews the alleged perpetrator, the investigator:

a. attends and observes the interview, if possible;

b. requests a copy of the interview recording or transcript; and

c. documents a contact in CLASS, including a summary of the interview and a statement explaining who conducted the interview.

If the investigator is unable to attend the interview, he or she must also document the reason that the investigator did not attend the interview.

Alleged Perpetrator Refuses to Provide Interview

Policy

If an alleged perpetrator refuses to be interviewed until legal counsel has been obtained or an attorney can be present, the investigator allows a reasonable time frame for the alleged perpetrator to make such arrangements.

The investigator informs the alleged perpetrator about certain facts, if:

a. an interview is not scheduled within the time frame established; or

b. the alleged perpetrator refuses to be interviewed; or

c. the alleged perpetrator does not respond to the investigator’s attempt to schedule an interview; or

d. the alleged perpetrator does not otherwise cooperate with the investigator.

The facts that the investigator informs the alleged perpetrator about are:

a. the allegations being investigated;

b. that the investigator is required to make a determination without the alleged perpetrator’s input; and

c. the possible outcomes of the investigation.

Procedure

The investigator:

• notifies the alleged perpetrator in person or by phone about the need to schedule an interview; and

• follows up by sending the notification in writing, by regular and certified mail, to the alleged perpetrator’s residential address.

The investigator keeps a copy of the notification in the confidential file for abuse or neglect cases.

### 6520 Investigation of a Child’s Death

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Policy

Licensing must investigate a child’s death when notified that:

• a child has died while in the care of an operation; or

• a child’s death could be related to the care received at an operation.

Any time a child dies, Licensing investigates the death as an abuse or neglect investigation; for example, if a medically fragile child dies while in care, the intake report is handled as an abuse or neglect investigation with a possible allegation of medical neglect.

An investigation is conducted to determine whether abuse or neglect was a factor in the child’s death or whether a violation of statute, administrative rules, or minimum standards caused or contributed to the death.

The investigator must coordinate the investigation with:

a. CPS, when applicable;

b. the law enforcement agency that investigates the child’s death;

c. the district attorney or other prosecuting attorney, if an arrest occurs or charges are taken to a grand jury; and

d. the medical examiner or justice of the peace, as applicable, if:

• an autopsy was performed, or

• an inquest was held.

Procedure

When Licensing receives an intake report that a child has died while in the care of a child-care operation, the supervisor assigns the intake report to an investigator to conduct as an abuse or neglect investigation.

If the death occurred in an alleged illegal operation, the investigator first determines whether the operation is subject to regulation. If the operation is subject to regulation, the investigator investigates the death. If the operation is not subject to regulation, the investigator follows the guidelines in [6553](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6553) Investigations of Abuse or Neglect in Illegal Operations.

The investigation of a child’s death in the care of a child-care operation must be conducted according to the guidelines for an abuse or neglect investigation.

See [6400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6400) Conducting the Investigation.

#### 6521 Actions Taken in the First 24 Hours

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Within 24 hours of receiving an intake report indicating that a child in care has died, the investigator:

a. ensures that the date of death is entered in IMPACT and the Child Fatality Allegations Question in IMPACT is marked *Yes*;

b. evaluates the safety of the other children in care;

c. notifies law enforcement, the medical examiner, and DFPS, as applicable;

d. ensures that the preliminary cause of death and manner of death are entered in CLASS;

e. completes the preliminary Child Death Report in CLASS ; and

f. initiates the investigation.

See:

[6331](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6331) Evaluating the Need for a Safety Plan

[6340](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6340) Assessment of Risk During Abuse or Neglect Investigation

[6350](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6350) Notifications Made at Beginning of Investigation

[6410](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6410) Initiating the Investigation

6524 Completing the Child Death Report in CLASS

[6527.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6527_1) Cause and Manner of Death

##### 6523.3 Notifications Within DFPS

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Within 24 hours of being notified about a child’s death (either by receiving the intake report or another form of notification), the investigator sends certain DFPS staff a copy of CLASS Form 2899e Child Death Report by email, noting the preliminary cause of death.

See 6524 Completing the Child Death Report in CLASS.

#### 6524 Completing the Child Death Report in CLASS

Production note: No revisions were made to this item.

#### 6525 Staffing an Investigation of a Child's Death

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

An interim staffing is held with the supervisor no later than the 20th day after the intake report is received. See [6460](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6460) Interim Staffing With Supervisor.

Upon completion of the investigation, a final dispositional staffing includes:

a. the investigator;

b. the supervisor; and

c. the district director or the residential manager, and the DFPS attorney for Licensing, as needed.

#### 6526 Completing the Investigation of a Child's Death

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Policy

When the investigation is complete, the investigator staffs the investigation with the supervisor to determine a disposition.

Upon receiving a final autopsy report or a death certificate, the investigator updates the information about the child’s death:

• on the *Parent and Victim Details* page in CLASS, including any new information about law enforcement’s involvement in the case; and

• in the Child Death Report (2899e) in CLASS.

See:

6524 Completing the Child Death Report in CLASS

[6600](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6600) Completing the Investigation

##### 6526.2 Completing the Investigation Before the Results of the Autopsy Are Received

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Procedure

If the supervisor and investigator determine that enough information has been gathered to complete the investigation, they may make a disposition before they receive the final autopsy report; however, the investigator must still attempt to contact the medical examiner (or other necessary party, such as a justice of the peace) at least once a month until the report is received.

After the autopsy is received, the investigator:

a. updates the information on the child’s death;

b. creates a Child Death Report in CLASS and notes the cause of death as confirmed;

c. notifies the appropriate program improvement specialist or supervisor; and

d. closes the investigation in IMPACT according to the procedures outlined in 6528 Closing the Investigation of a Child’s Death.

See 6524 Completing the Child Death Report in CLASS.

The program improvement specialist for day care or the supervisor for residential care:

• notifies the lead investigation analyst in the DFPS state office that the investigation is complete; and

• includes the name and number of the operation, the CLASS investigation number, and the name of the child.

The CLASS investigation remains open until:

• the final autopsy result is received; and

• all information is completed in CLASS.

See Appendix 6000-2: Checklist for Reporting a Child’s Death.

#### 6527 Documenting the Investigation of a Child’s Death

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Policy

The investigator documents the investigation according to the requirements for abuse and neglect investigations. See:

[6700](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6700) Documenting the Investigation

[6760](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6600.asp#LPPH_6760) Maintaining an Investigation File

A preliminary and confirmed *Child Death Report* are documented in CLASS. See 6524 Completing the Child Death Report in CLASS.

#### 6528 Closing the Investigation of a Child's Death

LPPH ~~December 2012~~ DRAFT 6177-CCL

Procedure

Because autopsy results may be delayed, the investigator consults with his or her supervisor to determine whether to close the case. With supervisory approval, the abuse or neglect investigation may be closed before an autopsy report is received.

Once the supervisor has approved the investigation in IMPACT, he or she is required to add a secondary approver who works outside of the supervisor’s district. The secondary approver then has 15 days to review and approve or reject the investigation in IMPACT.

##### 6529.1 Completing Form 2058a to Release Information About a Child’s Death

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Procedure

When a child dies while in the care at a residential child care operation, regional DFPS staff follow the notification procedures explained in [6523](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6523) Notifications of a Child’s Death.

Within five days of the death of a child in care, a designated worker at the DFPS state office:

a. completes [Form 2058a](http://intranet.dfps.state.tx.us/application/Forms/showFile.aspx?NAME=2058a.doc) CCL Child Fatality 5-Day Report for Release of Information to the Public;

b. sends the form to the lead investigation analyst or designee for approval;

c. uploads the form to the SharePoint site designated as the central repository for the forms used by CPS and CCL for cases related to investigations into the death of a child in care; and

d. logs information about the death on the tracking log for child fatalities.

When completing Form 2058a, the designated worker includes:

a. the IMPACT case identification (ID) number;

b. the gender of the child;

c. the date of the child’s death;

d. whether the child was in DFPS conservatorship at the time of death; and

e. the type of operation the child was living in.

##### 6622.4 Roles of Persons Involved in the Investigation

LPPH ~~December 2012~~ DRAFT 6177-CCL

When the investigator enters a disposition for each allegation on the *Allegation List* page in IMPACT, the IMPACT system automatically assigns the following roles to persons, depending on the disposition selected:

***Designated Victim* (*DV*) –** Based on a preponderance of the evidence, the investigator concludes that the child was abused, neglected, or exploited, as defined in the Texas Family Code [§261.401(1), (2), or (3)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.261.htm#261.401). A child has the role of *Designated Victim* when he or she is named as a victim in an allegation that has a disposition of *Reason to Believe*, but is not named as a perpetrator in another allegation that has a disposition of *Reason to Believe*.

***Designated Perpetrator* (*DP*) –** Based on a preponderance of the evidence, the investigator concludes that the individual is responsible for abuse, neglect, or exploitation of a child and worked under the auspices of the operation at the time of the abuse, neglect, or exploitation. A person has the role of *Designated Perpetrator* when he or she is named as a perpetrator in an allegation that has a disposition of *Reason to Believe*, but is not named as a victim in another allegation that has a disposition of *Reason to Believe*.

***Unknown*, in an *Unable to Determine* (*UTD*) disposition –** The investigator could not conclude in the investigation whether an alleged perpetrator was involved in the alleged abuse or neglect. The investigator could not determine who inflicted the alleged abuse or neglect on the alleged victim. A person has the role of *Unknown* (*Unable to Determine*) when he or she is named in an allegation that has a disposition of *Unable to Determine*, but is not named in another allegation that has a disposition of *Reason to Believe*.

***No Role* (*NO*) –** This applies when:

a. a child who was originally alleged to be a victim was found not to have been abused or neglected;

b. a person who was originally alleged to be a perpetrator was found not to have abused or neglected children;

c. all of the allegations in which the person was named as a victim or perpetrator were administratively closed; or

d. the person was not alleged to have abused or neglected a child in the investigation.

# Appendix 6000-1: Time Frames for Investigations

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Use the table below to determine when certain actions must be taken after an investigator receives an intake report.

All days are calendar days. Supervisors may require shorter time frames on certain investigations, based on the risk to children. Investigators document all investigation activities on the same day that the activities occur, or on the following day.

For further information, see [6200](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6000.asp#LPPH_6200) Assessing and Processing Intake Reports.

|  |  |  |  |
| --- | --- | --- | --- |
| Action | Priority 1 (P1) Intakes | Priority 2 (P2) Intakes | Priority 3 (P3) Intakes |
| Initiation of the investigation | 24 hours | A/N – 72 hours  Non A/N – 5 days | 15 days |
| Abuse or neglect (A/N) investigations – Observe or interview alleged victim | 5 days | 7 days | N/A |
| Inspect the operation | 15 days | 15 days | 30 days |
| Complete the investigation | 30 days | 30 days | 60 days |
| A/N investigations – Complete the documentation | 30 days | 30 days | N/A |
| Non A/N investigations – Complete the documentation | 30 days | 30 days | 60 days |
| A/N investigations – Prepare draft notification letters | 30 days | 30 days | N/A |
| A/N Investigations – *Saves and Submits* the investigation in IMPACT to the supervisor for approval | 30 days | 30 days | N/A |
| A/N Investigations – Supervisor approves and closes the investigation in IMPACT | 45 days | 45 days | N/A |
| Finalize and mail the notification letters | 50 days | 50days | 60 days |

Additional Time Frames for Investigating a Child’s Death

|  |  |
| --- | --- |
| Action | Taken Within … |
| Supervisor *Saves and Submits* the investigation in IMPACT to the secondary approver | 45 days of receiving an intake |
| Secondary approver approves and closes the investigation in IMPACT | 60 days of receiving an intake |