

POLICY IX-A: INTERNAL REVIEW OF ASSESSMENT DECISIONS

05/2017

Child welfare is a complex field due to the multitude of individual, family, and community dynamics that not only affect how families raise their children, but how child welfare staff who also come from varied backgrounds and experiences assess child and family functioning. As such, the Division of Children and Family Services (DCFS) has an internal review process for assessment decisions given that one individual may perceive an allegation of maltreatment or risks differently from another individual despite consistent training.

A DCFS Family Service Worker (FSW), supervisor, or an Office of Chief Counsel (OCC) attorney may request the Division Director or designee to allow an internal review of assessment decisions if he or she believes:

- A. A child in the custody of the Department can be returned safely to his or her home; or,**
- B. A child has not been taken into the Department's custody even though the child cannot remain safely in his or her home.**

No adverse action will be taken against an employee for requesting an internal review of assessment decisions as outlined in this policy and related procedures. However, employees who request an internal review of assessment decisions are not absolved from discipline for other actions, as appropriate, that fall outside of a request for an internal review of assessment decisions.

Requests for an internal review of assessment decisions will be made in writing via email to the Division Director or designee. The Division Director or designee will approve the request for an internal review of assessment decisions, as appropriate, within one business day. The Division Director or designee may ask the requestor for additional information regarding the need for an internal review of assessment decisions as needed.

When the Division Director or designee grants approval for an internal review of an assessment decision, the Division Director or designee will immediately select and notify in writing via email the following staff to review the assessment decision and determine the course of action to be taken:

- A. Two Area Directors who have no previous involvement with the case; and,**
- B. A County Supervisor who has no previous involvement with case and who does not report to either of the selected Area Directors.**

The Division Director or designee will also provide the information submitted by the requestor of an internal review of an assessment decision to the selected internal review committee.

If any of the selected Area Directors and County Supervisor cannot serve on the assessment decision internal review committee due to a conflict of interest or any other extenuating circumstance, he or she will notify the Division Director of the conflict in writing via email within twenty-four hours of the receipt of notification to serve on the internal review committee. If the Division Director or designee agrees that the selected staff member cannot serve on the assessment decision internal review committee, then the Division Director or designee will immediately, but no later than 24 hours, select and notify another staff member of an equal position in writing via email.

The selected Area Directors and County Supervisor are responsible for coordinating with each other to schedule the internal review committee meeting. Within two business days of receiving notification from the Division Director or designee to serve on the internal review committee, the selected Area Directors and County Supervisor will hold the assessment decision internal review. This committee will participate in the internal review in person at an agreed upon location or via conference call.

The committee will provide written notice via email of the date, time, location, and conference call information, if applicable, of the internal review to the:

- A. DCFS FSW, DCFS Supervisor, or OCC attorney who submitted the request for an internal review of assessment decisions;
- B. Primary FSW involved in the investigation and/or case, if different from the requestor;
- C. Direct supervisor of the primary FSW involved in the investigation and/or case, if different from the requestor;
- D. Local OCC attorney involved in the investigation or case, if different from the requestor;
- E. Area Director of the primary FSW and his/her direct supervisor (for information purposes only);
- F. DCFS Assistant Director of Community Services or designee (for information purposes only); and,
- G. Division Director or designee (for information purposes only).

The individual who submitted the request for an internal review of assessment decisions as well as the other field staff involved (primary FSW and direct supervisor) will attend the internal review in person or by conference call to present their positions regarding the investigation and/or case and to answer any questions the internal review committee may pose. If any of these individuals are unable to participate in the internal review, they may submit any information requested by the committee in writing prior to the internal review.

After listening to all presentations and responses to any questions, and/or reviewing any additional written information submitted regarding the assessment decision, the internal review committee will determine, as applicable, if:

- A. A child in the custody of the Department may be returned to his or her home (with court approval);
- B. The Department will take a 72-hour hold on a child determined by the internal review committee as not able to remain safely in his or her home; or,
- C. No action will be taken.

The internal review committee will select a member of that committee to notify all appropriate individuals of their decision in writing within two hours of adjournment of the internal review committee. The internal review committee will determine the timeframe in which any necessary action resulting from its decision will take place, not to exceed twenty-four hours. For situations in which the committee determines a child in the custody of the Department may be returned home, this will include notifying with the local OCC attorney to request a hearing to ask for court approval to return the child home.

PROCEDURE IX-A1: Request for an Internal Review of an Assessment Decision

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The DCFS FSW, DCFS Supervisor, or OCC attorney requesting an internal review of an assessment decision will:

- A. Email the Division Director and copy the Assistant Director of Community Services requesting an internal review of an assessment decision as soon as the individual has reasonable cause to believe:
 - 1) A child in the custody of the Department can be returned safely to his or her home; or,
 - 2) A child has not been taken into the Department's custody even though the child cannot remain safely in his or her home.
- B. Ensure the email requesting an internal review of an assessment decision:
 - 1) Has a subject line that reads, "SENSITIVE: Request for Internal Review of an Assessment Decision – Immediate Attention Required" and also includes the applicable county;
 - 2) Is marked as "high importance;"
 - 3) Includes the following information in the body of the email:

- a) Last name of the client involved
- b) CHRIS referral number or client ID, as applicable
- c) Brief summary of the reason for the request.

PROCEDURE IX-A2: Approval or Denial of an Internal Review of an Assessment Decision and Selection of the Internal Review Committee

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The Division Director or designee will:

- A. Review the email and request additional information from the requestor, if needed.
- B. Within one business day, approve the request and select and notify in writing via email the following staff to review the assessment decision and determine the course of action to be taken:
 - 1) Two Area Directors who have no previous involvement with the case; and,
 - 2) County Supervisor who has no previous involvement with case and who does not report to either of the selected Area Directors.
- C. Select an alternate internal review committee member, if necessary, upon receipt of notification that a previously selected member cannot participate due to a conflict of interest or other extenuating circumstance and immediately, but no later than 24 hours, notify the alternate selection.
- D. Forward the written email request for the internal review of an assessment decision to the selected internal review committee members.

The internal review committee members will:

- A. Confirm participation on the internal review committee of an assessment decision upon receipt of the notification from the Division Director or designee.
- B. Immediately notify the Division Director or designee if he or she will not be able to participate due to a conflict of interest or other extenuating circumstance.

Procedure IX-A3: Assessment Decision Internal Review Committee Duties

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The internal review committee members will:

- A. Review the following information prior to holding an internal review of assessment decisions:
 - 1) Applicable Child Abuse Hotline report;
 - 2) All CHRIS contacts related to the investigation and/or case; and,
 - 3) Written request for the internal review of assessment decisions previously submitted to the Division Director or designee.
- B. Determine a date, time, and location and/or conference call option for the internal review process (to be held within two business days of receiving notification from the Division Director or designee to serve on the internal review committee) and notify via email the following individuals:
 - 1) DCFS FSW, DCFS Supervisor, or OCC attorney who submitted the request for an internal review of assessment decisions;
 - 2) Primary FSW involved in the investigation and/or case, if different from the requestor;
 - 3) Direct supervisor of the primary FSW involved in the investigation and/or case, if different from the requestor;
 - 4) Local OCC attorney involved in the investigation or case, if different from the requestor;

- 5) Area Director of the primary FSW and his/her direct supervisor (for information purposes only);
 - 6) DCFS Assistant Director of Community Services or designee (for information purposes only); and,
 - 7) Division Director or designee (for information purposes only).
- C. Conduct the internal review of an assessment decision at the reviewed upon time.
- D. Determine, as applicable, if:
- 1) A child in the custody of the Department will be returned to his or her home;
 - 2) The Department will take a 72-hour hold on a child determined by the internal review committee as not able to remain safely in his or her home; or,
 - 3) No action will be taken.
- E. Select a member of internal review committee to notify the following individuals of their decision in writing within two hours of adjournment of the internal review committee:
- 1) DCFS FSW, DCFS Supervisor, or OCC attorney who submitted the request for an internal review of assessment decisions;
 - 2) Primary FSW involved in the investigation and/or case, if different from requestor;
 - 3) Direct DCFS Supervisor of the primary FSW involved in the investigation and/or case, if different from requestor;
 - 4) Local OCC attorney involved in the investigation or case, if different from the requestor;
 - 5) Area Director of the primary FSW and his/her direct supervisor;
 - 6) DCFS Assistant Director of Community Services or designee; and,
 - 7) Division Director or designee.
- F. Determine the timeframe in which any necessary action resulting from the decision will take place, not to exceed twenty-four hours.
- G. Communicate immediately to the applicable individuals via email the tasks that will be completed as a result of the committee's decision to include completion of appropriate documentation in CHRIS.