

# What does DCFS do?



Utah Department of  
**Health & Human Services**  
Child & Family Services

# Where does Child Protective Services fit within the Department?



Utah Department of  
**Health & Human**  
Services



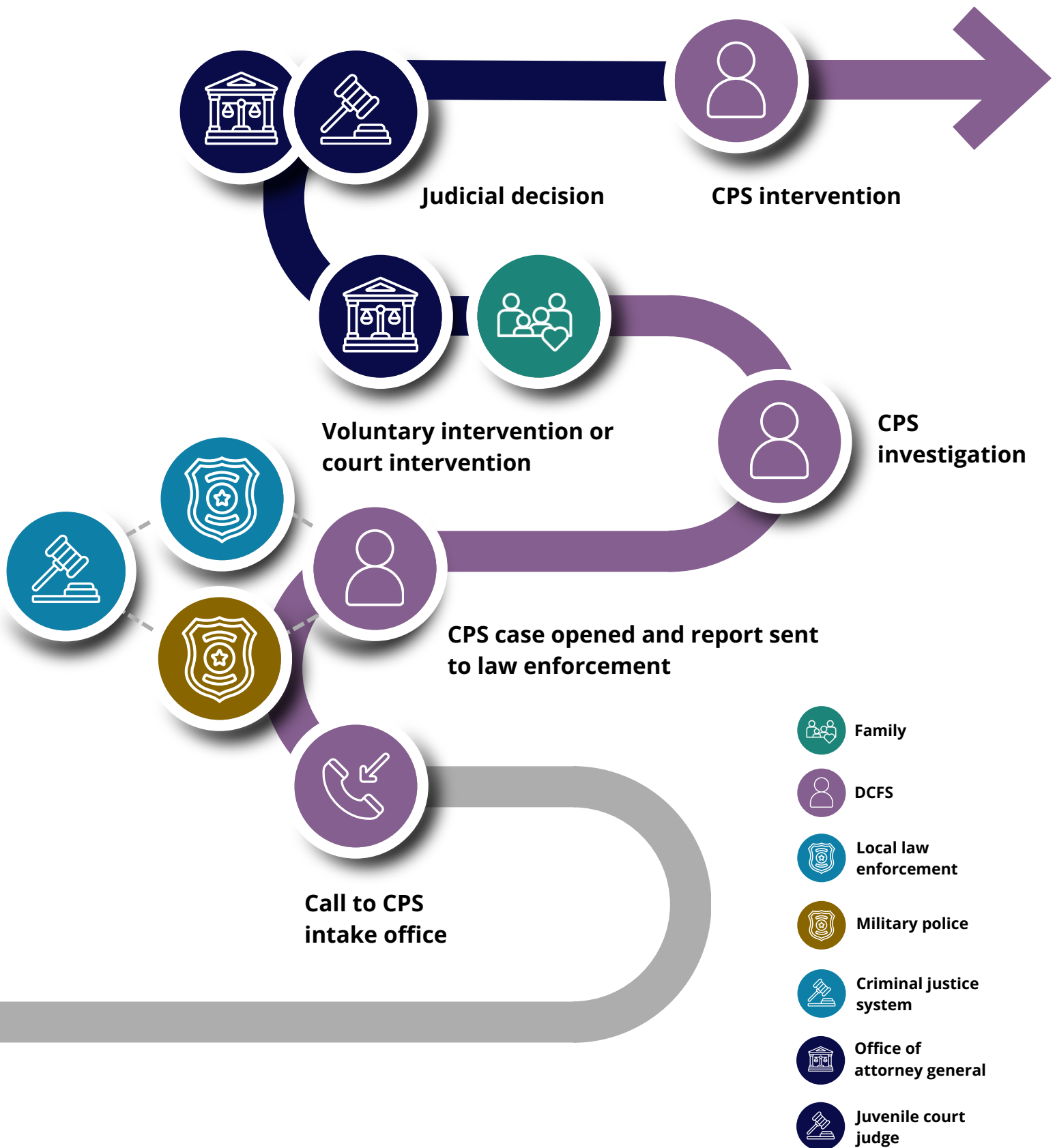
**Division of Child and Family Services (DCFS)**



**Child Protective Services (CPS)**

# Child Protective Services

## process overview





## What happens when a report of suspected child abuse or neglect is made?

Reports of alleged child abuse or neglect come to a centralized intake office. A trained professional collects information to find out if the report meets the criteria to open an investigation.

Allegations must meet the child abuse and neglect statutes outlined in Utah state law in order for DCFS to open an investigation. The statutes can be found at <https://le.utah.gov/xcode/Title80/Chapter2/80-2-S301.html>. Sometimes reports to our hotline may sound concerning, but don't qualify as child abuse or neglect under state law.

Reports that don't meet the criteria to open an investigation are documented in our child welfare information system as unaccepted. Reports that do meet the criteria of child abuse or neglect are then assigned to CPS workers. Most of the time, the intake worker does not make this decision alone. A supervisor or licensed social worker helps make the decision whether it rises to the level of abuse or neglect under state law. They also look at any history of the involvement with DCFS to assist in this decision.

DCFS investigations are prioritized by the risk of immediate danger to a child. The different priority levels are designed to make sure a CPS worker has face-to-face contact with the child in a certain amount of time.

**Priority level 1** Immediate need of protection. Face-to-face contact required within 60 minutes.

**Priority level 2** Risk of imminent harm or loss of physical evidence. Face-to-face contact required within 24 hours.

**Priority level 3** Lower risk to child. Face-to-face contact required by midnight on the 3rd business day.



## **CPS investigation is opened.**

An investigation is opened and a CPS worker is assigned to investigate the case. A report is sent to law enforcement every time a case is opened. Sometimes we also notify law enforcement for reports that don't meet the criteria for child abuse or neglect. This happens if the criteria is not met, but the intake worker believes a different type of crime has been committed.

DCFS is here to protect the child and investigate to find out if it's safe for a child to remain in their home. We work within the juvenile court system, which is a civil court. DCFS findings of child abuse or neglect are not criminal charges. Criminal charges for child abuse and neglect are handled through law enforcement and the criminal justice system. DCFS and law enforcement investigations are separate processes, but often happen at the same time.

Investigations that involve children already in state custody are investigated by a separate office that is not part of DCFS called the Office of Services Review. This team also investigates allegations involving a DCFS employee, volunteer, or contractors of DCFS.



## **CPS investigation**

### **What happens during a CPS investigation?**

During a CPS investigation, a caseworker collects different types of information and evidence of child abuse or neglect, conducts interviews, and does safety and risk assessments.

- Review any involvement the child or family had with DCFS in the past
- Interviews with child, parent, and caregiver
- Interviews with person alleged to be responsible for abuse or neglect
- Interviews with third-party collateral contacts, like teachers or doctors
- Conduct an assessment of safety and risk
- Suicide screener on every child age 10 and older (this is also conducted regularly as a part of in-home and foster care services)
- Safe sleep assessment if a mother is pregnant or if there is a child 12 months or younger
- Developmental milestone checklist for children who are non-verbal or younger than age 5
- In most cases a home visit or unannounced home visit

### **What is a safety and risk assessment?**

Assessing safety means finding out if there are any dangers that could cause harm right now, how likely it is the child will be hurt by those dangers now and in the future, and making sure there are enough protective factors in place to keep the child safe.

DCFS brings together experts to assess the immediate safety of a child, as well as any potential risks we find. These experts may include DCFS caseworkers, supervisors, administrators, the Office of the Attorney General, and sometimes medical personnel or clinical consultants. Depending on the allegation, we may also consult with The Center for Safe and Healthy Families. This is a program through Primary Children's Hospital that provides medical care and exams to suspected victims of child abuse or neglect.

CPS caseworkers use a safety and risk assessment called the Structured Decision-Making or SDM. This is an evidence and research-based tool that helps us identify possible threats to a child's safety and how likely they are to experience abuse or neglect in the next 12-18 months. The SDM guides the decision as to whether a family needs ongoing services or a child is in immediate danger and in need of protection.



## Types of findings from CPS investigations:

- **Unsupported.** There is insufficient evidence to determine that abuse, neglect, or dependency occurred.
- **Supported.** There is a reasonable basis to determine that abuse, neglect, or dependency occurred. DCFS must send the person responsible for abuse or neglect a Notice of Agency Action letter to inform them of their right to due process and right to challenge the finding through an administrative hearing if they disagree with the finding.
- **Without merit.** There is clear evidence the person alleged to be responsible for abuse or neglect was not responsible. For example, the alleged person was out of the country at the time of the abuse.
- **Unable to locate.** CPS was unable to complete face-to-face interviews with the victim and made all reasonable efforts to locate the child.
- **Unable to complete.** The child or family moves out-of-state after a child has been interviewed. The CPS agency in the state where the child now resides is unwilling to complete the investigation.
- **False report.** It was determined the report was made by a person who knew it was false.



## Database

DCFS is required to maintain information and records regarding all investigations of child abuse, neglect, or dependency. These records are kept in the confidential DCFS database. The information is not available to the public and can only be accessed for legally approved purposes. These purposes are determined and changed by the legislature.

Supported allegations of child abuse or neglect may disqualify an individual from:

- Getting or keeping a license to be a foster parent
- Getting certain jobs
- Volunteering with children or adopting a child

A person's name is placed on the Licensing Information System maintained by DCFS if they have supported allegations of severe or chronic child abuse or neglect. This may disqualify or prevent an individual from:

- Being licensed as a foster parent
- Being approved as an adoptive parent
- Receiving or keeping certain types of health and human services licenses
- Providing services to children in a job or volunteer position
- Providing public school-based services
- Providing services in a healthcare facility
- Receiving state funds as a child care provider





## Interventions

### Voluntary intervention

Most parents who are involved with DCFS are able to keep their children safely at home with the right help and support. We take a family-centered approach to provide services and support. Each family is unique and diverse. We try to tailor services to their strengths and needs by respecting their financial circumstances, beliefs, culture, values, practices, and traditions. Kids have better outcomes if their parents are involved with their caseworker early on. We try to focus on strengths and needs that are most relevant to each child and involve the parents in selecting the services and resources they need most.

### Court intervention

We are required by law to make reasonable efforts to keep children from being removed from their parents and do our best to reunify families. Research shows that removal from the home carries significant risks to a child. It is often less traumatic for kids to stay in their homes or reunify with their parents after they've been removed from their homes. Court intervention becomes necessary when parents are unable or unwilling to work with DCFS to provide a safe environment for their child, the type of abuse is severe or chronic and the risk of future abuse is high, or if a child is in immediate danger.

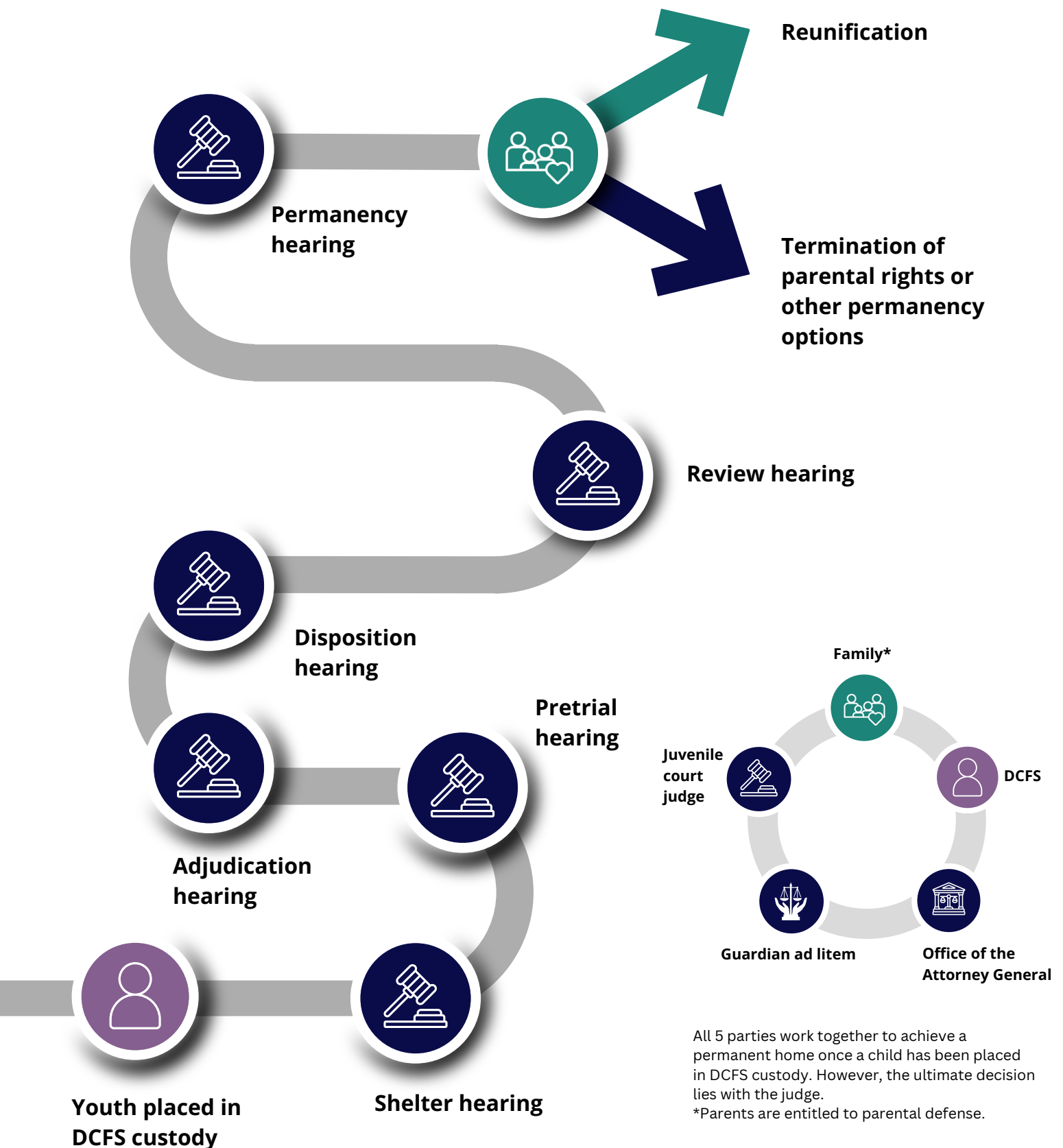
The Office of the Attorney General becomes involved if DCFS finds court intervention or protective custody is needed. The Office of the Attorney General then submits a petition to the juvenile court and requests court jurisdiction or a warrant to remove a child if necessary. The judge may decide to dismiss the petition, order DCFS services, or in some cases the judge may decide to place or continue the child into state custody. DCFS does not have the authority to remove a child without the involvement of the Office of the Attorney General and a warrant from a judge in all but extreme cases.

- Parents who cannot afford an attorney are provided court-appointed counsel.
- A parent who disagrees with the petition may request mediation to resolve the dispute without going to trial.
- Children are appointed a Guardian ad Litem to serve as their attorney.
- DCFS is represented in court by the Office of the Attorney General.

Safety planning in the child welfare system is a shared responsibility, but ultimately the court must make critical safety decisions such as when progress has been made on services, whether to remove a child, and when to return a child home.

# Achieving permanency

## judicial process overview



## **Foster care placement**

Safety, health, and the best interest of the child drive all placement decisions. Kinship is a priority if a child must be removed from their home. It reduces trauma to the child and helps keep them stay connected to their family and maintain a sense of belonging. Keeping siblings together is also critically important. We can help reduce the overall trauma by keeping kids connected to their family, school, community, and culture by placing them with relatives or someone familiar to them.

## **Reunification**

Our child-welfare system makes it a priority to help kids maintain as many social, community, and cultural connections as possible, when they do not compromise a child's safety and well-being. The court will order reunification services be provided to the parent in order for the child to safely return home— in all but a few cases. The judge determines the conditions of the reunification services. For example, how often a parent may visit their child in foster care or if a visit is unsupervised, etc.

Reunification is the goal for the child and family in almost every case. While DCFS works to reunify the child with the parent, the court requires DCFS to also create an alternative permanency plan for the child at the same time—in case reunification is not possible. This is called a concurrent permanency goal. Court hearings are held every 6 months once a concurrent goal is ordered to review progress toward finalizing the new permanency goal. This helps make sure children do not linger in foster care.

Reunification services may be granted for 12 months. The child can return home when a child and family's safety needs have been met—meaning that the original reasons for removal and safety risks have been reduced or eliminated. DCFS must demonstrate that reasonable efforts have been made to support reunification. The judge will review the evidence and may decide DCFS should terminate reunification services to the parent. The judge may order the concurrent permanency goal be pursued if a parent is not making progress and an extension is not granted, or both extensions have been exhausted. The parent may file an appeal if they disagree with the decision.

DCFS no longer provides services or support to the parent to return the child home and will pursue finalization of the concurrent permanency goal if reunification services are terminated. A parent may decide to voluntarily relinquish (give up) their rights or they may go to trial and let the judge decide whether to terminate their parental rights. The parent has the right to appeal this decision if the judge orders a termination of rights.