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101 **200.2 Philosophy Of Child Protective Services Investigations**

102  
103 Child and Family Services works to ensure that children in Utah live in safe, permanent homes.  
104 Child Protective Services (CPS) is our first step toward ensuring protection and permanency for  
105 children. The Child and Family Services CPS caseworker's ability to assess the child's  
106 vulnerabilities, the threats of harm, and the caregiver's protective capacities will set the  
107 direction for all other services offered by Child and Family Services. Child and Family Services  
108 caseworkers recognize that parents have the right, obligation, responsibility, and authority to  
109 raise, manage, train, educate, provide for, and reasonably discipline their children. We also  
110 recognize that removal affects these rights, creating a long-term impact on a child. Our  
111 caseworkers are dedicated to maintaining children with their family when circumstances and  
112 services can increase the protective capacities, and reduce the threats of harm and the child's  
113 vulnerabilities so the child can remain at home. Our caseworkers also take into account the  
114 extent to which the child's extended family may provide needed protection. Through the use  
115 of these major objectives and procedures, CPS caseworkers focus on five basic tasks in their  
116 daily work:

- 117
- 118 A. What must I do to mitigate the immediate threats of safety and reduce the future risks  
119 of harm given the child's vulnerabilities? How can I increase the protective capacities so  
120 that the child remains safe?  
121
  - 122 B. How do I engage the child and family in a way that will allow me to understand the child  
123 and family's needs and challenges beyond just those identified on the CPS case and  
124 provide enduring safety and permanence for the child?  
125
  - 126 C. How do I develop a trusting relationship with the family that will facilitate their use of  
127 community resources?  
128
  - 129 D. How do I assist the family in identifying its strengths, including those within the  
130 extended family, which will increase the possibility of the child remaining at home or  
131 returning home quickly?  
132
  - 133 E. How can I ensure a smooth transition for the family from the CPS case to ongoing  
134 services?  
135

136 These questions help CPS caseworkers tie the Practice Model major objectives into CPS major  
137 objectives and procedures, guiding the actions of caseworkers throughout all CPS cases.

138

139 **201 A Call For Help: A Community And State Collaborative Effort**

140  
141 This section contains the major objectives and procedures that CPS caseworkers need to  
142 receive, document, and categorize reports of child abuse, neglect, or dependency.

143  
144 **201.1 Intake**

145 Major objectives:

146 Child and Family Services will maintain a child welfare management information system (SAFE)  
147 for receiving referrals or reports about child abuse, neglect, or dependency when there is  
148 reasonable cause to believe that abuse, neglect, or dependency occurred.

150  
151 **Applicable Law**

152 Utah Code Ann. [§62A-4a-501](#). Harboring a runaway – Reporting requirements – Division to  
153 provide assistance – Affirmative defense – Providing shelter after notice.

154 Utah Code Ann. [§62A-4a-1003](#). Management Information System – Requirements – Contents –  
155 Purpose -- Access.

156 Administrative Rule [R512-200](#). Child Protective Services, Intake Services.

157  
158 Practice Guidelines

159 SAFE will supply the CPS caseworkers with a complete history for each child, including siblings,  
160 foster care episodes, all reports of abuse, neglect, or dependency, treatment plans, and  
161 casework deadlines.

162  
163 If Child and Family Services receives a report concerning a runaway child, the Intake worker will  
164 gather information to determine if there is an allegation of abuse, neglect, or dependency that  
165 requires a CPS referral or refer the caller to contact the Youth Services Agency.

166  
167 **201.2 Receiving And Researching The Referral**

168 Major objectives:

169 Each call received by Child and Family Services regarding the safety and protection of a child will  
170 be considered a potential referral and will be documented by Intake in SAFE. The Intake worker  
171 will research all available additional sources to gather more pertinent complete information to  
172 help establish the validity, credibility, necessity, and priority of the referral information.

174  
175 **Applicable Law**

176 **Utah Code Ann. [§62A-4a-106](#). Services provided by division.**

177 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
178 Preremoval interviews of children.

179

180 Practice Guidelines

181 The minimum required information for a referral in any form (e.g., fax, letter, or email) should  
182 include:

183

184 A. A narrative description of a specific occurrence or allegation of abuse, neglect, or  
185 dependency, which falls into at least one of the defined categories in Major objectives  
186 [Section 201.11](#).

187

188 B. A means of identifying an alleged victim under the age of 18 years for each allegation. If  
189 the reported concerns involve an unborn child and there are no threats of harm to other  
190 children in the home, a child must be born before a case can be opened.

191

192 C. A means of locating (address or contact person) the alleged victim.

193

194 D. Every referral requires a query of SAFE and EREP.

195

196 E. Where possible, the following information is preferred in addition to the minimum  
197 required information:

198 1. Where the abuse, neglect, or dependency occurred.

199 2. When the incident occurred.

200 3. Any witness to the incident.

201 4. Physical evidence.

202 5. Alleged victim name, address, phone number, birth date, and primary language.

203 6. Parent name, address, phone number, birth date, and primary language of  
204 alleged victim.

205 7. Alleged perpetrator name, address, phone number, and birth date. Include sex  
206 offender registry information if the allegations are related to Sexual Abuse.

207 8. Referent name, address, and phone number.

208 9. Every known member of the alleged victim's immediate family/household. All  
209 siblings should be identified on the referral, regardless of whether or not they  
210 reside in the same home as the alleged victim.

211 10. Accessibility of the alleged perpetrator to the alleged victim.

212 11. School/child care information for the alleged victim and where the alleged victim  
213 can be located.

214 12. Employment information and schedule for the parents.

215 13. How the referent obtained the information regarding the allegation.

216 14. Willingness of the referent to testify.

217 15. Special circumstances/precautions recommended for investigation.

218 a. Including adopted children who may need services.

219 16. Third-party/collateral contacts.

- 220 17. History or occurrence of domestic violence.  
221 18. The threats of harm, child vulnerabilities, and protective capacities.  
222 19. Indicate whether or not the family has had prior Child and Family Services  
223 involvement. If there is currently an open case, document the type of service  
224 and the caseworker assigned.  
225

### 226 **201.3 Research Of Information**

227 *(THIS SECTION HAS BEEN COMBINED WITH [SECTION 201.2](#))*  
228

### 229 **201.4 Disposition Of The Referral**

#### 230 Major objectives:

231 The CPS Intake process will be completed by or staffed with a licensed social worker, with the  
232 exception of "information only" contacts.  
233

#### 234 **Applicable Law**

235 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
236  
237

#### 238 Practice Guidelines

239 The CPS Intake process will consist of all actions taken by an Intake worker from the time  
240 contact is made with Child and Family Services until the information received is determined to  
241 be one of the following:  
242

- 243 A. Accepted referral: An accepted referral is one in which the minimum information  
244 required for a referral is obtained and opened for investigation. Law enforcement will  
245 be notified of accepted referrals.  
246
- 247 B. Unaccepted referral: A referral is unaccepted in situations including, but not limited to,  
248 any of the following:
- 249 1. The child is not yet born.
  - 250 2. The minimum required information for accepting a referral is not available.
    - 251 a. A narrative description of a specific occurrence or allegation of abuse,  
252 neglect, or dependency.
    - 253 b. A means of identifying an alleged victim under the age of 18 years for  
254 each allegation, or to the age of 21 years if Child and Family Services has  
255 been assigned custody by a court.
    - 256 c. A means of locating the alleged victim.
  - 257 3. The allegations do not amount to abuse or neglect.
  - 258 4. As a result of research, the information is found not credible or reliable.

- 259 5. The specific incidence or allegation has been previously investigated and no new  
260 information is gathered.  
261 6. The specific incidence occurred out of the geographic jurisdiction, and the  
262 referent was referred to the proper child welfare jurisdiction.  
263

264 With respect to unaccepted referrals, the Intake worker may offer community resource  
265 information and/or referral information including, but not limited to, information about  
266 priority of treatment.  
267

268 Information received in an unaccepted referral will still be documented, and this history  
269 can be used to establish a pattern of concern.  
270

271 C. Additional information or allegation:

- 272 1. When there is an open CPS case involving children of the same household and/or  
273 who have the same parent or guardian, an additional information referral will be  
274 added to the open CPS case.  
275 a. If the additional information meets the definition for an allegation not  
276 previously assigned to the open case, any new allegation(s), victim(s),  
277 and/or perpetrator(s) will be added to the CPS case by the Intake worker.  
278 b. If the additional information referral meets the criteria for a Priority 1 or  
279 2 response time:  
280 (1) The Intake worker will call the worker assigned to the case. If the  
281 assigned worker does not respond, the Intake worker will call the  
282 worker's supervisor. If the worker's supervisor does not respond,  
283 the Intake worker will call the community services manager  
284 (CSM). If the CSM does not respond, the Intake worker will call  
285 the associate region director.  
286 (2) If the call comes in after hours, the Intake worker will call the on-  
287 call worker to respond.  
288 2. If the additional information involves victims and/or perpetrators not of the  
289 same household, where there is no blood or legal relation to any parties involved  
290 with the case, a new CPS case will be opened.  
291

292 D. An "Information Only" contact is a call which does not meet the criteria of an Accepted,  
293 Unaccepted, or Additional Information referral. (Practice Guidelines [Section 201.4](#) A, B,  
294 and C.)

- 295 1. These calls will be documented by the Intake worker as an Information Only  
296 referral in SAFE and will include the duration of the call. The Information Only  
297 referral will be entered into SAFE immediately after the call is completed.  
298

299 E. Conflict of Interest and Related Parties Investigation cases:

- 300 1. A case that involves allegations of child abuse, neglect, or dependency of a child  
301 in state custody will be forwarded to the contracted independent CPS agency or  
302 individual regardless of whether or not the alleged perpetrator is the out-of-  
303 home caregiver (see Practice Guidelines [Section 207](#)).
- 304 2. Where a Child and Family Services employee, volunteer, or contractor of the  
305 Department of Human Services (DHS) has a relationship with the alleged victim,  
306 alleged perpetrator, or another person named in the investigation such that  
307 there is or might be a conflict of interest, the appearance of a conflict of interest,  
308 impropriety, or the appearance of impropriety if CPS or Child and Family Services  
309 performed the investigation, will be forwarded to the Office of Services Review  
310 Related Parties Investigators (see Practice Guidelines [Section 207](#)).
- 311
- 312 F. Licensed daycare provider: When the allegation involves a licensed daycare provider,  
313 the Intake worker will notify the Department of Health and document the name and  
314 phone number of the contact person in the narrative of the CANR.
- 315
- 316 G. The Intake worker will call and email the region director and CC: the associate region  
317 director for referrals involving any of the following:
- 318 1. Domestic Violence homicide/suicide.  
319 2. Alleged abuse or neglect related child fatality/near fatality.  
320 3. Involves or is likely to involve the media.  
321 4. Any Conflict of Interest or Related Parties investigation involving the associate  
322 region director or region director's region.
- 323
- 324 **H. When receiving a referral involving serious injuries to a non-verbal child, Intake will staff**  
325 **the referral with an administrator or with someone at the administrative level.**
- 326

## 201.5 Priority Of The Referral

### Major objectives:

The priority of the referral will be based upon the information received at Intake and will be determined prior to the face-to-face contact with a child. The priority determines the time allotted for Intake to complete the referral process and for the assigned CPS caseworker to make face-to-face contact with the child.

### **Applicable Law**

Administrative Rule [R512-200](#). Child Protective Services, Intake Services.

### Practice Guidelines

Child and Family Services will prioritize referrals as follows:

- 341 A. A priority 1 response will be assigned only if there is an imminent threat to the safety  
342 and well-being of a child as determined by the Intake checklist. Do not use priority 1  
343 when:  
344 1. The police are present and able to provide protection to the alleged victim; or if  
345 2. The child is in a facility (such as a hospital) where it is reasonable to assume  
346 there are responsible adults providing protection and there are no immediate  
347 threats to the child's safety.  
348

349 Intake has no more than 30 minutes from the completion of the initial contact from the  
350 referent to gather additional information, staff the referral to determine the priority,  
351 notify law enforcement, and assign to the CPS caseworker. Intake will provide the CPS  
352 caseworker with information concerning prior investigations in SAFE. The CPS  
353 caseworker has a maximum of 60 minutes from the moment Intake notifies the  
354 caseworker to make the face-to-face contact with an alleged victim. For a priority 1R  
355 (rural) referral, a CPS caseworker has a maximum of three hours if the alleged victim is  
356 more than 40 miles from the investigator who is assigned to make the face-to-face  
357 contact.  
358

- 359 B. A priority 2 response will be assigned when the following conditions exist: the child is at  
360 risk of further abuse, neglect, or dependency, or the child has immediate protection and  
361 safety needs, as determined by the Intake checklist. Intake has no more than 60 minutes  
362 from the completion of the initial contact from the referent to gather additional  
363 information, staff the referral to determine the priority, assign the referral to the CPS  
364 caseworker, and notify law enforcement. Intake will give verbal notification to the  
365 assigned CPS caseworker. Intake will also provide the CPS caseworker with information  
366 concerning prior investigations on SAFE. The CPS caseworker has 24 hours from the  
367 moment Intake notifies the caseworker to make the face-to-face contact with the  
368 alleged victim. Intake may assign a priority 2 response with more urgent time frames  
369 when:  
370 1. The police are present and there is an allegation of abuse, neglect, or  
371 dependency and they are asking for immediate assistance.  
372 2. The child is in a facility (such as a hospital or school) and there is an allegation of  
373 abuse or neglect that requires a more immediate response.  
374

- 375 C. A priority 3 response will be assigned when there is an allegation of abuse or neglect  
376 that does not require an immediate response as listed in [Section 201.5](#). The Intake  
377 worker has no more than 24 hours from the completion of the initial contact from the  
378 referent to gather additional information, research data sources, staff the referral as  
379 necessary, determine the priority, complete documentation including data entry,  
380 disposition to CPS, and notify law enforcement. The CPS caseworker has until midnight

381 of the third working day from the moment Intake assigns the case to make the face-to-  
382 face contact with the alleged victim.

383

384 D. Intake has until midnight of the fifth working day to enter unaccepted referrals into  
385 SAFE.

386

387 E. Intake has 24 hours to enter an additional information referral into SAFE.

388

## 389 **201.6 Out-Of-State Abuse Or Neglect Report**

390

### Major objectives:

391

392

393

394

395

Child and Family Services will take reasonable steps to ensure that reports of abuse or neglect are referred for investigation to the appropriate out-of-state agency and will take reasonable steps to adequately protect children in Utah who were victims of abuse in another state or country from the alleged perpetrator.

396

### **Applicable Law**

397

398

399

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

400

### Practice Guidelines

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- A. When a referent identifies an incident of abuse or neglect that occurred in a different state, and the child is not in Utah at the time of the referral, the Intake worker will:
1. Inform the referent that the out-of-state allegations should be referred to the child welfare agency in the other state and complete the steps identified below:
    - a. Determine if the referent is willing to make a report to the child welfare agency in the state where the incident occurred. If the referent is willing to make a report, the Intake worker will also:
      - i. Assist the referent by providing the name and phone number of the agency where the report can be made;
      - ii. Document the unaccepted referral.
    - b. If the referent is unable or unwilling to make a report to the other state child welfare agency and it cannot be determined that any failure to protect or other child protection issues are present in the state of Utah, the Intake worker will:
      - i. Obtain all relevant information on the incident of abuse or neglect and make the referral to the child welfare agency in the state where the incident occurred;
      - ii. Document the unaccepted referral.
- B. When the referent identifies an incident of abuse or neglect that occurred outside Utah but the child is in Utah at the time of the referral, the CPS caseworker will:

- 422 1. Obtain all the information needed to complete a referral.
- 423 2. Determine whether the child is at risk of abuse or neglect from the alleged
- 424 perpetrator.
- 425 3. Contact the child protective service agency in the state where the incident of
- 426 abuse occurred and complete the referral process of that state.
- 427 4. When requested by the other state assign the referral to a CPS caseworker for a
- 428 courtesy interview and coordination with the other state's investigation.
- 429 Courtesy interventions should be opened as an IHS case if there is no allegation
- 430 of abuse, neglect, or dependency occurring in the state of Utah.
- 431 5. In domestic violence related child abuse cases, recognize another state's
- 432 protective order (recognized by full faith and credit).
- 433 6. If the other state refuses to open an investigation and the child needs services or
- 434 there are ongoing safety concerns, the referral will be assigned as an IHS case to
- 435 facilitate an assessment of service needs.
- 436
- 437 C. When a referent identifies an incident of abuse or neglect that occurred in Utah, and the
- 438 child is not in Utah at the time of the referral, the Intake worker will:
- 439 1. Obtain all the information needed to complete a referral.
- 440 2. Determine the location of the child and the length of time the child will be at
- 441 their current location. If the child will be outside the state of Utah longer than
- 442 30 days, a request for courtesy casework will be made in the state where the
- 443 child is currently located.
- 444 3. If the child is determined to be at risk, a request will be made for courtesy
- 445 casework within the Intake priority time frame. [See: [Section 201.5](#) for priority
- 446 time frames.]
- 447

## 448 201.7 Case Assignment Based On Child Location

### 449 Major objectives:

450 The Intake worker will assign the referral to the appropriate office/ supervisor/ worker for a CPS  
451 investigation within the established time frame. [See: [Section 201.5](#).]  
452

### 454 **Applicable Law**

455 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### 457 Practice Guidelines

- 458 A. Child in a permanent location: The Child and Family Services office serving the
- 459 geographical area in which a child is physically located will be responsible to investigate
- 460 an allegation of abuse, neglect, or dependency, unless the child's location is temporary
- 461 (such as visitation with a non-custodial parent or placement in a short-term program).
- 462

- 463 B. Child in a temporary location: If the child's location is temporary and the child will be  
464 moving to a known location during the 30-day investigative period, the Child and Family  
465 Services office serving the geographical area in which the child's parent or guardian  
466 resides will be responsible to complete the investigation. The CPS caseworker may  
467 request courtesy assistance from another CPS caseworker in the area where the child is  
468 initially located to complete the investigative functions related to the child. If a priority  
469 1, 1R, or 2 referral is received in the geographical area where the child is located but the  
470 parent or guardian resides elsewhere, the receiving office will make the face-to-face  
471 contact, determine immediate protection needs, and transfer the case to the area  
472 where the child's parent or guardian resides for completion of the investigation.  
473

## 474 **201.8 Courtesy Casework Request From An Out-Of-State Agency**

### 475 Major objectives:

476 Child and Family Services will respond to requests from an out-of-state child welfare agency, law  
477 enforcement, or other official investigative agencies to assist in the protection of children.  
478

### 480 **Applicable Law**

481 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
482

### 483 Practice Guidelines

484 If a request is made for casework activities by an out-of-state child welfare agency, law  
485 enforcement, or other official investigative agency, Intake will process the request by complying  
486 with relevant Utah Child and Family Services major objectives and completing the following:  
487

- 488
- 489 A. Intake will obtain the child's name, address, and all information relative to the request  
490 for courtesy casework activities.  
491
- 492 B. The courtesy casework activities requested will be assigned by Intake to the appropriate  
493 geographical Child and Family Services supervisor or caseworker.  
494
- 495 C. The case will be opened as an I HS case, and all courtesy casework activities will be  
496 documented.  
497

## 498 **201.9 Allegation Categories For Abuse, Neglect, Or Dependency**

### 499 Major objectives:

500 Child and Family Services will investigate an allegation of child abuse, neglect, or dependency  
501 when there is reasonable cause to suspect a situation of abuse, neglect, or dependency.  
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**Applicable Law**

Utah Code Ann. §62A-4a-106. Services provided by division.

Utah Code Ann. §62A-4a-409. Investigation by division -- Temporary protective custody -- Preremoval interviews of children.

Administrative Rule R512-202. Child Protective Services, General Allegation Categories.

Practice Guidelines

The Intake worker receiving a report of child abuse, neglect, or dependency will categorize the information into at least one of the following (more than one category may be documented, if applicable):

- A. Abuse:
  - 1. Child endangerment:
    - a. Cited DUIs with children in the vehicle.
    - b. Homes where there are lab paraphernalia, chemicals for manufacturing of illegal drugs, access to illegal drugs, distribution of illegal drugs in the presence of a child, or loaded weapons in the reach of the child.
    - c. Giving children illegal drugs or substances, alcohol, tobacco, or non-prescribed/not recommended medications for that child.
    - d. Involving a child in the commission of crimes, such as shoplifting.
  - 2. Domestic violence related child abuse:
    - a. Potential for or actual injury to a child during a domestic violence episode.
    - b. Violent physical and/or verbal altercation between adults, witnessed by a child.
  - 3. Emotional abuse:
    - a. Engaging in conduct or threatening a child with conduct that causes or can reasonably be expected to cause the child emotional harm. This includes, but is not limited to, demeaning or derogatory remarks that affect or can reasonably be expected to affect a child's development of self and social competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child.
    - b. Emotional Abuse, Chronic: Engaging in conduct or threatening a child with conduct that causes or can reasonably be expected to cause the child emotional harm. This includes, but is not limited to, demeaning or derogatory remarks that affect or can reasonably be expected to affect a child's development of self and social competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child. Is

- 544 repeated or patterned abuse. (NOTE: Chronic abuse may be identified  
545 from the first referral.) [See: Utah Code Ann. [§62A-4a-101.](#)]
- 546 c. Emotional Abuse, Severe: Abuse that causes or threatens to cause serious harm  
547 to a child. Engaging in conduct or threatening a child with conduct that causes  
548 or can reasonably be expected to cause the child emotional harm. This includes,  
549 but is not limited to, demeaning or derogatory remarks that affect or can  
550 reasonably be expected to affect a child's development of self and social  
551 competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or  
552 corrupting the child. Severe abuse is defined in Utah Code Ann. [§78A-6-105.](#)
- 553 4. Material harmful to a child.
- 554 5. Physical abuse:
- 555 a. Physical abuse, general, including (but not limited to):
- 556 i. Non-accidental injury to a child that may or may not be visible;
- 557 ii. Unexplained injuries to an infant or toddler;
- 558 iii. Unexplained injuries to a disabled or non-verbal child.
- 559 6. Physical abuse, serious:
- 560 a. Non-accidental physical injury or a set of injuries, which may or may not  
561 be visible, that seriously impairs the child's health, or which involves  
562 physical torture or causes serious emotional harm to the child, or which  
563 involves a substantial risk of death [see: Utah Code Ann. [§76-5-109,](#)  
564 including:
- 565 i. Fracture of any bone or bones;
- 566 ii. Intracranial bleeding, swelling, or contusion of the brain, or retinal  
567 hemorrhaging, whether caused by blows, shaking, or causing the  
568 child's head to impact with an object or surface (such as Shaken  
569 Baby Syndrome);
- 570 iii. A burn, including burns inflicted by hot water or those caused by  
571 placing a hot object upon the skin or body of the child;
- 572 iv. An injury caused by use of a deadly or dangerous weapon;
- 573 v. A combination of two or more physical injuries inflicted by the  
574 same person, either at the same time or on different occasions;
- 575 vi. Damage to internal organs of the body;
- 576 vii. Conduct toward a child that results in severe emotional harm,  
577 severe developmental delay or retardation, or severe impairment  
578 of the child's ability to function;
- 579 viii. An injury that creates a permanent disfigurement or protracted  
580 loss or impairment of the function of a bodily member, limb, or  
581 organ;
- 582 ix. Conduct that causes a child to cease breathing, even if  
583 resuscitation is successful following the conduct;

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- 584                                   x.        Conduct that results in starvation or malnutrition that jeopardizes  
585    the child's life.
- 586        7.        Fetal exposure to alcohol or other substances.
- 587        8.        Fetal addiction to alcohol or other harmful substances.
- 588        9.        Pediatric Condition Falsification (formerly known as Munchausen Syndrome by  
589    Proxy).
- 590        10.       Ritual abuse:
- 591                   a.        Abuse involving the use of ceremonies or rites:
- 592                                    i.        Severe physical abuse such as torture;
- 593                                    ii.       Painful, sadistic, humiliating sexual abuse;
- 594                                    iii.       Psychological abuse such as indoctrination using mind control  
595    techniques and mind altering drugs, or use of intimidation and  
596    terrorization.
- 597        11.       Sexual abuse:
- 598                   a.        Incest;
- 599                   b.        Molestation;
- 600                   c.        Sexual intercourse;
- 601                   d.        Sodomy;
- 602                   e.        Oral sexual contact;
- 603                   f.        Digital and/or object penetration;
- 604                   g.        Indecent liberties;
- 605                   h.        Sexual acts;
- 606                   i.        Rape and object rape of a child;
- 607                   j.        Forcing or coercing a child to observe sexual activities;
- 608                   k.        Sexual acts with animals;
- 609                   l.        Forcing or coercing a child to engage in sexual activity with an adult with  
610    or without legal marriage.
- 611        12.       Lewdness.
- 612        13.       Sexual exploitation of a child, including (but not limited to) prostitution and  
613    pornography.
- 614
- 615    B.        Neglect:
- 616                   1.        Medical neglect/PKU: This allegation or finding needs to be based on the opinion  
617    of the child's primary care physician or other licensed medical professional. A  
618    parent or guardian may obtain a second opinion to be considered in determining  
619    medical neglect, at his or her own expense. A parent or guardian may obtain a  
620    second medical opinion to present for consideration by Child and Family  
621    Services, but Child and Family Services is not bound by the opinion and will  
622    consider the totality of the facts.
- 623                   2.        Baby Doe (congenital birth defect that parents or caregiver declines to treat).
- 624                   3.        Failure to thrive.

- 625 4. Physical health.
- 626 5. Psychological health.
- 627 6. Dental health.
- 628 7. Pediatric Condition Falsification (formerly known as Munchausen Syndrome by  
629 Proxy).
- 630 8. Physical neglect. [NOTE: A child adopted from foster care whose parents  
631 indicate they can no longer care for and/or meet the needs of the child should  
632 be referred to post adoption for services. If the parents expressly request that  
633 the child be removed from their home, the CPS case shall only be opened with  
634 allegations of Dependency. (The CPS caseworker will assess during the  
635 investigation whether additional allegations should be added to the Child Abuse  
636 Neglect Report.)]
- 637 9. Neglect chronic/severe.
- 638 10. Sibling or child at risk.
  - 639 a. When information is received regarding a child fatality resulting from  
640 abuse or neglect or where the cause of death is undetermined, Intake will  
641 accept a referral for CPS investigation. The referral should include any  
642 siblings/children who were under the care of the same caregivers at the  
643 time of the child's death.
  - 644 b. If there is information and/or indications that the safety or health of  
645 other siblings/children in the home is threatened, the referral will include  
646 all these children as well as the primary victim.
- 647 11. Educational neglect.
- 648 12. Failure to protect.
- 649 13. Non-supervision.
- 650 14. Abandonment.
- 651 15. Environmental neglect: Physical neglect of the environment that poses a threat  
652 to the physical health or safety of the child.
  - 653 a. Assessment considerations: An assessment of the situation is required to  
654 determine whether intervention is necessary. After gathering all  
655 information possible, the Intake worker will consider the following to  
656 determine whether there are safety concerns that meet allegation  
657 definitions:
    - 658 i. The age of the child;
    - 659 ii. The developmental level of the child;
    - 660 iii. The medical condition of the child;
    - 661 iv. Duration or length of the situation (chronic);
    - 662 v. Volume or quantity or toxicity of the hazard;
    - 663 vi. Severity of the threat to the child;
    - 664 vii. Child's access to the hazards;
    - 665 viii. Level of parental involvement and protective capacities;

- 666 ix. Other expert opinions to access (health department, pharmacist,  
 667 doctor, zoning, fire department, etc.) .  
 668 b. The CPS caseworker will assess whether the information infers that the  
 669 environment is a threat of harm to the child's physical health, safety, or  
 670 well-being, or whether a referral to community services is more  
 671 applicable. Service and repair resources and/or on-site assessment  
 672 contacts may include (but are not limited to) the following:

Concerns	Agency/Resources	Assessment, Education, or Services
Pest infestation, sewage/ water issues, urine/ feces	Health Department	Pest infestation, repair/ cleanup/ health
Heat issues, safe heat sources, carbon monoxide	Gas Company	Gas/ carbon monoxide issues, HEAT program assistance
Fire/ electrical dangers	Fire Department	Fire/ electrical dangers and safety code
Sewage/ water issues, lack of access to water	Water Department	Water/ sewage issues
Issues that exacerbate medical conditions (mold, smoke, effects of dangers/ hygiene on medical condition)	Physician or Medical Assistance	Environmental impact on medical condition
Lack of access to food	Food Assistance Program	Subsidizing or providing education on food and nutrition
Poisonous/ toxic chemicals	Poison Control	Exposure to toxic/ poisonous chemicals
Only spoiled foods are available, choking hazards, hygiene, nurturing, housecleaning issues	Parent Education and Advocacy	Safe and healthy parenting
Health and safety issues regarding animals or dangerous animal issues	Animal Control	Containment of excessive or dangerous animals
Drugs, paraphernalia, drug labs	Law Enforcement	Cleanup of drugs, drug labs, or paraphernalia
Access to firearms/ ammunition, danger of firearms issues	Firearm Safety Education	Firearm safety
Dangerous structural issues, construction, code violations	Health Department and Zoning	Dangerous structural, construction, code violation
Cleanup assistance, respite,	Kin, church, neighbors, crisis	Formal and informal supports

Concerns	Agency/Resources	Assessment, Education, or Services
safety plan monitoring, provisions, financial assistance	nursery, or other community agencies	

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674 The CPS caseworker may find services and/or agencies by calling 211 or accessing the  
 675 Utah Cares website at <http://www.utahcares.utah.gov/>.

676

677 C. Dependency: A child who is homeless or without proper care through no fault of the  
 678 child's parent, guardian, or custodian; institutionalization of a parent or guardian who  
 679 has not or cannot arrange for safe and appropriate care for the child.

680

681 D. Court ordered: Referral made by a court order mandating a Child and Family Services  
 682 investigation on a case where no other allegation is specified. A case finding of  
 683 supported cannot be made on an unknown allegation. The worker must specify another  
 684 category of abuse, neglect, or dependency to make a supported finding. (See: [Section](#)  
 685 [202.10.](#))

686

687 E. Safe Relinquishment of a Newborn Child: A parent or a parent's designee may safely  
 688 relinquish a newborn child at a hospital in accordance with the requirements of Utah  
 689 Code Ann. [§62A-4a-802](#) and retain complete anonymity, as long as the child has not  
 690 been subjected to abuse or neglect. Safe relinquishment of a newborn child, who has  
 691 not otherwise been subjected to abuse or neglect, will not, in and of itself, constitute  
 692 neglect (Utah Code Ann. [§78A-6-105](#)), and the child will not be considered a neglected  
 693 child as long as the relinquishment has been made in substantial compliance with the  
 694 guidelines of that section, which provides that: (a) a newborn child is defined by the  
 695 statute as a child who is approximately 72 hours of age or younger, as determined  
 696 within a reasonable degree of medical certainty; and (b) the child is to be relinquished at  
 697 a general acute hospital [defined in Utah Code Ann. [§26-21-2](#)], which is equipped with  
 698 an emergency room, is open 24 hours a day and seven days a week, and employs full  
 699 time health care professionals who have emergency medical services training.

700

701 Statutory responsibilities of Child and Family Services following the safe relinquishment  
 702 of a newborn child are as follows: Immediately upon notice from the hospital, Child and  
 703 Family Services will assume care and custody of a relinquished newborn child.

704 1. As long as Child and Family Services determines there is no abuse or neglect of  
 705 the newborn child, neither the newborn child nor the child's parents are to be  
 706 subjected to the provisions of Utah Code Ann., Part 2 of [§62A-4a](#), the  
 707 investigation provisions contained in Utah Code Ann. [§62A-4a-409](#), or the  
 708 provisions of Utah Code Ann. [§78A-6](#), Part 3.

- 709 2. Unless identifying information relating to the non-relinquishing parent of the  
710 newborn child has been provided, Child and Family Services will work with local  
711 law enforcement and the Bureau of Criminal Identification within the  
712 Department of Public Safety in an effort to ensure that the newborn child has  
713 not been identified as a missing child.
- 714 3. Unless identifying information relating to the non-relinquishing parent of the  
715 newborn child has been provided, Child and Family Services will immediately  
716 place or contract for placement of the newborn child in a potential adoptive  
717 home and, within 10 days after receipt of the child, file a petition for termination  
718 of parental rights. [See: Utah Code Ann. [§78A-6](#), Part 4.]
- 719 4. Unless identifying information relating to the non-relinquishing parent of the  
720 newborn child has been provided, Child and Family Services will direct the Office  
721 of Vital Records and Statistics to: (1) conduct a search for a birth certificate for  
722 the child; and (2) conduct an Initiation of Proceedings to Establish Paternity  
723 Registry for unmarried biological fathers. Child and Family Services will then  
724 provide notice to each potential father identified on the registry. Notice of  
725 termination of parental rights proceedings will be provided in the same manner  
726 as is utilized for any other termination proceeding in which the identity of the  
727 child's parents is unknown.
- 728 5. If no person has affirmatively identified himself within two weeks after notice is  
729 complete and established paternity by scientific testing within as expeditious a  
730 time frame as practicable, a hearing on the petition for termination of parental  
731 rights will be scheduled.
- 732 6. If a non-relinquishing parent is not identified, relinquishment of a newborn child  
733 will be considered grounds for termination of parental rights of both the  
734 relinquishing and non-relinquishing parents under Utah Code Ann. [§78A-6-507](#).
- 735

## 736 201.10 Missed Priority Time Frames

### 737 Major objectives:

738 The appropriate Missed Priority Time Frame form/SAFE documentation will be completed when  
739 the Intake worker is unable to meet Intake priority time frames established by major objectives.  
740 The Intake worker will forward the Missed Priority Time Frame form or documentation along  
741 with the reasons the time frame was missed to the Intake supervisor, region director, or  
742 designee for review and approval. The approval or non-approval will be documented.  
743  
744

### 745 **Applicable Law**

746 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
747  
748

749 Practice Guidelines

750 The Intake worker will notify the Intake supervisor and region director or designee of the  
751 missed priority and the reason it was missed.

752

753 **201.11 Referral Of Abuse, Neglect, Or Dependency In Licensed Child Care**  
754 **Providers And Out-Of-Home Care Providers**

755

Major objectives:

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757 The Department of Health Child Care Licensing unit and/or the Department of Human Services  
758 (DHS) Office of Licensing and appropriate Child and Family Services staff will be notified by  
759 Intake when Child and Family Services receives a referral for an allegation of child abuse,  
760 neglect, or dependency against a licensed child care provider or out-of-home care provider. The  
761 referral will be forwarded to the contract entity for conflict of interest investigations when the  
762 allegation involves a child living in substitute care while in protective custody or temporary  
763 custody of Child and Family Services and may be forwarded to the contract entity for conflict of  
764 interest investigations when the allegation involves a biological or adopted child of a Child and  
765 Family Services employee/provider.

766

767 **Applicable Law**

768 **Utah Code Ann. §62A-4a-106. Services provided by division.**

769 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
770 Preremoval interviews of children.

771

772 Practice Guidelines

773 A. Intake procedure for child care providers: CPS investigation requirements for child care  
774 providers will be the same as for other referrals investigated by Child and Family  
775 Services. Time frames are the same as for other referrals.

776

777 B. Intake procedure for Out-of-Home Care Related Parties Investigations:

778 1. Upon receipt of an allegation of child abuse, neglect, or dependency, Intake  
779 workers will staff the referral with the Office of Services Review (OSR) manager  
780 to determine whether there is a conflict of interest. The OSR manager will  
781 determine whether there is a conflict of interest and will notify the CPS Intake  
782 worker of the decision.. The following duties are to remain the duties of Intake:

783

a. Receipt of the referral.

784

b. Research.

785

c. Disposition of the referral.

786

d. Establish priority of the referral.

787

e. Establish allegation categories.

- 788 (1) A child adopted from foster care in need of services that cannot  
789 be met by their parents will be referred to post adoption for  
790 services. Child and Family Services may not:  
791 (a) File a petition for removal from the child's home.  
792 (b) File a petition for a child protective order.  
793 (c) Make a supported finding.  
794 (d) Seek a substantiated finding.  
795 (e) File a petition alleging a child is abused, neglected,  
796 dependent, or abandoned.  
797 (f) File a petition for termination of parental rights.  
798 (2) The child may be removed and categorized as Dependent only if  
799 the parents expressly request the child be removed.  
800 (3) The CPS caseworker will assess during the investigation whether  
801 the circumstances require allegations of abuse or neglect be  
802 added to the Child Abuse Neglect Report.
- 803 f. SAFE forms for child abuse, neglect, or dependency reporting, including  
804 any forms relating to out-of-home abuse.
- 805 g. Intake Checklist.
- 806 h. Authorization to Furnish Information and Release from Liability form  
807 (between Child and Family Services and the contract investigator).
- 808 i. Mandatory report form to local law enforcement.
- 809 j. Notify the DHS Office of Licensing.
- 810 ~~[k. — [CPS caseworkers with children placed in the provider's home. Notify~~  
811 ~~caseworkers with children placed in the provider's home or facility.]~~
- 812 2. Case assignment, when a contracted Related Parties investigator is not involved:
- 813 a. Notify the law enforcement agency in the area where the incident  
814 occurred and request assistance with the investigation; if the law  
815 enforcement agency agrees to assist with the investigation, the referral  
816 will be assigned according to Major objectives [Section 201.8](#), either to the  
817 area in which the child is located if the child is in a permanent location  
818 (permanent location being that the child is expected to remain at the  
819 current location for at least the next 30 days) or to the area in which the  
820 child's parent or guardian resides if the child is in a temporary location; if  
821 the alleged victim is a child in foster care, the CPS caseworker is  
822 considered the guardian.
- 823 b. The CPS caseworker assigned to the case will then coordinate with the  
824 law enforcement agency to complete the investigation as defined in  
825 Major objectives [Section 201.8](#); the only exceptions to the above  
826 procedures are referrals with allegations of sexual abuse, which are  
827 always assigned to the area that the incident occurred if known.

- 828 c. If the law enforcement agency refuses for any reason to assist in the  
829 investigation, Intake will contact another region in order that the referral  
830 be assigned for a Related Parties Investigation.  
831 3. A Child and Family Services investigator may assist the Related Parties  
832 investigator as a secondary worker.  
833 4. The Related Parties investigator will determine whether the allegations  
834 are supported, unsupported, without merit, or false. The Related Parties  
835 investigator will report the findings to the appropriate Child and Family  
836 Services employee to ensure that the findings are entered into the  
837 Licensing or Management Information System (SAFE) and that the  
838 appropriate Notices of Agency Action are issued.  
839 5. Record-keeping: Intake will retain the original copy of all documentation  
840 gathered during the investigation, and will maintain those documents for case  
841 closure, unless otherwise directed by the OSR manager or investigator.  
842

843 **201.12 72-Hour Hold By A Physician**

844 (THIS SECTION HAS BEEN REPLACED BY [SECTION 205.5.](#))

846 **201.13 Protocol For IHS Cases Involving Youth In Out-Of-Home Care Age 18**  
847 **And Older Who Are Identified As Victims Of Abuse Or Neglect**

848  
849 Practice Guidelines

- 850 A. Case acceptance and assignment responsibilities:  
851 1. Intake will report the case to Adult Protective Services (APS). If the case is  
852 accepted for investigation, an IHS case will not be opened by Child and Family  
853 Services. The Intake worker will provide APS with the out-of-home care  
854 caseworker's contact information for communication and coordination  
855 purposes.  
856 2. If the case is not accepted by APS for investigation, an IHS case will be opened  
857 and assigned to a CPS caseworker. Intake will inform the associate region  
858 director of the IHS case. The associate region director will be responsible for  
859 case assignment of the IHS case to the appropriate CPS caseworker.  
860  
861 B. IHS assessment responsibilities:  
862 1. The CPS caseworker will contact law enforcement to investigate in conjunction  
863 with the IHS assessment.  
864 2. The CPS caseworker will inform the out-of-home care caseworker of the open  
865 IHS assessment. The CPS caseworker will communicate with the out-of-home  
866 care caseworker throughout the IHS assessment and coordinate with them when

- 867 necessary. The CPS caseworker will inform the out-of-home care caseworker of  
868 any identified safety concerns as well as the outcome of their assessment.
- 869 3. The CPS caseworker will interview the foster child.
- 870 4. The CPS caseworker will interview the alleged perpetrator.
- 871 5. The CPS caseworker will interview any appropriate collateral contacts with  
872 information regarding the concerns.
- 873 6. The CPS caseworker will document all case activities in the IHS case and copy the  
874 information into the out-of-home care case prior to closing the IHS case.
- 875 7. If concerns are identified:
- 876 a. The Office of Licensing will be contacted by the CPS caseworker. They  
877 will also contact the region contract specialist and resource family  
878 consultant, if applicable.
- 879 b. The out-of-home care caseworker will make appropriate safety  
880 arrangements, placement changes, etc.
- 881

## 201.14 Human Trafficking Protocol

### Major objectives:

The purpose of the Human Trafficking protocol is to identify victims of Human Trafficking during a law enforcement investigation, refer the child to services or resources, and to track situations involving child victims of Human Trafficking.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Utah Code Ann. [§76-5-308](#). Human trafficking – Human smuggling.

### Practice Guidelines

#### A. Intake Screening:

- 895 1. Intake workers will ask the referring law enforcement officer questions to  
896 determine if the situation involves prostitution or sexual solicitation (Human  
897 Trafficking as defined in Utah Code Ann. [§76-5-308](#)).
- 898 2. Intake workers will check the Child and Family Services' SAFE database to verify  
899 whether law enforcement referred the child to Child and Family Services on a  
900 prior occasion for the child engaging in prostitution or sexual solicitation (Human  
901 Trafficking as defined in Utah Code Ann. [§76-5-308](#)).
- 902 3. Intake will provide this information to the law enforcement officer
- 903 4. Referrals involving a child who has been identified as a victim of Human  
904 Trafficking will be opened as an Independent Home Study (IHS) case and  
905 assigned to the appropriate region for response. The Human Trafficking case  
906 type will be selected for the purposes of assessing child safety and to ensure  
907 Human Trafficking cases are tracked appropriately.

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- B. Caseworker Response:
1. The CPS caseworker will make contact with the biological parents and/or legal guardians within five business days.
  2. The CPS caseworker will participate in the law enforcement interview of the child whenever possible or appropriate.
  3. The CPS caseworker will offer resource information and additional services to the child victim.
  4. The IHS case will remain open for no more than 60 days, and all CPS caseworker activities will be documented.
  5. If at any time during the IHS case the CPS caseworker determines the identity of the Human Trafficking perpetrator or determines other abuse, neglect, or dependency has occurred, the caseworker will staff the case with Intake to determine whether or not a case will be opened as a CPS case.

922 **202 First Contact: Immediate Assessment And Safety**

923

924 **202.1 CPS Investigation And Assessment**

925

Major objectives:

926

The CPS caseworker will assess the threats to safety and the risk of future harm in the context of child vulnerabilities, and protective capacities of the caregiver. Once contact has been made on a CPS case, the case cannot be reversed as unaccepted. All requirements must be completed for the case. The CPS caseworker will make a finding at case closure based on facts gathered during the investigation.

927

928

929

930

931

932

933 **Applicable Law**

934 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --

935 Preremoval interviews of children.

936 Administrative Rule [R512-201](#). Child Protective Services, Investigation Services.

937

938 Practice Guidelines

939 A. A CPS investigation will include (but is not limited to) the following:

940

1. Interviews.

941

2. Assessments, including the SDM Safety Assessment and the SDM Risk Assessment.

942

943

3. A home visit.

944

4. Team consultations/staffings.

945

5. Service coordination.

946

6. Additional Information report added to the case by Intake.

947

7. Documentation of all contacts and information received.

948

8. Case closure.

949

950 B. A CPS investigation cannot be reversed to unaccepted once contact has been made with

951

anyone other than the referent on the case. Documentation must exist to show any

952

involvement or contact by Child and Family Services.

953

954 **202.2 CPS Investigation Of A Case Receiving Services From Child And**  
955 **Family Services**

956 Major objectives:

957 When Child and Family Services receives information regarding a new incident of abuse, neglect,  
958 or dependency on a family or child receiving ongoing services, a new referral will be generated  
959 and a CPS caseworker will conduct the investigation. The CPS caseworker and ongoing worker,  
960 including post adoption, will collaborate to ensure that the investigation is conducted in the  
961 best interest of the child.  
962

963 The CPS caseworker will notify the Attorney General's Office and the Guardian ad Litem when  
964 the case is under the jurisdiction of the court.  
965

966  
967 **Applicable Law**

968 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
969

970 Practice Guidelines

- 971 1. The CPS caseworker may request that the ongoing caseworker complete some of the  
972 requirements of the investigation.  
973 2. The CPS caseworker will notify the ongoing caseworker, AAG, and GAL at the conclusion  
974 of the case of any safety issues identified and of the case finding(s).  
975

976 **202.3 Review Of Prior Records**

977 Major objectives:

978 During the initial phase of the investigation, the CPS caseworker will review all relevant records  
979 that are maintained by Child and Family Services and, when possible, by any other agencies or  
980 individuals. This includes records on the child, alleged perpetrator, and all members of the  
981 household. The CPS caseworker will review the details of the prior Child and Family Services  
982 cases.  
983

984  
985 **Applicable Law**

986 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in  
987 protective custody.  
988

989 Practice Guidelines

990 The CPS caseworker will review the following types of information, when applicable and  
991 available:

- 992  
993 A. Child and Family Services records.

- 994  
995 B. TANF records.  
996  
997 C. Police and/or court reports, including those for domestic violence (e.g., incident, arrest,  
998 protective orders, correction records, etc.).  
999  
1000 D. Court records relating to custody and visitation.  
1001  
1002 E. BCI/NCIC reports on the alleged perpetrator.  
1003  
1004 F. School records.  
1005  
1006 G. Medical records, including the child's primary care provider.  
1007  
1008 H. Information as to the eligibility for or membership in a Native American tribe.  
1009  
1010 I. Any other relevant records.  
1011

## 1012 **202.4 Priority Response Time And Face-To-Face Contact**

### 1013 Major objectives:

1014 The priority response time will be based upon the information received at Intake and  
1015 determined prior to the face-to-face contact with a child. The priority determines the time  
1016 allotted for the CPS caseworker to make face-to-face contact with the alleged victim, regardless  
1017 of age. In cases involving multiple alleged victims, the allegation driving the highest priority  
1018 determines the overall priority response time for the referral. The alleged victim with the  
1019 highest priority allegation will be seen within the priority response time frame. All alleged  
1020 victims on the case need to be seen during the initial period of the investigative time frame. The  
1021 purpose of the face-to-face contact is to assess immediate protection and safety needs of the  
1022 child.

### 1023 **Applicable Law**

1024 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
1025  
1026

### 1027 Practice Guidelines

- 1028 A. The priority response time for the face-to-face contact begins when Intake assigns the  
1029 referral to the CPS caseworker. An investigative interview is not required at the initial  
1030 contact.  
1031 1. A priority 1 response will be assigned when the child is in need of immediate  
1032 protection as determined by the Intake worker's review of the Intake Checklist:

- 1033 a. The CPS caseworker has a maximum of 60 minutes from the moment of  
1034 notification by Intake to make the face-to-face contact with an alleged  
1035 victim;
- 1036 b. In a priority 1R (rural), the CPS caseworker has a maximum of three hours  
1037 to make the face-to-face contact if the alleged victim is more than 40  
1038 miles from the caseworker. The 40-mile factor must be documented.
- 1039 2. A priority 2 response will be assigned when physical evidence is at risk of being  
1040 lost or the child is at risk of further abuse, neglect, or dependency, but the child  
1041 does not have immediate protection and safety needs, as determined by the  
1042 Intake worker's review of the Intake Checklist:
- 1043 a. The CPS caseworker has a maximum of 24 hours from the moment of  
1044 notification by Intake to make face-to-face contact with an alleged victim,  
1045 and more urgent time frames may be assigned by Intake based on child  
1046 safety circumstances;
- 1047 b. Assignment to the CPS caseworker of a priority 2 referral that is received  
1048 outside of normal working hours (8:00 a.m. to 5:00 p.m.) will occur by no  
1049 later than 9:00 a.m. the following morning. This would include a referral  
1050 of a drug-exposed newborn, as there may not be any immediate threats  
1051 of harm while hospitalized, but the situation needs to be assessed prior  
1052 to the child's release for child vulnerabilities and protective capacities of  
1053 the caregiver to determine if any additional interventions are necessary.
- 1054 3. A priority 3 response will be assigned when potential for further harm to the  
1055 child or the loss of physical evidence is low as determined by the Intake worker's  
1056 review of the Intake Checklist:
- 1057 a. The CPS caseworker has until midnight of the third working day from the  
1058 moment Intake assigns the case to complete the face-to-face contact  
1059 with an alleged victim.  
1060
- 1061 B. A documented exception to meeting the priority response time frame for the required  
1062 face-to-face contact must be supported by documentation of substantial efforts that  
1063 include at least two of the following:
- 1064 1. The CPS caseworker attempted to visit the child at school.
- 1065 2. There has been verification that the address is correct, and the CPS caseworker  
1066 has made an attempt to visit the child at home.
- 1067 3. The CPS caseworker has made an attempt to make contact after traditional  
1068 working hours or on the weekend.  
1069
- 1070 Or one of the following:
- 1071 1. Reliable collateral information is received that indicates that the family or child is  
1072 going to be gone for more than three working days (for example, on vacation,  
1073 camp, or relative visit).

- 
- 1074 2. A determination is made that the child is in an alternative placement.  
1075 3. Information received supports the need for joint law enforcement intervention  
1076 at the time of initial contact.  
1077 4. The caregiver/parent is refusing to allow the CPS caseworker to have contact  
1078 with the child.  
1079 a. The caseworker has contacted the police for assistance, but the police  
1080 have been unsuccessful in attempts to assist the caseworker in seeing the  
1081 child;  
1082 b. The caseworker will staff the case with a supervisor then contact an AAG  
1083 to determine whether a warrant or petition can be obtained with the  
1084 information available.  
1085  
1086 C. The requirement of a face-to-face contact with the child is waived if the supervisor  
1087 agrees that one of the following circumstances exist:  
1088 1. The only alleged victim is deceased.  
1089 2. The parent/guardian refuses to allow face-to-face contact, and all of the  
1090 following apply:  
1091 a. The caseworker has contacted the police for assistance, but the police  
1092 have been unsuccessful in attempts to access the child.  
1093 b. The caseworker has contacted an Assistant Attorney General to staff  
1094 whether a warrant or petition can be obtained with the information  
1095 available, but it was determined that a warrant or petition was not  
1096 appropriate.  
1097 3. The child is out of state and a request for courtesy casework is made and  
1098 declined by the out of state child welfare agency and law enforcement in the  
1099 area and/or the courtesy caseworker/officer cannot complete a face-to-face  
1100 contact.  
1101 4. The child cannot be located despite reasonable efforts. Reasonable efforts  
1102 include (but are not limited to):  
1103 a. Visiting the home at least twice at times other than normal business  
1104 hours.  
1105 b. Contacting local schools for contact information.  
1106 c. Contacting local and county law enforcement agencies for additional  
1107 contact information.  
1108 d. Checking public assistance records for additional contact information.  
1109 e. Checking with the referent for additional contact information.  
1110 f. Searching telephone directories (books and online) for additional contact  
1111 information.  
1112

- 1113 D. For all missed priority situations, the CPS caseworker will complete the missed priority  
1114 form in SAFE for approval by the supervisor and region director and place it in the CPS  
1115 case file.  
1116

## 1117 202.4a Face-To-Face Requirement

### 1118 Major objectives:

1119 The purpose of the initial face-to-face contact is to assess immediate protection and safety  
1120 needs of the child. The CPS caseworker must gather enough information from the child,  
1121 parents/guardians, and/or other collateral contacts to identify immediate threats to the safety  
1122 of the child and what actions and/or interventions are necessary to protect the child from the  
1123 identified threats.  
1124

### 1125 Practice Guidelines

- 1126 A. Non-verbal Children Under the Age of 5 Years: The CPS caseworker will assess any non-  
1127 verbal child under the age of five years in conjunction with the person currently caring  
1128 for the child. The assessment will include a review of the Centers for Disease Control  
1129 (CDC) Developmental Milestone checklist, which corresponds with the current age of  
1130 the child (<http://www.cdc.gov/ncbddd/actearly/milestones>).  
1131
- 1132 1. The child must be awake for the CPS caseworker to satisfy the face-to-face  
1133 requirement. This must be clearly documented.
  - 1134 2. The CPS caseworker will observe and document any alleged injuries or other  
1135 physical conditions (such as rashes) by following the Practice Guidelines for  
1136 Visual Assessment of a Child ([Section 203.1b](#)).
  - 1137 3. If developmental concerns are identified with children under 36 months of age  
1138 and the case will not be supported, the CPS caseworker will provide the  
1139 parents/guardians with information about Baby Watch Early Intervention  
1140 Program (BWEIP).  
1141
- 1142 B. Verbal Children: The CPS caseworker will interview a verbal child at the time of the  
1143 initial face-to-face contact whenever possible as outlined in Section 203.1 – Interviews.  
1144 If an interview is not possible, the CPS caseworker will gather information from  
1145 parents/guardians or other collateral contacts who would have sufficient information  
1146 about the safety of the child.  
1147

## 202.5 Missed Priority Time Frames

### Major objectives:

The CPS caseworker is to complete appropriate documentation in SAFE and staff the case with a licensed caseworker when they are unable to make face-to-face contact with an alleged victim on the case within the priority time frame.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

When priority response is missed, the CPS caseworker must complete the appropriate documentation in SAFE, obtain a signature from the supervisor, and send a copy to the region director. A missed priority response can only be approved when the caseworker documents reasonable efforts to locate and complete a face-to-face contact with the child. These may include:

- A. Visit the child at school. If the child is not at school, check school records for emergency contact information.
- B. Visit the child at home. Make an unscheduled home visit. Document if the family was home but refused to answer the door.
- C. Attempt contact at least twice at times other than traditional work hours.
- D. Attempt contact during the weekend.
- E. Re-check the address of the family on the CANR.
- F. Document if the spoken language of the child or family differs from the caseworker's and if a translator was not immediately available.
- G. Obtain collateral information to indicate the family is gone for more than three working days (i.e., on vacation).
- H. Determine if the child is in an alternative placement with parent (i.e., shelter) but not at the placement at the time of the caseworker visit.
- I. Obtain collateral information confirming no contact between the alleged victim and the alleged out-of-home perpetrator, and little or no risk to the alleged victim requiring immediate interview.

- 1189  
1190 J. Document if the case requires a joint law enforcement interview that cannot be  
1191 arranged within the priority response time, and the risk to the alleged victim is assessed  
1192 to be low and does not require immediate intervention for the child's protection.  
1193  
1194 K. Document if the caregiver refused to allow an interview with the child.  
1195  
1196 L. If unable to locate the child, check other agency records for another address for the  
1197 child. Also, check with relatives who may have knowledge of the alleged victim's  
1198 whereabouts.  
1199

## 1200 202.6 Structured Decision Making (SDM) Safety Assessment

### 1201 Major objectives:

1202 The CPS caseworker will assess the threats to safety and risk of future harm, given the child  
1203 vulnerabilities and the protective capacities of the caregiver by completing both the Structured  
1204 Decision Making (SDM) Safety Assessment and the SDM Risk Assessment. The SDM Safety  
1205 Assessment will result in a determination that the child is safe, conditionally safe, or unsafe.  
1206 The SDM Safety Plan is completed when the child is found to be conditionally safe and will  
1207 remain in the home.  
1208

1209 The CPS caseworker will include a domestic violence assessment, when appropriate. If a staffing  
1210 is required, the CPS caseworker will document the staffing and the decisions made regarding the  
1211 safety of the child.  
1212

1213 When domestic violence is a risk factor, a consultation on the case will be held with a supervisor  
1214 and, if possible, a domestic violence professional. Should a domestic violence safety plan be  
1215 identified, documentation into the activity recording will only include language to the effect that  
1216 a safety plan was identified for the adult and for the children.  
1217

1218 The CPS caseworker will not document the specifics of any plan that was identified for or by the  
1219 non-offending adult or child. All information will be confidential to protect the safety of the  
1220 non-offending adult and child. The Domestic Violence Safety Plan cannot be released when a  
1221 request is made for records.  
1222

### 1223 **Applicable Law**

1224 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1225 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a  
1226 protected record.]  
1227  
1228

1229 Practice Guidelines

1230 The SDM Safety Assessment is used to identify immediate threats to the safety of a child and  
1231 what actions and/or interventions are necessary to protect a child from the identified threats.  
1232 Actions/interventions may include in-home interventions that are implemented immediately to  
1233 control or mitigate the identified threat, or removal from the caregivers.

1234  
1235 Safety versus risk assessment: It is important to keep in mind the difference between safety and  
1236 risk when completing this assessment. Safety assessment differs from risk assessment in that  
1237 the Safety Assessment assesses the child's present threats of harm and the interventions  
1238 currently needed to protect the child. In contrast, risk assessment looks at the likelihood of  
1239 future maltreatment.

1240  
1241 The caseworker will complete the SDM Safety Assessment on all CPS investigations including  
1242 out-of-home perpetrator investigations in which there is no concurrent allegation against a  
1243 household member. A household includes all persons who have a familial or intimate  
1244 relationship with any person in the home and who have significant in-home contact with the  
1245 child, excluding employees.

1246  
1247 The assigned CPS or ongoing caseworker completes the SDM Safety Assessment.

1248  
1249 The initial SDM Safety Assessment is required DURING the first face-to-face contact with the  
1250 child victim before leaving a child in the home or allowing a child to return to the home during  
1251 an investigation. In the event the child cannot be seen and/or the caseworker is denied access  
1252 to the child, the Safety Assessment is completed based on initial face-to-face contacts with the  
1253 caregiver(s) or other contacts if the family refuses. The Safety Assessment will be recorded in  
1254 SAFE by the end of the fifth business day.

1255  
1256 SDM Safety Assessments are completed DURING any in-person contact when a change in safety  
1257 status is observed on an open case. SDM Safety Assessments are also required prior to  
1258 removing from or returning a child home and prior to when an SDM Safety Plan is changed or  
1259 concluded. Each SDM Safety Assessment will be recorded in SAFE by the end of the fifth  
1260 business day.

1261  
1262 A final SDM Safety Assessment is required prior to concluding an investigation that will not  
1263 result in opening an ongoing case if there were any safety threats identified during the course  
1264 of the investigation and/or an SDM Safety Plan initiated. Resolution of any identified safety  
1265 threat(s) must be documented.

1266  
1267 The SDM Safety Assessment is used to guide decisions about the removal of a child from his or  
1268 her family. It also guides decisions on whether or not the child may remain in the home, the

1269 need for interventions to eliminate the threat of immediate harm, or if the child must be  
1270 removed.

1271  
1272 The caseworker will complete an SDM Safety Plan for all children in the household when any  
1273 threat to safety has been identified. If the parent refuses to sign the Safety Plan, the  
1274 caseworker will leave a copy of the unsigned plan with the parent and document in the activity  
1275 logs both the refusal and that a copy of the plan was left with the parent. If a verbal safety  
1276 agreement is made the caseworker will document the specifics in the activity logs.

1277  
1278 Assessing child safety is a critical consideration throughout the involvement of Child and Family  
1279 Services with the family. Threats to safety will be evaluated during each contact with the  
1280 family. After the initial SDM Safety Assessment is completed, subsequent SDM Safety  
1281 Assessments will be completed whenever a change in the family's circumstances poses a safety  
1282 concern and the need for possible protective interventions.

1283  
1284 If the investigation will be closed and no other agency services will be provided, case  
1285 documentation will specify how all identified threats to safety were resolved.

1286  
1287 If the investigation results in an ongoing case, the CPS caseworker will indicate whether the  
1288 SDM Safety Plan and interventions are still applicable.

1289

## 1290 **202.7 Structured Decision Making (SDM) Risk Assessment**

1291

### Major objectives:

1292 The SDM Risk Assessment is an evidenced-based tool that identifies the probability of future  
1293 abuse or neglect to children. The risk levels are: very high, high, moderate, or low. The SDM  
1294 Risk Assessment is an objective appraisal of the likelihood that a family will abuse or neglect  
1295 their children in the next 12 to 18 months. High risk families have significantly higher rates of  
1296 subsequent referral and supported findings than low risk families, and they are more often  
1297 involved in serious abuse or neglect incidents.

1298  
1299 When risk is clearly defined, the choice between serving one family and another family is  
1300 simplified: Child and Family Services' resources are targeted to higher risk families because of  
1301 the greater potential to reduce subsequent maltreatment.

1302

1303

### **Applicable Law**

1304 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1306 Utah Code Ann. [§63G-2-304](#). Controlled records. [The Domestic Violence Safety Plan is a  
1307 protected record.]

1308

1309 Practice Guidelines

1310 The SDM Risk Assessment will be completed on all initial CPS investigations of child abuse or  
1311 neglect, including new investigations on existing cases except the following:

- 1312
- 1313 A. Cases with a finding of Unable to Locate.
  - 1314
  - 1315 B. Cases with a finding of Unable to Complete.
  - 1316
  - 1317 C. Cases with a finding of False Report.
  - 1318

1319 The case worker assigned to the CPS investigation will complete the SDM Risk Assessment.

1320

1321 Discretionary overrides of the risk level will be reviewed and approved by the caseworker's  
1322 supervisor.

1323

1324 The SDM Risk Assessment will be completed on all CPS cases prior to case closure after the CPS  
1325 caseworker has reached a finding regarding the allegation (supported, unsupported, or without  
1326 merit) AND prior to a decision to open a case for services or close without further services.

1327

1328 The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level  
1329 guides the decision to close a referral or open an ongoing case.

1330

Final Risk Level	Recommendation
Low	Do Not Open*
Moderate	Do Not Open*
High	Open
Very High	Open

1331 \*Low and moderate risk cases should be opened if the most recent SDM Safety  
1332 Assessment finding was conditionally safe or unsafe.

1333

1334 For cases opened for ongoing services following the investigation, the risk level is used to  
1335 determine the contact requirements for the case (service level).

1336

1337 The SDM Risk Assessment is completed on households. A household includes all persons who  
1338 have a familial or intimate relationship with any person in the home and who have significant  
1339 in-home contact with the child, excluding employees.

- 1340
- 1341 A. Only one household can be assessed on the risk assessment form.
  - 1342
  - 1343 B. Always assess the household in which the child abuse/neglect/dependency incident is  
1344 alleged.

1345  
1346 C. A second SDM Risk Assessment will be completed for any non-custodial parents who will  
1347 receive reunification services.  
1348

1349 The items on the SDM Risk Assessment are scored by the caseworker. Some characteristics are  
1350 based on facts (such as prior child abuse/neglect history or the age of the child). Others require  
1351 the caseworker to use discretionary judgment based on his or her assessment of the family.  
1352 Sources of information used to determine the caseworker's score of the item may include  
1353 statements by the child, caregiver, or collateral persons; caseworker observations; or reports.  
1354

1355 The caseworker will refer to the SDM Risk Assessment Definitions to determine the score for  
1356 each item.  
1357

## 1358 **202.8 Medical Examination Of The Child**

### 1359 Major objectives:

1360 Child and Family Services staff will ensure timely medical attention to a child when there has  
1361 been trauma caused from severe maltreatment, serious physical injury, recent sexual abuse,  
1362 fetal addiction, medical neglect, or any exposure to a hazardous environment, including those  
1363 involving illegal drug/chemical production.  
1364

### 1365 **Applicable Law**

1366 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in  
1367 protective custody.  
1368

### 1369 Practice Guidelines

1370 A. Child and Family Services staff will obtain all pertinent medical information needed to  
1371 provide proper medical care for the child. This would include the child's current medical  
1372 diagnosis, allergies, medications, and primary care providers. CPS caseworkers will  
1373 request from the caregiver the child's medical history and where all prior medical  
1374 attention has been received.  
1375

1376 B. When necessary and indicated, a medical examination will be completed within 24  
1377 hours in a priority 1 and 1R investigation, and in a timely manner in priority 2, and 3  
1378 investigations. [See: Utah Code Ann. [§62A-4a-202.3](#).]  
1379

1380 C. Timely medical attention by a qualified health care provider will be ensured by Child and  
1381 Family Services staff when there is:  
1382

1383 1. Any inadequately explained serious physical injury, especially in a child under the  
1384 age of two years.

- 1385 2. Serious untreated physical injury regardless of the known cause in children of all  
1386 ages.  
1387 3. Recent sexual abuse (within 72 hours) where there is an indication of physical  
1388 trauma to the child and/or a need to gather evidence.  
1389 4. Fetal addiction.  
1390 5. Medical neglect involving serious medical conditions.  
1391 6. Exposure to any hazardous environment, including illegal drug production.  
1392 7. In cases involving a serious physical injury, the date of a medical examination  
1393 related to the injury will be entered into SAFE prior to case closure. The  
1394 examination date may be prior to the case open date as long as it was related to  
1395 the injury.  
1396

1397 The attached DCFS Child Protective Services Preliminary Exam Checklist and the [DEC](http://www.utahdecalliance.org/pdf/NBIntakeHX.pdf)  
1398 [Protocol](http://www.utahdecalliance.org/pdf/NBIntakeHX.pdf) (http://www.utahdecalliance.org/pdf/NBIntakeHX.pdf) may be used and can  
1399 serve as a guide for the CPS caseworker.  
1400

1401 D. If a child has been treated for health concerns related to allegations of abuse or neglect  
1402 or if a child has been removed and has received medical treatment including surgeries,  
1403 laboratory testing, x-ray studies, and/or hospitalizations within the last seven days or is  
1404 receiving medications, the CPS caseworker must contact the child's health care provider  
1405 within 24 hours. If the child has a serious condition, the health care provider should be  
1406 contacted immediately. The CPS caseworker should be persistent in contacting the  
1407 health care provider.  
1408

1409 E. The Health Care Team may assist in collecting medical information.  
1410

1411 F. Past history—The CPS caseworker should obtain the following medical information:  
1412 1. Prior medical condition for which the child has received medical attention now  
1413 or in the past.  
1414 2. Nature of the condition and symptoms.  
1415 3. Name of treating physician or clinic.  
1416 4. Medications (name, strength, frequency, prescribing physician). Bring the  
1417 medication container with the client, if available.  
1418 5. Allergies, including foods, medications, and environmental allergens.  
1419

1420 G. Date the child was last seen by any health care provider.

- 1421 1. Nature of visit.  
1422 2. Required follow-up.  
1423

1424 H. Name and location of all health care providers.  
1425

- 1426 I. The CPS caseworker will notify the child's health care provider of the following:  
1427 1. The child's caregiver contact number.  
1428 2. The CPS caseworker contact number.  
1429 3. The Health Care Coordinator contact number.  
1430 4. The child's legal guardian or custodian.  
1431  
1432 J. Medications and treatments including, but not limited to:  
1433 1. Prescribed medications.  
1434 2. Inhalers, eye drops, dental, or hearing appliances.  
1435 3. Over-the-counter medications.  
1436 4. Herbal or homeopathic treatments.  
1437 5. Illegal drugs.  
1438  
1439 K. Other:  
1440 1. Immunization record.  
1441 2. High risk behavioral concerns such as:  
1442 a. Sleepwalking;  
1443 b. Self-mutilation.  
1444  
1445 L. Medical Neglect Recommendations: When a parent/guardian does not agree with a  
1446 medical recommendation, they can request, at their cost, a second medical opinion by a  
1447 licensed medical professional practitioner. The recommendations from the second  
1448 opinion will be included in staffing the outcome and services for the case. When a  
1449 parent requests a second medical opinion, but the parent is indigent and cannot pay,  
1450 Child and Family Services will pay, by court order and with prior administrative approval,  
1451 for the second opinion. [See: Utah Code Ann. [§78A-6-301.5.](#)]  
1452

#### Authorization for Medical Procedures

1453 The CPS caseworker will consult with a health care provider to determine whether specialized  
1454 medical tests (i.e., CAT scan, skeletal x-rays, MRI [Magnetic Resonance Imaging], Sonogram,  
1455 Ultrasound, etc.) are needed. The health care provider may order the specialized medical tests  
1456 as needed. The cost of any test(s) required by Child and Family Services may be the  
1457 responsibility of Child and Family Services to pay. Therefore, if tests are recommended,  
1458 advanced authorization for payment should be provided by regional administration.  
1459  
1460

#### Serious Medical Neglect and Emergency Court Ordered Medical Treatment

- 1461 A. Procedure for investigation of serious medical neglect:  
1462 1. When Intake receives a referral for serious medical neglect, the Intake worker  
1463 determines if the medical situation is an emergency requiring immediate action  
1464 and assigns priority accordingly. The caseworker should determine from a health  
1465

- 
- 1466 care provider if death or significant permanent physical or mental damage is the  
1467 likely outcome of refusal to follow treatment.
- 1468 2. The CPS caseworker will contact the treating medical doctor, verify the referral  
1469 information, explain the investigation and court process, verify the parents'  
1470 refusal to obtain treatment, and establish self as the contact for the doctor.  
1471 They will also verify that treatment of the child's condition will not be seriously  
1472 jeopardized while awaiting a court hearing, and they will request immediate  
1473 notification in the event the child's situation deteriorates.
- 1474 3. The CPS caseworker will meet with the parents, attempt to negotiate voluntary  
1475 compliance with medical treatment pending or in lieu of court involvement, and  
1476 assess and document the parents' reasons for refusal to treat.
- 1477 4. The CPS caseworker will inform the parents that they have the right to request a  
1478 second opinion from a licensed professional medical practitioner and that the  
1479 parent retains responsibility for payment. If the second opinion is requested but  
1480 the child needs medical treatment sooner than the second opinion can be  
1481 obtained, the CPS caseworker will move to step 5.
- 1482 5. The CPS caseworker will initiate court action by contacting the Attorney General  
1483 when parents fail to voluntarily comply and medical treatment is necessary.
- 1484 6. In cases where the consequence of the parents' failure to follow treatment may  
1485 be death or significant permanent physical or mental damage, the CPS  
1486 caseworker will take steps to initiate emergency court proceedings by contacting  
1487 an Attorney General immediately and will not attempt to resolve the situation  
1488 through voluntary services alone.
- 1489 7. The CPS caseworker will attend all court proceedings related to court orders for  
1490 medical treatment and will implement any court orders giving Child and Family  
1491 Services responsibility to ensure the child receives necessary medical care until  
1492 such time as the case is transferred to an in-home caseworker or is closed.
- 1493 8. The CPS and ongoing caseworker will hold a Child and Family Team Meeting to  
1494 involve the family in planning and decision-making.
- 1495
- 1496 B. Criteria for court-ordered medical treatment of a minor:
- 1497 1. The outcome of failure to treat is death, permanent loss of a body function, or  
1498 significant physical or mental impairment.
- 1499 2. The parent or guardian has been fully informed of the probable consequences if  
1500 the condition is left untreated, the alternative treatments available, the  
1501 consequences of each treatment, the risks of each treatment, and the  
1502 probability of each alternative outcome.
- 1503 3. In non-emergent situations, the parent or guardian has been given the  
1504 opportunity to obtain a second opinion.
- 1505 4. The treatment is well established and well accepted by the medical profession.

- 1506 5. A reasonable parent or guardian would not refuse treatment for the child yet  
1507 treatment is refused.  
1508 6. Delay in treatment increases the probability of harm.  
1509 7. The probability that the treatment will be successful and that it will provide the  
1510 child a good quality of life outweigh possible negative consequences and side  
1511 effects.  
1512 8. No alternative treatment will meet the child's medical needs.  
1513

1514 Triage Procedures for Medical Care

- 1515 A. Always call 911 in an emergency.  
1516 1. When there is a question, please consult with a health care provider or Primary  
1517 Children's Medical Center (PCMC).  
1518 2. If the following are present, a health care provider should see the child as soon  
1519 as possible:  
1520 a. Any child who appears acutely ill;  
1521 b. Suicidal ideation and/or threat with lethal plan and with or without  
1522 means;  
1523 c. Need for forensic evidence collection for rape kit (sexual contact within  
1524 72 hours);  
1525 d. Acute vaginal or rectal bleeding, vaginal or rectal pain, and/or genital or  
1526 anal trauma (includes blood found on diaper or underwear);  
1527 e. If a drug-facilitated rape is suspected, within 96 hours of "drugging" the  
1528 collection of blood and urine specimens should be considered.  
1529 f. Fever above 100.4 degrees in an infant less than three months of age;  
1530 g. Fever accompanied with seizures or other concerning behavior if over  
1531 three months;  
1532 h. Infant with bruising suggestive of fractures;  
1533 i. Difficulty walking or moving normally;  
1534 j. Child or youth appears severely neglected, malnourished, deprived of  
1535 food, or dehydrated;  
1536 k. Vaginal or penile discharge and the possibility of sexually transmitted  
1537 disease or a history suggestive for sexually transmitted disease(s) (vaginal  
1538 or penile discharge may not cause any symptoms but may be noticed by a  
1539 caregiver on the diaper or underwear; other concerns for sexually  
1540 transmitted disease include any history of genital ulcers or blisters, or any  
1541 unusual rash in the genital area);  
1542 l. Severe dental conditions and/or complaints of pain;  
1543 m. Exposure to environmental toxins, with a need to collect urine and hair  
1544 specimens for forensic purposes (e.g. Methamphetamine lab).  
1545 3. Photo documentation:  
1546 a. Medical attention takes priority;

- 1547                    b.     Take photos for forensic use after medical attention has been initiated;  
1548                    c.     Photos may be taken by:  
1549                         i.     Law enforcement;  
1550                         ii.    Medical facility;  
1551                         iii.    Child and Family Services.  
1552  
1553     B.     Non-urgent care:  
1554             1.     Non-urgent medical attention:  
1555                         a.     Well-child examination (five days following removal);  
1556                         b.     Possible failure to thrive without medical compromise;  
1557                         c.     Rash, not associated with fever or an allergic reaction;  
1558                         d.     Skeletal survey needed to determine fractures (only in children below the  
1559                                 age of three years as medically indicated);  
1560                         e.     Medical neglect not involving serious medical conditions (requires  
1561                                 medical examination 30 days before or after disposition of referral).  
1562             2.     Exams conducted in a non-emergency room setting can reduce the anxiety  
1563                         surrounding sexual abuse investigations.  
1564

## 1565     **202.8a     Medical Consultation Protocol When There Is Reasonable Suspicion** 1566     **Of Severe Abuse**

### 1567     Major objectives:

1568     An investigation involving reasonable suspicion of severe child abuse requires a medical  
1569     examination of the primary victim. Caseworkers will investigate all children of the household as  
1570     a Sibling or Child at Risk when the injuries on the primary victim are suspected to be severe  
1571     abuse and there are concerns related to the caregivers in that household. All non-verbal  
1572     children in the household will also be required to receive a medical examination.  
1573

### 1574 1575 1576     Practice Guidelines

- 1577     A.     Cases involving reasonable suspicion of Severe Abuse will include the following activities:  
1578             1.     Caseworkers will investigate all children of the household as a Sibling or Child at Risk  
1579                         when the injuries on the primary victim are suspected to be non-accidental and there  
1580                         are concerns related to the caregivers in that household.  
1581                         a.     As in all cases, caseworkers will list all children of the household in SAFE.  
1582                         b.     Allegations of Sibling at Risk will be added, with each child of the  
1583                                 household listed as a victim.  
1584                         c.     Caseworkers will request a medical examination for all non-verbal  
1585                                 children of the household from the legal guardians.  
1586                         d.     Caseworkers will document outcomes of medical examination or barriers  
1587                                 to medical examination of children of the household (lack of insurance,

- 1588 lack of transportation, lack of time, refusal by medical providers, refusal  
1589 by caregivers), including steps taken by the caseworker to help the family  
1590 overcome those barriers.
- 1591 e. Caseworkers will give consulting medical providers information regarding  
1592 potential abuse exposure and of the potential for unsuspected physical  
1593 abuse findings.
- 1594 2. Caseworkers will provide caregivers information regarding the potential mental  
1595 health consequences of witnessing abuse and provide referrals to caregivers.
- 1596 3. In all cases involving non-verbal children with severe and/or unexplained  
1597 injuries, CPS caseworkers will consult with an independent licensed medical  
1598 provider with expertise in the evaluation of child physical abuse regarding those  
1599 injuries prior to case closure.
- 1600

## 1601 202.9 On-Call Intake And CPS (Non-Business Hours)

### 1602 Major objectives:

1603 Child and Family Services is required to provide a response to reports of child abuse, neglect, or  
1604 dependency 24 hours a day, seven days a week. To ensure the appropriate response, CPS on-  
1605 call is assigned to qualified Child and Family Services child welfare staff to obtain information  
1606 from the referent, fulfill all responsibilities as outlined in major objectives for Intake, and, as  
1607 necessary, respond within appropriate time frames to priority 1, 1R and 2 cases. All time  
1608 requirements are applicable to on-call responses. [See: Major objectives [Section 202.4.](#)]  
1609

### 1611 **Applicable Law**

1612 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### 1614 Practice Guidelines

1615 The on-call or CPS caseworker assigned to the case will complete the following:

- 1617
- 1618 A. Obtain information from the referent and determine the disposition of the referral (i.e.,  
1619 information only contact, additional information, accepted, unaccepted).
- 1620
- 1621 B. Complete the Intake Checklist on priority 1, 1R, and 2 referrals.
- 1622
- 1623 C. A case involving an alleged victim residing in a domestic violence shelter with a non-  
1624 offending caretaker should not automatically be assumed to be a priority 3. The case  
1625 should be screened based on risk and safety factors for the child.
- 1626
- 1627 D. Ensure face-to-face contact with the child within priority time frames.
- 1628

- 
- 1629 E. Conduct a personal interview with or observation of the child, as appropriate.  
1630
- 1631 F. Ensure that the alleged victim is offered a support person. Ensure the child's support  
1632 person meets the specified criteria for a support person and, if requested, is notified  
1633 and available for the personal interview with the child.  
1634
- 1635 G. Ensure that the parent/guardian receives notification of the investigation and the  
1636 interview with the child. [See: Major objectives [Section 203.1.](#)]  
1637
- 1638 H. If an investigative interview takes place with a child who is five years of age and older,  
1639 who is able to communicate, and after the child is taken into protective custody, all  
1640 investigative interviews will be audio and/or videotaped prior to the adjudication  
1641 hearing. [See: Utah Code Ann. [§62A-4a-202.3.](#)]  
1642
- 1643 I. A child under the age of five years will be personally interviewed by the CPS caseworker  
1644 if the child is verbal and has the ability to provide information relevant to child  
1645 vulnerabilities, threats of harm, and protective capacities of the caregiver (a child who is  
1646 non-verbal will be observed and assessed).  
1647
- 1648 J. Complete an SDM Safety Assessment that includes all children in the household.  
1649
- 1650 K. If the safety decision indicates that the child is conditionally safe and the child will be  
1651 left in the home, complete an SDM Safety Plan as defined in [Section 202.6.](#) Discuss with  
1652 the family the extent to which the child's extended family may provide needed  
1653 protection.  
1654
- 1655 L. Complete staffings per major objectives. [See: Major objectives [Section 204.2.](#)]  
1656
- 1657 M. Complete all actions to ensure safety and protection for alleged victims and siblings, as  
1658 appropriate.  
1659
- 1660 N. Ensure that medical and/or mental health evaluations are completed when appropriate  
1661 as required by statute and major objectives for physical injury, severe physical abuse,  
1662 medical neglect, or recent sexual abuse. [See: Major objectives [Section 202.8.](#)]  
1663
- 1664 O. Ensure that the short-term placement provider has all relevant medical, social, mental  
1665 health, and educational information on the child within 24 hours.  
1666
- 1667 P. Complete required documentation in SAFE for Intake and CPS.  
1668
- 1669 Q. Complete removal paperwork, as appropriate.

- 1670  
1671 R. Deliver removal paperwork to the parent/guardian.  
1672  
1673 S. Complete a personal 48-hour removal visit.  
1674  
1675 T. Deliver all information to CPS Intake no later than 9:00 a.m. of the following business  
1676 day.  
1677  
1678 U. Attend the 24-hour multidisciplinary team consultation.  
1679  
1680 V. Attend the Shelter Care Hearing.  
1681  
1682 W. Attend all other court hearings, as notified by the Attorney General's Office.  
1683

## 1684 **202.10 Court-Ordered Family Assessment**

### Major objectives:

1685  
1686 When receiving a court order to investigate and assess a family and there is no allegation of  
1687 abuse, neglect, or dependency, Child and Family Services will open an In-Home Services (IHS)  
1688 case. Safety (child vulnerability, threats of harm, and protective capacities of the caregiver),  
1689 health, and the best interest of the child will be assessed and a report submitted to the court.  
1690

1691 Child and Family Services does not conduct court ordered home evaluations regarding child  
1692 custody issues.  
1693  
1694

### **Applicable Law**

1695  
1696 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
1697  
1698

### Practice Guidelines

1699 An IHS case is appropriate when all of the following criteria are met.  
1700  
1701

- 1702 A. The court order/request is received by Child and Family Services to assess a family, and  
1703 1. There are NO allegations of abuse, neglect, or dependency;  
1704 2. The court has provided Child and Family Services with the child's full name and  
1705 his/her age;  
1706 3. The court has provided Child and Family Services with an address for the family  
1707 and additional contact information.  
1708  
1709 B. An IHS case will be opened using the following:  
1710 1. The caseworker will make an initial contact with the family.

- 1711 a. The caseworker will disclose the request for investigation from the  
1712 courts.  
1713 b. The caseworker will obtain a release of information permission form from  
1714 the parent/guardian of the child. This release will be documented in the  
1715 case record and will include the name and role of the person giving  
1716 permission.  
1717 c. If the parent/guardian refuses to cooperate, the caseworker will report to  
1718 the court that the case cannot be completed.  
1719 2. The caseworker will make no collateral contacts without obtaining the  
1720 authorization form from the parent/guardian.  
1721  
1722 C. The IHS case will include the following:  
1723 1. Documentation of release of information from the parent or guardian;  
1724 2. Home and family risk assessment;  
1725 3. Court report describing the findings;  
1726 4. Open an IHS case for no more than 45 days.  
1727  
1728 D. If abuse or neglect is identified during the IHS assessment, open a CPS investigation.  
1729

1730 **202.11 Not Used**

1731  
1732 **202.12 Independent Home Study**

1733  
1734 Major objectives:

1735 When receiving an Independent Home Study (IHS) case, the CPS caseworker will assess for child  
1736 safety, determine services or resources that may be needed by the family, and provide the  
1737 family with information needed to access services or resources.

1738  
1739 Child and Family Services does not conduct court-ordered home evaluations regarding child  
1740 custody issues.

1741  
1742  
1743 **Applicable Law**

1744 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1745  
1746 Practice Guidelines

- 1747 A. An IHS case will include the following:  
1748 1. Contact with at least one biological parent and/or legal guardian within five  
1749 business days of the case being opened.  
1750 2. Interview the child with consent of the parent.



1761 **203 Engagement Begins: Initial Interviews And Home Visits**

1762

1763 **203.1 Interviews**

1764

Major objectives:

The CPS caseworker will utilize interviews as part of the investigation.

1765

1766

1767

1768 **Applicable Law**

1769 Utah Code Ann. [§62A-4a-202.3](#). Supported or unsupported reports -- Child in protective  
1770 custody.

1771 Utah Code Ann. [§62A-4a-414](#). Interviews of children -- Recording required.

1772

1773 Practice Guidelines

1774 Interviews are to follow the statutory requirements indicated below:

1775

1776 A. Referent: The CPS caseworker will interview the person who reported the abuse in  
1777 order to gather and/or clarify information, unless the report was made anonymously.  
1778 The interview may not be necessary if the report came from law enforcement. The  
1779 interview may be conducted by telephone. [See: Utah Code Ann. [§62A-4a-202.3](#).]

1780

1781 B. Child: Any child identified as an alleged victim having the ability to communicate  
1782 verbally or through another reliable means (i.e., communication board, American Sign  
1783 Language, writing, etc.) will be interviewed. If the child requires a translator for the  
1784 interview, the CPS caseworker will make reasonable efforts to have one available. An  
1785 infant or child who is non-verbal will be observed and assessed. The child must be  
1786 awake for the CPS caseworker to satisfy the face-to-face requirement. This must be  
1787 clearly documented. A CPS caseworker will not conduct an interview with a child by  
1788 telephonic means (i.e., e-mail, telephone, etc.). The interview will take place outside  
1789 the presence of the alleged perpetrator. The CPS caseworker may request a courtesy  
1790 caseworker conduct a personal interview or to observe the child if the caseworker  
1791 would have to travel an unreasonable distance to see the child. [See: Utah Code Ann.  
1792 [§62A-4a-414](#). Interviews of children -- Recording required.]

1793

1. Support person:

1794

a. The CPS caseworker will let the child know that he or she has the right to  
1795 have a support person present during the interview.

1796

b. The CPS caseworker will make reasonable efforts to arrange for the  
1797 child's choice of a support person to be present for the interview.

1798

c. The support person will be an adult over the age of 18 years, who is  
1799 reasonably available and who is not the alleged perpetrator.

1800

d. The support person may include (but is not limited to):

- 
- 1801 i. School teacher or administrator;  
1802 ii. Guidance counselor;  
1803 iii. Child care provider;  
1804 iv. Family member;  
1805 v. Family advocate;  
1806 vi. Clergy.
- 1807 e. The support person may not be a person who is alleged to be, or  
1808 potentially may be, the alleged perpetrator.
- 1809 f. The CPS caseworker will provide a confidentiality statement for the  
1810 support person to sign. This document will be maintained in the CPS  
1811 record.
- 1812 2. Parent notification of child interview:
- 1813 a. If a child's parent, stepparent, or parent's paramour has been identified  
1814 as the alleged perpetrator, the CPS caseworker need not notify a parent  
1815 prior to the initial interview with the child. In all other instances where  
1816 the alleged perpetrator is known, the parent or guardian must be notified  
1817 prior to the initial interview with the child. [See: Utah Code Ann. [§62A-  
1818 4a-409.](#)]
- 1819 b. If the alleged perpetrator is unknown or if the alleged perpetrator's  
1820 relationship to the child's family is unknown, the CPS caseworker may  
1821 conduct a minimal interview, not to exceed 15 minutes from the time the  
1822 interview begins with the child prior to notification of the interview to  
1823 the child's parent. This is designed to allow the CPS caseworker to  
1824 determine whether or not the parent, stepparent, or parent's paramour  
1825 is the alleged perpetrator. If the initial disclosure made by the child  
1826 implicates a parent, stepparent, or parent's paramour, the interview is  
1827 not limited in duration. Notification may take the form of a phone call  
1828 documented in activity records and does not mean permission or  
1829 approval. The information imparted to the parent/guardian will include  
1830 the specific allegations and the time and place of the interview with the  
1831 child. If criminal activity is disclosed, the CPS caseworker will coordinate  
1832 with law enforcement prior to notification of the parents so as not to  
1833 impede the criminal investigation. [See: Utah Code Ann. [§62A-4a-409.](#)]
- 1834 c. The CPS caseworker will notify the parent as soon as practicable after the  
1835 child has been interviewed, but in no case later than 24 hours after the  
1836 interview has taken place.
- 1837 d. The parent will be notified prior to any subsequent interviews of the  
1838 child.
- 1839 e. Exceptions to notification may include:
- 1840 i. Notice to the parent would threaten the safety of a non-offending  
1841 parent, the children, or other involved individuals;



- 1882 communicate with law enforcement the need to have law enforcement  
1883 interview within CPS investigation time frames.
- 1884 b. The alleged perpetrator's identity or location is unknown.
- 1885 c. The safety of the child or the CPS caseworker is a concern, or in domestic  
1886 violence cases when the safety of the non-offending parent is a concern,  
1887 as determined by the reasonable request of the non-offending parent.
- 1888 d. The alleged perpetrator is incarcerated during the course of the CPS  
1889 investigation.
- 1890 4. If the alleged perpetrator is a juvenile:
- 1891 a. The CPS caseworker will seek the permission of the juvenile's parent or  
1892 guardian prior to the interview.
- 1893 b. Requests for interviews by law enforcement of children in the custody of  
1894 Child and Family Services will be referred to the GAL assigned to the  
1895 child. If there is no GAL appointed for the child, the caseworker will refer  
1896 the request to region administration (Practice Guidelines [Section 306.7](#),  
1897 Utah Code Ann. [§62A-4a-415](#)).
- 1898 c. The CPS caseworker will interview a parent or guardian of the juvenile  
1899 perpetrator for the purpose of gathering additional information.
- 1900 d. The CPS caseworker will not be obligated to conduct an interview with  
1901 the juvenile perpetrator or their family when law enforcement conducts  
1902 these interviews and provides CPS with enough information to complete  
1903 the significant risk assessment and determine whether or not any safety  
1904 concerns exist.
- 1905 e. At the conclusion of the investigation, assess the past victimization of the  
1906 juvenile perpetrator and refer for appropriate treatment.
- 1907
- 1908 F. Interview exceptions: The CPS caseworker may rely on a written report of a prior  
1909 interview rather than conducting an additional interview if:
- 1910 1. Law enforcement has previously conducted a timely and thorough investigation  
1911 regarding the alleged abuse, neglect, or dependency and has produced a written  
1912 report. When law enforcement requests that CPS conduct no interview, the CPS  
1913 caseworker may review the case with a supervisor for evaluation and  
1914 determination of the next step.
- 1915 2. The investigation included one or more of the interviews required by subsection  
1916 (2) of Utah Code Ann. [§62A-4a-202.3](#).
- 1917 3. It is determined that an additional interview is not in the best interest of the  
1918 child.
- 1919
- 1920 G. Additional victims revealed (refer to reporting requirements found in Utah Code Ann.  
1921 [§62A-4a-403](#)): If during the course of an interview a child reveals the possibility of  
1922 another alleged victim of abuse or neglect, the CPS caseworker will do the following:

- 1923  
1924  
1925  
1926  
1927  
1928  
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1951
1. The CPS caseworker will ask the child for further clarification regarding the identity of the additional alleged victim.
  2. If the CPS caseworker is able to identify the additional alleged victim or a means for locating this alleged victim, and the victim is identified as a child residing outside the home of the primary victim, the CPS caseworker will contact the Intake office to determine if the allegations meet the criteria for opening a new case.
  3. If the CPS caseworker is able to identify the additional alleged victim or a means for locating this alleged victim, and the victim is a sibling residing in the same home as the primary victim, the new victim will be added to the existing CPS case if the allegation meets the criteria for investigation.
  4. If the child does not reveal the name of the additional alleged victim or does not provide a means for locating this alleged victim, the CPS caseworker will make efforts to try to identify the additional alleged victim with the limited information acquired. This may include talking with a collateral contact, parent, or relative that may know the identity of the additional alleged victim.
  5. If the CPS caseworker is unable to identify the additional alleged victim mentioned in the interview, the CPS caseworker will contact the Intake office to provide the information that is available.
  6. The Intake worker will determine if there is additional information available through data inquiries that may assist in identifying the additional alleged victim.
  7. If the Intake worker is able to identify the identity of the additional alleged victim and the information meets the criteria for investigation, Intake will open the case.
  8. If the Intake worker is unable to identify the additional alleged victim, the Intake worker will notify the CPS caseworker calling in the referral that the case has been unaccepted so that the referring CPS caseworker can document this information in the case logs.

### 203.1a Recording Interviews

**Major objectives:**

Child and Family Services will make an accurate recording of interviews conducted with children during an investigation into allegations of child abuse or neglect. Information gathered during the interview will be documented in SAFE.

**Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

1952  
1953  
1954  
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1958  
1959  
1960

1961 Practice Guidelines

- 1962 A. All investigative interviews of children involving allegations of sexual abuse and/or  
1963 serious physical abuse are to be videotaped and/or audio recorded. This does not apply  
1964 to initial or minimal interviews. The videotaping requirements are as follows:
- 1965 1. The child and the interviewer will be simultaneously videotaped.
  - 1966 2. Videotaping will be continuous and will log the date, place, and time.
  - 1967 3. Videotaping must be for the duration of the interview.
  - 1968 4. Interviews are to be conducted in a Children's Justice Center (CJC) if possible, or,  
1969 if necessary, a soft (non-threatening) interview room.
  - 1970 5. If videotape equipment and a soft (non-threatening) interview room are  
1971 unavailable, the interview will be audio taped in accordance to sections B and C.
  - 1972 6. Even if videotaping, an audio file compliant with the SAFE system must be  
1973 created for every Child and Family Services conducted interview. If the interview  
1974 location creating the video does not have the ability to provide Child and Family  
1975 Services with a correctly formatted digital audio of the interview, the caseworker  
1976 should simultaneously audio record the interview for download into the SAFE  
1977 system.
- 1978
- 1979 B. All other interviews will be audio recorded by Child and Family Services in a SAFE  
1980 compliant digital format unless there are exceptions as noted in sections D and E.
- 1981
- 1982 C. Information to be recorded at the beginning of each interview is as follows:
- 1983 1. The name of the caseworker conducting the interview.
  - 1984 2. The place of the interview.
  - 1985 3. The time and date of the interview.
  - 1986 4. The full name and age of the child being interviewed.
  - 1987 5. All other persons present in the interview and their roles during the interview  
1988 (i.e., support person, police officer, caseworker, etc.).
- 1989
- 1990 D. The recording will be continuous unless:
- 1991 1. At some point in the interview the child requests that the recording device be  
1992 turned off or refuses to be recorded.
  - 1993 2. There are circumstances that require the interview to be interrupted or  
1994 terminated.
- 1995
- 1996 E. If the child refuses to be recorded, the caseworker is to complete the following steps:
- 1997 1. Explain that the recording helps the caseworker remember what was said,  
1998 assures accurate information, and takes the place of notes.
  - 1999 2. If necessary, ask the child if they would feel more comfortable being recorded if  
2000 the support person first offered was in the room with them.
  - 2001 3. If the child still refuses to be recorded, and:

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- a. The child is over age 9, the caseworker will attempt to get the child's refusal on the digital audio recording and/or will document in the activity logs the child's reasons why they do not want to be recorded, and then continue with the interview, without recording, to assess the child's safety. The caseworker will document all pertinent information regarding safety from the interview in the activity logs.
  - b. If the child is under the age of 9, the caseworker will make reasonable efforts to put the child at ease with being recorded and continue the interview, as suggested in section E. If the child again refuses to have the interview taped, the caseworker will attempt to get the child's refusal on the digital audio recording, will discontinue the interview, and:
    - (1) Discuss with the child who they can talk to if they feel unsafe in the future, and
    - (2) Document the refusal and the concerns in the activity log.
- F. Activity Recording documentation:
- 1. If the allegation involved sexual or serious physical abuse and was not videotaped at the CJC, the caseworker will document the alternate soft (non-threatening) location where the interview occurred and why it could not occur at the CJC.
  - 2. The caseworker will document in the Activity Recordings the information listed in section C and a brief description of the evidence or information gathered during the interview that would provide support, if any, to the allegation.
  - 3. If for any reason the interview recording is not continuous or complete, the caseworker will document the reasons why the interruption and/or non-completion occurred.
  - 4. All Child and Family Services conducted victim's interview will include a digital audio recording that will be downloaded into the SAFE system by the CPS caseworker or a trained assistant before case closure for the case record and future reference.
- G. The audio and video recordings and any interview information can be shared and/or copied for police officers and detectives that are investigating child abuse or neglect.
- H. Audio and video recordings made at any Children's Justice Center cannot be distributed, released, or displayed to anyone without a court order as defined in Utah Code Ann. [§77-37-4](#). All requests for recordings must go through the Government Records and Management Act (GRAMA) specialist.

2041 **203.1b Visual Assessment Of A Child**

2042 Major objectives:

2043 When physical abuse, sexual abuse, or neglect with an injury or other physical manifestation is  
2044 alleged, the child's body will be observed or examined for evidence of the alleged manifestation  
2045 or injury (physical trauma, such as bruises, welts, or burns; or physical condition, such as bug or  
2046 rodent bites, rashes, malnutrition, body dirt, or sexual abuse) in a way that is sensitive to the  
2047 child's age, gender, and emotional well-being. Examination/observation for sexual abuse  
2048 allegations is to be conducted by a medical professional only.  
2049

2051  
2052 **Applicable Law**

2053 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
2054

2055 Practice Guidelines

- 2056 A. When a visual assessment of the child is necessary, the child's body will be observed in  
2057 the least intrusive manner, and the documentation will be conducted in a way that is  
2058 sensitive to that child's age and gender according to the standards below.
- 2059 1. If a child has injuries or manifestations that need immediate medical attention,  
2060 notify the non-offending parent/guardian and assess their willingness to  
2061 transport the child for an immediate medical assessment.
  - 2062 2. If the child does not need immediate medical care and the injury or physical  
2063 manifestation can be readily seen on the child without repositioning clothing,  
2064 move ahead with photographing and/or documenting the injuries. If the child  
2065 refuses to allow photographs, refer to section B.
  - 2066 3. If the injury or physical manifestation is on non-private areas of the body that  
2067 can be accessed by minimal repositioning of the clothing:
    - 2068 a. If the child is under the age of three years and/or is non-verbal, ask the  
2069 parent or caregiver to reveal the place of alleged abuse on the child's  
2070 body for photographing and/or documentation.
    - 2071 b. If the child is verbal and/or over the age of three years, ask the child if  
2072 they are comfortable displaying the injury and, if the child agrees,  
2073 photograph and/or document the injury or manifestation.
    - 2074 c. If the child refuses to display the injuries, refer to section B.
  - 2075 4. If the injury or physical manifestation occurred on the buttock or stomach **area**  
2076 of the child's body and the child has disclosed that the abuse occurred and/or  
2077 the child or another person has seen the injury or manifestation:
    - 2078 a. Have another adult present (i.e., another professional or caregiver) when  
2079 possible, and



2118 **203.2 Home Visits**

2119 Major objectives:

2120 The CPS caseworker will complete a home visit during the course of each investigation in order  
2121 to make a thorough assessment of the family. The caseworker will assess for safety, risk, health,  
2122 and well-being of the child and family.  
2123

2124

2125 **Applicable Law**

2126 Utah Code Ann. [§62A-4a-202.3](#). Investigation -- Supported or unsupported reports -- Child in  
2127 protective custody.

2128

2129 Unscheduled Home Visits

2130 CPS caseworkers will complete unscheduled home visits in cases with allegations involving  
2131 Domestic Violence, Child Endangerment (when there are concerns of drug use or drug activity  
2132 in the home), Environmental Neglect, Non-Supervision, and Physical Neglect. Unscheduled  
2133 home visits will occur on cases involving other allegation types when the information gathered  
2134 would indicate a need for an unscheduled visit to the home.

2135

2136 An unscheduled home visit will be completed at the residence where the alleged abuse or  
2137 neglect occurred, unless the following circumstances exist:

- 2138
- 2139 A. There is a reasonable basis to believe that the reported abuse was committed by a  
2140 person who is not the child's parent, and who does not:
- 2141 1. Live in the child's home; or  
2142 2. Otherwise have access to the child in the child's home; or  
2143
- 2144 B. There is reason to believe no additional information related to the allegations would be  
2145 obtained by completing an unscheduled home visit.  
2146

2147 Scheduled Home Visits

2148 A scheduled home visit will be completed on all cases where an unscheduled home visit is not  
2149 required. If the alleged perpetrator is a parent or guardian of the victim, the scheduled home  
2150 visit will occur in the household of the alleged perpetrator. If the alleged perpetrator is not a  
2151 parent or guardian of the victim, the scheduled home visit will be completed where the child  
2152 primarily resides.  
2153

2154 Exceptions to Completing an Unscheduled or Scheduled Home Visit

- 2155 A. The family has moved out of state and the child currently resides with the family in  
2156 another state.  
2157
- 2158 B. The child has been placed in foster care prior to the closure of the CPS case.

- 2159  
2160 C. The parent/guardian refuses access to the home or is unwilling to make an appointment  
2161 for a visit to occur.  
2162

2163 Practice Guidelines

- 2164 A. An unscheduled or scheduled home visit may take place anytime during the course of  
2165 the investigation.  
2166

- 2167 B. The CPS caseworker may request to observe, in the company of the parent/guardian,  
2168 areas of the residence where the child has access to or sleeps, plays, and spends time.  
2169 The CPS caseworker will discuss any conditions observed that impact the health or  
2170 safety of the child. [See: CPS Practice Guidelines [Section 204.5a.](#)]  
2171

- 2172 C. The CPS caseworker will document the observations made as to the conditions of the  
2173 home and of any health and/or safety issues identified. It is not required for the CPS  
2174 caseworker to observe the contents of the following, unless the allegations give specific  
2175 need to ensure availability of food and/or clothing, or to ensure that conditions do not  
2176 pose safety or health risks to the child:

- 2177 1. Cupboards and drawers.  
2178 2. Refrigerator and/or freezer.  
2179 3. Areas of the home usually closed to the view of visitors.  
2180

2181 The CPS caseworker will obtain the parents' consent prior to looking in the areas  
2182 mentioned above.  
2183

- 2184 D. If, after trying to engage with the family, access to the home or the child is denied, and if  
2185 there is credible evidence of conditions that must be investigated, the CPS caseworker  
2186 will staff the case with the supervisor to determine whether or not the case should be  
2187 reviewed with the Attorney General's Office.  
2188

- 2189 E. If the CPS caseworker makes an unscheduled home visit but does not locate anyone  
2190 home, the CPS caseworker will continue to return at times when families are normally  
2191 found to be at home. If the CPS caseworker is unsuccessful, the CPS caseworker may  
2192 leave a business card or other written information at the time of the second visit that  
2193 requests the parent or guardian to contact the CPS caseworker.  
2194

2195 **203.3 Entry Into The Child's Home**

2196 Major objectives:

2197 CPS caseworkers have authority to enter upon public or private premises, using appropriate  
2198 legal processes, to investigate reports of alleged child abuse, neglect, or dependency.  
2199

2200  
2201  
2202 **Applicable Law**

2203 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
2204 Preremoval interviews of children.

2205  
2206 Practice Guidelines

- 2207 A. The CPS caseworker may enter the residence under the following circumstances:
- 2208 1. When invited by the parent or guardian.
  - 2209 2. If the parent or guardian is not at home: The CPS caseworker may enter the  
2210 home if invited by a child or temporary caregiver to assess immediate safety and  
2211 risk factors by asking for basic information about the whereabouts of the parent  
2212 or guardian, appropriateness of arrangements for care of children, etc. A child  
2213 or temporary caregiver does not normally have authority to consent to a search  
2214 or examination of the home.
- 2215
- 2216 B. If the CPS caseworker is denied entry into the home and entry into the home is  
2217 necessary to ensure the safety of a child, the caseworker may:
- 2218 1. In an emergency summon law enforcement to the home.
  - 2219 2. Consult with an Assistant Attorney General about options to gain entry into the  
2220 home or access to a child.
- 2221

## 2222 **204 The Investigation: Assessment And Making Informed Decisions**

2223

2224 The purpose of assessment is to assist the CPS caseworker during the investigation to  
2225 determine the immediate protection, safety needs, risks, and services needed by the child and  
2226 family. The CPS caseworker will consider the issues of enduring safety and permanency (long-  
2227 term view) in making these decisions and providing all parties with due process of the law.

2228

### 2229 **204.1 Assessments And Investigation Tools**

2230

#### Major objectives:

2231

A. The following assessment tools will be used by the CPS caseworker to determine the  
2232 immediate threats to safety and risk of future harm given the child's vulnerabilities and  
2233 the protective capacities of the caregiver:

2234

- 2235 1. SDM Safety Assessment and SDM Safety Plan if indicated.
- 2236 2. SDM Risk Assessment.

2237

B. In cases involving alleged juvenile perpetrators, the following assessment tools may be  
2238 used:

2239

- 2240 1. Significant Risk Assessment.

2241

For use in cases involving supported allegations of:

2242

- Sexual Abuse;
- 2243 • Sexual Exploitation;
- 2244 • Lewdness;
- 2245 • Inappropriate Sexual Conduct.

2246

2. Serious Physical Abuse Assessment

2247

#### **Applicable Law**

2248 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
2249 Preremoval interviews of children.

2250

#### Practice Guidelines

2251

A. SDM Safety Assessment: The CPS caseworker will complete this assessment tool on  
2252 every case during the face-to-face contact and enter the information into SAFE by the  
2253 end of the fifth business day. If threats to safety are identified, an SDM Safety Plan will  
2254 be developed. (Refer to [Section 202.6](#) for further instructions).

2255

B. SDM Risk Assessment:

2256

- 2257 1. The SDM Risk Assessment will be completed on all initial CPS investigations of  
2258 child abuse or neglect, including new investigations on existing cases using the  
2259 SDM Definitions to guide them. (Refer to 202.7). The finding of the SDM Risk  
2260  
2261

- 2262 Assessment will be used in formulating an ongoing service plan for supported  
2263 cases or cases determined to need other child welfare services beyond CPS.  
2264 2. Each allegation identified at Intake and any discovered during the investigation  
2265 will be assessed for each alleged victim.  
2266
- 2267 C. Significant Risk Assessment: When there is a supported finding of sexual abuse, sexual  
2268 exploitation, lewdness, or inappropriate sexual conduct involving a juvenile perpetrator,  
2269 the CPS caseworker will complete the Significant Risk Assessment to determine whether  
2270 a juvenile is a significant risk to other children or the community.  
2271 1. The assessment is not to be used to determine whether the investigation is  
2272 supported or unsupported; a juvenile does not need to be found a significant risk  
2273 in order for the case finding to be supported.  
2274 2. The assessment must be based upon the facts of the case that are present during  
2275 the investigation, not after the minor has been removed from the home or any  
2276 other intervention that has occurred.  
2277 3. The juvenile's age alone is not a reason for determining the juvenile is not a  
2278 significant risk.  
2279
- 2280 D. Serious Physical Abuse Assessment: When there is a supported finding of serious  
2281 physical abuse involving a juvenile perpetrator, the CPS caseworker will complete the  
2282 Serious Physical Abuse Assessment to determine whether a juvenile is a significant risk  
2283 to other children or the community.  
2284
- 2285 E. When an administrative hearing is requested on a supported case or a case that was  
2286 substantiated prior to May 6, 2002 involving a juvenile perpetrator or an adult who was  
2287 a juvenile at the time of the incident, and the Significant Risk Assessment or the Serious  
2288 Physical Abuse Assessment was not completed,  
2289 Child and Family Services will be responsible to complete the appropriate assessment  
2290 based on the facts at the time of the investigation.  
2291

## 204.2 Case Staffings

### Major objectives:

The CPS caseworker will obtain direction and support to identify needed interventions, services, and resources for the child and family and for assistance in making casework decisions.

### Applicable Law

2300 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2301 [Utah Code Ann. §62A-4a-106](#). Services provided by division.

2302

2303 Practice Guidelines

- 2304 A. The CPS caseworker will staff with a Child and Family Services supervisor in addition to  
2305 or in conjunction with other professionals when any of the following apply:
- 2306 1. When the SDM Safety Assessment indicates that the child is conditionally safe or  
2307 unsafe.
  - 2308 2. Unless it would jeopardize the safety of a child, the Child and Family Services  
2309 caseworker will staff with a Child and Family Services supervisor prior to  
2310 removal.
  - 2311 3. If the child, family, or alleged perpetrator is receiving services from Child and  
2312 Family Services, the case staffing will include the assigned Child and Family  
2313 Services in-home, **post adoption**, out-of-home, or domestic violence caseworker.
  - 2314 4. If the family receives assistance in the form of TANF, the case staffing may  
2315 include the Department of Workforce Services employment counselor or self-  
2316 sufficiency caseworker.
  - 2317 5. When there is an allegation of domestic violence or when domestic violence may  
2318 be a risk factor, the case staffing will include a Child and Family Services  
2319 domestic violence caseworker, if available. The CPS caseworker may make an  
2320 exception to CPS requirements (such as unscheduled home visits, face-to-face  
2321 contact with the child, etc.) when it is determined to be a safety concern based  
2322 on the immediate threats to safety, threats of harm, and risk of future harm  
2323 given the child's vulnerabilities, and the protective capacities of the caregiver  
2324 and following a staffing with the Child and Family Services supervisor and Child  
2325 and Family Services domestic violence caseworker. Supervisor approval and  
2326 documentation is required.
  - 2327 6. When the child is identified as Native American and the case may be screened  
2328 for court involvement, the CPS caseworker will review the case with the Child  
2329 and Family Services supervisor and the Indian Child Welfare state specialist.
  - 2330 7. When an infant has been exposed to or is dependent upon harmful substances  
2331 as a result of the mother's use of illegal substances or abuse of prescribed  
2332 medications during pregnancy, the CPS caseworker will staff the case with an  
2333 Assistant Attorney General.
  - 2334 8. When there is a fatality or near fatality that is the result of non-accidental  
2335 trauma or the manner of death is undetermined by law enforcement or medical  
2336 professionals and there are surviving siblings, the case will be staffed jointly with  
2337 a Child and Family Services supervisor, region director, and an Assistant Attorney  
2338 General within 24 hours of first knowledge of the incident. This review does not  
2339 change the priority time frame of the investigation.
  - 2340 9. When there is a need to coordinate the efforts of several investigators, agencies,  
2341 or others toward the common goal of protection of the child.

- 2342 10. When there is a supported finding of chronic/severe physical, sexual or  
2343 emotional abuse, or chronic/severe neglect or medical neglect resulting in death,  
2344 disability, or somber illness the CPS caseworker will staff with a Child and Family  
2345 Services supervisor and an Assistant Attorney General.
- 2346 11. When there has been a prior adjudicated finding of child abuse, neglect, or  
2347 dependency relevant to new supported findings of abuse, neglect, or  
2348 dependency, the CPS caseworker will staff with a Child and Family Services  
2349 supervisor to discuss the threats of harm, the child's vulnerabilities, and the  
2350 protective capacities of the caregiver available. The CPS caseworker and  
2351 supervisor will make a safety decision based on the information gathered. If the  
2352 safety decision made identifies that there is an imminent threat of harm that  
2353 cannot be mitigated without court involvement, the CPS caseworker will staff  
2354 the case with an Assistant Attorney General.
- 2355 12. When there is a supported finding of drug production or manufacturing, the CPS  
2356 caseworker may staff with a Child and Family Services supervisor as described in  
2357 10 above. If a safety decision is made that requires law enforcement and/or an  
2358 Assistant Attorney General, the CPS caseworker will discuss with them the safety  
2359 decision made to determine what needs to occur to ensure enduring safety and  
2360 permanency for the child.
- 2361 13. When there are siblings in the same home where a removal is considered, the  
2362 CPS caseworker will staff with a Child and Family Services supervisor to discuss  
2363 the threats of harm, the child's vulnerabilities, and the protective capacities of  
2364 the caregiver for each child in the home. If there is an imminent threat of harm  
2365 that cannot be mitigated without considering removal, the CPS caseworker will  
2366 staff the safety decision with an Assistant Attorney General to determine the  
2367 next steps.
- 2368 14. When the referral is supported and the family refuses to accept services  
2369 necessary to ensure the well-being of the child, the CPS caseworker will staff  
2370 with a Child and Family Services supervisor the threats of harm, the child's  
2371 vulnerabilities, and the protective capacities of the caregiver in order to make a  
2372 safety decision. If the threats of harm cannot be mitigated without court  
2373 involvement, the CPS caseworker will discuss the safety decision and steps to  
2374 take to ensure enduring safety and permanency for the child with an Assistant  
2375 Attorney General.
- 2376 15. **When the referral involves an adopted child whose parents are not able to meet**  
2377 **the child's needs, post adoption will be brought into the staffing to help**  
2378 **determine if services could defer the child coming into custody.**
- 2379 **16.** When the CPS caseworker needs legal advice concerning the sufficiency of the  
2380 evidence to make a supported finding or to pursue a substantiated finding, the  
2381 CPS caseworker will staff with a Child and Family Services supervisor and  
2382 Assistant Attorney General. [See: Utah Code Ann. [§62A-4a-202.1](#).]

2383

2384 **204.3 Sibling Or Child At Risk**

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Major objectives:

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**Applicable Law**

2397

2398

2399

Utah Code Ann. [§78A-6-302](#). Court-ordered protective custody of a minor following petition filing -- Grounds.

2400

Practice Guidelines

2401

2402

2403

2404

A. In cases where the mother is pregnant and delivers the newborn and the newborn's siblings are in custody, or have been determined to be abused, neglected, or dependent, the CPS caseworker will complete a new SDM Safety Assessment.

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B. The CPS caseworker will complete the following with each sibling or child to determine if the sibling or child requires immediate protection or services:

1. Complete the SDM Safety Assessment.

2. Conduct a face-to-face interview with each child having verbal or other communication skills or observe non-verbal children.

4. An SDM Safety Plan will be completed when the SDM Safety Assessment determines that the child is conditionally safe. If law enforcement objects to a Child and Family Services investigation (for example, in a child fatality investigation), the CPS caseworker will review the case with the Attorney General's Office to determine legal options to ensure the safety of other siblings.

2416

**204.4 Coordination With Law Enforcement**

2417

Major objectives:

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2421

Child and Family Services will coordinate with law enforcement to protect children and families when abuse, neglect, or dependency is alleged. This coordination will also serve to protect CPS caseworkers and keep the peace throughout the investigation.

2422

2423 **Applicable Law**

2424 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
2425 Preremoval interviews of children.

2426

2427 Practice Guidelines

2428 The CPS caseworker will coordinate with law enforcement in the following ways:

2429

2430 A. Notification: If, during the course of the investigation, the CPS caseworker becomes  
2431 aware of criminal activity, law enforcement will be notified.

2432

2433 B. Child placed into protective custody: When a child is to be taken into protective custody,  
2434 the CPS caseworker will be accompanied by law enforcement if a peace officer is  
2435 reasonably available.

2436

2437 C. Entry into the child's home: Neither law enforcement officers nor CPS caseworkers can  
2438 enter a home uninvited without a search warrant issued by a court unless there is an  
2439 emergency requiring entry be made without a warrant. If the CPS caseworker is denied  
2440 entry into the child's home by the parent or caregiver, a request will be made to law  
2441 enforcement to accompany the CPS caseworker to the home in an attempt to gain  
2442 entry. Should the parent continue to deny entry, the CPS caseworker will coordinate  
2443 efforts with law enforcement and the Attorney General's Office to secure a search  
2444 warrant. [See: Major objectives [Section 203.3](#).]

2445

2446 **204.5 Domestic Violence Related Child Abuse**

2447 Major objectives:

2448 When children have witnessed domestic violence, Child and Family Services will assess the safety  
2449 needs of the family and provide interventions and education to the family. CPS caseworkers will  
2450 respect and support the role of the non-offending caregiver to protect themselves and the child  
2451 who witnessed domestic violence between the caregiver and abuser.

2452  
2453 Cases involving Domestic Violence Related Child Abuse will be reviewed with a Child and Family  
2454 Services domestic violence worker.

2455  
2456 The Domestic Violence Related Safety Plan information and Risk of Danger information for the non-  
2457 offending adult/caregiver as well as the child are protected records under Utah Code Ann. [§63G-2-](#)  
2458 [305](#) and will not be released when CPS records are requested because such release may pose a  
2459 danger to the child and/or non-offending caregiver.

2462  
2463 **Applicable Law**

2464 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2465  
2466 Practice Guidelines

2467 Upon the identification of Domestic Violence Related Child Abuse, the CPS caseworker or Child  
2468 and Family Services domestic violence caseworker will proceed as follows:

- 2469  
2470 A. Investigation: Identify and document in the case record the services, assessments, and  
2471 education given to the family. These will include:
- 2472 1. Assisting the non-offending adult/caregiver by providing them with a list of  
2473 available resources and supports, educating them on the domestic violence  
2474 cycle, safety planning with the client, and holding a Risk of Danger discussion to  
2475 determine the level of lethal risk. Resources should include information on  
2476 protective orders, domestic violence advocates, financial assistance such as CVR,  
2477 shelters, crisis nursery, counseling or support groups, etc.
  - 2478 2. Assisting the offending partner by holding a Risk of Danger discussion, finding  
2479 support systems, giving treatment resources, safety planning, and educating  
2480 them on the domestic violence cycle.
  - 2481 3. Safety planning with child.
  - 2482 4. Explaining to each caregiver that:
    - 2483 a. Immediate and long-range harm may result from exposing a child to  
2484 domestic violence;
    - 2485 b. According to Utah State law, a person is criminally liable for committing  
2486 domestic abuse in the presence of a child;

- 2487 c. Domestic abuse in the presence of a child is "child abuse" and therefore  
2488 such conduct may result in juvenile court intervention and an abuse  
2489 record in the Child and Family Services database.  
2490
- 2491 B. Protective Order: If the non-offending caregiver has obtained a protective order:  
2492 1. Notify the Assistant Attorney General of the protective order and request a  
2493 bifurcated hearing in juvenile court.  
2494 2. Do not conduct conjoint mediation, Child and Family Team Meetings, treatment  
2495 planning, service planning, safety planning, or assessments between the  
2496 protected party and the abuser.  
2497
- 2498 C. Domestic Violence Shelter: If the caseworker has knowledge that the child and non-  
2499 offending caregiver have relocated to a domestic violence shelter, explain to the non-  
2500 offending caregiver and the domestic violence shelter staff that it is the caregiver's and,  
2501 where appropriate, the domestic violence shelter's responsibility to immediately  
2502 contact the caseworker if they leave the domestic violence shelter.  
2503
- 2504 D. Failure to Protect: When the CPS caseworker and Child and Family Services domestic  
2505 violence caseworker staff a case and agree to make a finding of Failure to Protect  
2506 against the non-offending caregiver, the CPS caseworker will document in the case  
2507 record the reasons for that finding.  
2508
- 2509 E. Notice of Agency Action (NAA) Letter: This letter will be sent to the offending partner in all  
2510 supported CPS cases within agency timelines (Practice Guideline 204.15). The NAA  
2511 Letter involving domestic violence related child abuse allegations will be sent to the  
2512 perpetrator of the abuse in the same manner that all other agency action letters are  
2513 sent. Before an NAA Letter is sent, individual safety planning to the non-offending  
2514 partner, children, and offending partner will be provided in preparation for the receipt  
2515 of this letter, due to the possible significant risk placed on the non-offending parent and  
2516 child. The CPS caseworker will:  
2517 1. Notify the non-offending caregiver that the letter will be sent and review safety  
2518 measures.  
2519 2. Document this notification in the case record.  
2520
- 2521 F. Case Requirement and Documentation Exceptions: A CPS caseworker may make an  
2522 exception to CPS requirements for documentation when it is determined to be a safety  
2523 concern (such as unscheduled home visits, priority timeframes on the face-to-face  
2524 contact with the adult victim or child, etc.). Prior to making that decision, staff with a  
2525 Child and Family Services supervisor and domestic violence caseworker for agreement  
2526 that those requirements could pose a potential threat of harm to the child or non-  
2527 offending caregiver. Documentation of staffing and approval are required.

- 2528  
2529 G. Family/Friend Disturbance: An altercation between extended family members or other  
2530 non-related adults in the presence of a child may be considered emotional abuse and  
2531 not domestic violence, if it is determined to have:
- 2532 1. Elements that meet the definition of Emotional Abuse.
  - 2533 2. Does not involve a pattern of domestic violence power and control.
- 2534  
2535 H. Homicide/Suicide: Child and Family Services will respond to situations in which there has  
2536 been a homicide and/or suicide as a result of domestic violence when either party has  
2537 children that were living with them at the time, whether or not the children witnessed  
2538 or were present during the incident. These referrals will be assigned and conducted as a  
2539 DVS or CPS case according to [Section 201.4](#).
- 2540

#### 2541 **204.5a Environmental Neglect**

2542 Major objectives:

2543 Child and Family Services will respond to concerns about the child's home environment when  
2544 there is reason to believe that there is a threat to a child's physical health or safety due to  
2545 possible neglect or abuse. The Child and Family Services caseworker will respond to these  
2546 allegations using positive engagement skills and a solution-focused view.

#### 2548 **Applicable Law**

2549 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

#### 2551 Practice Guidelines

2552 These Practice Guidelines provide parameters for the CPS caseworker to follow in the various  
2553 circumstances possible when there are concerns related to the child's environment. The  
2554 assessment will determine whether the environment poses a threat to the physical health or  
2555 safety of the child. The CPS caseworker may contact other community resources and/or  
2556 evaluators to determine if and to what degree the environment poses a safety threat to the  
2557 child. If necessary, the CPS caseworker will provide assistance and education for enhancing  
2558 safety and preventing the reoccurrence of the neglect. The assessment will include the  
2559 following.

- 2560  
2561
- 2562 A. The CPS caseworker will use positive engagement skills with the family and complete an  
2563 unscheduled home visit to assess the environment.
  - 2564  
2565 B. The CPS caseworker will assess whether the environment is safe for the children  
2566 involved, considering:
    - 2567 1. Threats of harm:
      - 2568 a. Duration or length of the situation (chronic).



2590

Concerns	Agency/Resources	Assessment, Education, or Services
Pest infestation, sewage/ water issues, urine/ feces	Health Department	Pest infestation, repair/ cleanup/ health
Heat issues, safe heat sources, carbon monoxide	Gas Company	Gas/ carbon monoxide issues, HEAT program assistance
Fire/ electrical dangers	Fire Department	Fire/ electrical dangers and safety code
Sewage/ water issues, lack of access to water	Water Department	Water/ sewage issues
Issues that exacerbate medical conditions (mold, smoke, effects of dangers/ hygiene on medical condition)	Physician or Medical Assistance	Environmental impact on medical condition
Lack of access to food	Food Assistance Program	Subsidizing or providing education on food and nutrition
Poisonous/ toxic chemicals	Poison Control	Exposure to toxic/ poisonous chemicals
Only spoiled foods are available, choking hazards, hygiene, nurturing, housecleaning issues	Parent Education and Advocacy	Safe and healthy parenting
Health and safety issues regarding animals or dangerous animal issues	Animal Control	Containment of excessive or dangerous animals
Drugs, paraphernalia, drug labs	Law Enforcement	Cleanup of drugs, drug labs, or paraphernalia
Access to firearms/ ammunition, danger of firearms issues	Firearm Safety Education	Firearm safety
Dangerous structural issues, construction, code violations	Health Department and Zoning	Dangerous structural, construction, code violation
Cleanup assistance, respite, safety plan monitoring, provisions, financial assistance	Kin, church, neighbors, crisis nursery, or other community agencies	Formal and informal supports

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The CPS caseworker may find services and/or agencies by calling 211 or accessing the United Way website at <http://www.uw.org/211/>.

## 204.6 False Allegations Of Child Abuse Or Neglect

### Major objectives:

If Child and Family Services determines that an individual has knowingly submitted a false report of child abuse or neglect, the CPS caseworker will consult with law enforcement.

### **Applicable Law**

Utah Code Ann. [§62A-4a-1007](#). False reports -- Penalties.

### Practice Guidelines

- A. At the conclusion of a CPS investigation, the CPS caseworker will determine (after consultation with the Attorney General's Office, if needed):
1. Whether the referent's allegation of child abuse or neglect was false.
  2. Whether it is more likely than not that the referent knew, at the time of making the allegation, that the allegation was false.
  3. Whether the referent has knowingly made a prior false allegation about the same alleged victim or alleged perpetrator.
  4. Whether the referent's address is known or reasonably available.
- B. If the CPS caseworker finds that the referent probably knew, at the time of making the allegation, that the allegation was false, and that the referent has knowingly made a prior false allegation about the same alleged victim or alleged perpetrator, the CPS caseworker will:
1. Inform and consult with law enforcement regarding the false allegations made by the referent and determine whether informing the alleged perpetrator about the false allegations is likely to jeopardize law enforcement efforts or the health or safety of any individual.
  2. Inform the alleged perpetrator about the false allegations made by the referent, to the extent that such disclosure does not unreasonably jeopardize law enforcement efforts or the health and safety of individuals.
- C. If the CPS caseworker finds that the referent probably knew, at the time of making the allegation, that the allegation was false, and if the referent's address is available, the CPS caseworker will send the referent a certified letter that informs the referent that:
1. The CPS caseworker has investigated the referent's allegation of abuse or neglect and has determined that the allegation was false and that the referent probably knew that the allegation was false at the time of making the allegation.
  2. Utah Code Ann. [§76-8-506](#) and other laws impose criminal and civil penalties for knowingly making a false allegation of abuse or neglect.
  3. CPS has a statutory obligation to inform law enforcement and the alleged perpetrator.

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## 204.7 Child Fatalities And Near Fatalities

Major objectives:  
Upon report of a child fatality, the CPS caseworker will notify law enforcement, Child and Family Services administration and DHS administration and take necessary steps to ensure that any other children in the household are safe. Upon report of a near fatality, the CPS caseworker will notify the Safe and Healthy Families Team at Primary Children's Medical Center.

### Applicable Law

Utah Code Ann. [§62A-4a-405](#). Death of child -- Reporting requirements.  
Utah Code Ann. [§62A-16](#). Fatality Review Act.

### Practice Guidelines

- A. The CPS caseworker will immediately notify law enforcement, the Child and Family Services director or designee, and the Fatality Review Coordinator when a client on an open CPS case dies:
  - 1. All notifications will occur within 24 hours of first knowledge of a death and may be accomplished through phone calls, e-mail, or written communication and will be documented in the activity recording.
  - 2. A Deceased Client/Employee Report form will be completed by the CPS caseworker and a notice will be sent to the Child and Family Services director and Fatality Review Coordinator within three days of knowledge of the fatality.
  
- B. Upon a report made to Child and Family Services on a child death determined to be a result of child abuse or neglect or when the cause of death is undetermined and wherein there are surviving siblings, the CPS caseworker will also immediately notify the region director or designee. Notification may be accomplished through phone calls, e-mail, or written communication and will be included in the activity recording. The CPS caseworker will assess siblings and children at risk.
  
- C. Within seven days of the date that a report is made to Child and Family Services of the death of a child whose family has received any child welfare services within the year preceding the date of the death, the caseworker will fill out the Deceased Client /Employee Report found in SAFE. The caseworker will submit the report to the region director or designee, and the region director or designee will submit the information to the DHS child fatality review coordinator within those same seven days.

## 204.8 Extension Granted To A CPS Investigation

### Major objectives:

If an investigation cannot be completed within 30 days from the disposition of the case to CPS, the CPS caseworker will make a request for an extension prior to expiration of the initial 30-day period.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

- A. The region director or designee may grant one extension of up to 30 days when there is insufficient information available to make a case finding.
- B. An extension will not be granted by the region director or designee for overdue documentation.
- C. An additional extension of 30 days may be requested where extenuating circumstances exist.

## 204.9 Unable To Locate Within The State Of Utah

### Major objectives:

A CPS caseworker will close an investigation as Unable to Locate after reasonable efforts have been made by the caseworker to locate the child and family members.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

A finding of Unable to Locate can be made only when reasonable efforts have been completed.

- A. Reasonable efforts include (but are not limited to):
  - 1. Visiting the home at least twice at times other than normal work hours.
  - 2. Contacting local schools for additional contact and address information
  - 3. Contacting local and county law enforcement agencies to gain any additional address information.
  - 4. Checking public assistance records for additional address or contact information.
  - 5. Checking with the referent for additional address information.

- 2714 6. Send the name and any other information regarding the family to the CLEAR (kin  
2715 locator) license holder in the region for an internet search for additional address  
2716 information  
2717
- 2718 B. Prior to making a finding of Unable to Locate, the caseworker will document and follow-  
2719 up on any new information from the above sources regarding the whereabouts of the  
2720 child and family. If additional address information is found, the CPS caseworker will  
2721 make visits to that address in order to find the child.  
2722
- 2723 C. No face-to-face contact can be conducted on an Unable to Locate case. If the  
2724 caseworker has completed a face-to-face on the case and cannot subsequently locate  
2725 the family, see practice guideline 204.9a, Unable to Complete.  
2726

### 204.9a Unable To Complete

Major objectives:

The CPS caseworker will close an investigation as Unable to Complete only if reasonable efforts have been made to pursue the assessment and there is insufficient information to make a finding.

#### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody -- Preremoval interviews of children.

#### Practice Guidelines

Reasonable efforts have been made if one of the following situations exists:

- 2741
- 2742 A. Face-to-face may or may not have occurred, and all of the following apply:
- 2743 1. Whereabouts of the child and family are known but the parent/guardian refuses  
2744 to allow the child to be seen and/or interviewed;
- 2745 2. The caseworker has contacted the police for assistance, but the police have been  
2746 unsuccessful in attempts to assist the caseworker in seeing the child;
- 2747 3. The caseworker has contacted an Assistant Attorney General to staff whether a  
2748 warrant or petition can be obtained with the information available, but it was  
2749 determined that a warrant or petition was not appropriate;
- 2750 4. There is insufficient information to make a finding.  
2751
- 2752 B. No face-to-face has occurred, and the following apply:
- 2753 1. The child and/or family move outside the state, whereabouts known (note: if  
2754 whereabouts of the child and family are unknown, fulfill the requirements of

- 2755 practice guideline 204.9, Unable to Locate, and close the case as Unable to  
2756 Locate);
- 2757 2. A request for courtesy work is requested and declined;
- 2758 3. The caseworker cannot complete the assessment through telephone or other  
2759 contact with the family or collaterals;
- 2760 4. There is insufficient information to make a finding.
- 2761
- 2762 C. A face-to-face has occurred, and one of the following apply:
- 2763 1. The child and family moved out-of-state, whereabouts known:
- 2764 a. A request for courtesy work is requested and declined;
- 2765 b. The caseworker cannot complete the assessment through telephone or  
2766 other contact with the family or collaterals;
- 2767 c. There is insufficient information to make a finding.
- 2768 2. The child and family moved, whereabouts unknown:
- 2769 a. The child and/or family have moved;
- 2770 b. The whereabouts of the child and/or family are unknown;
- 2771 c. The caseworker has fulfilled the requirements of practice guideline 204.9,  
2772 Unable to Locate;
- 2773 d. There is insufficient information to make a finding.
- 2774

## 2775 204.10 Case Findings

### 2776 Major objectives:

2777 At the conclusion of a CPS investigation, a finding will be made for each allegation identified at  
2778 the time of Intake or identified during the investigation. Each alleged victim in the case will be  
2779 linked to a specific allegation or allegations and to an alleged perpetrator or alleged  
2780 perpetrators.

### 2783 **Applicable Law**

2784 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

2785 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### 2787 Practice Guidelines

- 2788 A. Acceptable findings include:
- 2789 1. Supported.
- 2790 2. Unsupported.
- 2791 3. Without Merit.
- 2792 4. Unable to Locate.
- 2793 5. Unable to Complete Investigation.
- 2794 6. False Report.
- 2795

- 
- 2796 B. Case findings are determined as follows:
- 2797 1. A case finding of Supported will be used when there is reasonable basis to
- 2798 conclude that abuse, neglect, or dependency occurred, even if the alleged
- 2799 perpetrator is unknown.
- 2800 a. A finding of chronic/severe will be considered when a child was taken
- 2801 into protective custody or protective action was pursued through the
- 2802 juvenile court or any time the circumstances meet the definition of
- 2803 chronic/severe abuse or neglect.
- 2804 b. An adopted child in need of services that cannot be met by their parents
- 2805 will be categorized as Dependency. The CPS caseworker will assess
- 2806 during the investigation whether the circumstances require allegations of
- 2807 abuse or neglect to be added to the Child Abuse Neglect Report.
- 2808 2. A case finding of Unsupported will be used when there is insufficient evidence to
- 2809 conclude that abuse, neglect, or dependency occurred.
- 2810 3. A case finding of Without Merit will be used when there is evidence that abuse,
- 2811 neglect, or dependency did not occur or that the alleged perpetrator was not
- 2812 responsible.
- 2813 4. A case finding of Unable to Locate will be used in the following two situations: a)
- 2814 The CPS caseworker was unable to complete the face-to-face contact with the
- 2815 alleged victim and b) The CPS caseworker made all reasonable efforts to locate
- 2816 the child and was unable to do so.
- 2817 5. A case finding of Unable to Complete Investigation will be made when the child
- 2818 and/or family move outside the state and a request for courtesy work is
- 2819 requested and declined and there is insufficient information to make a finding,
- 2820 or when the child and/or family move outside the state after the face-to-face
- 2821 contact is made with the child and there is insufficient information to make a
- 2822 finding because the whereabouts of the child and/or family are unknown, or
- 2823 when the child and/or family move within the state, the face-to-face with the
- 2824 child was made but there is insufficient information to make a finding and the
- 2825 whereabouts of the child and/or family are unknown.
- 2826 6. A case finding of False Report will be made when the Child and Family Services
- 2827 caseworker finds that the report of abuse, neglect, or dependency was made by
- 2828 a referent who "more likely than not knew that the report was false at the time
- 2829 the person submitted the report."
- 2830
- 2831 C. The case finding decision may be based on the child's statements alone; corroborating
- 2832 evidence will not be required in all cases.
- 2833
- 2834 D. If the case is supported, the following will be documented in the activity record:
- 2835 1. The major objectives definition of the supported allegation.

- 2836 2. An explanation of how the facts of the case match the major objectives  
2837 definition of any supported allegation, including the threats of harm, the child's  
2838 vulnerabilities, and the protective capacities of the caregiver.  
2839
- 2840 E. The opinion of the alleged victim's primary care physician, a licensed physician or  
2841 physician's assistant, or nurse practitioner working under the direction of a physician  
2842 will be requested in situations outlined in [Section 202.9](#).  
2843
- 2844 F. If the case is supported, the CPS caseworker will provide a certified Notice of Agency  
2845 Action letter and other relevant forms to the alleged perpetrator within five working  
2846 days of the case closure.  
2847
- 2848 G. The CPS caseworker will provide a Notice of Agency Action letter to the perpetrator or  
2849 legal guardian if the perpetrator is a juvenile through personal service by a third party  
2850 not involved in the action (documenting date, time, manner, and location of service) if a  
2851 supported finding of one of the following exists: sexual abuse, lewdness, sexual  
2852 exploitation, chronic/severe physical or emotional abuse or chronic/severe neglect or  
2853 medical neglect resulting in death, disability, or serious illness. [See: Utah Rules of Civil  
2854 Procedure [Rule 4](#).]  
2855
- 2856 H. A case finding of Unsupported will not be made solely because the alleged perpetrator  
2857 was an alleged out-of-home perpetrator or because the CPS caseworker was unable to  
2858 identify the alleged perpetrator when the evidence shows that abuse, neglect, or  
2859 dependency occurred.  
2860
- 2861 I. The determination of acceptable findings will be based on the facts of the case obtained  
2862 at the time of the investigation.  
2863
- 2864 J. An allegation will not be considered Unsupported or Without Merit because the family  
2865 corrected the conditions that caused the abuse, neglect, or dependency while the  
2866 investigation was pending.  
2867
- 2868 K. The conclusions of the health care professional regarding non-accidental injury, sexual  
2869 abuse, or medical neglect will be considered by the CPS caseworker in making case  
2870 findings. Child and Family Services and the family may obtain a second opinion. If the  
2871 family requests a second opinion, they must do so at their own expense.  
2872
- 2873 L. Chronic/severe child abuse or neglect in [Section 204.11\(A\)](#) does not include a person's  
2874 conduct that:
- 2875 1. Is justified under Utah Code Ann. [§76-2-401](#) regarding the use of reasonable and  
2876 necessary physical restraint or force by an educator.

- 2877           2.       Constitutes the use of reasonable and necessary physical restraint or force in  
2878           self-defense or otherwise appropriate to the circumstances to obtain possession  
2879           of a weapon or other dangerous object in the possession or under the control of  
2880           a child or to protect the child or another person from physical injury.  
2881

## 2882 **204.11       Court Findings**

### 2883 Major objectives:

2884 If Child and Family Services makes a supported finding of one or more of the chronic or severe  
2885 types of child abuse or neglect, Child and Family Services will:  
2886

- 2887           A.       Enter the information into the SAFE system. SAFE will be responsible to report the  
2888           appropriate information to Licensing, without identifying the person as a perpetrator or  
2889           alleged perpetrator.  
2890
- 2891           B.       If Child and Family Services makes a decision to seek a court finding of Substantiated,  
2892           they will file a petition with the juvenile court regarding the Supported finding of abuse  
2893           or neglect. If a case is Supported, Child and Family Services will send a certified Notice of  
2894           Agency Action to the alleged perpetrator regardless of the decision to file a petition for a  
2895           court finding of Substantiated. Only those categories of abuse or neglect listed in  
2896           Section A may be considered for a court finding of Substantiated.  
2897  
2898

### 2899 **Applicable Law**

2900 Utah Code Ann. [§78A-6-323](#). Additional finding at adjudication hearing -- Petition -- Court  
2901 records.  
2902

### 2903 Practice Guidelines

- 2904           A.       The types of child abuse or neglect that may require Child and Family Services to seek a  
2905           petition for a court finding of Substantiated are as follows:  
2906           1.       Chronic/Severe Physical Abuse;  
2907           2.       Sexual Abuse;  
2908           3.       Sexual Exploitation;  
2909           4.       Abandonment;  
2910           5.       Medical Neglect resulting in death, disability, or serious illness;  
2911           6.       Chronic/Severe Neglect; or  
2912           7.       Chronic/Severe Emotional Abuse.  
2913
- 2914           B.       Upon the filing of a petition, the juvenile court will be asked to make a finding of  
2915           Substantiated, Unsubstantiated, or Without Merit.  
2916

- 2917  
2918 C. Any action taken by the agency does not preclude further civil or criminal action.  
2919

## 2920 **204.12 Changing A Finding On A Closed Case**

### 2921 Major objectives:

2922 A previously closed CPS case can be reopened to allow an amendment to the case finding.  
2923  
2924

### 2925 **Applicable Law**

2926 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
2927  
2928

### 2929 Practice Guidelines

- 2930 A. A CPS supervisor can reopen a CPS case to amend the finding and include new  
2931 information in the activity recording within 60 days of original case closure.  
2932
- 2933 B. After 60 days from case closure, the region director may approve reopening a closed  
2934 CPS case to amend the finding and include new information in the activity recording.  
2935 The request may be based upon obtaining new information relevant to the facts at the  
2936 time the case was investigated, or when the juvenile court's ruling is not consistent with  
2937 the original finding.  
2938
- 2939 C. If an Unsupported finding is amended to Supported, the CPS caseworker or Child and  
2940 Family Services supervisor will:  
2941 1. Document the new information and all consultations held on the case in the  
2942 activity recording.  
2943 2. Enter the amended finding into SAFE and complete all the requirements for case  
2944 closure. [See: [Section 204.15](#).]  
2945
- 2946 D. If the previous finding is amended from Supported to Unsupported, the CPS caseworker  
2947 or Child and Family Services supervisor will:  
2948 1. Document the new information and consultations held on the case in the activity  
2949 recording.  
2950 2. Send a letter that outlines or states the newly obtained information for which an  
2951 amendment of the original case finding is being made.  
2952 3. Ensure that a GRAMA request is provided to the alleged perpetrator.  
2953 4. Enter the amended finding into SAFE.  
2954

## 204.13 Documentation Of Investigation

### Major objectives:

The CPS caseworker will record details and sequential casework activities and information obtained on an open CPS investigation.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

CPS documentation will include, but is not limited to, the following:

- A. The date, time, place, and type of casework activity being completed. The specific source of information and statements regarding credibility of the source will be documented.
- B. A complete description of all casework activities and the rationale for conclusions made, which may include the following unless an exception applies and is documented:
  1. Review of information contained in all prior Child and Family Services records.
  2. Review of any Additional Information reports added to the case by Intake. Any new allegations will be added to the case.
  3. Results of the SDM Safety Assessment and Risk Assessment and the SDM Safety Plan, if applicable.
  4. Unscheduled and scheduled home visits, including documentation of the conditions of the residence and/or the specific areas of the home the CPS caseworker observed.
  5. Support person offered and the identity of the support person participating, or that the child declined the inclusion of a support person.
  6. Face-to-face contact with the alleged victim within the priority response time frame.
  7. Interviews with the child that include statements made regarding the specific allegations or incidents of abuse, neglect, or dependency; the child's statements as to the threats of harm, the child's vulnerabilities, and the protective capacities of the caregiver; and any other information deemed important to the investigation.
  8. Interview of the alleged perpetrator(s) and any admissions or denials to the allegations.
  9. Interview with the parents or guardian, including statements made about safety planning, the protective capacities of the caregiver, the threats of harm, and the child's vulnerabilities.

- 2995 10. All collateral or third party contacts, including the referent if they have first-hand  
 2996 knowledge of the alleged abuse, neglect, or dependency.  
 2997 11. All case staffings, the identity of persons participating in the staffing, and any  
 2998 decisions made.  
 2999 12. Missed priorities.  
 3000 13. Extensions requested with documentation of the approval for the extension.  
 3001 14. The appropriate closure notification provided to the referent, which includes law  
 3002 enforcement.  
 3003 15. Notice of Agency Action sent or served to the alleged perpetrator that includes  
 3004 the appropriate blank forms for a GRAMA Request and Request for  
 3005 Administrative Hearing.  
 3006 16. The caseworker will summarize in the activity logs all third party documents used  
 3007 to make a final disposition on a CPS case. These documents will be included as  
 3008 part of the closed CPS case file.  
 3009

#### 204.14 Determination Of A CPS Case For Ongoing Services

**Major objectives:**

Every child and family with protection or safety needs, or who are at continued risk, will be considered for ongoing services through Child and Family Services or community partners. The decision for services is made using the results of the SDM Risk Assessment.

**Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
 Administrative Rule [R512-100](#). In-Home Services.

**Practice Guidelines**

The SDM Risk Assessment identifies the level of risk of future maltreatment. The risk level guides the decision to close a referral or open an ongoing case.

Final Risk Level	Recommendation
Low	Do Not Open*
Moderate	Do Not Open*
High	Open
Very High	Open

\*Low and moderate risk cases should be opened if the most recent SDM Safety Assessment finding was conditionally safe or unsafe.

For cases opened for ongoing services following the investigation, the risk level is used to determine the contact requirements for the case (service level).

3031

3032 After calculating the scored risk level, determine if any overrides apply.

3033

3034 Mandatory overrides. Mandatory overrides reflect the seriousness of the incident and child  
3035 vulnerability concerns and have been determined by Child and Family Services to be cases that  
3036 warrant the highest level of service regardless of the scored risk level. If the scored risk level is  
3037 low, moderate, or high, review the mandatory override conditions to see if any apply. Mark  
3038 any mandatory override reasons that are present. The final risk level is then increased to very  
3039 high.

- 3040 • Sexual abuse victims in this case AND perpetrator is likely to have access to child.  
3041 One or more of the children in this household are victims of sexual abuse and  
3042 actions by the caregivers indicate that the perpetrator is likely to have access to the  
3043 child, resulting in danger to the child.
- 3044 • Non-accidental injury to a child younger than 36 months old. Any child under the age  
3045 of 36 months in the household has a physical injury resulting from the actions or  
3046 inactions of a caregiver.
- 3047 • Serious non-accidental injury. Any child in the household has a serious physical  
3048 injury resulting from the action or inaction of the caregiver. The caregiver caused  
3049 serious injury, defined as brain damage, skull or bone fracture, subdural hemorrhage  
3050 or hematoma, dislocations, sprains, internal injuries, poisoning, burns, scalds, severe  
3051 cuts; and the child requires medical treatment.
- 3052 • Previous termination of parental rights. The court has terminated parental rights for  
3053 either caregiver due to abuse or neglect at any time in the past.
- 3054 • Caregiver(s) action or inaction resulted in death of a child due to abuse or neglect  
3055 (previous or current). Any child in the household has died as a result of actions or  
3056 inactions by the caregiver. This child death may be in the current incident or  
3057 investigation, or may have occurred at any time in the past.

3058

3059 Discretionary override: A discretionary override is applied by the social worker to increase the  
3060 risk level in any case where the social worker believes the scored risk level is too low. This  
3061 should represent a unique situation not considered elsewhere on the risk assessment that  
3062 increases the likelihood of a future incident of child maltreatment in this household.  
3063 Discretionary overrides may only increase the risk level by one level (e.g., from low to  
3064 moderate, or moderate to high, but NOT low to very high). Use of a discretionary override  
3065 means there is a clinical judgment that the likelihood of future harm is higher than scored, and  
3066 requires a reason, supervisory consultation, and approval. Supervisor approval of the  
3067 discretionary override is indicated when the supervisor reviews and approves the risk  
3068 assessment.

3069

3070 **Planned Action:** If the planned action to open or not open an ongoing case differs from the  
3071 recommended action, provide an explanation in the SDM Risk Assessment.

3072

## 3073 **204.15 Case Closure**

3074

### Major objectives:

3075

A CPS case will be closed no later than 30 days from disposition of the case by Intake to CPS.

3076

[See: [Section 204.8](#), Extension Granted To A CPS Investigation.]

3077

3078

### 3079 **Applicable Law**

3080

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3081

### 3082 Practice Guidelines

3083

The CPS caseworker will complete the following prior to case closure:

3084

3085

A. Complete activity recording and documentation in SAFE.

3086

3087

B. Finalize all SDM Safety Assessments and SDM Risk Assessments.

3088

3089

C. Ensure that supporting documents such as safety plans and agreements, letters, forms, law enforcement reports, medical reports, etc. are contained in the file.

3090

3091

3092

D. Determine the case finding and if the case is supported, the following will be documented in the activity recording and closure statement:

3093

3094

1. The facts, evidence, and rationale that support the findings of the case.

3095

2. A summary of the initial threats to safety, threats of harm, and risk of future

3096

harm given the child's vulnerabilities, and the protective capacities of the

3097

caregiver at the opening of the case and if/how any have changed by the end of

3098

the case. Use multiple SDM Safety Assessments to document the change. If

3099

threats to safety were identified in the SDM Safety Assessment, document the

3100

Safety Plan put in place to address them.

3101

3102

E. In conjunction with the Child Abuse Prevention and Treatment Act (CAPTA)

3103

requirements (Public Law [108-446](#), Section 637(a)(6)), any child 34 months or younger,

3104

with a supported finding of abuse or neglect, will be automatically referred to the

3105

Department of Health's Baby Watch Early Intervention Program (BWEIP). SAFE will send

3106

a list of all children meeting these criteria to BWEIP. A letter will be automatically

3107

generated and sent to the parents or guardians of the child to inform them of the

3108

referral.

3109

(1) The CPS caseworker will ensure all parent/guardian information is current in

3110

SAFE, including name, address, and contact information.

- 3111  
3112  
3113 F. If the case is supported for sexual abuse, lewdness, sexual exploitation, chronic/severe  
3114 physical abuse, chronic/severe emotional abuse, chronic/severe neglect or medical  
3115 neglect resulting in death, disability, or serious illness, staff with an Assistant Attorney  
3116 General and determine if a petition should be filed in juvenile court to request a  
3117 substantiated finding.  
3118  
3119 G. Provide written or verbal notification of the case closure to the referent, unless  
3120 anonymous, within five working days of the case closure.  
3121  
3122 H. If the case is supported, send or initiate service of the Notice of Agency Action and other  
3123 relevant forms to the alleged perpetrator within five working days of the case closure,  
3124 unless law enforcement requests that this information be held based upon the  
3125 likelihood that releasing that information would jeopardize a pending investigation. If  
3126 such a request is made by law enforcement, caseworkers may place the information on  
3127 hold until such time as law enforcement has completed its investigation. Once the  
3128 investigation is completed by law enforcement, the caseworker will send the  
3129 information to the alleged perpetrator.  
3130

## 3131 **204.16 Reopening CPS Cases**

### 3132 Practice Guidelines

3133 Cases will not be closed prior to all the work on the case being completed and documented. In  
3134 the event changes to the case are necessary after the case has been closed, the following  
3135 procedures will be followed.  
3136

- 3137  
3138 A. Fixing Errors. When fixing errors to logs in a closed CPS case, the case will not be  
3139 reopened. A new log will be added to make note of the error and add the correct  
3140 information. The date of the log will reflect the date the new log was created.  
3141  
3142 B. Adding Information. When adding information or completed items on a closed CPS  
3143 case, the case will not be reopened. A log will be added to document the information.  
3144 The date of the log will reflect the date the new log was created. The date the item was  
3145 actually completed can be documented in the log if it is different than the date the log  
3146 was entered.  
3147  
3148 C. Items Needing to be Completed. If additional work needs to be completed on a closed  
3149 CPS case, the case should be reopened and the appropriate items completed. If  
3150 possible, the case will be extended until the work is completed and appropriately  
3151 documented. If an extension is not possible, the items needing to be completed will be

- 3152 completed and appropriately documented as quickly as possible. The reason the case  
3153 was reopened will be clearly documented.  
3154
- 3155 D. Changing Allegations ([Section 204.12](#)). If additional information is brought forward after  
3156 a case has been closed, which would change the finding(s) of the allegations  
3157 investigated, the case will be reopened. This would not include new allegations or  
3158 allegation changes due to an Internal Review, Administrative Hearings, or Judicial  
3159 Reviews.
- 3160 1. The finding will be changed.
    - 3161 a. With the documented permission of the CPS caseworker's supervisor, the  
3162 SAFE Helpdesk will be contacted to reopen the case. After 30 days,  
3163 region director permission is required.
    - 3164 b. A log will be added to provide an explanation for the change to the  
3165 allegation(s). The explanation will include the new information that led  
3166 to the change being made.
    - 3167 c. The Allegation Description Text will be updated to reflect the changed  
3168 allegation and the information that led to the change being made.
    - 3169 d. The case will be re-closed with the original date of closure.
    - 3170 e. If the finding is changed to Supported, a NAA letter will be sent to the  
3171 perpetrator.
    - 3172 f. If the finding is changed to Unsupported, a letter will be sent to the  
3173 alleged perpetrator to notify them of the change.  
3174

3175 **205 Removals: Safety And Permanency Considerations**

3176

3177 This section provides guidance for CPS caseworkers who must remove a child from their home.

3178

3179 **205.1 Grounds For Removal/Placement Of A Child Into Protective Custody**

3180

Major objectives:

3181

3182 The Child and Family Services caseworker will obtain a warrant from a court of competent  
3183 jurisdiction to facilitate the removal and subsequent placement of a child into protective  
3184 custody, unless there are exigent circumstances that demonstrate a substantial, immediate  
3185 threat to the health or safety of a child, unless a court order to remove is already in place, or  
3186 unless a parent gives consent for removal. A Child and Family Services worker may not take a  
3187 child into protective custody on the basis of mental illness or poverty of the parent or guardian  
3188 or on the basis alone of educational neglect. A Child and Family Services worker may not take a  
3189 child into protective custody when motivated solely by intent to seize or obtain evidence  
3190 unrelated to the potential abuse or neglect allegation.

3191

3192 The CPS caseworker will use the SDM Safety Assessment to determine if the child is unsafe. If  
3193 the child is determined to be unsafe, then the Child and Family Services CPS caseworker will  
3194 review the reasons for removal and other available options with a supervisor or other personnel  
3195 designated by the region director and an Assistant Attorney General. [See: [Section 208.1](#) for  
3196 ICWA procedures]

3197

3198

3199 **Applicable Law**

3200 [Utah Code Ann. §62A-4a-106. Services provided by division.](#)

3201 Utah Code Ann. [§62A-4a-202.1](#). Entering home of a minor -- Taking a minor into protective  
3202 custody -- Caseworker accompanied by peace officer -- Preventive services -- Shelter care or  
3203 emergency kinship.

3204

3205 Practice Guidelines

3206 The following have authority to place a child into protective custody:

3207

3208 A. A court of competent jurisdiction issuing a warrant.

3209

3210 B. A Child and Family Services caseworker, without a warrant, in accordance with the  
3211 exigent circumstance requirements of Utah Code Ann. [§62A-4a-202.1](#).

3212

3213 C. A law enforcement/peace officer.

3214

3215 D. A physician or person in charge of a medical facility may place the child on a medical  
3216 hold for up to 72 hours.

3217

3218 A child may be removed from the custody of parents or guardians without a warrant from a  
3219 court of competent jurisdiction and placed into protective custody when a parent or guardian  
3220 consents, or when one or more of the following circumstances exist:

3221

3222 A. There is imminent danger to the physical health or safety of the minor, and the health  
3223 or safety of the minor may not be protected without removing the minor from the  
3224 custody of the minor's parent or guardian.

3225

3226 B. There is substantial risk to the minor of being physically or sexually abused by a parent,  
3227 guardian, or another person known to the parent or guardian.

3228

3229 C. The parent or guardian is unwilling to have physical custody of the minor.

3230

3231 D. The minor has been abandoned without provision for the minor's support.

3232

3233 E. The parent or guardian has been incarcerated or institutionalized and has not arranged  
3234 or cannot arrange for safe and appropriate care for the child.

3235

3236 F. A relative or other adult custodian with whom the parent or guardian has left the child  
3237 is unwilling or unable to provide care or support for the child, and the whereabouts of  
3238 the parent or guardian are unknown, and reasonable efforts to locate the parent or  
3239 guardian have been unsuccessful.

3240

3241 G. An infant has been abandoned, as defined in Utah Code Ann. [§78A-6-316](#).

3242

#### 3243 Warrant Request

3244 A warrant may be requested by Child and Family Services in the following circumstances [see:  
3245 Utah Code Ann. [§78A-6-302](#)]:

3246

3247 A. If a child has previously been adjudicated as abused, neglected, or dependent, and a  
3248 subsequent incident of abuse, neglect, or dependency has occurred involving the same  
3249 alleged abuser or under similar circumstance as the previous abuse, that fact constitutes  
3250 prima facie evidence that the child cannot safely remain in the custody of the child's  
3251 parent.

3252

3253 B. A parent or guardian engages in or threatens a child with unreasonable conduct that  
3254 could be expected to cause the child to suffer emotional damage.

3255

- 3256 C. A child/sibling at risk of being abused or neglected because another child in the same  
3257 home or with the same caregiver has been or is being abused or neglected.  
3258
- 3259 D. If a parent or guardian has received actual notice that abuse and neglect by a person  
3260 known to the parent has occurred, and there is evidence that the parent or guardian  
3261 failed to protect the child by allowing the child to be in the physical presence of the  
3262 alleged abuser, that fact constitutes prima facie evidence that the child is at substantial  
3263 risk of being abused or neglected.  
3264
- 3265 E. The child is in immediate need of urgent medical care.  
3266
- 3267 F. A parent or guardian's actions, omissions, or habitual action create an environment that  
3268 poses a threat to the child's health or safety.  
3269
- 3270 G. A parent or guardian's action in leaving a child unattended would reasonably pose a  
3271 threat to the child's health or safety.  
3272
- 3273 H. The parent, guardian, or an adult residing in the same household as the parent or  
3274 guardian, has been charged or arrested pursuant to the Clandestine Drug Lab Act or any  
3275 clandestine laboratory operation was located in the residence or on the property where  
3276 the child resided. If it is determined that the child is at imminent risk, the Child and  
3277 Family Services caseworker may remove without a warrant.  
3278
- 3279 I. There is imminent danger to the physical health or safety of the child and the child's  
3280 physical health or safety may not be protected without removing the child.  
3281
- 3282 J. The child's welfare is otherwise endangered.  
3283
- 3284 K. When the parents of a child adopted from foster care indicate they can no longer meet  
3285 the needs of the child and request the child be removed, unless there are indications of  
3286 abuse or neglect, the case will be supported as Dependency.  
3287
- 3288 A child may not be removed from the child's home or taken into custody solely on the basis of  
3289 educational neglect, truancy, or failure to comply with a court order to attend school or parents  
3290 of a child adopted from foster care are requesting services or interventions.  
3291
- 3292 A child removed from the custody of the child's parent or guardian may not be placed or kept in  
3293 a secure detention facility pending further court proceedings unless the child can be detained  
3294 based on procedures set forth by the Division of Youth Corrections.  
3295

3296 Child and Family Services caseworkers request a warrant from a court of competent jurisdiction  
3297 through the Assistant Attorney General's Office.

3298

## 3299 **205.2 Actions Required Upon Removal Of A Child**

3300

### Major objectives:

3301

3302 Upon removal of a child from the custody of their parent/guardian, the Child and Family  
3303 Services caseworker will make reasonable efforts to receive and provide appropriate  
3304 procedural, court, and child information to the parent/guardian and placement and to provide  
3305 comforting measures for the child through contact, visitation where appropriate, and  
3306 information.

3307

### **Applicable Law**

3309 Utah Code Ann. [§62A-4a-202.2](#). Notice upon removal of child -- Locating noncustodial parent --

3310 Written statement of procedural rights and preliminary proceedings.

3311

### Practice Guidelines

3313 The Child and Family Services caseworker will take diligent steps to:

3314

3315 A. Notify both parents, if their whereabouts are known (including a putative father and  
3316 non-custodial parent), and any legal guardian within 24 hours of removal informing  
3317 them of the reasons for removal and placement into protective custody.

3318

3319 B. Give the parents/caregivers the following information:

3320 1. Notice of Removal and a telephone number where the parents may access  
3321 further information.

3322 2. Parents' procedural rights.

3323 3. Notice of Shelter Hearing, which will be personally served as soon as possible,  
3324 but no later than one business day after removal of the child from the home. In  
3325 addition to the parents/caregivers, it will be served to the Guardian ad Litem. It  
3326 will contain the date, time, and place of the shelter hearing, the name of the  
3327 child on whose behalf a petition is being brought, and a concise statement  
3328 regarding the reasons for removal and the allegations.

3329 4. A Request for Counsel form.

3330 5. An Affidavit in Support of Request for Appointment of Counsel form.

3331 6. Information pamphlet entitled, "What Happens When Your Child Is Removed  
3332 From Your Care" (available in SAFE).

3333

3334 C. Make reasonable efforts to obtain information essential to the safety and well-being of  
3335 the child using Form CPS23 and give this information to the provider and the nurse  
3336 assigned to the case within 24 hours of the child's placement into protective custody.

- 3337 This information should follow the child to their first assessment. If the child is an  
3338 infant, include the hospital of birth and the birth weight if this information is available.  
3339
- 3340 D. Audio/videotape investigative interviews initiated by Child and Family Services with  
3341 children following placement into protective custody and prior to adjudication. [See:  
3342 Utah Code Ann. [§62A-4a-202.3](#).]  
3343
- 3344 E. Visit the child in their placement by midnight of the second day after the date of  
3345 removal from the child's parents/guardians. The caseworker will assess the child's  
3346 adjustment to the placement and their well-being. If the case has been assigned to an  
3347 ongoing caseworker, the ongoing caseworker or RN assigned to the case can complete  
3348 the visit for the CPS caseworker. The CPS caseworker is responsible to ensure this visit is  
3349 completed, and the CPS caseworker and ongoing or RN caseworker need to consult on  
3350 the visit within 24 hours of the visit.  
3351
- 3352 F. Offer the parents/guardians a visit with the child within three working days of removal,  
3353 if appropriate.  
3354
- 3355 G. After the first visit in placement is completed, the CPS caseworker will visit the child in  
3356 their placement once a week until the case is transferred to an ongoing caseworker.  
3357 Once the case has been transferred, the ongoing caseworker will be responsible for any  
3358 further visits.  
3359
- 3360 H. Record all of the above actions in SAFE with the date that they were accomplished.  
3361

### 205.3 Removal Of A Child From A Home Where Methamphetamine Or Other Illicit Drugs Are Manufactured

Major objectives:

Children/youth located where there is manufacturing of methamphetamines and/or other illicit drugs will be taken into protective custody where law enforcement determines the child is present and is at risk due to exposure or access to chemicals or other substances used in the production, manufacture, or distribution of these drugs. This may include situations in which the child has been exposed to a contaminated environment.

#### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3375

3376 Practice Guidelines

3377 For removal of children from methamphetamine or other illicit drug homes, the following will  
3378 apply:

3379

3380 A. Intake receives the information, staffs the referral with a supervisor, and assigns the  
3381 case as a priority 1, 1R, or 2 to a CPS caseworker.

3382

3383 B. The CPS caseworker will contact the officer in charge. The officer in charge determines  
3384 if it is safe for entry. If not safe, the officer in charge will bring the child out to the CPS  
3385 caseworker.

3386

3387 C. The CPS caseworker will document, or assure that law enforcement will document, the  
3388 following, preferably by photographs:

3389 1. The height of each child.

3390 2. Safety hazards, such as:

3391 a. Counter height where chemicals/drugs are observed;

3392 b. Areas where children have access to chemicals/drugs;

3393 c. Proximity of food, toys, or clothing to chemicals, needles, etc.

3394 3. Safety attempts, such as door locks/devices utilized to prevent access to  
3395 chemicals/drugs.

3396 4. Play area.

3397 5. Each room:

3398 a. Include walls, floors, ceiling, and objects within each room;

3399 b. Describe odors associated with each photograph.

3400

3401 D. Obtain a checklist of chemicals/drugs at the scene as identified by law enforcement.

3402

3403 E. Specifically for methamphetamine cases: The CPS caseworker should consult with the  
3404 officer in charge regarding removal of possessions (including medication) or clothing  
3405 from the residence. Removal of possessions or clothing from the residence is prohibited  
3406 except for prescription medications that are clearly labeled as a medication for the child.  
3407 Any medication taken from the scene should be placed and secured in a plastic bag.

3408 1. The CPS caseworker will call the prescribing doctor as soon as possible.

3409 2. The CPS caseworker will inform the physician of the child's exposure to  
3410 chemicals and placement into protective custody and will request that the  
3411 medications prescribed be re-prescribed to the child.

3412 3. The CPS caseworker will request instructions from law enforcement on how to  
3413 dispose of the exposed medication.

3414 4. The CPS caseworker will ensure that the new prescriptions will be picked up  
3415 from the pharmacy and delivered to the child.

- 3416  
3417 F. Specifically for methamphetamine cases: Determine with law enforcement if gross  
3418 contamination of the child exists. If gross contamination exists, the CPS caseworker will  
3419 coordinate with law enforcement to ensure that the child is decontaminated. The child  
3420 will then be transported to a medical facility for evaluation.  
3421  
3422 G. The CPS caseworker will notify the foster care provider of the specific circumstances of  
3423 the removal and any medical needs of the child.  
3424  
3425 H. Complete the required paperwork. Assure that the law enforcement officer in charge of  
3426 the case is given a copy of the Child and Family Services paperwork.  
3427

#### 205.4 CPS Caseworker Safety When Exposed To A Methamphetamine Lab

3428  
3429  
3430 Major objectives:

3431 CPS caseworkers will take actions to reduce potential exposure to chemicals or drugs when  
3432 intervening to assess the safety of children in situations where methamphetamines may have  
3433 been manufactured.  
3434  
3435  
3436  
3437

#### 3438 **Applicable Law**

3439 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
3440

#### 3441 Practice Guidelines

- 3442 A. CPS caseworkers responding to situations where exposure to harmful chemicals or  
3443 drugs may be present will take the following precautions:  
3444 1. Wear clothing that can be laundered and avoid wearing open-toe shoes.  
3445 2. Contact law enforcement if there is a suspicion that methamphetamines are  
3446 being manufactured in a home.  
3447 3. Immediately leave the home if there is any observation of indicators that an  
3448 active methamphetamine lab may be in operation, and call 911 for assistance.  
3449 4. Coordinate child safety with the responding officer(s).  
3450  
3451 B. CPS caseworkers will use the following appropriate methods to avoid further exposure  
3452 when intervening in situations that involve exposure to harmful chemicals or drugs:  
3453 1. Whenever possible, a child will be wrapped in a clean blanket or, if necessary,  
3454 changed into clothing that has not been contaminated.  
3455 a. CPS caseworkers should not take any clothing, blankets, or other items  
3456 for a child from a home that is suspected to be contaminated.  
3457 b. Wrapping a child in a clean blanket or dressing them in new clothes  
3458 obtained from somewhere other than the residence provides adequate  
3459 protection to the caseworker and vehicle.

- 3460 2. When preparing to leave the scene, whenever possible CPS caseworkers will  
3461 place plastic or another covering on the seat of the car.  
3462 3. CPS caseworkers will take off clothes/shoes worn at the scene and launder the  
3463 clothing separately in a washing machine using hot water and laundry detergent,  
3464 then dry the clothing in a clothes dryer.  
3465 4. CPS caseworkers will shower using mild soap, ensuring that the entire body and  
3466 hair are thoroughly washed.  
3467 5. CPS caseworkers will apply fresh clothing.  
3468 a. CPS caseworkers should not attempt to clean themselves (or a child) with  
3469 baby wipes, as it adds moisture and may cause toxins to be absorbed into  
3470 the skin.  
3471  
3472 C. CPS caseworkers should immediately contact their supervisor if there is a suspicion that  
3473 they have been exposed to methamphetamines.  
3474  
3475 D. When a CPS caseworker has been exposed to methamphetamines, regardless of the  
3476 appearance of symptoms, they should contact their local Human Resource (HR)  
3477 technician as soon as possible. The HR technician will gather required information from  
3478 the CPS caseworker and complete the on-line Employer's First Report of Injury or Illness  
3479 form, which is submitted directly to Workers Compensation Fund on the employee's  
3480 behalf. The HR technician will then send both an email and a hard copy of the report to  
3481 the CPS caseworker and the HR specialist assigned to Child and Family Services.  
3482  
3483 E. If a CPS caseworker experiences any symptoms from possible exposure (acute exposure:  
3484 shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical  
3485 irritation, or burns to skin, eyes, nose, and mouth; less severe exposure: headache,  
3486 nausea, fatigue, lethargy, and dizziness), they will immediately go to the nearest  
3487 hospital to seek medical attention.  
3488

## 205.5 72-Hour Hold By A Physician

### Major objectives:

A physician has the legal authority to place a child on a 72-hour hold in a medical facility. Upon notification of a 72-hour hold on a child, the CPS caseworker will respond within a priority 1, 1R, or 2 response time frame based upon the protection factors identified in the case. When a physician places a child on a 72-hour hold this constitutes taking the child into protective custody with its accompanying major objectives and procedures.

### **Applicable Law**

Utah Code Ann. [§62A-4a-407](#). Protective custody.

3500

3501 Practice Guidelines

3502 The CPS caseworker will:

3503

3504 A. Immediately open an investigation of the circumstances surrounding the removal,  
3505 coordinate with the medical facility to assume shelter care of the child when discharged,  
3506 provide the parents with notice of their rights, schedule a 24-hour meeting, coordinate  
3507 with the assigned Assistant Attorney General, request that a shelter hearing be  
3508 scheduled within 72 hours of the removal, weekends and holidays excluded, and file a  
3509 petition, if appropriate.

3510

3511 B. Obtain all relevant medical information on the child.

3512

3513 C. Obtain all relevant information on the child's parents or guardians and the  
3514 circumstances that required the physician to invoke the 72-hour hold.

3515

3516 D. Provide a copy of the Notice of Removal for maintenance in the child's medical chart

3517

3518 E. Provide any written instructions for inclusion in the child's medical chart regarding  
3519 visitation by family members, permission to treat, name of CPS caseworker and a way to  
3520 contact the caseworker, instructions or arrangements upon discharge, etc.

3521

3522 **205.6 Shelter Hearing**

3523

Major objectives:

A juvenile court shelter hearing will be held within 72 hours after removal of the child from his or her home, excluding weekends and holidays.

3526

3527

3528 **Applicable Law**

3529 Utah Code Ann. [§78A-6-306](#). Shelter hearing.

3530

3531 Practice Guidelines

3532 A. If the child is in the protective custody of Child and Family Services, a petition will be  
3533 filed with the juvenile court, which will include the following information:

3534 1. The reasons why the child was removed from the custody of the parents or  
3535 guardian including the threats of harm, the child's vulnerabilities, and the  
3536 protective capacities of the caregiver, or,

3537 2. The reasons the child would have been removed if the parent had not accessed a  
3538 domestic violence shelter at the request of Child and Family Services. [See:

3539 [Section 204.5.](#)]

- 3540 3. Reasonable efforts provided to the child and his or her family to prevent  
3541 removal.
- 3542 4. The need, if any, for continued custody.
- 3543 5. The available services that could facilitate the return of the child to the custody  
3544 of his or her parents or guardian.
- 3545 6. Whether the child has any relatives who may be able and willing to take  
3546 temporary custody.
- 3547
- 3548 B. The child will be present at the shelter hearing, unless the Guardian ad Litem  
3549 determines it would be detrimental for the child. Kin identified as emergency kinship  
3550 placement will also be present at the shelter hearing, if possible.
- 3551
- 3552 C. In cases where sexual abuse, abandonment, chronic/severe physical abuse,  
3553 chronic/severe neglect, or medical neglect resulting in death, disability, or serious illness  
3554 are involved or when the child has been previously removed from the same caregiver,  
3555 Child and Family Services may recommend to the court that reunification services not  
3556 be provided to the parents.
- 3557

## 205.7 24-Hour Multi-Disciplinary Staffing

### Major objectives:

A multi-disciplinary team staffing will be convened within 24 hours after placing a child into protective custody, or requesting a shelter hearing, excluding weekends and holidays. The staffing team members will review the circumstances regarding removal of the child from their home including the threats of harm, the child's vulnerabilities, and the protective capacities of the caregiver, and prepare the testimony and evidence that will be required of Child and Family Services at the shelter hearing in accordance with Utah Code Ann. [§78A-6-306](#). In addition, the CPS caseworker will discuss family strengths, support systems, and possible kinship placements.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

- 3574 A. The multi-disciplinary team staffing will be chaired by Child and Family Services.  
3575 Members of the team will include, but not be limited to, the following:
- 3576 1. The CPS caseworker assigned to the case and the CPS caseworker who made the  
3577 decision to remove the child, if not the same person.
- 3578 2. A representative of the school or school district in which the child attends  
3579 school.
- 3580 3. The peace officer who removed the child from the home.

- 
- 3581 4. A representative of the appropriate Children's Justice Center if one is established  
3582 within the county where the child resides.
- 3583 5. Local mental health provider or therapist, or a therapist or counselor who is  
3584 familiar with the child's circumstances, if known.
- 3585 6. A member of the Health Care Team.
- 3586 7. Any other individual as determined to be appropriate and necessary by the team  
3587 coordinator and chair, such as Child and Family Services clinical staff, health care  
3588 provider, Guardian ad Litem, domestic violence specialist, etc.
- 3589 8. Consider inviting family members when legal circumstances permit.  
3590
- 3591 B. Child and Family Services, when possible, will have available for review and  
3592 consideration the complete CPS and foster care history of the child and the child's  
3593 parents and siblings.
- 3594
- 3595 C. The team will determine if there are services that may be made available to the family  
3596 to enable the child to return home.
- 3597
- 3598 D. The team will develop a short-term case plan and assign responsibilities for completion,  
3599 if the family is present.
- 3600
- 3601 E. The team will consider the possibility of placing the child with a non-custodial parent or  
3602 in a kinship placement after checking the SAFE database and BCI.
- 3603
- 3604 F. The team will consider whether the facts of the case meet the criteria for not offering  
3605 reunification. [See: Utah Code Ann. [§78A-6-312.](#)]
- 3606
- 3607 G. The team will collect available educational and health information on the child.  
3608
- 3609 H. The team will determine if the child may be immediately returned to the custody of a  
3610 parent or legal guardian due to a change in circumstances or new information that has  
3611 become available since the decision was made to take protective custody. The  
3612 determination will be made based on an assessment of the threats of harm, the child's  
3613 vulnerabilities, and the protective capacities of the caregiver. Notification to the court  
3614 will still be required even if the child is returned home.
- 3615
- 3616 [See: Utah Code Ann. [§62A-4a-202.3.](#)]  
3617

3618 **206 Kinship: Safety And Permanency**

3619

3620 **206.1 Kinship**

3621

Major objectives:

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**Applicable Law**

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Utah Code Ann. [§62A-4a-209](#). Emergency kinship placement.

3632

Practice Guidelines

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At the shelter hearing the CPS caseworker will request that the child's parents provide names, addresses, and phone numbers of all possible kinship placements within five days. [See: Utah Code Ann. [§78A-6-307](#).]

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[See: Utah Code Ann. [§62A-4a-202.3](#) and [§78A-6-306](#).] [See also: [Section 703](#) ICPC (Interstate Compact for the Placement of Children) Major objectives and Procedures, and [Section 500](#) Kinship Major objectives.]

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**206.2 Emergency Kinship Placement**

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Major objectives:

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Prior to placing a child in a foster home placement, the CPS caseworker may place a child in a temporary emergency kinship placement (referred to in Practice Guidelines Section 500 as a Preliminary Kinship Placement. Safety, health, and best interest of the child should drive this decision.

3649

3650

**Applicable Law**

3651

[See: [Section 206.1](#).]

3652

3653

Refer to Kinship Practice Guidelines for Preliminary Placement in [Section 502](#).

3654

3655 **207 Conflict Of Interest And Related Parties Investigations**

3656 *(PLEASE SEE ADMINISTRATIVE GUIDELINES SECTION 020.13 FOR APPROPRIATE PROTOCOL.)*

3657

3658 This section provides guidance for Child and Family Services when a child in the custody of the  
3659 state is alleged to have been the victim of abuse, neglect, or dependency (Conflict of Interest  
3660 case); or when the case involves a Child and Family Services employee or employee's child  
3661 (Related Parties case).

3662

3663 **207.1 Investigation Involving A Licensed Out-Of-Home Provider Or Child**  
3664 **And Family Services Employee**

3665

3666 Major objectives:

- 3667 A. Child and Family Services will make every effort to coordinate with a contracted  
3668 independent CPS agency or if the contractor is unable, with law enforcement agencies  
3669 for Conflict of Interest investigations when a child in the custody of the state is an  
3670 alleged victim of child abuse, neglect, or dependency.
- 3671
- 3672 B. Child and Family Services will work with the Office of Services Review Related Parties  
3673 investigators to investigate reports of child abuse, neglect, or dependency when a Child  
3674 and Family Services employee, volunteer, or contractor of the Department of Human  
3675 Services (DHS) has a relationship with the alleged victim, alleged perpetrator, or another  
3676 person named in the investigation and there is or might appear to be a conflict of  
3677 interest or impropriety if Child and Family Services performed the investigation.

3678

3679

3680

3681 **Applicable Law**

3682 Utah Code Ann. [§62A-4a-202.6](#). Conflict child protective services investigations – Authority of  
3683 investigators

3684

3685 Practice Guidelines

- 3686 A. When the need for a worker from a contracted independent CPS agency has been  
3687 identified, the following are the procedures:
- 3688 1. Any time a report is made that a child is abused or neglected while in the  
3689 custody of Child and Family Services, whether or not the caregiver is the alleged  
3690 perpetrator, the case will be assigned to the contracted independent CPS agency  
3691 or worker.
  - 3692 2. The contracted independent CPS caseworker will assess the threats of harm, the  
3693 child's vulnerabilities, and the protective capacities of the caregiver, and will  
3694 then take steps to ensure the safety of any child in the home.

- 3695 3. If there is a reasonable basis to believe that the child is in danger or there is a  
3696 substantial threat of danger or harm to the child in his or her home, the  
3697 contracted independent CPS caseworker will advise the region director and  
3698 recommend a change of placement if applicable.
- 3699 4. The region director or region director designee will make the final decision  
3700 regarding a change of placement based on Child and Family Services Practice  
3701 Guidelines and relevant law.
- 3702 5. If the child remains in the parent or caregivers' home during the investigation,  
3703 the contracted independent CPS caseworker will prepare a safety plan that  
3704 identifies the threats of harm, the child's vulnerabilities, and the protective  
3705 capacities of the caregiver and what steps will be taken to assure safety. If the  
3706 child is in out-of-home care, the safety plan will be developed with input from  
3707 the ongoing caseworker, the foster parents, the family resource consultant, and  
3708 the contracted independent CPS caseworker.
- 3709 6. Contracted independent CPS caseworkers will report concerns to the Office of  
3710 Licensing.
- 3711
- 3712 B. In the situation in which the contracted independent CPS agency or individual is unable  
3713 to respond to a conflict of interest investigation due to capacity, the investigation will be  
3714 handled by law enforcement or, with the consent of Child and Family Services, a CPS  
3715 investigator employed by the Office of Attorney General as provided in Utah Code Ann.  
3716 [§62A-4a-202.6](#). If neither law enforcement nor the Office of Attorney General is willing  
3717 to provide an investigator, Child and Family Services will establish a protocol for  
3718 handling conflict of interest cases.
- 3719 1. A CPS caseworker will be assigned to the case.
- 3720 2. The CPS caseworker will work with law enforcement to obtain all of the  
3721 information needed to complete the investigation per Child and Family Services  
3722 major objectives. If law enforcement refuses to complete any or all of the  
3723 investigation per Child and Family Services major objectives, clearly document  
3724 their refusal in the activity recording.
- 3725 2. The CPS caseworker will request that law enforcement complete the interview of  
3726 any child involved, the foster parents, and collateral sources. If law enforcement  
3727 refuses to complete any or all interviews, the CPS caseworker will clearly  
3728 document the refusal in the activity recording and, when possible, complete the  
3729 interviews.
- 3730 3. The CPS caseworker will consult with law enforcement to determine whether the  
3731 case should be supported.
- 3732 4. If law enforcement is completing the investigation and the investigation has  
3733 been open for more than 25 days, the CPS caseworker will consult with law  
3734 enforcement to determine if an extension is needed.
- 3735

- 3736 C. When allegations of abuse, neglect, or dependency involve a Child and Family Services  
3737 employee or the child of an employee, the Office of Services Review Related Parties  
3738 investigators will be assigned to investigate. When the need for a Related Parties  
3739 investigator has been identified, the following are procedures:
- 3740 1. When the Related Parties investigator cannot make priority face-to-face contact  
3741 with the primary victim, the Related Parties investigator may request that a CPS  
3742 caseworker meet the requirement and assess immediate safety and protection  
3743 needs.
  - 3744 2. If it is determined that removal is necessary, the Related Parties investigator will  
3745 request a CPS caseworker, who will follow Practice Guidelines [Section 205](#)  
3746 protocol.
  - 3747 3. If an ongoing case is needed, the Related Parties investigator will notify the  
3748 region director or designee.  
3749

## 3750 **207.2 Investigation Involving A Child Care Provider Or Child Care Center**

3751 Major objectives:

3752 CPS will investigate reports of abuse, neglect, or dependency that occur in licensed child care  
3753 facilities.  
3754

3755 **Applicable Law**

3756 Utah Code Ann. [§62A-4a-409](#). Investigation by division -- Temporary protective custody --  
3757 Preremoval interviews of children.  
3758

3759 Practice Guidelines

- 3760 A. The Department of Health, Child Care Licensing unit will be contacted by the CPS  
3761 caseworker.  
3762
- 3763 B. The CPS caseworker will coordinate with the Department of Health regarding licensing  
3764 violations.  
3765
- 3766 C. CPS investigation requirements for child care providers will be the same as for other  
3767 referrals investigated by Child and Family Services.  
3768

3769 **208 Indian Child Welfare Act (ICWA): Protecting Native American**  
3770 **Culture**

3771

3772 **208.1 Placement Of A Native American Child Into Protective Custody**

3773

Major objectives:

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A CPS investigation will be completed in compliance with ICWA procedures in order to show deference to the cultural needs of Native American families in Utah. CPS investigations will be completed in compliance with ICWA standards. The CPS caseworker will determine whether the child and family are Native American, complete an investigation that respects the cultural standard of the tribe, and notify the tribe immediately of any legal action taken during the investigation.

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With regard to an Native American child who resides on a reservation but is temporarily located off the reservation from his or her parent or Native American custodian, nothing will prevent the emergency removal of a Native American child or the emergency placement of such child in a foster home or institution under applicable state law in order to prevent imminent physical injury or harm to the child. The state authority, official, or agency involved will ensure that the emergency removal or placement terminates immediately when removal or placement is no longer necessary to prevent imminent physical injury or harm to the child.

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During the initial contact with all families under investigation, the CPS caseworker will ask if there is any Native American lineage that might make the child eligible for membership in any Native American Tribe.

3793

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3795

**Applicable Law**

3796

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3797

3798

Practice Guidelines

3799

Found in [Section 705](#), ICWA.

3800

3801 **209 Case Transfers And Courtesy Services**

3802

3803 This section provides guidance regarding CPS case transfers and courtesy services for another  
3804 state or agency.

3805

3806 **209.1 Request For Courtesy Casework Within The State Of Utah**

3807

Major objectives:

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3809 A CPS caseworker may request courtesy assistance for completion of investigative activities on  
3810 an open CPS case when the child or other individual related to the case is not accessible to the  
3811 assigned CPS caseworker.

3812

3813 **Applicable Law**

3814 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3815

3816 Practice Guidelines

3817 When a courtesy casework request within the state of Utah is made, the requesting CPS  
3818 caseworker will complete the following:

3819

3820 A. Notify their supervisor or designee of the need for courtesy casework. The supervisor of  
3821 the requesting CPS caseworker will ask the receiving supervisor to assign a courtesy CPS  
3822 caseworker.

3823 1. The requesting CPS caseworker will staff with the receiving CPS caseworker to  
3824 coordinate investigative activities and give as much notice as possible for  
3825 completion of the courtesy activity.

3826 2. The requesting CPS caseworker will maintain responsibility for the case and for  
3827 decisions made on the case, such as determination as to the case finding.

3828 3. The courtesy caseworker will be assigned as a secondary caseworker to  
3829 complete the case activity requested.

3830

3831 B. Within five days of completing the courtesy activity, the receiving CPS caseworker will  
3832 enter the activity logs in SAFE.

3833

3834 **209.2 Transfer Of A Case When A Child Has Moved Within The State Of**  
3835 **Utah**

3836 Major objectives:

3837 Child and Family Services offices will cooperate to ensure that a CPS investigation is not  
3838 interrupted and children are not placed in danger when an alleged victim has moved within the  
3839 State of Utah.  
3840

3841  
3842 **Applicable Law**

3843 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.  
3844

3845 Practice Guidelines

3846 The following procedures will be used to determine when a case will be transferred to a  
3847 different office when it has been determined that the child has moved:  
3848

- 3849 A. If the child and family moved within the same regional boundaries during the course of  
3850 the investigation, the CPS caseworker originally assigned to the case will complete all  
3851 remaining investigative activities and ensure that the case is closed per major  
3852 objectives. If distance makes continuation and/or completion of the investigation  
3853 impractical, the case may be transferred to the office where the child resides. The  
3854 transferring and receiving supervisors must coordinate the transfer.  
3855
- 3856 B. If the child and the family moved within the state of Utah but outside of the regional  
3857 boundaries, the case may be transferred to the new region or a request may be made  
3858 for courtesy casework.  
3859
- 3860 C. If the child and family moved after the CPS caseworker has made the face-to-face  
3861 contact with the alleged victim and the whereabouts of the child and family are  
3862 unknown, the CPS caseworker will make reasonable efforts to locate the family in order  
3863 to complete the investigation. Once reasonable efforts have been made, the case may  
3864 be closed as "Unable to Complete Investigation."  
3865

3866 **209.3 Request For Courtesy Casework From Another State**

3867 Major objectives:

3868 CPS may respond to another state's request for courtesy assistance to complete investigative  
3869 activities when the child or other individual related to the case is in Utah.  
3870

3871  
3872 **Applicable Law**

3873 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

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Practice Guidelines

When a CPS caseworker is assigned a request for courtesy casework from another state, the CPS caseworker will keep a record of all activities and will forward another copy of the information to the requesting agency within the time frames identified by the requesting source.

**209.4            Transfer Of A Case When A Child Has Moved Out Of The State Of Utah**

Major objectives:  
Child and Family Services will make reasonable efforts to ensure that a CPS investigation is not interrupted when an alleged victim has moved out of the state.

**Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

Practice Guidelines

The following steps will be used when the child and family can no longer be located within the state of Utah.

- A.     If the child and family move outside the state of Utah before the CPS caseworker is able to make the face-to-face contact with the child and the new location of the child and family is known, the CPS caseworker will contact the state child welfare agency where the family has moved and request courtesy casework. The CPS caseworker may also contact law enforcement in the state where the child has moved to complete investigative interviews. If the state child welfare agency where the family has moved refuses to complete courtesy casework and law enforcement is unable or unwilling to complete interviews, the case will be closed "unable to complete investigation". If the receiving state child welfare agency agrees to complete the courtesy casework, the CPS caseworker will make the appropriate finding based on information from the receiving state. If a finding of supported is made against one or both of the parents/caregivers, upon case closure a Notice of Agency Action will be sent to the address of family in the current state of residence.
  
- B.     If the child and family move outside the state of Utah after the CPS caseworker has made the face-to-face contact with the alleged victim and the whereabouts of the child and family are known, the CPS caseworker will contact the state child welfare agency where the family has moved and will make a request for courtesy casework, providing the information that was obtained in the investigation. The CPS caseworker may also

3914 contact law enforcement in the state where the child has moved to complete  
3915 investigative interviews. If the state child welfare agency where the family has moved  
3916 refuses to complete courtesy casework and law enforcement is unable or unwilling to  
3917 complete the interviews, the case will be closed as "unable to complete investigation."  
3918 If the receiving state child welfare agency agrees to complete the courtesy casework,  
3919 the CPS caseworker will make the appropriate finding based on information from the  
3920 receiving state and casework completed in Utah. If a finding of supported is made  
3921 against one or both of the parents/caregivers, upon case closure a Notice of Agency  
3922 Action will be sent to the address of family in the current state of residence.  
3923

3924 C. If the child and family move out of the state of Utah after the CPS caseworker has made  
3925 the face-to-face contact with the alleged victim and the whereabouts of the child and  
3926 family are unknown, the CPS caseworker will make reasonable efforts to locate the  
3927 family in order to make a request for courtesy casework from the state child welfare  
3928 agency where the family now resides. If the receiving state child welfare agency is not  
3929 able to find the location of the child, the CPS caseworker will close the investigation  
3930 "unable to complete investigation".  
3931

3932 D. If the child and family move out of the state of Utah, the CPS caseworker has not made  
3933 the face-to-face contact with the alleged victim, and the whereabouts of the child and  
3934 family are unknown, the CPS caseworker will make reasonable efforts to locate the  
3935 family in order to make a request for courtesy casework from the state child welfare  
3936 agency where the family now resides. If the receiving state child welfare agency is not  
3937 able to find the location of the child, the CPS caseworker will close the investigation  
3938 "unable to locate".  
3939

3940 If the facts of the investigation establish reason to suspect the child is in imminent danger, the  
3941 CPS caseworker will make appropriate referrals to CPS and law enforcement in the other state  
3942 and screen the case with the Assistant Attorney General.  
3943

3944 **210 Child Protective Services Records: Confidentiality And Rights To**  
3945 **Review**

3946  
3947 This section provides guidance to CPS caseworkers who must maintain the confidentiality of  
3948 records and advise clients or others of their rights and restrictions concerning confidential  
3949 records.

3950  
3951 **210.1 Confidentiality Of CPS Records**

3952 Major objectives:

3953 Reports of child abuse, neglect, or dependency, as well as any other information in the  
3954 possession of Child and Family Services, obtained as the result of a report of child abuse,  
3955 neglect, or dependency, is confidential and may only be made available in accordance with Utah  
3956 Code Ann. [§62A-4a-412](#).  
3957

3958  
3959 **Applicable Law**

3960 Utah Code Ann. [§62A-4a-412](#). Reports and information confidential.

3961  
3962 Practice Guidelines

- 3963 A. Under Utah Code Ann. [§62A-4a-412](#), reports of child abuse, neglect, or dependency and  
3964 all information related to the report will only be available to:
- 3965 1. A police or law enforcement agency investigating a report of known or suspected  
3966 child abuse, neglect, or dependency.
  - 3967 2. A physician who reasonably believes that a child may be the subject of abuse,  
3968 neglect, or dependency.
  - 3969 3. An agency that has the responsibility or authority to care for, treat, or supervise  
3970 a child who is the subject of a report.
  - 3971 4. A contract provider that has a written contract with Child and Family Services to  
3972 render services to a child who is the subject of a report.
  - 3973 5. Any subject of the report, the natural parents of the minor, the Office of  
3974 Guardian ad Litem, and CASA.
  - 3975 6. A court, upon a finding that access to the records may be necessary for the  
3976 determination of an issue before it, provided that in a divorce, custody, or  
3977 related proceeding between private parties the record alone is:
    - 3978 a. Limited to objective or undisputed facts that were verified at the time of  
3979 the investigation;
    - 3980 b. Devoid of conclusions drawn by Child and Family Services or any of its  
3981 social workers on the ultimate issue of whether or not a person's acts or  
3982 omissions constituted any level of abuse, neglect, or dependency of  
3983 another person. [See: Utah Code Ann. [§62A-4a-412](#).]

- 
- 3984 7. An office of the public prosecutor or its deputies in performing an official duty.  
3985 8. A person authorized by a Children's Justice Center for the purposes described in  
3986 Utah Code Ann. [§67-5b-102](#).  
3987 9. A person engaged in bona fide research, when approved by the director of Child  
3988 and Family Services, if the information does not include names and addresses.  
3989 10. The state Office of Education, acting on behalf of itself or on behalf of a school  
3990 district, for the purpose of evaluating whether an individual should be permitted  
3991 to obtain or retain a license as an educator or serve as an employee or volunteer  
3992 in a school, limited to information with substantiated findings involving an  
3993 alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or  
3994 any alleged offense against the person under Title 76, Chapter 5, Offenses  
3995 Against the Person, and with the understanding that the office must provide the  
3996 subject of a report received under Subsection (1)(k) with an opportunity to  
3997 respond to the report before making a decision concerning licensure or  
3998 employment.  
3999 11. Any person identified in the report as an alleged perpetrator or possible  
4000 perpetrator of child abuse, neglect, or dependency after being advised of the  
4001 screening prohibition.  
4002  
4003 B. No person, unless listed above, may request another person to obtain or release a  
4004 report or any other information in the possession of Child and Family Services obtained  
4005 as a result of the report that is available under Subsection (1)(k) to screen for potential  
4006 perpetrators of child abuse, neglect, or dependency.  
4007  
4008 C. A person who requests information knowing that it is a violation of Subsection (2)(e) to  
4009 do so is subject to the criminal penalty in Subsection (4).  
4010  
4011 D. Except as provided in Utah Code Ann. [§62A-4a-1003](#), Child and Family Services and law  
4012 enforcement officials will ensure the anonymity of the person or persons making the  
4013 initial report and any others involved in its subsequent investigation.  
4014  
4015 E. Any person who willfully permits or aides and abets the release of data or information  
4016 obtained as a result of this part, in the possession of Child and Family Services, or  
4017 contained on any part of the management information system, in violation of this part  
4018 or Utah Code Ann. [§62A-4a-1003](#), is guilty of a class C misdemeanor.  
4019  
4020 F. The physician/patient privilege is not grounds for excluding evidence regarding a child's  
4021 injuries or the cause of those injuries in any proceeding resulting from a report made in  
4022 good faith pursuant to this part.  
4023

## 4024 **210.2 Request For CPS Records**

### Major objectives:

4025 Individuals or agencies identified by Utah Code Ann. [§62A-4a-412](#) may request a copy of the CPS  
4026 record, excluding third party information. This copy must first be edited according to GRAMA  
4027 regulations. Exceptions to GRAMA may be found in Utah Code Ann. [§62A-4a-412](#).  
4028  
4029

### 4031 **Applicable Law**

4032 [See: [Section 210.1](#).]

### 4034 Practice Guidelines

4035 A. The individual making the request will complete a GRAMA request form, a Request for  
4036 Administrative Hearing form, or provide a request in another written form.  
4037

4038 B. The records will be released in accordance with Utah Code Ann. [§63G-2-202](#).  
4039  
4040

## 4041 **210.3 Process For Internal Agency Review Of Case Findings**

### Major objectives:

4042 Internal Agency Reviews of case findings will be conducted when a request is made by an  
4043 identified perpetrator within the allotted time periods. The review process will be determined  
4044 per Utah statute and Child and Family Services Practice Guidelines.  
4045  
4046

### 4047 **Applicable Law**

4048 Utah Code Ann. [§62A-4a-1005](#). Supported finding of a severe type of child abuse or neglect --  
4049 Notation in Licensing Information System -- Juvenile court petition or notice to alleged  
4050 perpetrator -- Rights of alleged perpetrator -- Juvenile court finding.

4051 Utah Code Ann. [§62-4a-1009](#). Notice and opportunity to challenge supported finding in  
4052 Management Information System -- Right of judicial review.

4053 Utah Code Ann. [§62-4a-1010](#). Notice and opportunity for court hearing for persons listed in  
4054 Licensing Information System.  
4055

### 4056 Practice Guidelines

4057 Based upon applicable law, a perpetrator may request an Internal Agency Review, an  
4058 Administrative Hearing, or both unless there has been a court determination upholding the  
4059 Child and Family Services' finding. If the juvenile court has previously made a determination on  
4060 a Child and Family Services' finding, the requestor will be directed to pursue an appeal through  
4061 the juvenile court, if available. The deadlines for pursuing these avenues of review are  
4062 specified below.  
4063

- 4064  
4065 A. Internal Agency Reviews will be conducted by an Internal Review Panel.  
4066 1. The agency Internal Review Panel will be comprised of the following:  
4067 a. CPS caseworker who completed the investigation, if still employed by  
4068 Child and Family Services,  
4069 b. Supervisor at the time of the investigation, if still employed by Child and  
4070 Family Services,  
4071 c. Designated Child Welfare Administrator (CWA),  
4072 d. Assistant Attorney General (AAG), when applicable and/or available,  
4073 e. Administrative hearing tracker, when applicable and/or needed,  
4074 f. Any other agency staff the region deems appropriate and/or necessary.  
4075 2. All decisions made by the Internal Review Panel will be documented in a log in  
4076 the identified CPS case in SAFE. Documentation will include the final decision  
4077 reached by the panel, as well as how the Internal Review Panel reached their  
4078 decision.  
4079 3. The decision of the Internal Review Panel will be recorded under the  
4080 Administrative Hearing Tab of the identified CPS case.  
4081 4. Internal Agency Reviews will be conducted at the written request of a  
4082 perpetrator who makes a request within the specified time frames, but can also  
4083 be conducted if the agency determines an Internal Agency Review is necessary.  
4084

- 4085 B. For all cases in which the perpetrator is listed on the Licensing Information System:  
4086

4087 **Findings Prior to May 6, 2002:**

4088 If there has been no prior court finding or plea, the Internal Review Panel can make one  
4089 of the following determinations:

- 4090 1. Uphold the finding. The finding will remain Supported or Substantiated in the  
4091 Management Information System and the Licensing Information System.  
4092 a. If the identified perpetrator disagrees with the decision of the Internal  
4093 Review Panel, they will be redirected to pursue recourse through the  
4094 juvenile court.  
4095 b. If appropriate, a petition for substantiation should be filed by Child and  
4096 Family Services with the juvenile court. The petition should be filed  
4097 within 14 days of the decision of the Internal Review Panel.  
4098 2. Uphold the finding in the Management Information System, but remove the  
4099 perpetrator from the Licensing Information System for the identified case. The  
4100 finding will remain Supported or Substantiated in the Management Information  
4101 System, but the perpetrator will no longer appear in the Licensing Information  
4102 System for the identified case.

- 4103 This can be done only when the Internal Review Panel determines the abuse or  
4104 neglect was not severe or chronic, or there is not enough information to uphold  
4105 severe/chronic findings.  
4106 a. If the identified perpetrator disagrees with the decision of the Internal  
4107 Review Panel, they will be directed to pursue recourse through the Office  
4108 of Administrative Hearings.  
4109 3. Amend the finding to Unsupported.

4110  
4111 **Findings After May 6, 2002:**

4112 The requestor has one year from the notification of the Severe/Chronic finding to file a  
4113 request for an Internal Agency Review or petition the Juvenile Court. If neither of these  
4114 requests are made within one year, the finding will remain on the Licensing Information  
4115 System.

- 4116 1. If the case qualifies as a Severe/Chronic type of abuse or neglect and if the court  
4117 has previously made a finding on an allegation, the requestor will be redirected  
4118 to pursue recourse through the juvenile court.  
4119 2. If there has been no prior court finding, the Internal Review Panel may make one  
4120 of the following determinations:  
4121 a. Change the finding to Unsupported.  
4122 b. File a petition for substantiation.  
4123 c. To uphold the finding in the Management Information System but  
4124 remove the case from the Licensing Information System on the basis that  
4125 it does not qualify as Severe/Chronic, and direct the requestor to pursue  
4126 an Administrative Hearing to amend the finding to Unsupported.  
4127 d. Maintain the finding in both the Management Information System and  
4128 the Licensing Information System. Direct the requestor to pursue  
4129 recourse through the juvenile court.

- 4130  
4131 C. For ALL cases with a Non-Severe/Non-Chronic finding, the Internal Review Panel can  
4132 determine one of the following:

- 4133 1. To uphold the finding, thus requiring the requestor to pursue an amendment  
4134 through the Office of Administrative Hearings, or  
4135 2. To amend the finding, generally from Supported or Substantiated to  
4136 Unsupported.

- 4137  
4138 D. If the requestor disagrees with an Internal Review Panel amended finding, they may  
4139 request that another review be completed or pursue an Administrative Hearing unless  
4140 the amended finding was Severe/Chronic, then the requestor would need to pursue  
4141 recourse through the juvenile court.  
4142

- 4143 E. In addition to the procedures outlined above, if the requestor was a juvenile at the time  
4144 a Supported or Substantiated finding was made against them, they can follow the  
4145 procedures outlined in Utah Code Ann. [§78A-6-1105](#) to make a request through the  
4146 Juvenile Court for their case(s) to be expunged.  
4147
- 4148 F. Other interested parties involved with a CPS case are not entitled to an Internal Agency  
4149 Review, but can follow the process outlined in Administrative Guidelines [Section 010.5](#) if  
4150 they have concerns regarding the finding made during the course of a CPS investigation.  
4151