

NUMBER

#19-68-08

DATE

April 19, 2019

OF INTEREST TO

County Directors
Social Services Supervisors and
Staff

ACTION/DUE DATE

Effective immediately

EXPIRATION DATE

April 19, 2021

Facility Investigations: Commissioner's Duties

TOPIC

Changes to commissioner's duties regarding facility investigations conducted by local child welfare agencies.

PURPOSE

Inform local child welfare agencies of changes in responsibilities for facility investigations.

CONTACT

Jodi Schommer, Child Safety Program Consultant

Jodi.schommer@state.mn.us

651-431-5571

SIGNED

Nikki Farago
Assistant Commissioner

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Introduction

Effective immediately, the commissioner of human services assumes responsibility to review all facility maltreatment determinations made by local child welfare agencies. The Minnesota Department of Human Services (department), Office of Inspector General (OIG) Division, Background Studies unit (BGS), will now determine whether maltreatment meets the definition of serious and/or recurring and whether there is a disqualification. [Minnesota Statutes, Chapter 245C] Previously, local child welfare agencies (LWA) were responsible for these decisions. This includes facility investigations of child foster care and family child care licensed by the local welfare agency.

A. Processes

When maltreatment is determined in child foster care and family child care licensed by local child welfare agencies, a decision must be made about whether the maltreatment is serious and/or recurring. This decision is now made by the commissioner through the Background Studies unit, for all child foster care applicants, license holders and affiliated individuals. Previously these determinations (serious and/or recurring) were only completed by BGS for unlicensed or not yet licensed programs, and for privately licensed child foster care homes.

Maltreatment determinations in family foster care

Once a maltreatment determination is made and entered into the Social Service Information System (SSIS), the BGS receives an alert or “hit” overnight in its system. Background Studies staff completes a review of the information and identifies maltreatment determinations connected to a licensed program or individual who is “in application” status; meaning an application for licensing has been submitted to a licensing agency, however, the licensing process has not yet been completed. This includes relatives in the process of being licensed.

Special circumstances for family child care

Effective January 1, 2019, background studies for family child care are to be completed by the BGS unit. Because background studies for family child care have been completed by local child welfare agencies prior to this change, therefore previous background records do not exist in the BGS system. As a result, matches cannot be made in the system when a maltreatment finding is made in SSIS. In these circumstances, BGS must be notified of a maltreatment determination in order for it to complete a maltreatment review. Child protection caseworkers must communicate to local welfare agency’s licensing units about a determination the local welfare agency’s licensing unit forwards the information to the department’s Licensing Family Systems triage via secure email to dhs.familyystemstechassistance@state.mn.us, or calling 651-431-6500. This information should include the license holder’s name and license number, the name of the subject identified as the offender, and the SSIS case number. The DHS Family Systems unit is responsible for forwarding the information to BGS.

Process of notifications for family child care (as outlined above):

1. Maltreatment determination by LWA child protection

2. LWA child protection forwards to LWA licensing unit
3. LWA licensing unit forwards to the department's Family Systems unit
4. The Family Systems unit forwards to the department's BGS unit.

Background study review

Once BGS staff reviews the information received via email or through the alert system, they will determine whether maltreatment was serious and/or recurring. If determined to be serious and/or recurring, BGS will issue a disqualification notice. If maltreatment is determined to be simple and non-disqualifying, no notice will be sent. In either case, the local child welfare licensing staff will be notified via disqualification notice or email.

Issuing Notice of Determination

Since local child welfare agencies will not be making serious/recurring decisions of maltreatment moving forward, dual notices are no longer required. Local child welfare agencies must provide a basic Notice of Determination (NOD) letter to required individuals. To do this in the SSIS system, child protection workers create the CPS Notice of Determination, and in the **Setup** screen, select **no** to "Is there a determination that the maltreatment is serious and/or recurring and the individual is disqualified?" An example is below. The department is in the process of modifying fields in SSIS to adapt to changes in this bulletin.

Date range: All From To

Contact Document

Type	Description	Date
Contact		2/12
Document	CPS Notice of Determination	2/12
Document	CPS Notice of Determination	3/20
Document	CPS Notice of Determination	3/8/

Setup: RTF Document Properties Redaction

2 required fields needed to complete.

Document template: CPS Notice of Determination

Description: CPS Notice of Determination

Status: Draft Finalized date:

Document

Document: CPS Notice of Determination

Elements

LetterDate: 3/20/2018

Agency

Agency: Test Policy County Family Services

Agency name: Test Policy County Family Services

Agency phone:

County or tribe or region:

Is agency county or region: Yes

Workgroup

Workgroup: Provider Daycare CP Assessment 9/5/2017

Display the language block? no

Who will receive this notice? non-license holder / facility staff

Is there a determination that the maltreatment is serious and/or recurring and the individual is disqualified? no

Is the facility licensed by corrections? no

Is this notice based on findings for a specific offender? yes

1 . Unlicensed providers

When a child protection facility investigation involves a legally non-licensed provider who is receiving Child Care Assistance Program (CCAP) funding, notify the CCAP worker at the local child welfare agency. Federal law prohibits states from continuing to pay for care when a provider is disqualified, or there is a serious/recurring maltreatment determination.

B. Licensing actions

Once results of a BGS serious/recurring maltreatment review are provided to the local child welfare agency, the local child welfare agency licensur is responsible for recommending a licensing action to Family Systems Licensing. Licensors can refer to the licensing actions samples in their licensur packet for information regarding recommending licensing action. Contact triage at dhs.familyssystemstechassistance@state.mn or 651-431-6500 with questions or consultation on decisions.

If a child protection worker is aware of a licensing action when making final maltreatment determinations, answer **yes** to “Is licensing action recommended?” in the **Conclusions** tab of the **Child Maltreatment Report (CMR)** in SSIS. If there is no licensing action, or it is unknown at the time of final maltreatment determinations, answer **no**. Below is an example of how this is entered in SSIS. Child protection workers may choose to include additional information in **case notes** or the **closing assessment summary**.

Child Maltreatment Report	Description of Incident	Allegations	Reporter(s)	Collateral Contacts	Warning/Comments	Track History	Initial Notifications	Family Conditions	Recommended Services
Victim Information		Facility Information			Appeals		Conclusions		
Maltreatment determined?		<input checked="" type="radio"/> Yes <input type="radio"/> No							
Maltreatment determined after reconsiderations/appeals?		<input checked="" type="radio"/> Yes <input type="radio"/> No							
Are on-going CP services needed?		<input type="radio"/> Yes <input checked="" type="radio"/> No		Is facility responsible?		<input type="radio"/> Yes <input checked="" type="radio"/> No			
Family support services requested?		<input type="radio"/> Yes <input checked="" type="radio"/> No		Is individual responsible?		<input checked="" type="radio"/> Yes <input type="radio"/> No			
		Is licensing action recommended?		<input type="radio"/> Yes <input checked="" type="radio"/> No					
Conclusion Comments:									

C. Local agency reconsideration of maltreatment

Local child welfare agencies will continue to process requests for reconsideration of maltreatment determinations. When a local child welfare agency makes a reconsideration decision in a child protection facility investigation, the department must be notified of outcomes.

- For foster care cases, send a copy of decisions to OIG – Foster Care at: anne.raymond@state.mn.us
- For family child care cases, send a copy of decisions to OIG – Family Child Care at: lynn.roesler@state.mn.us

D. Contact information

For more information regarding conducting facility investigations, refer to Minnesota’s Best Practices for Facility Investigations at <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7593-ENG>. This document will be updated to reflect changes outlined in this bulletin.

For questions regarding child protection, contact the Child Safety and Prevention unit via email: dhs.csp.safety@state.mn.us.

For questions regarding licensing, contact OIG Family Systems via email: dhs.familysystemstechassistance@state.mn.us

For questions regarding background studies, contact OIG Background Studies via email: dhs.backgroundcc@state.mn.us

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.