

WHAT HAPPENS NEXT?

A guide to the NORTH DAKOTA CHILD PROTECTION SERVICES

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NORTH DAKOTA CHILD PROTECTION SERVICES
CHILDREN AND FAMILY SERVICES
North Dakota Department of Human Services
600 E. Boulevard Avenue
Bismarck, North Dakota 58505-0250

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A NOTE ABOUT THIS GUIDE

This guide was designed to help you understand what happens during a child protection service assessment. It is not uncommon to feel angry, scared, helpless or alone. Knowing what to expect can make it less difficult.

The purpose of this pamphlet is to provide answers to the questions which are asked most often after a report of suspected child abuse or neglect has been received by Child Protection Services.

WHAT IS CHILD PROTECTION SERVICES (CPS)?

The purpose of the child abuse or neglect law (North Dakota Century Code 50-25.1) “is to protect the health and welfare of children by encouraging the reporting of children who are known to be or suspected of being abused or neglected; the providing of adequate services for the protection and treatment of abused and neglected children and to protect them from further harm.”

Each county social service department in the state (through CPS) is responsible for receiving reports of suspected child abuse or neglect. The county social worker is responsible for assessing the report. At the conclusion of the assessment, a decision will be made whether services are required to provide for the protection and treatment of an abused or neglected child.

It is important to remember it is the role of CPS to help assure children are safe from harm and assist parents and families in working through problems that may be occurring and obtaining help that may be needed. **A report of suspected child abuse or neglect is only a statement that someone is concerned for a child’s welfare and the family’s well being.**

WHO MADE THE REPORT TO CPS?

According to North Dakota law any person **may** report suspected child abuse or neglect to CPS. Certain professionals are **required** by law to make a report if they suspect child abuse or neglect (for example, social workers, teachers, police, child care workers, doctors). These professionals can face criminal penalties if they fail to report their suspicions. The name of the person who made the report **MUST REMAIN CONFIDENTIAL BY LAW**. In fact, the social worker can be charged with a class B misdemeanor if she or he discloses, to the caregiver (subject), who made the report of suspected child abuse or neglect.

WHAT IS CHILD ABUSE OR NEGLECT?

When a person responsible for a child's health and welfare causes physical or mental injury to a child, engages in sexual activity with a child, deprives a child of necessities or allows someone else to harm a child, that is abuse or neglect.

DEFINITIONS

ABUSE:

A child has been abused when a caregiver inflicts or allows to be inflicted, upon the child, bodily injury, substantial bodily injury, or serious bodily injury. Inflicted physical injury most often represents unreasonably severe corporal punishment. This usually happens when a caregiver is frustrated or angry and strikes, shakes, or throws the child. Intentional deliberate assaults such as burning, biting, cutting and twisting, etc. are also included.

SEXUAL ABUSE:

Sexual abuse involves sexual contact between a child and an adult or significantly older, more powerful person. Sexual abuse may include other exploitative behaviors such as inappropriate sexual comments made to a child, taking or showing sexually explicit photographs or exposing a child to pornography or adult sexual activity.

NEGLECT:

Neglect includes inadequate supervision, inadequate physical environment, nutrition, clothing and hygiene, medical or educational neglect or psychological maltreatment.

INADEQUATE SUPERVISION:

Inadequate supervision is based on the premise that ultimately, the safety, care, well being, and behavior of dependent children is the parent's responsibility, whether they are present to personally supervise or not. Parents are responsible to arrange for appropriate childcare in their absence. Children eight years of age or under should be supervised at all times by an adult or responsible caregiver. Children at age twelve can act as caregivers; however, it is recommended they complete an approved childcare training course. Children under 15 should not be left overnight without adequate adult supervision.

INADEQUATE PHYSICAL ENVIRONMENT:

Inadequate physical environment is present when conditions such as broken glass, spoiled food, feces, drugs accessible to a child, inadequate sewage disposal, inadequate or unsafe heat, accessible chemicals or other dangerous conditions are present in the home. These conditions present risk of harm to children. The surroundings of the home (neighborhood) are also considered.

INADEQUATE NUTRITION:

Inadequate Nutrition is present when a child is not provided adequate nutrition and nourishment.

INADEQUATE CLOTHING AND HYGIENE:

Neglect is considered when there is failure to provide clothing adequate for the weather, when lack of cleanliness causes the child to be offensive to others or ostracized because of body odor.

MEDICAL NEGLECT:

Medical neglect is present when parents fail to seek medical or dental treatment for health problems or conditions, which if left untreated, could present danger to the child.

EDUCATIONAL NEGLECT:

Educational neglect is the failure to make arrangements and/or provide for a child's education; whether it is public schooling, private schooling or home schooling.

PSYCHOLOGICAL MALTREATMENT:

A child is psychologically maltreated when there are consequences to a child related to patterns of behavior by a caregiver that involve **rejecting, isolating, threatening, ignoring and/or exposing a child to negative influences**, regardless of the adult's intention in doing so. Children who exhibit emotional or behavioral problems related to the caregiver's behavior, children who are placed in the middle of disputes between their caregivers and children whose caregiver's ability to provide protection or supervision is limited (by substance abuse, mental illness, or other reasons) may also be psychologically maltreated. Extreme discipline, confinement such as being locked in a closet, excessive control of a child's actions which inhibit growth and development, and children's exposure to domestic violence are additional examples.

WHAT DOES A CHILD PROTECTION SERVICES SOCIAL WORKER DO?

When the county social services office receives a report of suspected child abuse or neglect, a trained Child Protection Services (CPS) social worker is assigned to assess the concerns in the report. The usual first steps are to assess for immediate safety of the child, check for past or current reports and make contact with people who can give more information to help assess the child's safety and the risk of future maltreatment. The social worker may talk to a child at school and visit the family at home. According to North Dakota law the CPS social worker may interview a child without the consent of a person responsible for the child's welfare, if abuse or neglect is suspected. The goal of child protection services is to protect the child.

WILL A CHILD BE TAKEN FROM THE HOME?

CPS social workers must work to keep a family together unless a child is in danger and cannot be protected in the home. If a child is in immediate danger, the child may be placed in protective custody by the court. Children may be placed in temporary protective custody or shelter care only by order of the court. Police officers and doctors also have limited authority to take emergency custody of children who are in danger. Parents or legal guardians have a right to participate in a shelter care hearing, which is scheduled within the following 96 hours.

WILL LAW ENFORCEMENT BE INVOLVED?

Law enforcement and CPS often work together during the assessment of a CPS report. If the report of suspected child abuse or neglect alleges a violation of a criminal statute involving sexual or physical abuse, North Dakota law requires coordination between CPS and law enforcement. Law Enforcement may also be involved when an assessment includes other types of alleged criminal violations such as domestic violence, prescription or illicit drug use or for the safety of the child protection worker.

WHAT IS THE OUTCOME OF AN ASSESSMENT?

The outcome decision of the CPS assessment is made with the assistance of a local multi-disciplinary child protection team in most instances. The CPS social worker and supervisor participate in the decision-making, but the Regional CPS Supervisor is the person with responsibility for the decision. Upon completion of the assessment of the report of suspected child abuse or neglect, a decision must be made **whether services are required** to provide for the protection and treatment of an abused or neglected child. The decision is either:

1. Services required
2. No services required

When a decision is made that **no services are required**, it is a decision that reflects the belief that **a child is not abused or neglected** as defined in the law. Services may be offered or recommended to the family even though no services are required for the protection of a child. When a decision is made that **services are required**, it is a decision that reflects the belief that a **child is abused or neglected** as defined in the law. Services required decisions are referred to the court for potential legal action. However, not all services required cases will result in legal action.

WHAT HAPPENS TO THE ASSESSMENT INFORMATION?

All information gathered during the assessment is confidential. However, the child abuse and neglect law outlines authorized disclosure of information to certain persons. These include, but are not limited to; physicians, persons who are authorized to place a child in protective custody, child protection teams, public officials and the court. State law requires that a child abuse information index be maintained for all decisions that **“services are required”**. The name of the subject(s) and information on the case is kept on this index. The information is retained for 10 years and remains confidential. Information can be released with written authorization from the person who is the subject of the report. When the decision is “no services required”, the name of the subject(s) is **not** kept on the index.

REFERRAL FOR CHILDREN UNDER AGE 3

After a child protection services assessment is completed and a decision has been made that services are required for the protection and treatment of a child, a federal law requires the child protection social worker to refer children under the age of three years for an Early Intervention Services evaluation. This means that the child protection services social worker will send your name, address, and phone number (if you have one) to a representative of Early Intervention Services, who will contact you about scheduling an evaluation of your child's strengths and needs. This service is voluntary and available at no cost to families.

APPEAL PROCEDURE

The subject (caregiver) of a report of suspected child abuse or neglect who is aggrieved by the decision of the assessment may file an appeal of the decision. Only the **subject** of a report may file an appeal. An appeal of the decision of "**services required**" means the subject believes the decision should be changed to "no services required". An appeal of the decision "**no services required**" means that the subject believes the decision should be changed to "services required." A completed form requesting an appeal hearing must be received by the appeals office at the State Capitol within 30 days after the date of the notification letter of the assessment report decision. Information on the procedures for an appeal and copies of the form to file an appeal are available from the county social service office and online at:

<http://www.nd.gov/eforms/doc/sfn00462.pdf>.

The rules governing this process can be found in Administrative Code Ch. 75-03-18.

GRIEVANCE MEETING

The subject of a report of suspected child abuse neglect who is aggrieved by the conduct of the assessment may request a grievance meeting with the County Social Service Office. The request must take place within 10 days from receiving the written notification of the case decision. Information on the procedures for a grievance meeting and copies of the form to use to file are available from the county social service office and online at:

<http://www.nd.gov/eforms/docs/sfn00465.pdf>.

The rules governing this process can be found in Administrative Code Ch. 75-03-18.1.