

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(14) Resource Development	<b>Effective Date:</b>	March 2015
	<b>Policy Title:</b>	Policy Violations		
	<b>Policy Number:</b>	14.22	<b>Previous Policy #:</b>	1015.25 - 1015.33

<b>CODES/REFERENCES</b>
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N/A

<b>REQUIREMENTS</b>
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A Child Protective Services (CPS) Intake Report must be made to the Division of Family and Children Services (DFCS) whenever there is concern that DFCS Safety and Quality Standards (SQS), policies in the Foster Parent Manual or, in the case of Child Caring Institutions (CCIs), safety or well-being standards in the Room Board and Watchful Oversight (RBWO) Minimum Standards have been violated. Intake reports that do not reflect allegations of child maltreatment are assigned to the appropriate personnel for a policy violation assessment.

If any sign of child maltreatment is discovered during the course of completing a policy violation assessment, DFCS and/or Child Placing Agency (CPA) staff must immediately make a Child Protective Services (CPS) report (see policy [4.5 Intake: Mandated Reporters](#)).

DFCS/Child Placing Agency (CPA) shall initiate an assessment of any report of a policy violation (e.g. inappropriate discipline) in an approved Family Foster Home or approved relative placement within 24 hours of receipt. The completed assessment shall be written and filed in the foster parent record.

DFCS shall initiate an assessment of any report of a Standards violation occurring in a Child Caring Institution (CCI) within 24 hours of receipt.

DFCS, CPAs, and CCIs shall complete assessments of policy violations **within 15 calendar days** from the date the report of the violation was received.

A Corrective Action Plan (CAP) shall be used as a rehabilitative measure to address policy violations when appropriate.

The DFCS Office of Provider Management (OPM) shall serve as the final approval authority for any policy violation assessment and CAP related to a CPA family foster home or a CCI. **Exception:** When a policy violation is identified as a result of a CPS Investigation, the decision not to implement a CAP will require concurrence from the State Office (Policy Unit). This applies to DFCS and CPA Family Foster Homes.

County DFCS shall submit the Policy Violation Assessment Notification and Request for Concurrence to the State Office (Policy Unit) for concurrence review within 10 calendar days of completion.

## PROCEDURES

**Upon receiving notification of a policy violation involving a DFCS family foster home or relative placement resource, the Resource Development (RD) Administrator or Designee will:**

1. Review the alleged policy violation(s) within 24 hours of receipt and assign a RD and/or Permanency Case Manager to complete a policy violation assessment.
2. Assure that notification is provided to the OPM in Georgia SHINES, the Statewide Automated Child Welfare Information System, if the alleged policy violation involves a family foster home managed by a CPA.
3. Notify the applicable adoption case manager and the DFCS Regional Adoption Coordinator (RAC) if the policy violation involves a child for whom an Adoptive Placement Agreement has been signed, but the adoption has yet to be finalized.
4. Hold a staffing or consultation with the Permanency/Adoption Supervisor, RD Case Manager, and the child's Social Services Case Manager (SSCM) within 48 hours following the completion of the policy violation assessment to discuss the assessment findings and to decide if the home should remain open to new placements during a CAP (if applicable).
  - a. Depending on the nature and implications of the violation, the Regional Adoption Coordinator and Field Program Specialist may be involved.
  - b. Ensure all documentation related to the policy violation is completed and submitted prior to the staffing to ensure it supports what is presented during the staffing.
5. Consider allowing a caregiver's home to remain open under a CAP following a validated policy violation if the policy violation does not impact the safety and well-being of a child.
  - a. If deemed appropriate, the home should be placed on hold in Georgia SHINES while the CAP is in place.
  - b. The CAP must be agreed upon and signed by all participants.
6. Schedule a meeting with the assigned RD or Permanency Case Manager and caregiver to discuss the policy violation and develop a CAP, if appropriate.
7. Review the RD Case Manager's documentation for the duration of the CAP, if applicable, to ensure the objectives are being met. Discuss with the RD/Permanency Case Manager any concerns about the caregiver's progress toward meeting the outlined objectives.
8. Offer guidance to the RD/Permanency Case Manager on assisting the caregiver with completing the objectives and enhancing the caregiver's protective capacities.
9. Submit the Policy Violation Assessment Notification and Request for Concurrence and any related CAP to the State Office within 10 business days of completion.
10. Approve the removal of the "hold placements" designation in Georgia SHINES for any applicable foster home upon satisfactory completion of the CAP.

**Upon receiving notification of a policy violation involving a DFCS family foster home or relative placement resource the RD and/or Permanency Case Manager will:**

1. Initiate the assessment of any policy violation within 24 hours of receipt, including making face-to-face contact with any child impacted by the alleged policy violation.
2. Assure any applicable foster home has been placed on “hold placements” status in the FAD stage of Georgia SHINES during the policy violation assessment.
3. Visit the home of the caregiver within the required 24 hour response time to interview the caregiver(s) and assess the allegations of the report. Through interviews and observation, thoroughly assess the safety of all children placed in the home throughout the visit.
4. Prior to the expiration of the 15-day assessment timeframe, conduct separate interviews with the caregivers, children in DFCS custody, and all other household members.
  - a. Re-interview household members as necessary to clarify any discrepancies in statements.
  - b. Observe and analyze caregiver-child interactions for insight on family functioning.
  - c. Inspect the condition of the caregiver’s home and property for the presence of safety threats or hazardous conditions.
  - d. Make collateral contacts as needed to gain more information or confirm statements made by the caregivers and household members.
5. Discuss preliminary findings with the caregivers and review the SQS so caregivers have a clear understanding of DFCS expectations regarding caregivers.
6. Complete the policy violation assessment within 15 calendar days and document the results under the Contacts/Summaries Tab (for relative placement resources) and the Non-Compliance Tab in Georgia SHINES (for family foster homes). The Policy Violation Report must be completed and approved in Georgia SHINES.
7. Upload into External Documents of Georgia SHINES all documents relevant to the policy violation assessment (e.g., law enforcement reports, medical records, school records, previous CAPS, etc.)
8. Immediately make a CPS report if there is any evidence of abuse or neglect and notify the RD/Permanency Supervisor.
9. Participate in a staffing with the RD Supervisor, Permanency/Adoption Supervisor, and the child’s SSCM within 48 hours following the completion of the policy violation assessment to discuss the findings, including any observed deficiencies in caregiver protective capacity. Recommend closure of a home if:
  - a. There is an identified threat to the safety of a child;
  - b. The family has committed a second Discipline or Serious policy violation;
    - i. A waiver may be requested to keep a home open after a second Discipline or Serious policy violation for the purpose of securing permanency for a child currently residing in the home.
    - ii. A waiver request must contain a compelling justification for the home to remain open, including the following:
      - 1) Documentation of the safety of children in the home;
      - 2) The length of time any child in DFCS custody has been in the home and the child’s permanency goal;
      - 3) An approved CAP; and
      - 4) Any additional documentation from treatment providers

and/or other professionals that have knowledge of the family and/or child.

iii Waiver requests are sent to the office of the State Foster Care Services Director via the state waiver mailbox:

[dfcs-waivers@dhs.ga.gov](mailto:dfcs-waivers@dhs.ga.gov).

- c. The family is not amenable to change, correction, or DFCS intervention (i.e., refuses to cooperate with the assessment process or refuses to sign a CAP)
10. Implement a CAP within three business days of the staffing if the policy violation does not have a direct impact on the safety and well-being of a child; make at least two in-home monthly visits (announced and unannounced) to the caregiver's home during the corrective action period.
11. Place the foster home (if applicable) on hold in Georgia SHINES via the Home Approval Section of the Home Information Page while the CAP is in place; document all announced and unannounced visits to the home during the corrective action period.
12. Make no additional placements in the relative home (if applicable) during the corrective action period; document all announced and unannounced visits to the home.
13. Complete the CAP within a six-month period, and record the date the objectives are completed. The duration of a CAP can be for as short a period of time as necessary to accomplish the desired result, but should not exceed six months.
14. Waive the standard 10 day notification to the caregiver when it is necessary to relocate children due to policy violations or safety concerns.

**Upon receiving notification of a policy violation or CPS screen out in a CPA family foster home or CCI, OPM staff will:**

1. Immediately review the report of any alleged policy violation to confirm the allegation(s) require a policy violation assessment. If not, collaborate with the OPM. For a CCI, this review is conducted with consideration of the RBWO Minimum Standards.
2. Contact the CPA or CCI within 24 hours of reviewing/approving the report of the policy violation to inform them of the need to complete a policy violation assessment and report the findings to OPM within 15 calendar days of assignment.
3. As warranted, request to review the CPA's or CCI's own records of previous violations (i.e., CPS reports, policy violations, or standards violations) and compare this information to what is known to OPM.
4. Determine if OPM needs to directly conduct an assessment of the alleged policy violation.
5. Place the CPA family foster home on hold in Georgia SHINES to prevent additional placements from occurring during the policy violation assessment process. If deemed appropriate, the home may also be placed on hold during the period of an applicable CAP. A CCI may be placed on hold for further admissions, if warranted.
6. Within 10 calendar days of receiving the completed policy violation assessment from the CPA/CCI:
  - a. Review the policy violation assessment for concurrence to ensure all pertinent issues were adequately addressed and any proposed CAP is adequate to remedy the identified policy violation(s) prior to granting final approval;

- b. Discontinue utilizing the home as a placement resource for children in DFCS custody if:
    - i There is an identified threat to the safety of a child;
    - ii The family has committed a second Discipline or Serious policy violation; and/or
    - iii The family is not amenable to change, correction, or corrective intervention (i.e., refuses to cooperate with the assessment process or refuses to sign a CAP).
  - c. Consider allowing a home with a second Discipline or Serious policy violation to remain open for the purpose of securing permanency for a child; The CPA/CCI would need to submit a waiver request to the DFCS Foster Care Services Director with compelling justification for the home to remain open including the following:
    - i Documentation of the safety of children in the home;
    - ii The length of time any child in DFCS custody has been in the home and the child's permanency goal;
    - iii An approved CAP; and
    - iv Any additional documentation from treatment providers and/or other professionals that have knowledge of the family and/or child.
  - d. Notify the CPA/CCI whether or not OPM concurs with the policy violation assessment.
    - i If the allegations of a policy violation were unsupported, and OPM concurs with the findings, no further action is required from the CPA/CCI.
    - ii If the allegations of a policy violation were supported and closure of the foster home is not indicated, the CPA/CCI is required to complete a CAP and submit it to OPM for final approval.
    - iii If OPM does not concur with the assessment recommendations or has issues/concerns regarding the assessment or proposed CAP, the CPA/CCI will be requested to address any issues/concerns within 72 hours and resubmit to OPM for concurrence.
    - iv If OPM concurs with the assessment recommendations, it will notify the CPA/CCI whether or not a CAP is required.
  - e. Notify the Adoption Exchange and State Permanency Unit of a supported policy violation involving a child with a permanency plan of adoption or guardianship and provide a copy of the policy violation assessment and related CAPs.
  - f. Upload the policy violation assessment and any corresponding CAP into the External Documents section within the FAD stage in Georgia SHINES.
7. Document the completion date of the CAP in the FAD stage within 72 hours of receipt of the information from the CPA/CCI.
  8. For CCIs, document all Standards violations and any corresponding CAP.
  9. Make a determination if a CPA/CCI foster family may be removed from hold status.
  10. Notify the DFCS SSCM, Supervisor, and Administrator for any child placed in the CPA/CCI family foster home when a policy violation occurred that the policy violation assessment is available for review in Georgia SHINES.

**Upon receiving notification of an alleged policy violation in one of its family foster homes, a CPA or CCI will:**

1. Document the incident into GA+SCORE and initiate a policy violation assessment within 24 hours of receiving notification, including making face-to-face contact with the foster parents and any child impacted by the alleged policy violation.
2. Complete the policy violation assessment violation within 15 calendar days and forward the documented results to OPM within 48 hours of completion of the assessment.
3. Address any issues or concerns raised by OPM regarding the policy violation assessment within 72 hours of notification.
4. Develop a CAP with the input of the foster parent(s) and DFCS SSCMs for children placed in the foster home.
5. Submit the CAP to OPM within 72 hours of receiving the request from OPM, if applicable.
6. Monitor the foster family's compliance with a CAP and ensure all CAP requirements are fulfilled within six months.
7. Notify OPM when a CAP is satisfactorily completed and request the "hold placements" designation regarding the foster home be removed.
8. Notify OPM of the closure of a foster home if a CAP is not satisfactorily completed.

<b>PRACTICE GUIDANCE</b>
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**What are policy violations?**

Policy Violations are actions performed by an approved caregiver (DFCS or CPA Family Foster Home, Relative Placement, or CCI), that may breach any DFCS Safety and Quality Standard, but do not constitute abuse or neglect. Policy violations generally fall into two categories 1) Discipline or Serious and 2) low risk.

Discipline or Serious policy violations include acts or situations by the caregiver that pose an immediate or potential threat to the safety or well-being of the child in care. These may include, but are not limited to, inappropriate disciplinary measures (both physical/corporal and emotional), violations of supervision, or any other safety requirements.

Low risk policy violations include actions or situations that do not pose a direct or immediate risk to the safety and well-being of the child. These may include the following or similar infractions:

1. Lack of required annual Continued Parent Development (CPD) hours;
2. Inappropriate utilization of an approved home (see Safety and Quality Standards);
3. Lack of cooperation in assuming a partnership role with the agency in meeting the needs of the child;
4. Inappropriate disclosure of confidential information regarding the child;
5. Inappropriate use of *acceptable* disciplinary practices (e.g., extended periods of time out, etc.); and
6. Inappropriate assignment of chores or work responsibilities.

**Policy violations may lead to removal of a child from an approved placement resource**

The decision to remove a child is made as soon as a safety threat is identified. If possible, a DFCS Director, Administrator, or Supervisor in the DFCS office with legal jurisdiction should

be contacted to approve the removal of a child from a placement. DFCS must immediately locate a safe, appropriate alternative placement for children that have been removed from an approved out-of-home placement and provide appropriate supportive services. DFCS staff must always display professional and respectful behavior toward the caregivers when removing children from their home or facility.

### **Policy violations may lead to closure of a foster home**

While generally less severe than an allegation of abuse or neglect, a policy violation may be sufficient grounds for closing a foster home or may require other action. Unless policy requires a home to be closed, the County Director should consider the following factors in determining whether or not to allow an approved DFCS foster home to remain open:

1. Severity of the incident;
2. Parenting practices demonstrated by the caregivers;
3. Prior placement disruptions experienced by the foster parent or child;
4. Willingness of the caregivers to embrace alternative approaches to correct the problem or change the undesirable behavior (e.g., training or counseling);
5. Quality of the relationship between the caregivers and the child in care; and
6. Caregivers' demonstration of increased protective capacity as a result of satisfactory completion of a CAP.

**NOTE:** These factors should also be considered when implementing a CAP with the family.

### **Corrective Action Plan (CAP)**

The purpose of a CAP is to support caregivers in the development and utilization of acceptable methods of meeting the needs of children in care and to clarify the agency and the caregiver's role in preventing further violations of the foster care policy, thus ensuring the safety and well-being of the child in the home. The CAP serves as a supportive rather than a punitive intervention. It is implemented following a caregiver's first policy violation if the violation does not have a direct impact on the safety and well being of a child. A CAP must:

1. Identify the issues to be addressed;
2. Set forth the steps for taking corrective action;
3. Identify any assistance or resources that will be utilized to complete the action steps; and
4. Specify dates for completing each step. All steps are to be completed no later than six months from the date the CAP is approved.

After assessing and identifying issues impacting child safety or well-being, the RD and/or Permanency Case Manager utilize the CAP as a tool to change the behavior of household members or household conditions. RD Case Managers are primarily responsible for monitoring CAPs in DFCS Foster Homes. Permanency Case Managers are primarily responsible for reporting compliance with CAPS in DFCS family foster homes as well as managing CAPS involving relative placement providers. CPA staff is responsible for monitoring CAPS in CPA Foster Homes. OPM staff is primarily responsible for monitoring CAPS in CCIs. Results are measurable, tangible, and time-limited, and are documented in Georgia SHINES. The plan may be adjusted if needed but should be completed within six months. IMPACT modules may be used as a part of the CAP.

The CAP is mutually completed with the involvement of the foster parent(s), relative caregivers, licensing/approving authority, and DFCS staff responsible for the children

residing in the placement resource. Other parties (e.g., child service providers, etc.) may also participate in the development of a CAP. The CAP is signed by the applicable agency monitor (i.e., RD/Permanency Case Manager, CPA staff, or OPM staff) and both caregivers (if applicable). The CAP must be approved and signed by the applicable agency director or designee (i.e., DFCS County Director, CPA Director, or OPM Director) to ensure that liability and safety issues have been adequately addressed. The caregivers and DFCS staff responsible for the children placed in the home should always be given a copy of the CAP. Unannounced visits may be required as a component of a CAP. The CAP is not used as a safety plan for foster parents. If the safety of children in a home is an issue, action should be taken to expedite their removal and consideration given to closure of the foster home.

### **Foster Parent Appeal of Decisions**

Decisions made as a result of CPS investigations may not be grieved under the *Foster Parent Grievance Procedure*.

### **Residential Child Care (RCC)**

RCC is part of the Office of the Inspector General. RCC inspects, monitors, and licenses Child Caring Institutions (CCI), Child Placing Agencies (CPA), Outdoor Child Caring Programs, Children's Transitional Care Centers, and Maternity Homes.

<b>FORMS AND TOOLS</b>
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[Non-Compliance Documentation- Georgia SHINES Job Aid](#)

[Policy Violation and Corrective Action Plan Facts](#)

[Room Board and Watchful Oversight \(RBWO\) Minimum Standards](#)