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<b>Approved</b>	<b>Cynthia K. Walcott, Deputy Commissioner</b>	<b>Interim: 7/1/2009</b>
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## Purpose

To describe the process and requirements for conducting a family assessment under the authority of 33 VSA Chapters 49 or 51.

## Policy

### Family Assessment Response

The division conducts family assessments under a number of different circumstances, under the authority of either 33 VSA Chapter 49 or 33 VSA Chapter 51.

<b>Chapter 49 Assessment</b>	
Chapter 49 Assessment	A report of child abuse or neglect has been accepted as a valid allegation and has been assigned for an assessment response
<b>CHINS(B) Assessment</b>	
Serious Risk to Health and Wellbeing	A pattern of concerns or a single incident does not meet criteria for acceptance under 33 VSA Chapter 49, but the child may be without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being
Educational Neglect	Allegations that a parent/caretaker has neglected a child's education. 16 VSA §1121 requires that a person having the control of a child between the ages of six and 16 years shall cause the child to attend a public school, an approved or recognized independent school or a home study program for the full number of days for which that school is held, unless the child: <ul style="list-style-type: none"> <li>○ is mentally or physically unable to attend; or</li> <li>○ has completed the tenth grade; or</li> <li>○ is excused by the superintendent or a majority of the school directors as provided in this chapter or</li> <li>○ is enrolled in and attending a postsecondary school which is approved or accredited in Vermont or another state.</li> </ul>
Pre-natal concerns	<ul style="list-style-type: none"> <li>• A woman is pregnant and either parent or caretaker has a substantial history with DCF that would warrant the opening of an assessment at the time of the birth.</li> </ul>
Pre-natal substance abuse	<p>A physician certifies or the mother admits to use of illegal substances or non-prescribed prescription medication during the last trimester of their pregnancy.</p> <p>When there is an allegation that there is likely to be a serious threat to a child's health or safety due to the mother's substance abuse during pregnancy, intervention before a child's birth may assist the family to remediate the issues and avoid the need for DCF custody after the birth. Therefore, such assessments may begin approximately one month before the due date or sooner if medical findings indicate that the mother may deliver early.</p>

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Newborn affected by pre-natal substance use	<ul style="list-style-type: none"> <li>• An newborn has a positive toxicology screen for illegal substances or prescription medication not prescribed to the patient or administered by a physician; or</li> <li>• A newborn has been deemed by a medical professional to have Neonatal Abstinence Syndrome through NAS scoring as the result of maternal use of illegal substances or non-prescribed prescription medication.</li> </ul>
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### Definition of Commencing

Commencing the assessment requires making initial contact with person responsible for the child's welfare.

### Required Time for Commencing an Assessment

Chapter 49	CHINS(B)
<p>When information is received that is considered a valid allegation of child maltreatment, the division will respond within 72 hours.</p> <p>The District Director, Child Protection Director or Child Safety Assessment Manager may waive the requirement commence the assessment within 72 hours only when, in his or her judgment:</p> <ul style="list-style-type: none"> <li>• it would be harmful to the child<sup>1</sup></li> <li>• there is danger to the worker; or,</li> <li>• the victim cannot be located.</li> </ul> <p>The rationale for the waiver will be documented in FSDNet. The issues necessitating the waiver will be addressed so that the assessment can commence as soon as possible.</p> <p>Assessments are assigned a response priority based on information available at the time of intake. Response times are:</p> <p>Level 1: Commence by end of current work day            Level 2.1: Commence within 72 hours            Level 2.2: Commence within 72 hours</p> <p>The supervisor will document the reason for any override of response priority.</p>	<p>When a report is accepted for CHINS(B) assessment, the assigned worker will commence an assessment within five days of receiving the report. If safety of the child is an issue, the assessment will commence sooner.</p>

<sup>1</sup> Example: when commencing the investigation within 72 hours would result in repeated interviews to the child when the child is not at imminent risk and the alleged perpetrator will not have unsupervised access to the child.

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### Supervision of Family Assessments

The assessment supervisor will supervise all family assessments, even if the social worker normally reports to another supervisor.

#### Focus on Safety

The first priority of the social worker in a family assessment is to assess child safety:

- Is the child safe now? Will he or she be safe in the near future?
- If not, what needs to be done to promote safety?
  - Is out of home placement necessary?
  - If the child must leave home, is a familiar person available to provide short-term care?
  - Is DCF custody a necessary element to promote safety?

#### Planning the Assessment

Thoughtful planning of a family assessment is critical, in order to minimize the risk to the child, other family members, and the worker. Issues to be considered in planning include:

- What history does the division have with the family?
- Could the assessment place the child at higher risk? How can we minimize that risk?
- How do issues of domestic violence or substance abuse in the family affect the approach to the assessment?
- Are there risks to the worker? How can they be minimized?
- What is the appropriate sequence of interviews?
- What environment will be most comfortable for the child to be interviewed or observed?
- How can repeat interviews, especially with the child, be avoided?

#### Case Types in SSMIS Supervisory Tracking Form

<b>Chapter 49</b>	<b>CHINS(B)</b>
CA	CJ

If the case changes track to an investigation, the Supervisory Tracking Form should be updated to reflect the date of the change; the case type should be changed to CI.

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### Reassignment from Family Assessment to Investigation Response

The division shall begin an immediate investigation if, at any time during a family assessment, it appears that an investigation is warranted.

Examples of situations when track reassignment may occur are:


1. The social worker determines that criteria for mandatory investigation are met (see Policy # 52) , in spite of what was known to the reporter.
2. The child’s condition requires photographs, x-rays or other medical imaging and the parent refuses permission.
3. The person responsible for the child’s welfare is unwilling to allow access to the child and there is no independent, objective verification that the child is safe (e.g. physician has examined child; child is attending full-time school or child care). Whenever possible, the social worker should inform the person responsible for the child’s welfare of the division’s obligation to assess child safety and the intent to reassign the matter for investigation, so he or she can make an informed decision.
4. The parent or caretaker is unwilling to cooperate in a discussion of the concern or a plan to address the identified issue after reasonable attempts have been made by the division to overcome initial lack of cooperation.

A social worker may use professional judgment to change to an investigation response if during a field visit it becomes apparent that criteria for mandatory investigation are met (#1 above.) Changes for other reasons must be approved by the district director. All changes and the rationale for them must be documented in FSDNet as an append to the intake.

### Requirements for Assessments

A family assessment includes:

1. An interview with the child’s parent, guardian, foster parent or any other adult residing in the child’s home who serves in a parental role. The interview will focus on ensuring immediate safety of the child and mitigating future risk of harm using an approach that engages the family in a collaborative process.
2. An evaluation of the safety of the subject child and any other children living in the same home. The evaluation may include an interview or observation of the child(ren), and will occur with the permission of the child’s parent, guardian or custodian.

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3. In collaboration with the family, an identification of the family’s unique strengths, resources and services needs and the development of a plan of services that reduces the risk of harm and improves or restores family well-being.

**Assistance from Law Enforcement**

Generally, law enforcement assistance is not necessary in family assessments. However, this will be determined on a case-by-case basis after discussion between supervisor and social worker.

**Engaging Families in the Assessment Process**

Assessment requires workers to engage with families in order to build collaborative relationships. This requires thoughtful consideration of every communication with the family, from the moment the case is opened. Some ways to consider engagement during assessment and demonstrate this through behavior are described below:

1. Call ahead to schedule an appointment (whenever possible); minimize unannounced home visiting.
2. Consider the language used with the family. Referring to things such as “report”, “interview” and “investigation” can be difficult for the family to understand or to accept. Consider using terms such as “we received a call with concerns” and “assessment” or “would like to arrange a meeting or time to talk.”
3. Offer the caretaker the opportunity to invite a support person to attend the initial meeting with the family.
4. Arrange a time and location to meet with the family that is comfortable for them. Be as flexible as possible.
5. Explain to the parent that you must see, and preferably speak with the child to assure the child’s safety. Engage the parent in planning appropriately for that contact.

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### Required Notifications to People Being Interviewed

<b>Chapter 49</b>	<b>CHINS(B)</b>
33 VSA . § 4921 requires that the division inform the parent or guardian of the child that: <ul style="list-style-type: none"> <li>• a report has been accepted as a valid allegation and that the division is conducting an assessment; and</li> <li>• they may request a redacted record of the assessment, unless they are the alleged perpetrator.</li> </ul>	
Federal law requires that the division inform the alleged perpetrator, at the time of the initial contact, of the complaint or allegation made against the individual. In making this notification, the confidentiality of the reporter will be protected, unless the reporter has given permission for his or her identity to be shared.	
<b>Both</b>	
Before interviewing any person as part of an assessment, the social worker will make the person aware of their right to receive reasonable accommodations in order to participate in the interview. <sup>2</sup>	

### Working with Individuals with Limited English Proficiency

As an agency receiving federal funds, the division is governed by Federal Executive Order # 13166 which required that agencies adopt plans to ensure that persons limited in English proficiency "can meaningfully access programs and activities."

The Agency of Human Services (AHS) policy requires that all departments provide language assistance as may be needed to ensure meaningful access to our programs. AHS maintains three forms of interpretive services:

- **In-person Interpretive Services:** The Agency maintains contracts to provide in-person interpretive services throughout the state.
- **Written Translation Services:** The State, through the Department of Information & Innovation, maintains a contract to provide translation of documents, brochures, application forms and any other needed written materials for all state agencies and departments.

<sup>2</sup> Suggested language for notification is as follows: "DCF has received a call expressing concern that your child may be abused or neglected. We need to speak to you about that concern. If you have a disability and need, or think you may need, an accommodation in order to participate in the interview, please let us know. We will discuss your needs and provide you with a reasonable accommodation".

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- **Telephonic Services:** The State, through the Department of Information & Innovation, maintains a contract for assistance to allow all state agencies and departments to access interpretive and translation services telephonically.

When conducting a family assessment in which a caretaker or child has limited English proficiency – or who is deaf or hard of hearing -- the social worker will arrange for appropriate interpretive services. Children will not be asked to interpret for their caregivers.

#### **Interviewing or Observing the Child**

As a rule, the child will always be seen as part of a family assessment. This requirement may be waived by a supervisor only if there is independent, objective verification that the child is safe (e.g. physician has examined child; child is attending full-time school or child care). The child may not be interviewed or observed without permission of the child’s parent, guardian or custodian. If the parent, guardian or custodian refuses permission, and the division has reason to believe that the child’s safety cannot be assured, the division shall commence an child abuse or neglect investigation (see Policy 52).

The vulnerability of each child is considered throughout the assessment. Young children cannot protect themselves. For older children, inability to protect themselves could result from diminished mental or physical capacity or repeated victimization.

#### **Additional Interviews**

Depending upon the nature of the allegation, and the family’s response to the assessment, the social worker may also interview other people who may have information about the child and family, including persons suggested by the family.

In conducting other interviews during the assessment, care should be taken to protect the confidentiality of the child and family, revealing only what is absolutely necessary to obtain desired information.

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### Assessing and Planning for Safety

Assessing safety is the first priority during a family assessment; safety assessment focuses on present or impending danger to the child. It is a casework process that involves the social worker, the family, and others who are engaged with the family.

- A child is in **present danger** when an immediate, significant and clearly observable family condition is currently endangering or threatening to endanger a child and therefore requires prompt response.
- There is **impending danger** when family behaviors, attitudes, motives, emotions and/or situations pose a danger that may not be currently or always active, but can be anticipated to become active and have severe effects on a child at any time.

The assessment of safety requires evaluating present dangers, child vulnerability, child and family protective capacities.

- **Present dangers** are caretaker conditions that lead to serious harm or threatened serious harm.
- **Child vulnerabilities** are characteristics that make the child more likely to be maltreated and less likely to be able to participate in a plan for safety. Children in the home must be assessed independently.
- **Protective capacities** are attributes that can mitigate the presence of or threat of serious harm to a child when activated on the child's behalf. Not all family strengths are protective capacities.

The safety assessment focuses on determining if the child is safe or unsafe:

- **Safe** is a condition in there are no danger indicators; the child appears to be safe.
- **Safe with Safety Plan** - There is at least one danger indicator, and there may be protective capacities that can mitigate the danger. A safety plan is in place that addresses the identified dangers, and if successfully carried out, will allow the children to remain in the home. The plan may include informal placement with a safe friend, relative or non-resident parent as a temporary measure.
- **Unsafe** -- There is at least one danger indicator, and protective capacities are not sufficient to mitigate the danger at this time. A court order or voluntary care agreement with placement outside the home for one or more children is the only way possible to protect the child from immediate or serious harm.

The Assessment of Danger and Safety is a vehicle for the documentation of the safety assessment and the safety plan. The Assessment of Danger and Safety must be documented within 24 hours of the first interview with the family. If any danger items are selected, the Family Safety Planning framework will be used to complete a safety plan with the family.

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The Assessment of Danger and Safety will be updated when dangers were identified, but transfer for ongoing services is not recommended.

**Co-occurring Child Safety Concerns and Domestic Violence**

Family assessments may involve co-occurring domestic violence. In such cases, although our primary duty is to ensure child safety, ensuring safety for the adult victim is often closely linked to ensuring safety for the child.

Safe intervention when child safety concerns and domestic violence co-occurs requires addressing risks to both children and adults who fear retaliation or harm by the batterer as a result of our intervention. Examples of safe intervention practices include:

- Interviewing adult victims and children in supportive and confidential sessions separate from the batterer; and
- Developing safety plans in collaboration with the adult victim and children that address their unique immediate and future safety needs.

Information provided about domestic violence should not be shared with the alleged perpetrator of domestic violence.

When documenting information regarding domestic violence, the social worker should avoid language that blames the adult victim for the batterer’s abusive behavior.

**Substance Use / Abuse**

Nationwide, federal Child and Family Services Reviews have documented that parental substance use disorders were a factor in 16% to 48% of cases. Substance use disorders were found in families who repeatedly came to the attention of the child protection agency.

Social workers should be informed about and be comfortable in screening for substance use issues in order to appropriately engage families to address underlying issues of risk. In addition to utilizing the information contained within the accepted report, social workers may utilize the screen found in the Appendices section of Family Services Division Policy Manual (Appendix 9) in an effort to identify substance use issues that may need further professional assessment. If any of the answers are yes, a referral to assessment is appropriate.

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### Working with Individuals with Disabilities

The department recognizes that persons with a disability can be successful parents and may need reasonable accommodations, including adaptive equipment and supports. When a parent identifies as having a disability the assessment of service needs will be developed with input from and in cooperation with a person with relevant expertise. The department will make referrals as appropriate.

### Risk Assessment

The social worker will complete a Family Risk Assessment during all family assessments, including already open cases. By completing the risk assessment, the worker obtains an objective appraisal of the likelihood that a family will maltreat their children in the next 12 to 18 months. The instrument **does not predict** occurrence or recurrence, but simply assesses whether a family is more or less likely to have abuse/neglect incident without intervention.

### Completing the Assessment

A family assessment must be completed within 45 days. An assessment timeframe may be extended with written justification and the approval of a supervisor, but not to exceed a total of 60 days.

Completing an assessment requires that the social worker has completed all interviews and required assessment documentation, the supervisor has made a case disposition in FSDNet, and the caretaker is informed of the outcome.

If a child comes into custody during an assessment due to an emergency care hearing, the social worker still needs to complete all steps of the assessment.

### Determining Service Need and Case Opening

A family assessment does not require a determination about whether the allegation is substantiated. Rather, the focus will be on the family's need for ongoing services in order to control the risk of future child maltreatment. The social worker will recommend one of the following:

1. The division should seek the filing of a CHINS petition (this action should be taken anytime there is an identified danger that cannot be mitigated by a safety plan.)
2. The family needs services with an open family services case with the division;
3. The family needs referrals to appropriate services in the community; or
4. The family needs no services.

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The basis for the recommendation is the Family Risk Assessment, as follows:

<b>Risk Level</b>	<b>Case Opening</b>
Low or moderate	Families are not opened for ongoing service unless there is unresolved danger. Referrals to community services to meet needs may be appropriate.
High or very high	Families are opened for ongoing service. <ul style="list-style-type: none"> <li>• Use engagement skills to interest the family in services.</li> <li>• If a family refuses, consult with supervisor for decision about whether to pursue a court order for services.</li> <li>• If unable to provide ongoing services because the family refuses and there will be no court order, consider connecting family to community services. Document the reason ongoing services were not provided case notes.</li> </ul>

When making a decision outside of these guidelines, the supervisor must provide a rationale and this decision must be supported by the district director and so documented in the case determination, with the rationale outlined.

Families have the option of declining services offered as a result of the assessment. If the family declines, the case shall be closed unless, based on current risk to the child, there is sufficient cause to:

1. Commence a child abuse or neglect investigation; or
2. Request the state’s attorney commence proceedings under 33 VSA Chapter 53.

In no instance shall a case be investigated solely because the family declines services.

When a parent identifies as having a disability, the assessment of service needs will be developed with input from and in cooperation with a person with relevant expertise.

**Informing Mandated Reporters of Case Disposition**

The division shall inform the reporter, if a mandated reporter, whether an assessment was conducted and, if so, whether a need for services was found.

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**Informing Child’s Caregiver of Case Disposition**

The child’s parent, guardian, foster parent or any other adult residing in the child’s home who serves in a parental role will be informed of the case disposition. They will be informed verbally, whenever possible, and subsequently documented in the case file, and by the following letters.

<b>Number</b>	<b>Case Disposition</b>
306J	Closing with Recommendations
306K	Closing with no Recommendations
306-L	Ongoing FSD Services

Notice will be sent at the conclusion of the assessment unless the district director approves an extension because notice will compromise an ongoing criminal investigation.

In cases where the alleged perpetrator is also a perpetrator of domestic violence, notification may cause risk to the child and adult victims. The social worker should attempt to contact the adult victim to inform her or him that the perpetrator is receiving notice.

**Referral to Part C Services**

For all children under the age of 3 years who reside in a family where risk level requires ongoing FSD services, Family Services will refer the child(ren) to the Child Development Division for an initial screening to determine if further assessment for early intervention services is necessary. The referral will occur at the time of the division’s determination by the social worker or supervisor. If the child remains in the home, Family Services will include information about services available through the Family, Infant and Toddler Program (FITP) in the determination letter.

**Entries into the SSMIS Child Abuse and Neglect Report (*Applicable only for Chapter 49 Family Assessments*)**

The case determination and all required information will be entered into the SSMIS Child Abuse Report after a case determination has been made by the supervisor and the alleged perpetrator has been sent the determination letter. The information in the child abuse report about assessment is used to the master index and to generate federal reports.

The District Office will enter all case determinations into SSMIS at the time the determination letter is mailed, including the following fields:

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Field Label	Data Entry
Inv/Assess	A (for assessment)
Case Open?	Y if case will be opened for ongoing services; N if not

### Transfer for Ongoing Service to High Risk Families

Cases transferred for ongoing service involve families who:


- are at high or very high risk for a future incident of child maltreatment, or
- have an outstanding danger issue that could not be resolved during the investigation, regardless of risk level.

Due to the nature of these criteria, the ongoing worker must begin their work with the family promptly. The transfer process will be concluded within 5 working days. The transfer process includes:

- supervisory review;
- assignment of worker in SSMIS; and,
- worker contacting the family to schedule an initial visit to review the safety plan and begin the assessment for service planning.

### Social Worker Tasks

- Reviews report and results of master index, central registry and department of corrections checks.
- Confers with district staff who have knowledge of the family.
- Identifies any other individuals who need to be contacted.
- Within 72 hours (unless waived) makes initial contact with person responsible for the child's welfare.
- Informs any person to be interviewed that if they identify themselves as having a disability and needing an accommodation to participate in the interview, the division will provide reasonable accommodation.
- Conducts necessary interviews, as indicated in policy.
- Completes necessary SDM Tools:
  - Safety Assessment (within 24 hours of commencement)
  - FSP Framework (required when any Danger item is scored yes on Safety Assessment)

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- Risk Assessment (before end of investigation, within 45 days)
- Safety Assessment (before end of investigation if any Danger item was scored yes at time of initial Safety Assessment AND recommendation is to close case)
- Case Determination

Note: Safety is dynamic and often changes throughout the life of an assessment. If there is a substantial change in the family's situation that indicates a child may be in danger, the social worker should complete a new safety assessment.

- Completes all tasks within 45 days unless supervisor has granted an extension. In no case will the assessment remain open beyond 60 days.

### Supervisor Tasks

- Makes recommendation to district director on waiving the 72 hour mandate, if indicated.
- Assists the worker in planning the assessment, addressing any issues concerning child and worker safety.
- Reviews assessments at least weekly with worker during the assessment.
- Reviews completed assessment tools within 60 days. This review should be conducted, whenever possible, by the supervisor within each office assigned the duties of intake and investigation.