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Approved	Cynthia K. Walcott, Deputy Commissioner	Interim: 7/1/2009
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Purpose

These principles will guide our involvement with the families and children in CHINS(C) or (D) assessments under the Juvenile Judicial Proceedings (JPA) Act (33 VSA §5106):

- The role of the division in the lives of families should be minimized;
- The family and community context of the child's behavior will be assessed;
- Intervention should assist the family to utilize family, kinship and community resources.

Policy

33 VSA Chapter 51, §5106 (2) authorizes the division “To investigate complaints and allegations that a child is in need of care or supervision for the purpose of considering the commencement of proceedings under the juvenile judicial proceedings chapters”. In the policy, these assessments will be referred to as Youth Assessments.

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Criteria for Division Involvement

The division will conduct an assessment when it is alleged that a child is in need of care or supervision under the following circumstances:


Type	Age of Child	Criteria/Allegation
CHINS(C)	Under 16	A parent or caretaker lacks control over his or her child under the age of sixteen, resulting in a serious threat to the health and safety of a child, and the family needs assistance with identifying and utilizing appropriate community resources. The family should be encouraged, whenever possible, to participate in a Coordinated Service Planning process before Family Services agrees to conduct an assessment.
CHINS(C)	Age 16-17.5	A child between the ages of 16 and 17.5 is at high risk of serious harm to himself or herself or others due to problems such as substance abuse, prostitution, or homelessness.
CHINS(D)	Mandatory School Age 6-16	A child is habitually truant. Generally, the division will not become involved until the child/youth has missed twenty days of school due to unexcused absences that have resulted in negative impact on the child/youth's school performance. The division will encourage local truancy protocols aimed at addressing the issue be utilized by the school prior to division assessment.

Timelines and Issues for Assessments

When a report is accepted for assessment, the division will commence an assessment within five days of receiving a referral that meets the criteria stated above. If safety of the child is an issue, the assessment will commence sooner. For the purposes of a JPA assessment, commencement is defined as making contact with the parent(s)/caretaker(s) and alerting them to the concern/assessment.

The division may provide services for sixty days only, unless an affidavit has been filed with the states' attorney. This can be extended by permission of the District Director.

Children who are the subject of the assessment may not be interviewed without the permission of the parent or caretaker. The results of the assessment will not be entered into the Child Abuse Registry, unless during the course of the assessment, the worker has determined that the child has been abused or neglected as defined in 33 VSA Chapter 49, and criteria for a mandatory investigation are met (see Family Services Policy No. 51).

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Assessments must be concluded within 60 days, and will focus on family strengths, resources, contributors to family stress, risks to the child posed by the family and/or risks posed by the child's behavior outside that typical for the child's age/developmental level.

Entries into the SSMIS Supervisory Tracking Form

When a case is opened for assessment, the case type is designated as UY.

Required Notifications to People Being Interviewed

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.

Suggested language for notification is as follows:

“DCF has received a call expressing concern that your child’s welfare. 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”.

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

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documents, brochures, application forms and any other needed written materials for all state agencies and departments.

- **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 an assessment in which a caretaker or child has limited English proficiency, the social worker will arrange for appropriate interpretive services. Children will not be asked to interpret for their caregivers.

Recommendations for CHINS Petition

CHINS(C) Under 16


The division may take custody of children under the age of sixteen as CHINS (C) only if his or her family has made a good faith effort to obtain services from available community resources.

CHINS(C) between Ages of 16 and 17.5 at Serious Risk

The secretary of the agency of human services must request that the state’s attorney may file. The petition shall be accompanied by a report from the department which sets forth facts supporting the petition, and that it is in the best interests of the child to be considered as a child in need of care or supervision.

For any child found CHINS under these criteria, statute requires that services to the child and to his or her family be provided through a coordinated effort by the agency of human services, the department of education, and community-based interagency teams. (33 VSA § 5318(c))

The Agency of Human Services (AHS) has delegated its authority to the department. The youth must be between the ages of 16 and 17.5 and not already in DCF custody. The Deputy Commissioner must approve the filing of a petition, based on a summary of:

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- Previous interventions by DCF and/or other agencies to address risks and treatment needs,
- Supporting information about (1) the youth’s risk of serious harm to self and/or others, involvement in substance abuse, prostitution and/or homelessness, and (2) the needs of the youth which transcend any one department and require complicated clinical interventions.
- Present treatment team recommendations.

The Deputy Commissioner will provide a decision in writing. If approved, the Deputy Commissioner will provide his or her delegated authority in writing to proceed with local court action. Prior to approval, the family should be encouraged, whenever possible, to participate in a Coordinated Service Planning process.

Habitual Truancy

The division may recommend a CHINS(D) petition be filed only when other available remedies in the community have not resulted in the child or youth’s regular school attendance.

Supervisory Tasks:

- Following receipt of referral, determines whether or not criteria for intervention are met. If so, assigns social worker.
- After review of the case with the worker, determines if information from the assessment warrants court action.
- Following notification of an unanticipated emergency detention order, reviews situation and determines whether or not criteria for social services intervention are met. Notifies court and state's attorney of the division position; assigns social worker to attend detention hearing to represent our position.
- Reviews any recommendation for the filing of a petition to ensure that this action is necessary. If the recommendation for a CHINS(C) petition for a youth age 16-17.5, thoroughly reviews the social worker’s recommendation and documentation. Indicate approval or non-approval, in writing, and forwards to Deputy Commissioner.
- Opens case for on-going service beyond sixty days as indicated based on results of risk assessment

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Deputy Commissioner Tasks:

- Reviews the recommendation and attachments.
- If approved, provide his or her delegated authority in writing to proceed with local court action.
- If not approved, provides that decision in writing.