

# WHAT HAPPENS NEXT?

## A guide to NORTH DAKOTA CHILD PROTECTION SERVICES

This guide is made available by  
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### A NOTE ABOUT THIS GUIDE

**This guide was designed to help you understand what happens during a child protection services 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.”

Reports of suspected child abuse and neglect are received through the Child Abuse & Neglect Reporting Line (**1-833-958-3500**). 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, childcare workers, doctors). These professionals can face criminal penalties if they fail to report their suspicions.

Reports that contain reasonable suspicion of child abuse and neglect concerning a person with responsibility for care and supervision of the child and who are the child’s parent, an adult family member, a member of the child’s household, the child’s guardian or foster parent or who cares for children in a childcare setting are assigned to a CPS Worker in the Human Service Zone to conduct an assessment of the report. Generally, an assessment is an information gathering process. The CPS Worker is required to interview and observe the child(ren) and the person who is the subject of the report and may contact additional people who have knowledge of the child and family or who may have information about the reported incident. Records such as police reports, school attendance records or medical records may also be gathered during an assessment. At the conclusion of the assessment, a decision will be made whether child abuse or neglect is confirmed based on the information gathered by the CPS Worker.

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?**

The name of the person who made the report **MUST REMAIN CONFIDENTIAL BY LAW**. In fact, the CPS Worker can be charged with a class B misdemeanor if she or he discloses who made the report of suspected child abuse or neglect.

## **WHAT IS CHILD ABUSE OR NEGLECT?**

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

## **DEFINITIONS**

### **ABUSE:**

A child has been abused when a caregiver inflicts or allows to be inflicted, upon the child a bodily injury. Which means any impairment of a child's physical condition, including physical pain, that is willfully inflicted by a person responsible for his care and supervision. 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 taking or showing sexually explicit photographs or exposing a child to pornography or adult sexual activity.

### **NEGLECT:**

Neglect takes place when a child is not receiving proper care for their physical, mental, or emotional health, or morals. Neglect includes inadequate supervision, inadequate physical environment, including nutrition, or inadequate clothing or hygiene. Medical or educational neglect and psychological maltreatment are also forms of neglect, as are exposing children to alcohol or drugs in their environment or before birth, abandoning a child, or placing a child for care or adoption outside of what the law allows. Other forms of neglect are general neglect and failing to protect a child from other people who may harm them.

### **General Neglect:**

- General neglect is a lack of care or control or disregard for the child's safety and welfare in situations that expose children to significant risk of harm. Examples include an impaired caregiver unable to meet the child's basic needs or to perceive danger to the child or who drives while under the influence of substances with a child in the vehicle

### **Inadequate Supervision:**

Inadequate supervision is based on the premise that ultimately, the safety, care, well-being, and behavior of 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 food to maintain growth and health or when available food is spoiled or food in the household is unavailable to the children

### **Inadequate Clothing or 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 or when lack of hygiene impacts another physical condition.

### **Medical Neglect:**

Medical neglect is present when parents fail to seek or to follow 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 or an extreme incident 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 WORKER DO?**

When the human service zone office receives a report of suspected child abuse or neglect, a trained Child Protection Services (CPS) Worker is assigned to assess 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 or any maltreatment. The CPS Worker may talk to a child at school and visit the family at home. According to North Dakota law the CPS 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 determine whether a child is safe and to protect unsafe children.

## **WILL A CHILD BE TAKEN FROM THE HOME?**

CPS Workers must work to keep a family together unless a child is in danger and cannot be protected in the home through the use of a safety plan and cooperation of the child's caregivers. Caregivers may also voluntarily place an unsafe child with suitable friends or relatives to assure safety during the assessment. 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 when a child is placed out of the home.

## **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 participation of child welfare staff at the human service zone and Field Services Specialists who work for the state. The CPS Worker and supervisor participate in the decision-making, but, by law, the state, through the North Dakota Department of Human Services, is responsible for the decision. The Field Service Specialist is the person designated by the Department to make the final decision based on the facts of the assessment and definitions of child abuse and neglect in state law.

Upon completion of the assessment of the report of suspected child abuse or neglect, a decision must be made **whether child abuse or neglect is confirmed according to definitions in state law**. The decisions that are allowed are:

1. Confirmed
2. Confirmed with an Unknown Subject
3. Unconfirmed
4. Unable to determine

“Confirmed” means that a child meets the definition of an abused or neglected child,

“Confirmed with unknown subject” means that a child meets the definition of an abused or neglected child, but the evidence does not confirm the identity of a specific person responsible

“Unconfirmed” means that a child does not meet the definition of an abused or neglected child.

“Unable to determine” means insufficient evidence is available to enable a determination whether a child meets the definition of an abused or neglected child.

When a decision is made that **child abuse or neglect is confirmed, or confirmed with an unknown subject**, the Human Service Zone is required, by law, to provide protective services for the child who was maltreated as well as their caregivers and other children in the home when ongoing dangers to the children are identified. Services and resources may be offered to the family even though child abuse or neglect were not confirmed. Assessments with confirmed decisions are referred to the juvenile court for potential legal action. However, not all confirmed assessments 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 authorizes 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, public officials, and the court.

State law requires that a child abuse information index be maintained for all decisions where abuse or neglect are Confirmed. 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 or as provided in state law.

When the decision is “unconfirmed”, “unable to determine”, or “confirmed with an unknown subject”, the name of the subject(s) is **not** kept on the index, but information is maintained for casework and statistical purposes.

### **REFERRAL FOR CHILDREN UNDER AGE 3**

After a child protection services assessment is completed and a decision has been made that child abuse or neglect is confirmed, a federal law requires the Child Protection Worker to refer children under the age of three years for an Early Intervention Services evaluation. This service is provided to check a child’s growth and development and make sure that their abilities to learn, to move, see and hear, to communicate and understand others, to respond to others and interact with them, and to eat and take care of him/herself appropriately for her/his age. Although there may not be concerns in all these areas, an evaluation can help identify a child’s strengths and needs. A referral means the name, address, and phone number will be sent to a representative of Early Intervention Services, who will make contact about scheduling an evaluation. This service is voluntary and available at no cost to families.

### **APPEAL PROCEDURE**

The subject of an assessment (person held responsible for child abuse or neglect) who is aggrieved by the assessment decision may file an appeal of the decision. Only the **subject** of an assessment may file an appeal.

An appeal of the decision of “**confirmed**” means the subject believes the decision should be changed to “unconfirmed”. An appeal of the decision “**unconfirmed**” means that the subject believes the decision should be changed to “confirmed.”

A completed form requesting an appeal hearing must be received in the appeals office at the State Capitol within 33 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 a human service zone office and online at: <http://www.nd.gov/eforms/doc/sfn00462.pdf>. The rules governing this process can be found in North Dakota Administrative Code Chapter 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 human service zone 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 North Dakota Administrative Code Chapter 75-03-18.1.



*If you have any other questions contact your human service  
zone office.*

<https://www.nd.gov/dhs/locations/countysocialserv/>

**NOTES:**