

110 CMR 9.00: CASE CLOSURE

Section

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9.01: Introduction

Case closing is the set of activities which leads to the termination of Department services to an individual or a family.

9.02: Required Closings

Case closing shall include, but is not limited to, the following events.

- (1) A case must be closed when a case opened with a 51A report subsequently is not supported and the family does not wish to make a voluntary application for services.
- (2) A case must be closed when the child(ren) have been adopted or placed with a legal guardian and the adoptive/guardian family no longer needs Department services. Adoption or guardianship subsidy can continue to be provided, regardless of case closure.
- (3) A case must be closed when the social worker and client jointly agree that Department services are no longer necessary.
- (4) A case must be closed when a voluntary applicant for Department services withdraws the application or refuses to participate in assessment, service planning or case review.
- (5) A case must be closed when, after reasonable social work efforts and offers of service, a family which is the subject of a supported 51A report refuses further Department services and there are no grounds for either legal action or a new 51A report.
- (6) A case must be closed when a CHINS petition is dismissed and no family members are requesting or receiving Departmental services.

9.03: Procedures

(1) The Social Worker And His/Her Supervisor Make The Case Closing Decision. Case closing is a clinical decision between a social worker and his/her supervisor, which decision is thereafter discussed with the client family. Case closing takes into consideration the slated goals of the case, the individual's or family's participation in services, the reduction of risk to the child, legal issues, and the Department's responsibility to provide services. When a family which is the subject of a supported 51A report refuses further Department services, and if the social worker and/or supervisor wish to seek court-ordered custody of the children in question, then a consultation with a Department attorney shall be conducted to determine if there are grounds for legal action. The social worker documents in writing in the case record the outcome of this consultation. If legal action is not warranted and despite reasonable casework efforts, the family persists in refusing Department services, the social worker documents this in the case record and proceeds to close the case, by following the procedures set forth in 110 CMR 9.00.

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(2) A Plan Is Developed For Case Closure. The social worker and his/her supervisor determine what activities are necessary to prepare the case for closing, and complete these activities.

(3) Area Director Reviews Case Closing. There shall be a review of every case closing decision by either the Area Director or his/her designee. If the Area Director or designee approves, s/he shall sign a case closing form to approve the closing.

(4) The Social Worker Notifies The Family In Writing Of The Decision To Close The Case. The social worker shall notify the family in writing that the case is to be closed. An outline of the fair hearing/grievance procedures shall be attached to the letter.

9.04: Closing a Supported Case

The department may close a case with a supported 51A at any time after the completion of its investigation.

Commentary:

It is generally but erroneously assumed that the decision to support a 51A report after investigation automatically means that the case should be left open. However, there are some types of circumstances where "support and close" would be the decision of choice:

(1) Supporting an allegation of child abuse or neglect does not necessarily mean that a child is at ongoing risk. Example: abuse that is found to have occurred by a babysitter. The child was definitely injured, by a caretaker. However, the family is in no way responsible for the injury, or for choosing an inappropriate caretaker. Also, the family is appropriate in preventing any further contact between the child and the babysitter. The incident must be supported, (as well as perhaps be reported to the District Attorney - See 110 CMR 4.50), but the Department does not need to conduct an assessment, nor to keep the case open, if there is no ongoing risk to the child. Of course, the Department's services would be offered to the child and family.

(2) The second set of circumstances has to do with families that have disappeared. Example: Boston City Hospital examines a child and discovers welt marks on his back. The parents are interviewed, admit that they struck their child, and are informed that a 51A report will be filed. When the Department investigator goes out, she/he discovers that the address given does not exist. The investigator spends the rest of ten days attempting to locate the family through all other means, but is unsuccessful. There is reasonable cause to believe that the incident of abuse did occur, so the 51A must be supported. However, the Department can provide no services because the family cannot be located. Therefore, the Department does not keep the case open.

9.05: Court Approval Requirement For Closing Certain Cases

When a decision is made to close any case in which the Department has court ordered custody of child(ren), the Department will not close the case until the Department seeks from the court a return of full custody to the parents, and dismissal of the case.

Commentary

By statute (M.G.L. c. 119, §. 26) the Department does have the option to close cases by "administrative decision" without court action. However, in the interest of consistent case work and in order to afford Department social workers maximum support in making such decisions, the Department will seek the court's approval of the decision to close the case. In these instances, a member of the Department's legal staff will file a motion to dismiss the court case. If the court approves the Department's motion, the Department will proceed to close the case. If the court declines to make any ruling on the Department's motion in light of the Department's administrative prerogative contained in M.G.L. c. 119, § 26, the Department will proceed to close the case. If the court denies the Department's motion, the Department will not proceed to close the case.

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REGULATORY AUTHORITY:

110 CMR 9.00: M.G.L. c. 119, § 26; M.G.L. c. 119, §§ 51A through D.