

110 CMR: DEPARTMENT OF CHILDREN AND FAMILIES

110 CMR 13.00: CASE INVESTIGATION UNIT

Section

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13.01: Introduction

(1) The Department shall have a Case Investigation Unit (C.I.U.) within the Central Office of the Department. The C.I.U. shall conduct internal reviews of all Department and contracted casework provider agency cases involving the death of any child who was:

- (a) a member of a family with an open case; or
- (b) a member of a family being investigated as a result of a M.G.L. c. 19, § 51A report received prior to the child's death; or
- (c) a member of a family who had an open case within the six months preceding the child's death; or
- (d) a member of a family who had a supported 51A report, but a case was not open for services, within the six months preceding the child's death.

The C.I.U. shall also conduct case investigations on any case which does not fall within the criteria in 110 CMR 13.01(1)(a) through (d), if requested to do so by the Commissioner.

(2) The purpose of each C.I.U. investigation shall be to determine:

- (a) the circumstances surrounding the child's death;
- (b) if the child's death has any implications for the Department's policy, regulations, training and/or contracted service resources; and
- (c) if case management activities and other services provided to the deceased child and his or her family were adequate, appropriate, and complied with Department policy and regulations.

13.02: Procedures

(1) Upon learning of the death of a child the social worker shall:

- (a) immediately notify her/his supervisor, Area Program Manager and Area Director of the death of the child and the circumstances surrounding the death;
- (b) collect as much information as possible about the cause of death and circumstances surrounding the death; and
- (c) collect as much information as possible to assess the risk and safety issues for the surviving siblings and/or other children in the setting.

(2) Upon learning of the death of a child the Area Director, or the Director of a contracted casework provider agency, shall:

- (a) immediately provide verbal notification to the Regional Director and the C.I.U. Director, or designee, of the child's death and provide as much information as is available regarding the circumstances surrounding the death and other children in the setting; and
- (b) if the child was residing in an out-of-home setting at the time of her/his death, immediately notify the Director(s) of any other Department Area Office(s), or Director of a contracted provider agency, who has a child in the setting; and
- (c) within one working day convene a meeting to coordinate the Department's activities and response to the death; and
- (d) ensure that a copy of the Department case record is provided to the Case Investigator at the time of the investigation interview.

(3) Upon teaming of the death of a child the Case Investigation Unit shall:

- (a) immediately notify other central office staff as set forth in the Department's Responding to a Child Fatality Policy (Department Policy # 10 002(R)); and
- (b) notify the Department of Early Education and Care (EEC) if at the time of her/his death the child was residing in a placement subject to EEC licensure (i.e., foster home, pre-adoptive home, group home, shelter, residential facility), or was with a licensed day care provider; and

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(c) on the day the CID is notified of the child's death, assign a case investigator who shall immediately contact the Area Director, or designee, and schedule an investigation interview to be conducted within two working days after receiving notification of the child's death; and

(d) the assigned case investigator shall proceed to conduct the investigation following the procedures set forth in the Department's Responding to Child Fatality Policy (Department Policy # 90-002(R)).

These procedures include but are not limited to:

1. interviewing Department staff involved with the child, the child's family, and/or the child's placement;
2. non-Department staff, if appropriate;
3. forward a copy of the case record to an identified member of the Department Professional Advisory Committee (PAC) who reviews the case record in conjunction with the case investigator;
4. requesting, in writing, a copy of the child's autopsy report from the Medical Examiner's office.

(4) After the C.I.U. investigation is completed, a written report shall be prepared and submitted for comments and approval to the Deputy Commissioner for Field Operations, the designated Professional Advisory Committee member, the General Counsel and the Commissioner. The report may contain or address recommendations and/or comments covering a range of issues including: commendable or deficient casework practices demonstrated in the case, compliance with existing regulations and procedures, the need for new or revised policies or procedures, operational and administrative issues, etc. When approved by the Commissioner, the C.I.U. report shall be delivered to the Deputy Commissioner for Field Operations and to the involved Regional and Area Director. The report shall include a narrative of the facts of the case based upon the information gathered by the C.I.U. The C.I.U. may issue a preliminary report, followed by a final report, if requested to do so by the Commissioner. A final written report shall be delivered to the Commissioner within 30 calendar days after the C.I.U. received notification of the death, unless the child died of natural causes. If the child died of natural causes the final written report shall be delivered to the Commissioner within 60 calendar days after the C.I.U. received notification of the child's death.

(5) The Area Director and/or any Department staff interviewed during the C.I.U. process may request an exit interview with the case investigator. Requests for an exit interview must be made, within 30 days after receipt of the C.I.U. report, through the Area Director and are directed to the Deputy Commissioner or the Director of C.I.U.

The exit interview must include the Area Director, or designated manager, and may include the social worker, supervisor, Regional Director, or designee, or other Department staff interviewed during the C.I.U. process.

13.03: Participation of Department Employees

(1) Department employees, if they so request, are entitled to union representation during the C.I.U. investigatory process. The union representative attends at the staff members requests but does not participate in any discussions pertaining to the case materials during the interview.

(2) All Department staff involved with service provisions to the child and her/his family shall have the opportunity to review the final report of the C.I.U. and to provide a written response to the report.

Any written response from any involved staff is submitted, through the Area Director, within 30 working day after the Area Office receives the report or the exit interview, which ever is later.

(3) Notes from the exit interview and the Area Office's written response to the C.I.U. report shall be included in the C.I.U. file.

13.04: Public Access to C.I.U. Report

The Department's CRJ report shall remain confidential, and shall not be released to any person or entity outside the Department, except:

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(1) that portion of the C.I.U. report which contains conclusions or recommendations may be released, in whole or in part, with all identifying data removed, if a written request is directed to the Commissioner and if the Commissioner determines that release of this portion, so redacted, would not be contrary to the best interests of the Department's client(s) or other involved parties, or effective law enforcement. In those limited number of cases where publicity accorded the events under investigation is so extensive that mere removal of identifying data would be insufficient to protect existing privacy interests, the report shall remain confidential; and

(2) members of the Department's Professional Advisory Committee may review C.I.U. reports in connection with their advisory function.

REGULATORY AUTHORITY

110 CMR 13.00: M.G.L. c. 18B, § 7.