

DCF Policy #84-002

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POLICY FOR 51A REPORTS INVOLVING DEPARTMENT EMPLOYEES, RELATIVES/HOUSEHOLD MEMBERS OF DEPARTMENT EMPLOYEES, DEPARTMENT FOSTER/PRE-ADOPTIVE PARENTS, OR DEPARTMENT AREA BOARD MEMBERS

Certain cases may pose a conflict of interest when they directly involve allegations about specific individuals employed by or connected with the Department. The following policy is intended to ensure that Department staff are not asked to conduct investigations of 51A reports involving certain other individuals from the same Area Office. To the extent possible, such investigations will be assigned to qualified professionals from outside the Department or to employees of other Department Area Offices. All Department timelines, documentation and confidentiality requirements are applicable to these investigations.

POLICY

When the Department screens in a 51A report which alleges that a:

- Department employee (including an "03" consultant or student intern);
- immediate relative of a Department employee (mother, father, sister, brother, son, daughter, spouse, step-parent, step-sibling or step-children); or
- household member of a Department employee

has abused or neglected a child, the report will be referred immediately to a private agency under contract with the Department to conduct 51A investigations.

When the Department screens in a 51A report which alleges that a:

- Department foster parent;
- Department pre-adoptive parent; or
- Department Area Board member

has abused or neglected a child, the report will be referred immediately for investigation to another Department Area office (i.e., an Area Office that does not have primary responsibility for the foster or pre-adoptive parent or Area Board member).

PROCEDURES

1. **Assignment for Investigation.** When the Department screens in a report which alleges that one of the above individuals has abused or neglected a child, the Screener will immediately notify the Area Director. If the report involves a Department employee, or an immediate relative or household member of a Department employee, the Area Director, in consultation with the Resource Manager in the Office of the Deputy Commissioner for Field Operations and Support will identify an appropriate private agency to conduct the investigation.

If the report involves a Department foster or pre-adoptive parent or Area Board member, the Area Director will refer the case to another Department Area Office for investigation.

2. **Investigations in Progress.** If, following the commencement of an investigation, Department staff determine that the 51A involves one of the above individuals, the Area Director will be notified immediately. If the report involves a Department employee, or an immediate relative or household member of a Department employee, the Area Director, in consultation with the Resource Manager

from the Deputy Commissioner's office, will determine whether the investigation should be completed by that Area Office or by a private agency.

If the report involves a Department foster or pre-adoptive parent or Area Board member, the Area Director will determine whether the investigation should be completed by her/his Area Office or by another Department Area Office.

3. **Notification - Deputy Commissioner.** If a report involving a Department employee is supported, the director of the Department Area Office or private agency which conducted the investigation, notifies the Deputy Commissioner.
4. **Case Assignment.** All reports which are supported on a Department employee, or an immediate relative or household member of a Department employee, and which will be opened for assessment, must be assigned to a private agency. Where this is not possible, the Resource Manager from the Deputy Commissioner's office will ensure that the case is assigned to a staff person from another Department Area Office.

All reports which are supported on a Department foster or pre-adoptive parent or Area Board member, and which will be opened for assessment, must be assigned to another Department Area Office (i.e., an Area Office that does not have primary responsibility for the foster or pre-adoptive parent or Area Board member).

Protective Intake Procedures for 51A Reports Involving Department Employees and/or Members of Their Household or Non-Household Immediate Family

Purposes:

- To ensure immediate and appropriate response to situations involving Department employees and/or members of their households or non-household immediate families, where the failure to take immediate action would place a child at substantial risk of serious emotional or physical injury and/or neglect. [NOTE: For purposes of this policy, "immediate family" is defined as: child(ren), spouse, and ex-spouse or other individual with whom the Department employee shares caretaking of a reported child(ren).]
- To ensure the integrity and impartiality of the screening and investigation processes and the due process rights and confidentiality of Department employees, while equally ensuring the public trust and confidence in the Department's mission as carried out by its employees.

Screening of, and Emergency Response to, 51A Involving Department Employee or Members of the Employee's Household or Non-Household Immediate Family:

- These procedures pertain to any situation in which a Screener receives information regarding:
 - possible misconduct or behavior that constitutes, or might constitute, a reportable condition by or concerning a Department employee in her/his capacity as an employee, employee caretaker or Department representative, or in a non-employee status; or
 - a 51A report concerning a member(s) of the Department employee's household or the Department employee's non-household immediate family.
- The Screener *immediately* notifies her/his Supervisor and the Area Director/designee of the Department Area Office regarding the information received. The Department Area Director/designee *immediately* notifies the Director of Special Investigations Unit (SIU)/designee.
- The Director of SIU/designee will:
 - assist the SIU Screener in determining whether an emergency response is required: and
 - notify the Assistant Commissioner of Quality Case Practice, the Assistant Commissioner of Employee Relations and Human Resources/designee, and, when applicable, the Area Director or Regional Director of the employee's place of employment.
- **Emergency Response:** If an emergency response is required, the Director of SIU/designee ensures the response is provided under her/his direction by an appropriate staff member. The appropriate staff member will be identified by the Department Area Director/designee from the Department Area Office responsible for the where the child is physically located. The investigation activities are conducted in accordance with current protective intake policy. If, during the emergency response, a determination is made that the situation does not present an emergency, the Director of SIU/designee assigns a SIU Investigator to complete the non-emergency, 10-day investigation.
- **Non-Emergency Response:** The Director of SIU/designee directs the SIU screener in the completion of any additionally needed screening activities. If screened in, the Director of SIU/designee assigns the 51A to an SIU Investigator for completion of a 10-day investigation.

Preserving Confidentiality:

- The Director of SIU/designee ensures that access to any record resulting from the 51A report involving the Department employee or a member of the Department employee's household or non-household immediate family is restricted to the Commissioner, Assistant Commissioner of Quality Case Practice, Assistant Commissioner of Employee Relations/Human Resources, General Counsel, Special Investigations Unit, and such other Department staff as are granted access by the Commissioner/designee.
- The Screener, Supervisor, Department Area Director/designee and any Department Area Office staff person who provides emergency response and SIU staff shall maintain the confidentiality of the

Department employee and/or relevant members of the Department employee's household or non-household immediate family and all information pertinent to the 51A report and 51B investigation.

Investigation and Just Cause:

- For purposes of screening and investigation, the Department employee is regarded as a household member, caretaker and/or alleged perpetrator, as applicable, in accordance with Department law, regulation and policy.
- For purposes of the Office of Employee Relations, the Department employee is regarded as an employee, in accordance with any applicable Collective Bargaining Agreement, Civil Service Law, and other employment law, regulation and policy.

Information Provided by Department Employee:

- Employees involved in a situation encompassed by these procedures must fully and truthfully cooperate with the Department in carrying out any required screening and investigation.