

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(5) Investigations	Effective Date:	July 2018
	Policy Title:	Making an Investigation Decision		
	Policy Number:	5.3	Previous Policy #:	5.3

CODES/REFERENCES

O.C.G.A. §19-7-5 Reporting of Child Abuse
 O.C.G.A. § 49-5-41 Persons and Agencies Permitted to Access Records
 O.C.G.A. § 49-5-182 Notice to Division of Substantiated Case
 45 CFR Parts 1355.38(a) (5), 1356.21(b) (3) (i), 1356.21(d), 1356.21(k), and 1356.67
 Title IV-E of the Social Security Act Sections 471(a) (15) (D) and (a) (9) (c), 472(a) (1), 472(f), and 475 (9)
 Child Abuse Prevention and Treatment Act (CAPTA)
 Preventing Sex Trafficking and Strengthening Families Act

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Make the following determinations upon conclusion of an investigation within 45 calendar days of the receipt of the intake report:
 - a. Maltreatment determination (substantiated or unsubstantiated)
 - b. Safety determination (safe or unsafe)
2. Ensure the investigation determination incorporates a thorough review and analysis of the following information:
 - a. DFCS history;
 - b. Interviews and observation of all household members, the alleged maltreater, the reporter, and collaterals;
 - c. Assessments, forensic reports, police reports, medical reports, educational reports, pictures, etc.;
 - d. Observations of the home environment and/or the location in which the abuse/neglect occurred, including observation of objects that may have been named in the allegations of maltreatment; and
 - e. Any other information relevant to the allegations of maltreatment.
3. Ensure the investigation determination is made in conjunction with the Social Services Supervisor (SSS).
4. Document a thorough justification of findings summary of the maltreatment determination on the Allegation Detail page in Georgia SHINES based on one or more of the following five categories of child abuse:
 - a. Endangering a Child
 - b. Neglect or Exploitation
 - c. Physical Injury/Physical Abuse
 - d. Sexual Abuse
 - e. Sexual Exploitation
5. Review and verify the correct victim child, alleged maltreater, and allegation of

maltreatment on the Allegation Detail page when selecting the investigation determination.

- a. Complete a concise summary that supports each maltreatment determination in the Justification of Findings section.
 - b. Complete a detailed summary of evidence that supports each maltreatment determination in the Evidence Summary section.
6. Complete the Investigation Conclusion page in Georgia SHINES. Ensure the investigation conclusion includes a detailed summary of evidence to support the determination for each child abuse allegation investigated.

PROCEDURES

Prior to making an investigation determination, the Social Services Case Manager (SSCM) will:

1. Analyze and consider all DFCS history and how it relates to the current allegations (see policy [19.10 Case Management: Analyzing DFCS History](#)).
2. Consider the challenges the family is facing related to their developmental stage and tasks and any correlation to the alleged maltreatment and child safety.
3. Analyze information gathered and observations made relative to each area of family functioning.
4. Review the Allegation Detail page in Georgia SHINES:
 - a. Verify that all reported allegations of child abuse reported have been investigated.
 - b. Verify all allegations of child abuse that were selected align with what was investigated.
 - c. Add any category of child abuse and corresponding maltreatment code(s) investigated not previously added to the page (see the Georgia Maltreatment Codes in Forms and Tools).
5. Make additional contacts or review additional documents that may resolve and/or provide clarification of inconsistencies in information.
6. Determine the need for formal or informal services.
7. Ensure all investigative activities have been documented in Georgia SHINES, including:
 - a. All the facts of the investigation as they are observed, learned and verified have been entered on the Contact and Summaries page; and
 - b. All reports, forms requiring signatures, professional assessments, letters, etc. are uploaded into External Documentation.
8. Participate in a dispositional staffing with the SSS to discuss information gathered during the investigation to make the following determination for each alleged victim child:
 - a. Safety:
 - i. No Present or Impending Danger identified (Safe), or
 - ii. Present or Impending Dangers identified (Unsafe)
 - b. Maltreatment:
 - i. Unsubstantiated, or
 - ii. Substantiated

NOTE: A case may not be closed when a child has been identified as unsafe or when an active safety plan is in place.
9. Record the maltreatment determination on the Allegation Detail page in Georgia SHINES.
 - a. Ensure the category of child abuse and the corresponding maltreatment code(s) are

- matched to the appropriate victim child;
- b. Designate the appropriate individual(s) as the alleged maltreater for each applicable category of child abuse and corresponding maltreatment code;
NOTE: If the case is substantiated, specified case information regarding the alleged maltreater will be transmitted to the Child Protective Services Information System (CPSIS) as outlined in policy [20.1 Child Protective Services Information System: CPSIS Inclusion and Notification to the Alleged Child Abuser](#).
 - c. Select “Substantiated” or “Unsubstantiated” for each child abuse allegation;
NOTE: When the alleged maltreater is unknown and the evidence gathered during the investigation supports that child abuse occurred, the maltreatment determination must be substantiated.
 - d. If the original category of child abuse and/or maltreatment code(s) is incorrect, unsubstantiate this allegation and add the applicable category of child abuse and corresponding maltreatment code(s). The addition of the category of child abuse and maltreatment code(s) must be related to the information originally reported and assigned for Investigation (see Practice Guidance);
NOTE: If not related, a new intake report is required.
 - e. Complete the Evidence Summary section on the Allegation Detail page by documenting a detailed summary of evidence that supports each maltreatment determination (photos, observations, diagnoses, disclosures during interviews); and
 - f. Document a concise statement in the Justification of Findings section of the Allegation Detail page that supports the maltreatment determination to include the category of child abuse being substantiated or unsubstantiated (see Practice Guidance for examples):
 - i. Endangering a Child
 - ii. Neglect or Exploitation
 - iii. Physical Injury/Physical Abuse)
 - iv. Sexual Abuse
 - v. Sexual Exploitation**NOTE:** The maltreatment determination and justification of findings must be made based on the definition of the category of child abuse investigated and **not** on the Georgia Maltreatment Codes. The Georgia Maltreatment Codes are used for reporting and service planning purposes. If the case is substantiated, specified case information will be transmitted to the Child Protective Services Information System (CPSIS) as outlined in policy [20.1 Child Protective Services Information System: CPSIS Inclusion and Notification to the Alleged Child Abuser](#).
10. Complete Investigative Conclusion page in Georgia SHINES.
- a. Include the following in the narrative:
 - i. A detailed summary of evidence that supports the maltreatment and safety determination for each maltreatment allegation investigated (photos, observations, diagnoses, disclosures during interviews),
 - ii. An analysis of DFCS history and how it affected the maltreatment and safety determination;
 - iii. Whether consensus was achieved with the family;
 - iv. Safety interventions in place (as applicable); and
 - v. Recommendations for services.
 - b. Select from the following case disposition:
 - i. Substantiated: Open for CPS Services;

- ii. Substantiated: Open for Placement;
 - iii. Substantiated: Closed for Services;
 - iv. Unsubstantiated: Closed for Services;
 - v. Unsubstantiated: Case Open for CPS Services;
 - vi. Unsubstantiated: Case Open for Placement;
 - vii. Unsubstantiated: Unable to Locate; or
 - viii. Opened in Error.
- c. Select from the following case dispositions for Special Circumstances:
- i. Special Circumstances – Open for Services;
 - ii. Special Circumstances – Closed for Services;
 - iii. Special Circumstances – Open for Placement Services;
 - iv. Special Circumstances – Open for CPS Services; or
 - v. Special Circumstances – Closed for CPS Services.

The SSS will:

1. Conduct a dispositional staffing with the SSCM prior to completion of the investigation to determine the maltreatment and safety determination (see policy [19.6 Case Management: Supervisor Staffings](#)).
2. Ensure the correct child abuse category and maltreatment code(s) correspond to the appropriate child victim on the Allegation Detail tab in Georgia SHINES, and that the maltreatment determination of substantiated or unsubstantiated is correct.
3. Confirm that the alleged maltreater identified is correct under the Allegation Detail Tab for each alleged victim child and maltreatment determination.
4. Review the Justification of Findings under the Allegation Detail Tab documented by the SSCM to ensure the statement supports the decision to substantiate or unsubstantiate the form of child abuse selected.
5. Review the Investigation Conclusion page in Georgia SHINES.
 - a. Ensure the correct case disposition has been selected by the SSCM and that the selection matches dispositions captured on the allegation detail page; and
 - b. Ensure the narrative supports the decisions made during the dispositional staffing with the SSCM including:
 - i. A detailed summary of evidence that supports the maltreatment findings and safety determination for each allegation investigated (photos, observations, diagnoses, disclosures during interviews);
 - ii. An analysis of DFCS history and how it affected the maltreatment and safety determination;
 - iii. Safety interventions in place (as applicable); and
 - iv. Recommendations for services.

PRACTICE GUIDANCE

Resolving Discrepancies or Conflicting Information

Often, during the course of an Investigation, there are discrepancies in information collected or there are conflicting accounts regarding the allegations of abuse and neglect. It is important to resolve discrepancies or conflicts to ensure that the information gathered accurately supports the investigation determination. Some ways to address these situations include but are not limited to:

1. Reviewing the information gathered again to determine what information is needed to resolve the issue(s).

2. Seeking supervisory assistance to review the information or develop a plan to resolve the issue(s).
3. Conducting additional interviews with the family members, reporter, collaterals, etc.
4. Engaging subject matter experts to assist in the review of evidence or to discuss the information via a staffing or consultation.
5. Requesting additional professional assessments or evaluations for the child(ren) or caregiver(s).

Maltreatment and Safety Determination

The maltreatment determination is based on a preponderance of the evidence, and considers whether the alleged child abuse occurred (i.e. the maltreatment is substantiated or unsubstantiated). The safety determination identifies the child as either safe or unsafe based on the assessment of and/or identification of a present danger situation or an impending danger safety threat. See policy [19.11 Case Management: Safety Assessment](#) for additional information on how to make a safety determination.

It is important to remember that the determination of the existence of maltreatment (substantiated or unsubstantiated), and whether a child is safe or unsafe are two separate determinations. A child may have been maltreated, but could still be considered safe based on individual family circumstances and caregiver protective capacities.

Substantiated means the allegations of child abuse, as defined by Georgia statute, are supported by a preponderance of the evidence. A preponderance of evidence means that the greater the weight of the evidence makes it more probable than not that child abuse occurred. The substantiation determination depends on the answers to two questions: “Is the harm to the child severe enough to constitute maltreatment?” and “Is there sufficient evidence to support that child maltreatment occurred?” When evidence supports maltreatment occurred, regardless of whether the identity of the maltreater is known or unknown the case determination must be substantiated.

Unsubstantiated is described as either there is no evidence of maltreatment or the evidence of maltreatment was not supported by a preponderance of the evidence as defined by Georgia statute and DFCS policy. However, it is also important to remember that even though a maltreatment determination regarding a specific “incident” may be unsubstantiated, due to the case lacking evidence, information should be documented since unsubstantiated reports may eventually show a pattern of behavior that over time that may be useful in decision-making.

Investigation Conclusion Page

The Investigation Conclusion Page in Georgia SHINES is where the overall finding case disposition is recorded. Included on the Investigation Conclusion page is the Investigation Conclusion Summary. The purpose of this summary is to give a more detailed account of what occurred during the investigation from beginning to end in a summarized format. This does not mean that the Log of Contacts should be copied and pasted into this section. An Investigation Conclusion Summary should include:

1. What was alleged.
2. Evidence to support or refute the allegations. Evidence may include pictures, direct witness statements, observations, formal diagnosis, evaluations from licensed clinicians, disclosures by the alleged victim child or other children subject to the care of

the alleged maltreater, interviews with the alleged maltreater, history that shows a pattern of behavior, or information obtained by collateral resources.

3. Family Functioning information relevant to the case determination.
4. Safety related information and interventions put in place during the Investigation.
5. The overall case determination including whether the case will be closed or stage progressed to Family Preservation Services or Foster Care.

Example of Substantiated-Open Investigation Conclusion

On 3/1/2017 a report was received indicating that the Lannister family moved from Florida to Georgia in December 2016. At the time of the move the family had an open CPS case in FL and failed to notify their case manager of the move to Georgia. The case was open due to medical neglect resulting from prescription substance abuse by the mother, Ms. Jane Lannister and her live-in paramour, John Baratheon.

Ms. Lannister and Mr. Baratheon have one child, Joffery, age 2. Joffery was born premature and has not been seen in the doctor's office since he was 9 months old. Joffery's pediatrician in FL indicated that Ms. Lannister missed several follow up appointments to treat a severe asthma condition. Ms. Lannister stated that she took Joffery to the doctor before leaving FL and was up to date on all well-checks and immunizations, however medical records verified this was untrue. Ms. Lannister also stated that she applied for Medicaid upon arriving in GA, however the application was not located. The sole income in the home is Mr. Baratheon's SSI, received for a chronic seizure condition that is currently untreated. Both caregivers admitted to spending the SSI money on purchasing illegal prescription medications.

The home was observed to be in disarray. Dirty dishes were piled up in the sink and all over the counter and food that appeared to be several days old was left on the table in dishes. Joffery was wandering around the home in a dirty diaper that had not been changed based on the amount of urine that saturated the diaper. He was also observed to be coughing and wheezing by the SSCM during the visit.

The drug screen results on both caregivers were positive for opiates and benzodiazepines. SSCM also noted that Ms. Lannister and Mr. Baratheon appeared to be under the influence of substances as evidenced by sleeping during the day, slurred words when talking, and dilated pupils. Prior medical conditions were cited as the basis for the prescription drug use, however neither caregiver could produce valid prescriptions from a medical provider. Results of a substance abuse assessment included several recommendations for follow up treatment for both caregivers.

Impending dangers were identified based on the caregivers' inability to control their behavior and complete daily life activities (cleaning, taking child to the doctor, etc.) due to the illegal use of prescription drugs and the inability of both caregivers to give a valid explanation as to why Joffery had not been taken to the doctor to deal with his severe asthma in both FL and GA.

A safety plan was completed to address the condition of the home, follow up on Joffery's medical care for observed respiratory issues, and to develop a plan for supervision of Joffery if Ms. Lannister or Mr. Baratheon are using prescription medications (legally or illegally) that affect their judgement or knock them out. The home was cleaned on a follow up visit and Joffery was enrolled in daycare. An appointment was also made with a local pediatrician. Both

caregivers indicate a willingness to attend substance abuse treatment based on the recommendations of the substance abuse assessments.

Neglect (Medical Neglect) is substantiated due to Ms. Lannister failing to provide adequate medical care for Joffery's continued respiratory issues and the case opened for FPS. Recommended initial services are:

- Ms. Lannister and Mr. Baratheon need to follow up on recommendations from the substance abuse assessment.
- Follow up medical care for Joffery

Example of Unsubstantiated-Closed Investigation Conclusion

On 3/2/17 DFCS received a report concerning Arya Stark stating that Arya was being abused by her father, Ned Stark. Arya was interviewed and stated that her father, Mr. Stark slammed her head into the head rest in the car. She also stated that Mr. Stark emotionally abuses her by calling her names.

Collateral contacts and interviews with Arya's siblings did not support Arya's statement of abuse. Arya didn't have any marks/bruises and Arya's siblings (Sansa, Robb and Bran) stated that Arya is not physically disciplined. Arya also could not remember important details of her account such as when the alleged incident happened or why Mr. Stark allegedly did it.

Arya has been seeing a therapist for approximately one year. The therapist reported that Arya never disclosed any abuse/neglect during the sessions. Arya did sustain an injury when Mr. Stark restrained her from running away, which was a minor bruise to the lip approximately a year and a half ago. Mr. Stark obtained therapy for Arya soon after the incident. Mr. Stark is a single parent, after losing his wife to cancer. The therapist indicated that there have been incidents of the family using name calling when they are angry, but she is doing both individual and family counseling with them to help work through these issues and feels that most of the problems are related to the family's grief. Mr. Stark has extended family support who assist him with the children. Other personal collateral contacts did not reveal any information that would indicate Mr. Stark was being abusive to his children. No impending dangers were noted. Allegations of physical abuse (bruises, welts, abrasions) are unsubstantiated. There is no CPS history and no further services are recommended.

Examples of Justification of Findings (JOF) by Category of Child Abuse

The Allegation Detail page in Georgia SHINES is where the SSCM documents a disposition (substantiated or unsubstantiated) for each allegation of child abuse investigated. The JOF supports the decision to substantiate or unsubstantiate the allegations. It is a clear and concise description of facts and evidence gathered during the investigation and details a preponderance of credible evidence to support the findings concerning one of the five forms of child abuse investigated. When allegations are substantiated and the alleged maltreater appeals the decision, the JOF statement is sent to the Child Abuse Registry (CAR) and used by the Office of State Administrative Hearings (OSAH) during the appeal process.

The following sections provide justifications for each category of child abuse that can assist in documenting a JOF. The examples are provided as a guide and are not exhaustive.

I. Endangering a Child

1. Cruelty to Children

Examples of Child Endangerment justifications:

- Mr. Moore is substantiated for child endangerment. He was the primary aggressor in a domestic violence incident in which he struck Ms. Moore repeatedly on her face and torso resulting in her having a substantially blackened eye and visible bruises on her chest and stomach. This was a battery which Mr. Moore intentionally allowed K.M., age 4, and C.M., age 7, to witness. The incident took place on or about September 6, 2016.
- Ms. Martin is substantiated for child endangerment. She was the primary aggressor in a forcible felony, specifically an aggravated assault, which she committed against John Johnson, her fifteen-year-old neighbor, by holding a knife to his throat and threatening to kill him. She committed these acts with knowledge that her children, A.M., age 10, and S.M., age 13, were present and could hear the assault. The incident took place on or about October 7, 2016.

2. Methamphetamine Exposure

Example of Child Endangerment justification due to methamphetamine exposure:

- Mr. Abrams and Ms. Smith are substantiated for child endangerment. Both of them permitted their children, S.A., age 2, and C.S., 11 months, to be present while methamphetamines were being manufactured on or about August 7, 2016.

3. Driving Under the Influence (DUI)

Example of Child Endangerment justification due to DUI:

- Ms. Cox is substantiated for child endangerment. On or about August 31, 2016, she drove a motor vehicle while under the influence of alcohol to the extent that it was less safe for her to drive while transporting A.C., age 12.

4. Prenatal Abuse

Example of a Child Endangerment justification due to Prenatal Abuse:

- Ms. Brown is substantiated for child endangerment as a result of prenatal abuse. Ms. Brown exposed S.B. to chronic abuse of a controlled substance, specifically cocaine. At the time of S.B.'s birth on September 15, 2016, a metabolite of cocaine was found in S.B.'s blood.

II. Neglect

Example of a Neglect justification due to abandonment:

- For six months from approximately August 8, 2016, through February 14, 2017, Ms. Smith abandoned her two children, S.D. and M.D., age 13, by leaving them with their grandmother Ms. Scott, without provision for their support and without regularly visiting them.
- On September 4, 2016, Ms. Morris abandoned K.M., age 12, N.O., age 9 and P.Q., age 5 by leaving them alone in the home without supervision, creating a substantial risk of serious harm to the children, who were without sufficient food and were without adult supervision during that time. (This situation could also have been substantiated as neglect by failure to provide proper care and control because, for the three-day period, the children were without parental care and control necessary for their physical, mental and emotional health and were without adequate

supervision necessary for their well-being).

Examples of Neglect justifications based on inadequate supervision:

- On or about August 21, 2016, Mr. Hall neglected G.H. age 3, by failing to provide adequate supervision, and, as a result, she was found wandering along Panola Road alone and without supervision.
- On or about August 16, 2016, Ms. Jackson neglected I.J., age 8 by failing to provide him with adequate supervision by leaving him alone at home while she was away from home at work for nine hours.

Example of a Neglect justification based on failure to provide proper parental care and control:

- On or about July 1, 2016, July 10, 2016, and August 5, 2016, Mr. Darcy neglected C.D. by failing to provide him with proper care and control necessary for his physical well-being by failing to take him for needed medical treatment for his congenital heart condition as requested by his physician, Dr. Dooley.

III. Physical Abuse

Examples of justifications supporting Physical Abuse:

- A.C. was physically injured, on or about November 3, 2016, when Mr. Collins, her father, hit her repeatedly with an extension cord leaving marks and lacerations on her legs.
- D.J. was injured when Mary Jones, her caretaker, intentionally burned her with a cigarette, leaving burns and marks on her arms and chest during a two-week period in September 2016.

IV. Sexual Abuse

Examples of Sexual Abuse justifications:

- Mr. Jones is substantiated for sexual abuse. On or about August 21, 2016, he had genital-genital sexual intercourse with A.B., age 13.
- Ms. Simmons is substantiated for sexual abuse. On or about October 12, 2016, she had physical contact in an act of apparent sexual stimulation with the clothed genitals of J.M., age 15. (Ms. Simmons is older than 19.)
- Mr. Davis is substantiated for sexual abuse. Over a three-month period from June 30, 2017, through September 30, 2017 he held A.D., age 15, in his home against her will and attempted to sell her to the highest bidder on a child pornography website. He also transported her to multiple locations where he required her to have oral-genital sex with various men in exchange for money on a total of more than five occasions. (Mr. Davis is older than 20.)

V. Sexual Exploitation

Examples of Sexual Exploitation justifications:

- Mr. Jackson is substantiated for sexual exploitation. During October 2016, he permitted S.W., age 13, to engage in sexually explicit conduct, specifically actual and simulated genital-genital and oral-genital sexual intercourse for the purpose of producing visual medium, including film and photographs of such activities.
- Mr. Smith is substantiated for sexual exploitation. During the months of August and

September 2017, he encouraged, S.B., age 16 to engage in texting sexually explicit photos of herself in which she was nude to make money and/or in exchange for gifts and clothes.

FORMS AND TOOLS

[A Guide to Gathering Information During an Investigation](#)
[Child Abuse Registry Handout-Road Map to Substantiated Abuse](#)
[Georgia Maltreatment Codes](#)