

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(6) Special Investigations	Effective Date:	March 2023
	Policy Title:	Conducting Special Investigations on DFCS or Child Placing Agency Foster or Adoptive Homes		
Policy Number:	6.3	Previous Policy #:	N/A	

CODES/REFERENCES

O.C.G.A. § 15-11-30 Rights and Duties of Legal Custodian
O.C.G.A. § 15-11-125 Venue
O.C.G.A. § 15-11-133 Removal of Child from the Home; Protective Custody
O.C.G.A. § 15-11-150 Authority to File Petition
O.C.G.A. § 15-11-202 Reasonable Efforts by DFCS to Preserve or Reunify Families
O.C.G.A. §16-12-100 Sexual Exploitation of Children; Reporting Violation; Forfeiture; Penalties
O.C.G.A. § 19-7-5 (e)(f) Reporting of Child Abuse
O.C.G.A. § 49-5-8 Powers and Duties of Department of Human Services
O.C.G.A. § 49-5-40 Definitions; Confidentiality of Records; Restricted Access to Records
O.C.G.A. § 49-5-41 Persons and Agencies Permitted to Access Records
O.C.G.A. § 49-5-281 Bill of Rights for Foster Parents; Filing of Grievance in Event of Violations
Title IV-E of the Social Security Act Sections 471(a) (15) (D) and (a) (9) (c), and 475 (9)
45 CFR Parts 1355.38(a) (5), 1356.21(b) (3) (i), 1356.21(k), and 1356.67
Child Abuse Prevention and Treatment Act (CAPTA)
Public Law (PL) 95-608 Indian Child Welfare Act of 1978 Final Rule (25 CFR Part 23)
PL 104-191 Health Insurance Portability and Accountability Act (HIPAA) of 1996
PL 105-89 Adoption and Safe Families Act (ASFA) of 1997
PL 113-183 Preventing Sex Trafficking and Strengthening Families Act of 2014

REQUIREMENTS

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

1. Prepare for the special investigation to direct and focus case management activities.
2. Place the DFCS or Child Placing Agency (CPA) foster or adoptive home on hold pending the outcome of the investigation (see policy [14.21 Resource Development: Actions During Special Investigations](#)).
3. Complete a special investigation involving a foster or adoptive home within 45 calendar days of the receipt of the intake report to:
 - a. Conduct a comprehensive assessment of the allegations of child abuse, including assessing child safety;
 - b. Take action when present or impending danger is identified;
 - c. Conduct an assessment of family functioning;
 - d. Determine if any policy violation(s) occurred; and
 - e. Determine whether child abuse is substantiated or unsubstantiated.
4. Conduct a joint investigation with law enforcement on all serious and/or complex reports of abuse as outlined by the local Child Abuse Protocol.

5. Conduct a joint investigation with the oversight authority, when applicable.
6. When the DFCS or CPA foster or adoptive home investigation involves a child death, near fatality or serious Injury (CD/NF/SI) also adhere to policy [6.7 Special Investigations: Conducting Special Investigations of Child Death, Near Fatality or Serious Injury](#).
7. Adhere to Health Insurance Portability and Accountability Act and confidentiality provisions outlined in policies [2.5 Information Management: Health Insurance Portability and Accountability Act \(HIPAA\)](#) and [2.6 Information Management: Confidentiality/Safeguarding Information](#).
8. Keep the identity of the reporting source confidential (see policy [2.6 Information Management: Confidentiality/Safeguarding Information](#)).
9. Analyze DFCS history to ensure a thorough assessment of safety and family functioning.
10. Use court intervention and/or request support from law enforcement to interview/observe a child in the legal custody of the foster/adoptive parent, when prevented from doing so, and safety cannot be assured (see policy [17.1 Legal: The Juvenile Court Process](#)).
11. Conduct a private face-to-face purposeful contact with the alleged victim child(ren) within the immediate-to-24-hour response time to assess and address child safety.
12. Complete the Safety Assessment in Georgia SHINES within 72 hours of completing the initial response with the alleged victim child(ren).
13. Engage each household member face-to-face and privately to discuss the maltreatment allegations and assess child safety and family functioning. This includes the following individuals:
 - a. Alleged victim child(ren)
 - b. Each caregiver
 - c. All adult household members
 - d. Other children in the home
 - e. Alleged maltreater(s)
14. Inform the individual subject to a child abuse report (alleged maltreater) of the allegations made against him/her at the time of initial contact whether face-to-face or by telephone.

NOTE: The Social Services Case Manager (SSCM) must be certain he/she is speaking to the alleged maltreater. To protect the confidentiality of the family, if the identity of the alleged maltreater cannot be confirmed, do not discuss specific allegations.
15. Notify the foster/adoptive parents of the right, to the extent allowed under state and federal law, to have an Adoptive and Foster Parent Association of Georgia (AFPAG) advocate present at all portions of an investigations of child abuse at which an accused foster parent is present. See policy [14.17 Resource Development: Foster Parent Bill of Rights and Grievance Procedure](#).

NOTE: Continue with the assessment of child safety for all children in the home regardless of the foster parent's request for an advocate (see Practice Guidance: [Foster Parents' Request for an Advocate](#)).
16. Conduct a visual assessment of all children to determine if any injuries or signs maltreatment exist.
17. Observe the physical home environment, including every room in the home to determine if it is safe and appropriate to meet the needs of each child.

18. Assess and discuss safe sleep practices with any caregiver who has an infant (up to one year of age) in the home. Take action to remedy unsafe sleeping situations prior to leaving the home (see Forms and Tools: Infant Safe to Sleep Guidelines and Protocol).
19. Make a safety determination in consultation with the Social Services Supervisor (SSS) prior to concluding each purposeful contact with the child, foster/adoptive parent, adult household member, and/or alleged maltreater; and take immediate action to control the identified safety threats if the child is unsafe.
20. Engage the Resource Development (RD) or CPA staff assigned to the foster or adoptive home regarding the allegations of maltreatment.
21. Engage any child(ren) in the legal custody of the foster or adoptive parent(s) in a face-to-face purposeful contact(s) who do not reside in the home concerning child safety and family functioning.
22. Engage the parent(s) of any alleged victim child(ren) in DFCS custody if termination of parental rights (TPR) has not occurred to discuss the child's well-being status and family functioning in the placement.
23. Engage collateral contacts who can provide relevant information for assessing maltreatment allegations, child safety and/or family functioning.
24. Obtain, review, and analyze reports, professional evaluations and assessments, pictures and other physical evidence gathered during the special investigation.
25. Request state criminal history record information of adult household members when criminal history may impact child safety, in accordance with policy [19.8 Case Management: Criminal Records Checks](#).
26. Conduct a purposeful contact with the caregiver(s) and all children in the household every 30 calendar days that the Special Investigation remains open.
27. Afford all rights under the Indian Child Welfare Act (ICWA) to any child who is a member of a federally recognized Indian Tribe, or eligible for membership and has a biological parent who is an enrolled member and is subject to removal, placement and/or any other legal action involving DFCS to promote the stability and security of Indian Tribes and their families (see policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#)).
28. Report to law enforcement immediately (no later than 24 hours) and refer the child to an available victim assistance organization, as certified by the Criminal Justice Coordinating Council when a child identifies as being a known or is a suspected victim of sex trafficking/sexual servitude. See Forms and Tools: Human Trafficking Case Management Statewide Protocol.
29. Immediately report any new, known, or suspected instances of child abuse to the CPS Intake Communications Center (CICC) as outlined in policy [3.24 Intake: Mandated Reporters](#).
NOTE: When making a new Intake Report on the family that is the subject of the investigation, the new case can be merged with the current case and investigated simultaneously.
30. Conduct efforts to locate a family when they cannot be located or have moved to an unknown location in accordance with policy [19.21 Case Management: Unable to Locate](#).
31. Complete the Family Functioning Assessment (FFA) in Georgia SHINES to analyze and organize the information gathered to understand the significant factors affecting a child's safety, permanency, and well-being.

32. Make a special investigation determination in consultation with the SSS at the conclusion of the special investigation.
33. Arrange individualized services for the family, when a need is identified, to address the developmental challenges they are experiencing in their everyday life.
34. Conduct a multi-disciplinary staffing at least 48-hours prior to submitting the special investigation for closure.
35. Discuss the investigation determination with the alleged maltreater and parent(s) of any alleged victim child(ren) in DFCS custody if TPR has not occurred, inform:
 - a. A written notice of the investigation outcome will be sent by mail; and
 - b. When the investigation is substantiated the notice to the maltreater will also include procedures for appeal if he/she disagrees with the decision.
36. Engage the foster or adoptive parent(s) to discuss the safety and maltreatment determination.
37. Provide written notification of the special investigation outcome to the required individuals and entities.
38. Document case activities in Georgia SHINES within 72 hours of occurrence.

PROCEDURES

The SSCM will:

1. Prepare for initiating the special investigation in accordance with policy [6.1 Special Investigations: Preparing for Special Investigations](#).
2. Analyze DFCS history involving the foster or adoptive parents and all children in the home in accordance with policy [19.10 Case Management: Analyzing DFCS History](#).
3. Contact the reporter, if known, when clarification or additional information related to child safety and/or the allegation(s) of maltreatment is needed.
4. Conduct a joint investigation with law enforcement on all serious and/or complex reports of abuse as outlined by the local Child Abuse Protocol. For additional information see Practice Guidance: Joint Investigations with Law Enforcement in policy [6.1 Special Investigations: Preparing for Special Investigations](#).
5. Conduct a joint investigation with the oversight authority, when applicable. See policy [6.9 Special Investigations: Notifications in Special Investigations](#) for the oversight authorities for CPA foster or adoptive homes.

NOTE: As other agencies, may have different timeframes for responding to such reports, DFCS staff must adhere to the DFCS assigned response times.
6. Complete attempts to locate the alleged child victim(s) to assess child safety within the assigned response time, including but not limited to:
 - a. Visiting the location where the child is believed to be; and/or
 - b. Contacting persons that could help verify or help locate the child or family, including but not limited to family members, neighbors, childcare agencies, school system, law enforcement, and other agencies that may be involved with the family.
7. Conduct a private face-to-face purposeful contact with each alleged victim child within the assigned response time to assess child safety (see policy [6.2 Special Investigations: Purposeful Contacts in Special Investigations](#)).
8. Complete the Safety Assessment in Georgia SHINES within 72 hours of completing the initial response with the alleged victim child(ren).
9. Inform the alleged maltreater of the child abuse allegations during the initial contact with him/her via telephone or through face-to-face contact.

10. Engage each household member face-to-face and privately to discuss the maltreatment allegations and assess child safety and family functioning in accordance with policy [6.2 Special Investigations: Purposeful Contacts in Special Investigations](#). This includes the following individuals:
 - a. Alleged victim child(ren)
 - b. Each caregiver
 - c. All adult household members
 - d. Other children in the home
 - e. The alleged maltreater(s)
11. Conduct a visual assessment of all children to determine if any injury or signs of maltreatment exist as outlined in policy [6.2 Special Investigations: Purposeful Contacts in Special Investigations](#).
12. Observe the physical home environment, including every room in the home to determine if it is safe and appropriate to meet the needs of each child in accordance with policy [6.2 Special Investigations: Purposeful Contacts in Special Investigations](#).
13. Make a safety determination in consultation with the SSS prior to concluding each purposeful contact with the child, foster/adoptive parent, adult household member, and/or the alleged maltreater in accordance with policy [19.11 Case Management: Safety Assessment](#). Take immediate action to control the identified safety threats if the child is unsafe:
 - a. When the child is in the legal custody of the foster/adoptive parent(s):
 - i. Develop and implement with the caregiver(s) a safety plan in accordance with policy [19.12 Case Management: Safety Plan & Management](#); and/or
 - ii. Initiate court/legal intervention in accordance with policy [17.1 Legal: The Juvenile Court Process](#).
 - b. When the child is in the legal custody of DFCS immediately remove the child from the placement (see policy [10.3 Foster Care: Changes in Placement](#)).
14. Interview children previously placed in the foster or adoptive home to discuss any patterns of behavior related to supervision, discipline, and/or overall child treatment.
15. Engage any child(ren) in the legal custody of the foster or adoptive parent(s) in a face-to-face purposeful contact(s) who do not reside in the home concerning child safety and family functioning (see policy [6.2 Special Investigations: Purposeful Contacts in Special Investigations](#)).
16. Engage the parent(s) of any alleged victim child(ren) in DFCS custody, if TPR has not occurred:
 - a. Notify the parent(s) there is an allegation of child abuse regarding their child;
 - b. Provide an update on the well-being of the child and placement status (if applicable); and
 - c. Gather information about family functioning in the placement where the alleged abuse occurred.
17. Engage collateral contacts that are knowledgeable about the allegations of child abuse, child safety, and family functioning in accordance with policy [19.16 Case Management: Collateral Contacts](#).
18. Consult the permanency or adoption SSCM with primary case management responsibilities and the CPA case worker (if applicable) to discuss the allegations of child abuse, child safety, and family functioning.
19. Contact the Director/Designee of the CPA when the special investigation involves a

- CPA foster home and request to review and obtain copies, when available:
- a. Records on the CPA foster home, licensing and/or other violations;
 - b. Any records of the alleged victim child(ren) maintained by the CPA; and
 - c. Witness statements and/or videos related to the alleged maltreatment.
20. Contact the RD SSCM to discuss information related to the home, including any policy violations and family functioning.
 21. Obtain, review, and analyze reports, professional evaluations and assessments, collateral statements, pictures, and other physical evidence gathered during the special investigation.
 22. Consult with subject matter experts as necessary (medical, behavioral health, DFCS staff, children’s advocacy center, etc.).
 23. Complete the FFA in Georgia SHINES in accordance policy [19.13 Case Management: Family Functioning Assessment](#).
 24. Make a special investigation determination in consultation with the SSS in accordance with policy [6.8 Special Investigations: Making a Special Investigation Determination](#).
 25. Conduct the multi-disciplinary staffing at least 48-hours prior to submitting the special investigation for closure in accordance with policy [6.8 Special Investigations: Making a Special Investigation Determination](#).
 26. Upon SSS approval of the investigation determination:
 - a. Engage the parent(s) of any alleged victim child(ren) in DFCS custody (if TPR has not occurred) to discuss:
 - i. Investigation disposition (safety and maltreatment determination)
 - ii. A written notice of the investigation outcome will be sent by mail.
 - iii. When the investigation is substantiated the notice to the maltreater will also include procedures for appeal if he/she disagrees with the decision.
 - iv. Service provision (see policy [19.17 Case Management: Service Provision](#)).
 - b. Engage the alleged maltreater to discuss:
 - i. Investigation disposition (safety and maltreatment determination).
 - ii. A written notice of the investigation outcome will be sent by mail.
 - iii. When the investigation is substantiated the notice to the maltreater will also include procedures for appeal if he/she disagrees with the decision.
 - iv. Service provision (see policy [19.17 Case Management: Service Provision](#)).

NOTE: When the alleged maltreater is a minor and the alleged victim child is not the minor’s biological child, have this discussion in the presence of the minor’s parent(s).
 - c. Engage the foster or adoptive parent(s) to discuss:
 - i. Investigation disposition (safety and maltreatment determination).
 - ii. Any safety plan to address safety concerns involving a child in the legal custody of the foster or adoptive parent(s).
 - iii. Any policy violations and the need for a corrective action plan (CAP) to address tasks or situations foster or adoptive parent is having difficulty managing. Inform that the RD SSCM or CPA case worker will work with them to develop the CAP.
 - iv. Service provision (see policy [19.17 Case Management: Service Provision](#)).
 27. Prepare the written notifications of the special investigation outcome in accordance with policy [6.9 Special Investigations: Notifications in Special Investigations](#).
 28. Submit the special investigation to the SSS for approval within 45 calendar days of the receipt of the intake report.

The SSS will:

1. Assist the SSCM in preparing for the special investigation in accordance with policy [6.1 Special Investigations: Preparing for Special Investigations](#).
2. Consult with the SSCM after each purposeful contact with child, foster/adoptive parent, adult household member, and/or the alleged maltreater to:
 - a. Make a safety determination in accordance with policy [19.11 Case Management: Safety Assessment](#);
 - b. Discuss safety interventions to control any identified safety threats including safety planning in accordance with policy [19.12 Case Management: Safety Plan & Management](#); and
 - c. Discuss any inconsistencies identified and follow up needed.
3. Review the Safety Assessment and make an approval decision in Georgia SHINES within 72 hours of submission by the SSCM.
4. Review the sufficiency of any safety plan for controlling or mitigating present or impending danger in accordance with policy [19.12 Case Management: Safety Plan and Management](#).
5. Assess the sufficiency of services recommended, when a need is identified in accordance with policy [19.17 Case Management: Service Provision](#).
6. Review documentation and professional assessments to provide guidance regarding the special investigation.
7. Make the special investigation determination in consultation with the SSCM in accordance with policy [6.8 Special Investigations: Making a Special Investigation Determination](#).
8. Ensure multi-disciplinary staffing is conducted at least 48-hours prior to submitting the special investigation for closure as outlined in policy [6.8 Special Investigations: Making a Special Investigation Determinations](#).
9. Review the FFA and make an approval decision in accordance with policy [19.13 Case Management: Family Functioning Assessment](#).
10. Review the submitted special investigation and make an approval decision in Georgia SHINES within 45 calendar days of receipt of the intake report.

NOTE: Stage progression to Family Preservation Services (FPS) or Foster Care may only occur to address safety issues related to a child in the legal custody of the foster or adoptive parent (see policy [19.4 Case Management: Case Transfer](#)).
11. Review and approve the special investigations outcome notifications in accordance with policy [6.9 Special Investigations: Notifications in Special Investigations](#).

PRACTICE GUIDANCE

DFCS Foster or Adoptive Homes

DFCS foster homes provides temporary care for children in foster care. Similarly, DFCS adoptive homes provide care for children in foster care, however, the adoptive parents have formally committed to adopting the child(ren) in their home. In addition, DFCS kinship foster homes or kinship adoptive homes, share the same corresponding responsibilities and requirements though the caregivers are kin to the children placed in their home. DFCS County Departments through the Regional Resource Development are responsible for evaluating, approving, and monitoring DFCS foster or adoptive homes.

Child Placing Agency (CPA) Foster or Adoptive Homes

CPA foster homes provides temporary care for children in foster care. Similarly, CPA adoptive homes provide care for children in foster care, however, the adoptive parents have formally committed to adopting the children in their home. CPA foster and adoptive homes are evaluated, approved, and administered by a CPA. A CPA is any institution, society, agency, or facility which places children in foster homes for temporary care or in prospective adoptive homes for adoption. The DFCS Office of Provider Management (OPM) and Residential Child Care Licensing are the oversight authorities for CPA foster or adoptive homes.

Helpful Hints in Foster or Adoptive Home Investigations

Foster or adoptive parents may often be surprised and hurt when notified about a report of alleged maltreatment. They are often not prepared for what the investigative process entails and may show reluctance in participating. The RD SSCM or CPA case worker and an advocate (if the foster or adoptive parent chooses to have one present) are resources available to provide support to the foster or adoptive parent during the investigative process.

DFCS partnership with foster and adoptive parents can present challenges when it comes to conducting objective investigations. As with any other type of investigation, DFCS must conduct a thorough assessment that does not rely solely on information provided by the foster or adoptive parent. Statements must be verified through collateral contacts (e.g., doctors, therapists, school personnel, etc.). DFCS must avoid prematurely drawing conclusions solely based on the age, behavioral or mental health history of the alleged victim. This can be accomplished while simultaneously treating the foster or adoptive parents with the same courtesy and respect afforded all families encountered.

Foster Parents' Request for an Advocate

Advocates are available to help the foster parent navigate through the complex and sometimes confusing process of addressing issues with DFCS. Support of an advocate is a right by law under the Foster Parents Bill of Rights. Foster parents have the right to request an advocate during all aspects of the investigation where the foster parent is present. DFCS and CPA foster, or adoptive parents can request an advocate by contacting the Adoptive and Foster Parent Association of Georgia (AFPAG) at www.afpag.net or call 1-877-804-6610.

When a foster parent requests an advocate the interview of the foster parent should be deferred until the advocate is present. However, a request for an advocate does not preclude DFCS from conducting the child safety assessment and/or taking immediate and appropriate action to control safety threats. The SSCM must proceed with the safety assessment of all children in the home, this includes children in DFCS custody as well as any children in the legal custody of the foster or adoptive parent. If the SSCM is unable to make a child safety determination without interviewing the foster parent, the SSCM must consult with the SSS concerning next steps.

Assessment of Foster or Adoptive Homes

Foster parents are important partners in caring for children in foster care. They not only provide care for, nurture, and support the children temporarily under their supervision they may also be providing care to children in their legal custody (i.e., biological or adopted children). An

investigation includes assessing the safety, maltreatment, family functioning and service needs of all household members. In a special investigation of a foster or adoptive home this will consist of the children in foster care, foster or adoptive parents, and children in the legal custody of the foster or adoptive parents. This also includes children in legal custody of the foster or adoptive parents, who do not reside in the home.

Service Provision in a Foster or Adoptive Home Investigation

Service provision can be used to preserve placements for children in foster care, where no safety issues have been identified, by helping the family manage difficult situations they are facing in their lives. Similarly, when the assessment identifies needs of the children in the legal custody of the foster/adoptive parent, service provisions are used to preserve the family. The investigating SSCM should notify the Permanency SSCM or resource maintainer (RD SSCM or CPA worker) during the multidisciplinary staffing or sooner (if urgent) to arrange services in accordance with the policy [19.17 Case Management: Service Provision](#). DFCS can refer to formal or informal providers to address any identified needs which include but are not limited to Prevention of Unnecessary Placement (PUP), wraparound, Babies Can't Wait (BCW), plan of safe care, substance use disorder treatment, intimate partner violence/domestic violence services, etc.

In some circumstances, Family Preservation Services (FPS) or Permanency may be required to address safety issues for children in the legal custody of the foster/adoptive parent. When this occurs, services for the foster/adoptive parent and the children in their legal custody are arranged and provided through the FPS or Permanency case. Children in foster care cannot remain in the foster/adoptive parents' home when there is an active safety threat and the resource may not be used for additional DFCS placements. Consideration may be given on a case-by-case basis to achieve permanency for a child in DFCS custody through the waiver process (see policy [14.23 Resource Development: Home Closure](#)).

Placement Moves of Children in DFCS Custody During a Special Investigation

Children in foster care should not be subjected to unnecessary placement moves as each placement disruption is traumatic and may result in emotional challenges. Therefore, the placement should not be disrupted unless the child is determined to be unsafe. Additionally, any child who has a permanency plan of adoption or guardianship, or who is in the process of adoption, should not be removed from the caregiver's home before the case is staffed with the Adoption Exchange State Permanency Unit unless present danger is indicated. Children in DFCS custody shall not remain in any home when safety threats are identified, when there is a substantiated case disposition, or a policy violation recommendation for home closure. Do not return a child removed from a placement under these circumstances unless a waiver to return the child is approved by the State Office.

Requests by Law Enforcement to Refrain or Delay Interviewing Alleged Maltreaters

Law enforcement may request DFCS refrain or delay interviewing the alleged maltreater due to a criminal case. The SSCM still has a primary obligation to ensure child safety. In this situation open and clear communication with law enforcement is necessary so that each agency understands what is required. When the alleged maltreater has access to the alleged victim child(ren) and a safety determination cannot be made without conducting an interview, communicate directly with law enforcement to coordinate the interview or to obtain a transcript

of the interview conducted by law enforcement. When it is determined that the SSCM will not be conducting a separate interview with the alleged maltreater, a list of questions or information that is needed from the individual(s) can be provided to law enforcement to ask the during the interview.

Requesting Criminal History Record Information

A criminal history check maybe warranted during a special investigation when there is an indication that an individual who has a caregiving role may have criminal history that impacts child safety; or when an individual's behavior indicates he/she may be, or have been, involved in criminal activity that could impact child safety.

FORMS AND TOOLS

[A Guide to Gathering Information During Investigations](#)

[Human Trafficking Case Management Statewide Protocol](#)

[Infant Safe to Sleep Guidelines and Protocol](#)

[Intimate Partner Violence \(Domestic Violence\) Guidelines & Protocol](#)