



January 31, 2024

To: Child and Family Services Division
Centralized Intake Specialist Supervisors and Centralized Intake Specialists
Child Protection Specialist Supervisors and Child Protection Specialists

Re: Amendment to Procedure "Taking a Report of Abuse or Neglect"

All,

The Child and Family Services Division (CFSD) investigates and may remove children from their family for abuse or neglect, as those terms are defined in MCA 41-3-101, actual physical or psychological harm to a child, substantial risk of such harm, or abandonment. While it has been standard practice, recent events require us to clarify that, standing alone, the allegation that a parent opposes and will not allow their child who has gender dysphoria to transition genders does not constitute such abuse or neglect.

The CFSD procedure "Taking a Report of Abuse or Neglect" has been revised to make this clarification. The following language has been added to Section 5, (5): *"CFSD does not investigate or remove children based solely on allegations that a parent opposes and will not allow their child to transition genders."*

Please immediately reference and review the updated procedure "Taking a Report of Abuse or Neglect", Section 5, (5)(1).

Thank you for your continued support of Montana's children and families.

Nikki Grossberg
CFSD Administrator

Charles T. Brereton
Director

Enclosure



DEPARTMENT OF
PUBLIC HEALTH &
HUMAN SERVICES

Category:

Child and Family Services Division

Procedure:

Taking a Report of Abuse or Neglect

Procedure Number

1. PURPOSE

The purpose of this procedure is to ensure that reports/referrals of suspected child abuse/neglect received by the Centralized Intake (CI) Unit of the Child and Family Services Division (CFSD) are processed in a manner that provides for the protection of children whose health and welfare are, or may be, adversely affected by actions or omissions of those responsible for their care, now or in the foreseeable future.

This procedure is successful when:

1. Reports received are addressed within a 24-hour time frame as indicated in the CI Training Manual
2. Reports are appropriately documented, information is gathered within CI on the family, processed and reviewed for clarity per the 24-hour time frame
3. Reports are disseminated to the necessary CFSD staff, Tribal authorities, Law enforcement or process within CI for information purposes and/or screen out within the 24-hour time frame

2. SCOPE

This procedure applies to CI and begins once a report is received, (via phone, FAX, or email) assessed, appropriately documented, and processed per the set time frame. Reports are then disseminated to the necessary CFSD staff in a timely manner.

3. RESPONSIBILITY

Any CFSD staff who receives a report outside of the Centralized Intake staff is responsible to direct the reporter to the hotline or otherwise ensure the information is provided to the hotline.

1. The Centralized Intake Specialist (CIS) duties include, but are not limited to, inquiring, assessing, categorizing, prioritizing, documenting, reviewing, and distributing, compiled information regarding reports of suspected child abuse and neglect.
2. The Centralized Intake Specialist Supervisor (CISS) duties include, but are not limited to, supervising, and overseeing of the functions of the CIS; verifying and correcting, as needed, incoming reports prior to field assignment; and ensuring the hotline functions effectively in a 24/7 environment.

4. DEFINITIONS

With specific regard to this procedure, please see the following definitions:

Department of Public Health and Human Services – Procedure



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Additional Information Report (AI)- A report where there is an open CPS and the information provided by the reporter has been determined that it does not meet the statute for investigation of abuse and neglect, or the information reported has been reported in the prior open report. The report will be linked to the open report in the Child and Family Services Division records keeping system. For further information regarding AI reports refer to the CI Training Manual.

Case Notes (ACTD) - When a report is made on a child that Child and Family Services Division has current legal custody of and the information does not contain concerns of child abuse or neglect, then a case note will be entered into the divisions records recording system to notify the assigned case worker.

Child and Family Services Report Priority 8 (CFS 8)- A report from a mandatory reporter as defined in MCA 41-3-201 part 2, who has concerns that a child has been subject to abuse or neglect although the alleged suspect is not considered a caregiver (3rd party) as defined in MCA 41-3-102- part 2 sections a through d.

Child and Family Services Report (CFS)- A report where requests for assistance and services from the Child and Family Services Division can be made for a family in need of support to prevent abuse or neglect. Further instructions on individuals who can make these requests can be found in the CI Training Manual.

Child Protective Information Report (CPI) - After thorough assessment of the information provided by the reporter, it has been determined that the information does not meet the statute for investigation of abuse and or neglect. Informational reports are used to document patterns of behaviors impact the safety of a child if further information was known. Informational reports are not investigated by the corresponding field office.

Child Protective Services Report (CPS report) – A report that alleges concerns of Physical Abuse and or Neglect on a child in the State of Montana by a caregiver as defined by MCA 41-3-102.

Licensing Report (LIC) - A report that involves an alleged licensing violation of a licensed foster parent, facility or day care as described by the Child and Family Services Division, Quality Assurance Division and Early Childhood and Family Support Division, but abuse or neglect is not present.

New Incident Report (NI) - A report that does contains concerns of Abuse and Neglect and will be screened for category and priority and sent out for investigation, but the family that is being reported on has a current open report within the 60-day assessment period. This report will be linked to the open report in the Child and Family Services Division records keeping system.

Screen Out (SCO) - Information obtained from the Reporter does not include: a minor child in the care or custody of an adult caregiver who is the person of concern and/or a location of the child or caregiver and/or the allegation does not meet the definition of child abuse or neglect as defined in MCA 41-3-102.



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Tribal Report (TRB)- A report that alleges Physical Abuse or Neglect to an enrolled tribal member that is domiciled on sovereign tribal lands. The report is sent to the appropriate tribal jurisdiction according to the CI Training Manual.

See also: Montana Master Definitions and Acronyms List

5. PROCEDURE

1. Every CIS will process all reports of suspected child abuse or neglect that are called into the child abuse hotline [1-866-820-5437 (KIDS)], or that are received by CI through faxes or emails. Should an individual call, write or visit any other division office to report suspected abuse and/or neglect, the CFSD staff receiving the information will refer the reporter to the hotline or provide the written communication to the hotline.
2. The CISS on each shift will ensure that the hotline is staffed 24 hours/day, 7 days/week, 365 days/year. They will verify that the hotline is functioning efficiently and effectively, while also ensuring quality and accuracy within every call and report.
3. Any CFSD staff involved in the investigation or ongoing case management of a case shall not reveal the identity of any person who provided information on the alleged child abuse or neglect to the parent, guardian or other person responsible for the welfare of the child(ren) who is the subject of the complaint unless a court requests the information (e.g., in a hearing or by court order) per MCA 41-3-205
4. The CIS will follow the steps outlined in the CI Training Manual regarding specific steps and best practices for receiving and documenting reports. The CIS will make diligent efforts to obtain the following information from reporters of abuse and neglect:
 1. The reporter’s name, contact information, relationship to family and how they know about the concern
 2. The names, dates of birth, current location, living address of the child(ren) of concern, parents, siblings, other persons in the home and the perpetrator (if not a parent)
 3. The school or childcare of the child(ren)
 4. Details of the concerns to assist in determining the accurate report categorization, required response time and any immediate safety concerns
 5. Whether drugs or alcohol may be a contributing factor to the allegations
 6. The protective capacities of the parents/caretakers
 7. The child’s specific vulnerabilities, and
 8. Law Enforcement Involvement
5. If the report is categorized as a Child Protective Services report, the CIS must list the allegations per Montana State statute and evidence provided by the reporter to the CIS.



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The CIS should refer to the CI Training Manual for the appropriate codes and definitions for allegations.

1. CFSD does not investigate or remove children based solely on allegations that a parent opposes and will not allow their child who has gender dysphoria to transition genders.

6. After the CIS has completed the report, they will cross report to law enforcement, the county attorney’s offices, and the Ombudsmen as necessary outlined in the CI Training Manual. They will submit the report for the CISS for review.
7. CISS will review the reports for clarity, consistency, and correct assignment, then assign the report to the appropriate agencies and/or authority or close out the report as outlined in protocol defined in the CI Training Manual.
8. All reports of child abuse and neglect are confidential. The CIS and CISS will follow the Child and Family Services’ Confidentiality Policy, The Health Insurance Protection and Portability Act and Montana State Laws regarding the confidentiality of families being served by DPHHS and CFSD.

6. RELATED DOCUMENTATION

Centralized Intake Training Manual

7. RELATED FEDERAL OR STATE GUIDANCE

Mont. Code Ann. § 41-3-101 Mont. Code Ann. § 41-3-102 Mont. Code Ann. § 41-3-109
 Mont. Code Ann. § 41-3-201 through 41-3-207 Mont. Code Ann. § 45-1-205
 Mont. Admin. R. 37-47-302
 Mont. Admin. R 37-47.303 Mont. Admin. R. 37-47-315
 Mont. Admin. R. 37-47-602, et. seq. Mont. Admin. R. 37-47-614
 45 CFR 84.55
 25 U.S.C. § § 1901-1963