

**CPS PROGRAM  
DESCRIPTION**

The purpose of Children's Protective Services (CPS) is to ensure that children are protected from further physical or emotional harm caused by a parent or other adult responsible for the child's health and welfare and that families are helped, when possible, to function responsibly and independently in providing care for the children for whom they are responsible.

The CPS program is based on the conviction that protection of children is primarily the responsibility of parents. When parents and other responsible adults fail, and children are harmed or are at sufficient risk to warrant intervention, CPS intervenes to safeguard the rights and welfare of children whose families are unable or unwilling to do so.

By law, the department has the responsibility to receive and respond to any complaint of child abuse, child neglect, sexual abuse, sexual exploitation, or maltreatment by a person responsible for the child's health or welfare.

In each case being investigated (with a few exceptions), CPS must complete a safety assessment to assess the present or imminent danger to a child during the investigation and at other important points during the life of the case. CPS must also complete a risk assessment on the family which determines the risk of future harm to the child. (See PSM 713-01-CPS Investigation-General Instructions and Checklist, Safety Assessment overview section for when a safety assessment does not need to be completed and PSM 713-11-Risk Assessment for when a risk assessment does not need to be completed.)

When investigation of the complaint determines that there is a preponderance of evidence of abuse or neglect by a person responsible for the child's health or welfare, the department must assess the needs and strengths of the family. In these cases, services must be provided to the family, until the conditions affecting the child no longer place the child at risk or until other services are in place to alleviate the risk.

Because children have a right to be with their own parents, the ultimate objective of CPS is to protect children by stabilizing and strengthening families whenever possible through services, either direct or purchased, to the parents or other responsible adults to help them effectively carry out their parental responsibilities. When-

ever possible, extended family members should be engaged to assist parents to take adequate care of their children. When appropriately assessed, planned for and supported, extended family support and care is a child welfare service that reflects the principles of child-centered, family-focused casework practice. In this system, the child's need for safety, nurturance, and family continuity drives service delivery and funding.

Children's needs should be considered in the context of having a family with a focus on maintaining and building family ties. This approach acknowledges the integrity of extended family networks as described by families, respects family strengths and diversity, builds upon family resources, and works to strengthen families by preventing the unnecessary separation of children from their families. Family members should be viewed as collaborative partners in service delivery with interventions offered to strengthen and, when necessary, increase the ability of the extended family to care for children by achieving family connectedness.

Child protection is a child-centered, family-focused service. In most cases, efforts must be made to keep families together. Placement of children out of their homes should occur only if their well-being cannot be safeguarded with their families. Appropriate relative caregivers should be the first choice of placement whenever the child can be safely placed with them.

CPS is distinctive in several ways:

- The request for children's protective services usually comes from someone other than the custodial parents (although it may come from one parent) in the form of a complaint of alleged child abuse and/or neglect.
- The parents may be unaware of what is happening to the child, or may be unable or unwilling to ask for and use help, even though they may know they need it.
- Parents may lack the motivation to seek and use available resources, or the community may have failed to identify potential child abuse/neglect situations and provide the services which could have prevented the need for CPS involvement.
- Once a complaint is received, CPS intervention must be evaluated by the department in the interests of the child who is reported neglected/abused.

- Any services must be offered on behalf of the child, even though, without a court order, the parent has the choice of accepting or rejecting the services that are offered.
- There are five possible disposition categories for CPS cases:
  - Category V-Cases in which CPS is unable to locate the family, no evidence of child abuse and/or neglect (CA/N) is found or the court declines to issue an order requiring family cooperation during the investigation.
  - Category IV-Cases in which a preponderance of evidence of CA/N is not found. The department must assist the child's family in voluntarily participating in community-based services commensurate with risk level determined by the risk assessment (structured decision making tool).
  - Category III-Cases in which the department determines that there is a preponderance of evidence of CA/N and the risk assessment indicates a low or moderate risk. A referral to community-based services must be made by CPS.
  - Category II-Cases in which the department determines that there is a preponderance of evidence of CA/N and the risk assessment indicates a high or intensive risk. Services must be provided by CPS, in conjunction with community-based services.
  - Category I-Cases in which the department determines that there is a preponderance of evidence of CA/N (risk must be at least high at initial assessment, at reassessment or by override) and a court petition is needed and/or required. Services must be provided by CPS (or foster care), in conjunction with community-based services.

The receipt of a complaint by DHS requires CPS to respond promptly to complaints of alleged child abuse and/or neglect in order to determine the validity of the complaint and determine whether the complaint is to be investigated by CPS staff, transferred to another unit that has jurisdiction (e.g., another state, American Indian Tribal Unit, law enforcement, etc.) to investigate, or be rejected. When assigned for CPS investigation, CPS must take the following actions:

1. Complete a safety and risk assessment on all households (See PSM 713-01-CPS Investigation-General Instructions and

Checklist, Safety Assessment overview section for when a safety assessment does not need to be completed and PSM 713-11-Risk Assessment for when a risk assessment does not need to be completed).

2. When there are safety factors present, determine which interventions, if any, will keep the child safe.
3. Determine whether there is a preponderance of evidence of CA/N. If there is a preponderance of evidence of CA/N:
  - Determine if the child can safely remain in the home.
  - Determine and identify the family problems which contributed to, or resulted in, CA/N and the family strengths which can be built on for the purpose of referring the family to community-based services.
  - Consider family strengths and evaluate the potential for treatment of the underlying factors to ameliorate risk factors and to assist the family in taking adequate care of the child.
  - Attempt to engage the family in services. The plan for services should be developed in consultation with the parents/responsible adults and the family support network, if appropriate. The goal is to stabilize and rehabilitate the family through services provided by the department, purchased services and/or the use of other appropriate community resources to meet the needs of the child and parents. Intensive in-home services including the use of the family's support system must be considered in an effort to prevent out-of-home placement, when safe to do so.
  - File a petition with the Family Division of Circuit Court in situations where the child is unsafe, where there is active resistance to CPS intervention, or when there is resistance to, or failure to benefit from, CPS intervention and that resistance/failure is causing an imminent risk of harm to the child.