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**NEW CPS  
COMPLAINTS WHEN  
A CHILD IS IN  
FOSTER CARE**

Complaints of child abuse and neglect (CA/N) occurring in a licensed foster care home or the home of an unlicensed/unrelated or related caregiver must be investigated by CPS-Maltreatment-in-Care (MIC) units. This includes complaints while the child is placed in the home or after the child has been moved from the home.

If centralized intake (CI) is unsure about assigning a complaint, CI must complete a preliminary investigation as outlined in PSM 712-5. This preliminary investigation must also include contact with the direct foster care worker and if appropriate, the foster home certification worker.

If the current complaint is at least the third CPS complaint on a foster family or care provider **and** the complaint includes a child age 3 or under, CPS must conduct a preliminary investigation as outlined under the Multiple Complaint policy in PSM 712-5.

If the preliminary investigation indicates that the complaint may have basis in fact, a field investigation must be completed. If there is or will be an ongoing investigation being conducted by the foster home certification worker, there should be coordination to the maximum extent feasible. This reduces duplication and allows for collaboration regarding any actions needed to protect children in foster care; see PSM 712-6.

As many as four (4) separate, but coordinated, investigations could need to be conducted concurrently:

1. CPS investigation of allegations of child abuse and neglect.
2. DHS and/or private agency foster home certification special evaluation of compliance with PA 116 and the licensing rules.
3. DHS and/or private agency foster care staff investigation of the continued appropriateness of the child's placement.
4. Law enforcement investigation of criminal allegations.

In rare circumstances, the Bureau of Children and Adult Licensing will investigate the child-placing functions of the department.

**Special Note:** CPS must not remove a foster child during an investigation unless there is imminent risk of harm to the foster child. See FOM 722-3, Foster Care - Placement/Replacement, Change in Placement section for more information on when foster care must move a child.

A copy of the Safety Assessment and the Investigation Report, must be forwarded to the DHS or private agency foster care supervisor(s) with the active foster care case(s) and if appropriate, the DHS or private agency foster home certification supervisor within two (2) working days of completion of the report.

### **Imminent Risk of Harm**

If a child placed in his/her own home (reunification has taken place and court jurisdiction has not been dismissed) is at imminent risk of harm and must be removed because no provision of service can safeguard the child in the home, foster care must be contacted to assist with placement. Whenever possible, the foster care worker should handle the replacement.

If a child placed in a foster home, in an unlicensed relative home, or other type of out-of-home placement is at imminent risk of harm and must be replaced, foster care must be contacted to assist with placement. Whenever possible, the foster care worker should handle the replacement.

### **CPS Complaints on a Parent or Other Person with Whom Reunification is Sought**

If a new complaint of CA/N by a parent (or person with whom reunification is sought) of a child who is under the jurisdiction of the court is classified a Category II or I, the CPS worker must file a petition with the court and testify at the adjudication hearing, if necessary. See FOM 722-13, Foster Care-Referrals To CPS, for more information.

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**CPS Complaints  
on Licensed Foster  
Parents**

When a CPS complaint involving a foster home licensed by DHS is received, the local office must proceed with standard procedures for assessing whether the complaint will be investigated. If the complaint is assigned for investigation and the CPS worker has an established relationship with the foster family, the complaint should be assigned to a worker without an established relationship with the foster family. If all CPS workers in the local office have an established relationship with the foster family, the complaint should be transferred to another local office.

Disputes between counties must be immediately referred to Child Welfare Field Operations Administration. Any preponderance of evidence finding, regardless of risk level, on a licensed foster parent requires his/her name to be placed on central registry.

***Notification of and Coordination with the  
Licensing/Certification Unit***

As soon as possible, but within 24 hours or the next business day of receipt of the CPS complaint, contact the licensing/certification unit in the child-placing agency responsible for licensing supervision of the home (for example, local DHS office, county juvenile court, private child placing agency, community mental health agency, etc.) and indicate that a complaint has been received and whether CPS is investigating. If there is or will be an ongoing investigation being conducted by the foster home certification worker, there should be coordination to the maximum extent feasible; see PSM 716-6, Complaints Involving Child Care Organizations and Institutional Settings.