

**REPORT OF THE  
JOINT SUBCOMMITTEE STUDYING**

**Child Abuse Reporting  
and  
Investigation Procedures**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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Report of the  
Joint Subcommittee Studying  
Child Abuse Reporting and Investigation  
Procedures  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
January 1, 1989

TO: Honorable Gerald L. Baliles, Governor of Virginia,  
and  
The General Assembly of Virginia

AUTHORITY FOR STUDY

House Joint Resolution No. 127, sponsored by Delegate Joseph P. Crouch, called for creation of an eight-member joint subcommittee to study the procedures governing the making of reports and the conduct of investigations of allegations of child abuse. See Appendix A. The resolution suggests that current procedures do not afford adequate protections to persons who are accused of child abuse and that far too many unfounded complaints are being made.

The Speaker appointed Delegates Joseph P. Crouch, David G. Brickley and Jean W. Cunningham from the House Committee on Health, Welfare and Institutions and Delegates James F. Almand and John G. Dicks III, from the House Committee for Courts of Justice. The Senate Privileges and Elections Committee appointed Senators W. Onico Barker and William C. Wampler, Jr., from the Senate Committee on Rehabilitation and Social Services and Senator Joseph V. Gartlan, Jr., from the Senate Committee for Courts of Justice. Senator Gartlan was elected chairman of the joint subcommittee and Delegate Brickley was elected vice-chairman.

The joint subcommittee held three meetings and one public hearing in Richmond. Additionally, the chairman appointed Delegates Almand and Crouch and Senator Barker to a subcommittee which held a public hearing in Roanoke. The meetings and hearings were well attended. The joint subcommittee received input from a number of individuals and organizations including child protective services (CPS) workers and supervisors, representatives of VOCAL (Victims of Child Abuse Laws) and SCAN (Stop Child Abuse Now), and the Department of Social Services (hereinafter, "the Department").

NATURE OF THE PROBLEM

In the last twenty years, Congress, all 50 states and the District of Columbia have enacted laws designed to protect children from abuse and neglect. All states now have mandatory reporting laws similar to Virginia's (see § 63.1-248.3, Code of Virginia). The laws of the Commonwealth specifically state that the public policy of the Commonwealth is to (i) require reports of suspected abuse or neglect in order to identify children

who are abused and neglected, (ii) assure that protective services will be made available to protect the child and siblings and prevent further abuse or neglect and (iii) preserve the family by enhancing parental capacity for adequate child care (§ 63.1-248.1, Code of Virginia). The focus of the laws, regulations, policies and practices has been to protect as many children as possible. Appendix B provides a flow chart of the way in which reports and investigations are generally handled.

Nationally, the number of reported cases of abuse or neglect increased more than twelve times since 1963.<sup>1</sup> In Virginia during FY 88, 50,228 complaints were received by the Department, up 4.8% from the previous year.<sup>2</sup> As the number of complaints has risen, so too has concern about the manner in which these complaints are reported and investigated. Much of the concern focuses on the unfounded or unsubstantiated complaints. Critics speculate that unfounded allegations of abuse are made to intimidate and ruin the reputation of others and that the CPS system is poorly equipped to handle those types of complaints.

Approximately 60% of all complaints made nationally are "unfounded." In Virginia 38,886 complaints (77%) were unfounded in FY 88. Although the definition of a founded complaint varies from state to state, generally the term means that some form of maltreatment was found to have occurred or that the child is "at risk." Many complaints which are included in the unfounded category actually involve other problems, such as truancy, delinquency, typical parent-child conflicts not rising to the level of abuse or neglect, and family money management problems.<sup>3</sup> Most experts agree that nationally only a few (4-10%) of the unfounded complaints are made maliciously.<sup>4</sup> Some argue that false allegations of sexual abuse are being made with increasing frequency in contested divorce, support and custody actions.

Whether made maliciously or not, a complaint may have a substantial impact on the life of the person who is accused of abuse or neglect. The process of investigation is such that a determination that a complaint is unfounded can be made only after a significant invasion of the suspect's privacy. Neighbors, friends and co-workers who may have been witnesses to the alleged abuse are interviewed. They may be told that the accused is suspected of one of the most heinous of crimes, child abuse. They may never be told of the outcome of the investigation.<sup>5</sup> By some estimates, as many as 80% of those who are falsely accused of child abuse lose their jobs or suffer other employment problems.<sup>6</sup> In a recent prosecution for alleged child sexual abuse in Lynchburg, a member of the jury noted that the accused's "...reputation is damaged for life; no one will remember that he was acquitted in approximately 10 minutes."<sup>7</sup>

At the same time, child protective agencies are being sued with increasing frequency for inadequately protecting a child.<sup>8</sup> Studies have shown that approximately 25% of all child fatalities attributable to abuse or neglect involve children who have previously been reported to a child protective agency.<sup>9</sup> Twenty-five children died from abuse or neglect in Virginia in FY 88.

The task of this joint subcommittee was to determine whether more protections can be afforded to persons who are the subjects of a report or complaint and investigation without adversely affecting the ability of the Commonwealth to protect children at risk.

## SUMMARY OF RECOMMENDATIONS

The joint subcommittee finds and recommends as follows:

1. Reports of suspicions of abuse or neglect are necessary and should be encouraged in order to adequately protect the children of the Commonwealth;

2. There is currently insufficient data to fully evaluate the nature of unfounded complaints but further review and evaluation should be undertaken as the data becomes available;

3. There are indications that false complaints of abuse or neglect are being made to gain leverage in domestic cases involving custody or visitation of children, but further study by the Virginia State Bar is needed to determine the extent of the problem and develop appropriate sanctions;

4. The American Bar Association report and recommendations on the development and implementation of screening standards should be reviewed, when available, and further consideration should be given to the desirability of using screening standards following that review;

5. Screening of reports and the investigation of child abuse complaints requires the exercise of considerable discretion, a high degree of professionalism, and a unique ability to work within the criminal justice and social services systems on a very private, personal, and complex matter;

6. The Department should conduct further study of the feasibility and desirability of licensing or certification of CPS workers and supervisors, and improving the entry-level criteria;

7. The mission of Child Protective Services can be better achieved by improving the flow of information between Child Protective Services workers and the alleged abuser/neglector and the family of the victim; and

8. Additional funding is essential to (i) recruit additional CPS workers, (ii) improve the training and experience required to properly exercise discretion in the screening and investigation of complaints, and (iii) reduce turnover and improve morale, thereby ensuring that the CPS system continues to protect and serve children and families in need.

## ISSUES AND RECOMMENDATIONS

### 1. REPORTING

One of the primary concerns of critics of the CPS system is the high percentage of complaints of suspected abuse or neglect which are ultimately determined to be unfounded. A complaint is classified as unfounded if, upon review of the facts and circumstances reported, the CPS worker finds no clear and convincing evidence to believe that abuse or neglect has occurred.<sup>10</sup> It was suggested to the joint subcommittee that the high unfounded rate is

evidence that far too many people are being needlessly subjected to the humiliation and intrusion necessitated by a CPS investigation. Some argue that the authority granted to CPS to receive and investigate complaints which come from individuals who do not identify themselves (anonymous complaints) encourages maliciously motivated complaints.

Nationally, only 60% of all reported instances of child abuse are determined to be unfounded. In Virginia, the rate for FY 88 was 77%. Representatives of the Department estimate that only 2.6% of all reports involve an intentional misrepresentation by the claimant and could be considered to be maliciously motivated. See Appendix C. According to the Department complaints which are categorized as unfounded frequently involve misinterpretations of the facts or circumstances by a complainant. Also included in this category are situations where the subjects cannot be located. A significant source of unfounded complaints is the anonymous complainant.

Several individuals testified that as a result of a complaint, ultimately deemed unfounded, they had been subjected to significant unjustifiable intrusions into their privacy. Unfortunately, because the source of the complaint was kept confidential by CPS, they were unable to document a suspicion that the complaint had been made anonymously and possibly maliciously. A causal relationship between anonymous complaints and unfounded complaints made maliciously could not be established or refuted in the absence of this information.

The joint subcommittee notes that there is no empirical data available on unfounded complaints. In order to protect the subject of a complaint, prior to July 1, 1988, the CPS records were purged immediately upon a determination that the complaint was unfounded. Enactment of House Bill No. 974 in 1988 required a change in the record keeping procedures of the local agencies. See §§ 63.1-248.5 and 63.1-248.5:1, Code of Virginia. Under prior law, a complainant was granted absolute immunity from suit unless it could be proven that he acted with malicious intent. House Bill No. 974 established a procedure for the subject of an unfounded complaint he believes was made maliciously or in bad faith to petition the circuit court for disclosure of the records in the case, including the name of the complainant if appropriate. The local CPS agencies are required to keep the records in unfounded cases for at least 30 days following written notice to the subject of the determination and the availability of procedures to obtain access to the records. If requested by the subject the agency is required to keep the records for an additional two-year period.

The joint subcommittee believes that the record keeping component of House Bill No. 974 serves two valuable functions. First, it enhances the ability of an innocent subject of a potentially malicious complaint to pursue his legal remedies. Second, it will create a data base on unfounded complaints. The Department plans to keep the records on unfounded complaints for one year and compile non-identifying demographic information on unfounded complaints from these records. The joint subcommittee urges an analysis of this information as it becomes available. It is recommended that the analysis give particular attention to an evaluation of the sources of unfounded complaints, particularly if suspected or determined to be made maliciously or in bad faith.

In the absence of the necessary empirical data, the joint subcommittee notes that in Virginia a high burden of proof is placed on the CPS worker before a report or complaint can be determined to be founded. The worker must find by clear and convincing evidence that abuse or neglect has occurred.<sup>11</sup> Virginia, Texas, and Georgia are the only states which use this high standard; the majority of states require only a preponderance of the evidence.<sup>12</sup> It is strongly suspected that this burden of proof is a significant factor contributing to the high unfounded rate. Several CPS workers testified that in many cases classified as unfounded, the alleged victim and the family nonetheless received services through CPS. They indicated that in these cases, there was a problem which placed the child at risk, but the burden of proof could not be met.

The joint subcommittee recognizes that the high standard is a double-edged sword. It provides better protection to innocent persons accused of abuse or neglect by making it more difficult to found a complaint, but may result in an inability to afford services and protection to a child who is truly in need if clear and convincing evidence is not available. The joint subcommittee believes the potentially harmful aspects of the inability to meet the standard are significantly minimized by the majority of CPS workers in Virginia. Experienced, professional CPS workers will, as indicated by their testimony, find a way to maintain contact and provide services, even where the complaint is determined to be unfounded.

Of considerable concern to the joint subcommittee was anecdotal evidence presented regarding an apparently increasing incidence in the use of false complaints of abuse or neglect as a tool in contested divorce, custody or visitation matters. It was suggested that in some cases, attorneys are recommending that their clients use this tactic. The joint subcommittee strongly condemns such a practice. The joint subcommittee recommends that the Virginia State Bar analyze all available data, including the data on unfounded complaints as it becomes available from the Department, to determine whether attorneys are advising their clients to misuse CPS in this way. If so, further study by the State Bar will be needed to develop methods to stop this abuse of the CPS system and impose appropriate sanctions. Misuse of the CPS system needlessly subjects innocent persons to an investigation and places an unnecessary strain on the limited resources allocated to the system. The joint subcommittee notes that mediation services are being used more frequently in divorce and custody cases throughout the Commonwealth. Where available and appropriate, mediation should be utilized in CPS cases which also involve a domestic dispute between parents.

Although an in-depth analysis of the reasons for the high unfounded rate in Virginia could not be undertaken, the joint subcommittee recognizes that unfounded complaints are evidence that the CPS system works. The public is aware of its obligation to protect children from abuse and neglect and has identified CPS as a source of that protection. Children who are abused or neglected are being identified. Services are being provided to prevent further harm and enhance the ability of the family to deal with its problems. The public policy of the Commonwealth as stated in § 63.1-248.1 is being achieved. There is no data available to establish that unfounded complaints from anonymous sources are often malicious. In the absence of such evidence, the joint subcommittee is reluctant to take any steps which would discourage people from reporting suspicions of abuse or neglect.

However, it is apparent to the joint subcommittee that a system such as this which is designed to encourage reports of suspicions, however slight, must have adequate procedures for screening complaints for further investigation.

## 2. SCREENING

Appropriate standards must be utilized to prioritize and assign cases for investigation. This is especially true where the policy of the Commonwealth is to encourage reporting of suspicions of abuse or neglect and limited resources are available. The standards must ensure that the cases in which the child is in the most danger receive attention first. Virginia law currently requires immediate investigation of all complaints made to CPS (§ 63.1-248.6 D1., Code of Virginia).

House Joint Resolution No. 127 specifically instructed the joint subcommittee to review the results of the American Bar Association (A.B.A.) study of screening standards in child abuse cases. Virginia is one of five states<sup>13</sup> participating in that study. The study will analyze the factors used by CPS workers in those states in screening complaints for investigation and will recommend appropriate standards. Unfortunately, the results of the study will not be available until the early part of 1989. Preliminary results were not available for review. Nonetheless the joint subcommittee discussed the merits of screening standards at great length.

Screening limits the discretion granted to CPS workers. Although all complaints must be investigated according to the statutes, for practical reasons many are not. According to the testimony received most local offices do not have adequate staff to investigate each complaint. Additionally, many complaints received do not need investigation, but require some other types of services. Intake workers are performing a good deal of screening by failing to define the complaint as valid, i.e., within the jurisdiction of CPS. Screening is essential to the CPS process; not all complaints could or should be investigated.

The issue for the joint subcommittee was to determine whether statutory or regulatory screening standards are preferable to allowing CPS workers to exercise discretion on a case-by-case basis. The joint subcommittee discussed various approaches to screening. For example, development of screening standards for certain types of cases, e.g., domestic cases, or standards based on the source of the complaint were discussed. However, the testimony received from parents, suspects and CPS workers stressed the unique nature of each case and the numerous factors which come into play in evaluating the seriousness of a complaint. The joint subcommittee believes some discretion is essential to the screening process; the human touch is needed.

The joint subcommittee believes analysis provided in the A.B.A. Report will be helpful in making this determination. The Department is encouraged to review the A.B.A. report when it becomes available. The joint subcommittee believes that a decision whether to adopt screening standards should be deferred until that time. The A.B.A. report and recommendations should be reviewed in conjunction with the analysis of the data collected on unfounded complaints.



Of considerable interest was the testimony from critics of the CPS system. Most stated that the policies and procedures adopted by the Department for CPS investigations were appropriate - they simply were not followed in the particular case being described. This focuses on the need to ensure that the CPS workers, who are granted so much discretion, are capable of exercising that discretion properly. They need adequate time, training and experience.

Ideally, CPS workers who have considerable experience in the investigation phase should be utilized at intake. Intake is a critical phase in the process. The intake worker is responsible for (i) getting all the facts, (ii) determining whether the complaint falls within the CPS area of responsibility, (iii) assessing the risk to the child, and (iv) determining whether an investigation should be undertaken.

The possibility of creating a type of subspeciality, whereby only the most experienced workers would be used in intake, was discussed. However, in light of manpower and funding shortages throughout the CPS system, the joint subcommittee is reluctant at this time to make any recommendation regarding staffing in the individual offices which would create additional personnel administration problems. This is not to say that the goal should not be to use the most qualified, most experienced workers at intake whenever possible. As improvements are made in the entry level qualifications, in-service training requirements and the numbers of CPS workers, the joint subcommittee hopes this goal will be achieved by the Department.

Training and experience in all facets of the CPS system are required to complete the CPS tasks fairly and efficiently. Currently, there are no minimum educational requirements for entry level CPS workers. The joint subcommittee did not find sufficient evidence to conclude that the knowledge, skills, and abilities criteria used in hiring have resulted in any problems with the quality of CPS workers. However, the testimony received indicated that the public perceives a problem. Several persons testified of their concern that highly personal aspects of their lives may be reviewed by persons who are not required to have a high school diploma, although currently all CPS workers are high school graduates.

The Department has recommended a study of the need to certify or license CPS workers and supervisors. The joint subcommittee endorses this recommendation. Further study is needed to assess (i) the effects of such a requirement on the quality and competence of CPS workers and (ii) the feasibility of implementing such a change in light of current status of the law of employment and labor relations. The joint subcommittee recommends that the Department also consider whether adoption of minimum entry level educational requirements, specifically a bachelors degree, is desirable and feasible. It was noted that a Department study conducted in 1986 indicated that fewer than ten CPS workers did not have a bachelors degree. The joint subcommittee recommends that provision should be made to exempt experienced CPS workers and supervisors from any educational, licensing or certification requirements adopted.

The joint subcommittee also believes improvements in the training program are necessary. Currently, new CPS workers receive nine days of training within the first six months of employment. The joint subcommittee is

concerned that too much reliance is placed on on-the-job training. A training center for CPS workers and supervisors, as recommended by the Department, should be funded. In addition to expanded entry level training, improved in-service training programs should be developed. The joint subcommittee believes that interdisciplinary training involving judges, lawyers and law-enforcement should be used more extensively. A training center will facilitate the development of this type of program.

Expanding the entry level requirements and training programs will necessarily require an increase in the salary levels for all CPS personnel. Higher salaries are needed to attract and keep qualified workers. The joint subcommittee recommends that the General Assembly provide additional funding for salaries as well. Higher salaries, coupled with expanded competency standards, will improve the public perception of the system and the ability of the CPS system to deliver its services to the public.

### 3. INVESTIGATION

A major portion of the subcommittee deliberations involved the investigation process. As noted, CPS is required to investigate all complaints received. Discussions of the joint subcommittee primarily involved the issues of (i) whether the investigatory authority of CPS should be limited and (ii) what modifications in current policies and procedures are needed to improve the current investigatory process.

CPS is a child and family services system. Some critics of the investigatory process have suggested that CPS should investigate only intra-family allegations of abuse or neglect. It was argued that cases involving third parties most often result in criminal charges. These investigations would be better handled by trained law-enforcement personnel. Additionally, eliminating the need to investigate these types of complaints would free the workers to spend more time on cases involving allegedly troubled families.

The joint subcommittee recognizes that the primary role of CPS is to protect children and preserve families. Arguably, limited CPS resources would be better spent if investigatory authority were limited to intra-familial cases. However, the joint subcommittee believes that properly trained professional CPS workers are best equipped to help the victim and the victim's family, regardless of the relationship to the perpetrator. Furthermore, the CPS system is capable of providing appropriate treatment services to the perpetrator. CPS should continue to investigate all complaints received and the use of interdisciplinary teams should be encouraged where practicable.

It is noted that currently CPS is required to report to local law enforcement complaints involving death of a child or in which felonies punishable by imprisonment for at least five years or sexual abuse are suspected. See § 63.1-248.6D5, Code of Virginia. Under current law, attempt to commit rape, forcible sodomy or inanimate object sexual penetration is punishable as a Class 4 felony. See § 18.2-67.5, Code of Virginia. A CPS worker who suspects that such offense has been committed would not be required to report the offense to local law enforcement because the authorized penalty is less than five years and the suspected offense does not involve actual

sexual abuse. There are a number of other situations involving children as victims of criminal activity or children engaged in potentially dangerous activity. The joint subcommittee believes that in order to encourage and fully utilize the interdisciplinary approach, the statute should require reporting in a number of these other situations. See Appendix D. The legislation would require a CPS worker to make a report to local law enforcement whenever he suspects any felony or Class 1 misdemeanor involving a child as the victim, any sexual offense, any felony or Class 1 misdemeanor involving controlled substances or marijuana and any felony or Class 1 misdemeanor involving physical injury or threatened injury to a child. A list of the offenses the joint subcommittee would include is attached as Appendix E. This list is not exhaustive. Additional amendments to § 63.1-248.6D5 are merely to clarify and conform to current policies and procedures.

As mentioned above, many of those who criticized the CPS system on the basis of their experience with the system noted that the problems encountered would have been avoided if the CPS worker had simply followed governing policies and procedures. One of the most frequently voiced criticisms of the investigation process involves a failure or perceived failure of CPS workers to adequately communicate with the subject, the victim and the victim's family. Several persons testified that they were never fully advised by CPS of the nature of the charges leveled against them or what to expect from the investigation - how long it would take, who would be contacted, what could be done if the complaint was substantiated, if it wasn't, etc. Those who testified expressed a great deal of frustration in attempting to respond to the investigation without this information. The lack of adequate information to formulate an appropriate response is particularly troubling in those cases where the children are removed from the home pursuant to the emergency removal authority granted under § 63.1-248.9, Code of Virginia. The joint subcommittee heard testimony that some individuals were not advised of the nature of the complaint until they appeared in court at a hearing on the emergency removal order.

Department policy does not include any formalized process for advising the subject or the victim's family of their rights and responsibilities with respect to the investigation. A brochure containing general information on CPS is frequently given to the subject at some point during the investigation. Although Department policy requires an interview with the subject, in some cases the subject is not contacted until after friends, neighbors or employers and co-workers have been contacted.

In order to enhance the integrity of the investigatory process, a more formalized informational process should be adopted by the Department. The joint subcommittee believes that in most cases both the subject of the complaint and the victim's family should be advised, in writing, of the general nature of the charges. The notice should be given as soon as practicable, preferably before or during the initial contact by CPS. The joint subcommittee recognizes that in some instances, the CPS investigation will be conducted simultaneously with an investigation by local law enforcement authorities. In these cases, the recommended notice might interfere with an independent investigation for the purpose of bringing criminal charges. The new policy must give due deference to the needs of law enforcement. At the same time, CPS should not be used as a tool in conducting a criminal investigation.

Several members of the joint subcommittee are concerned about the potential for abuse of the CPS system by the law-enforcement community. Currently, any statements made by the subject to a CPS worker during the course of a CPS investigation are admissible as evidence on the issue of guilt or innocence in a subsequent prosecution. There is no requirement of statute or case law that the subject first receive from the CPS worker notice of his constitutional rights to remain silent or consult with an attorney (i.e., Miranda warnings). The police would be required to give these warnings during the course of a custodial interrogation.<sup>14</sup> There is concern that a CPS worker could be used to conduct an interrogation for the police without requiring that the subject first be advised of and waive his rights.

It must be noted that no evidence was presented to suggest that this had occurred in even one case. Nonetheless, the joint subcommittee recognizes the potential for overzealousness. Considerable time was spent discussing the merits of having the subject advised of his rights in Miranda fashion at the time of first contact or providing that statements made to a CPS worker prior to being advised of one's rights would be inadmissible. See, for example, House Bill No. 1321 (1987 - Morrison) as introduced. Testimony was presented that in some localities the workers read Miranda warnings to the subject at the time of the first contact if they believe criminal charges may result. In other areas, if a felony is suspected, the police may be present when the subject is first interviewed.

Required Miranda warnings in all cases would ensure that the subject was aware of certain of his rights. However, because most people are familiar with the Miranda warnings simply from watching television, the benefits to the subject would be minimal. There was a great deal of concern that such a requirement would place too much emphasis on the possibility of a criminal prosecution. Very few complaints result in criminal prosecutions. The CPS service function might be lost on the individual. Additionally, such a requirement would extend Miranda beyond the limits defined by the United States Supreme Court. In this absence of evidence of overzealousness on the part of law enforcement in this area, the majority does not believe such a requirement is needed. \*See attached Dissent-in-Part.

The benefits of the Miranda warnings can be obtained in other, less confusing ways. The written notice to the subject and the family should provide detailed information, in plain English, of the mission of CPS. The notice should stress the importance of cooperation but explain that cooperation cannot be coerced. The rights and responsibilities of CPS and the victim, victim's family and the subject should be explained. Finally, the joint subcommittee believes an explanation of the available dispositions and the implications of each, as well as a rough time table for action, should be given.

Sections 63.1-248.10 and 63.1-248.13 authorize CPS to interview and have a physical examination of a child victim conducted without first obtaining the consent of a parent or guardian. The need for such authority is apparent. However, the joint subcommittee believes that, in most cases, the parent or guardian should receive written notice of the fact of the interview or examination and a summary of the results as soon as practicable following the interview or examination. Again, this encourages a free flow of information, cooperation and trust. Modification of the Department policy in the manner

outlined above will not significantly interfere with the ability to conduct a thorough investigation but will do much to improve the way in which CPS is perceived in the community.

The joint subcommittee recognizes that these policy changes will affect the work load of the CPS workers. Additional paperwork will be necessary to document compliance with the informational requirements, and ensuring that appropriate notices are given will take more time. A recent study conducted by Touche Ross at the request of the Department indicated that the average CPS investigation in Virginia takes 5.8 hours. This is little more than half the minimum time recommended by Action for Protection, a private, non-profit national organization involved in provision of child welfare services.<sup>15</sup> Arguably, less time is devoted to investigations in Virginia on average because of the relatively high rate of unfounded complaints. It was suggested that it takes less time to determine that a complaint is not valid and within the jurisdiction of CPS or merely involves a request for preventive services than to obtain the clear and convincing evidence needed to "found" a complaint. Nonetheless, the joint subcommittee is concerned that enough time may not be spent investigating valid complaints because workers' caseloads are so great that it is practically impossible to spend more time. Modifications of Department policy to require additional notices and documentation that the notices were given will place additional demands on the CPS workers and detract from the time needed for an appropriate investigation.

The joint subcommittee believes that the recommended policy changes are needed to preserve the integrity and enhance the reputation of the CPS system. Additional funding will be necessary to properly implement these changes. More CPS workers are needed. Many of the workers and supervisors who testified indicated that their caseloads were almost unmanageable. Lack of proper supervision of inexperienced workers was cited by some who encountered problems with CPS. For the last several years, the Department has sought funding for additional positions. By some estimates, at least 125 new workers are needed to reduce caseloads to more manageable levels.<sup>16</sup>

The CPS worker's job is inherently stressful. The consequences of an inappropriate response are dire - significant intrusions into the family or worse, death of a child. The difficulty should not be compounded by forcing the worker to deal with too many cases at one time. The funding for CPS has not kept pace with the increasing demands made on the system. A significant increase in the number of CPS workers will reduce individual caseloads and the accompanying stress. This, in turn, will improve morale. Finally, improved morale will reduce turnover and enhance the ability of the local agencies to retain experienced workers and supervisors. The desired result is more personalized attention to the investigation of a complaint by trained, professional CPS workers.

#### 4. FUNDING

The joint subcommittee recommends increased funding in the areas of staffing, salaries and training for the reasons noted above. The joint subcommittee makes no specific recommendation on the amounts needed to implement the above recommendations. Staff of the House Appropriations Committee provided the joint subcommittee with a "rough estimate" of the

funding levels needed for the recommendations discussed. See Appendix F. This data will be helpful to those charged with determining the specific appropriation levels should the recommendations be accepted.

It is noted that additional staff will be used not only for CPS but for adult protective services. The time constraints under which the joint subcommittee was operating did not allow for an analysis of the funding needed to improve salaries and upgrade the qualifications of CPS workers and supervisors. Such an analysis is needed but is complicated by the fact that there is no uniform, statewide salary scale.

## 5. MISCELLANEOUS

A number of other issues, technically outside the scope of this study, were discussed by the joint subcommittee. There was concern on the part of some people over the changes made in 1988 to the process by which an individual appeals a determination by CPS. See § 63.1-248.6:1, Code of Virginia. However, hearings are being held on proposed regulations governing the appeals process and these concerns should be aired in the course of those hearings. The joint subcommittee determined that the General Assembly made the policy decision on the appropriate course of appeals in enacting House Bill No. 260 in 1988. Objections to the procedure should be raised in the course of the regulatory process.

A criminal conviction must be based on evidence beyond a reasonable doubt. A complaint of abuse or neglect may be "founded" upon clear and convincing evidence. It is thus possible, and not inconsistent, to have the same factual circumstances reported in the Central Registry as a founded complaint and in the court records as an acquittal, or vice versa. The joint subcommittee believes it would be useful, however, to ensure that the information in the Central Registry is both complete and accurate. Therefore, the joint subcommittee recommends that in those cases in which criminal charges are filed, the disposition by the court should be entered.

The joint subcommittee also became involved in discussions of the problems parents encounter in trying to evaluate an unregulated day care provider for their children. There is no way the parents can obtain access to the Central Registry to determine whether the provider has ever been the subject of a founded complaint, other than to ask the provider to obtain the record himself for review by the parents. However, day care is currently a sellers' market. In most cases such a request by the parents would probably go unanswered. It is hoped that as more parents become aware of their right to make this request, it will become a more effective tool. The joint subcommittee notes that the Joint Legislative Audit and Review Commission (JLARC) is currently conducting a two-year study of the regulation of day care centers and a number of ancillary day care issues. See House Joint Resolution No. 116 (1988 - Marshall) and Senate Joint Resolution No. 4 (1988 - Y. Miller). In addition, House Joint Resolution No. 27 (1988 - McDiarmid) created a two-year study of issues in early childhood and day care. The joint subcommittee asks that each of these committees give consideration to this problem and make appropriate recommendations.

Finally, the joint subcommittee discussed the need to provide additional funding for other family-oriented service programs. CPS cannot be all things to all people. Federal and state funds for these programs have generally been reduced or at best not significantly increased over the years. Yet the need for such services has grown. The result has been an increasing demand on CPS resources. The joint subcommittee believes the General Assembly must provide adequate funding for programs which are designed to prevent abuse and neglect on children and the deterioration of families to reduce the demands placed on CPS.

#### CONCLUSION

The recommendations contained in this report will not involve a major upheaval in CPS. This is not necessary. There is no evidence that CPS is incapable of protecting children and preserving families. There were allegations of inappropriate investigations of unfounded charges but there was no evidence of systematic intrusions into the lives of innocent individuals. There is evidence, however, that the CPS system is in need of considerable attention from the General Assembly.

The perception of many of those who come into contact with the system as the subject of a complaint or family of a victim is that the system is not responsive. The credibility of the system is in danger. The statutes, policies and procedures governing reporting and investigation are appropriate. The CPS system is focused on the protection of children. Exposure to a properly conducted CPS investigation is a burden we all must bear if we want to ensure the protection of children who are truly at risk. The key is to ensure that the investigation is properly conducted in order to minimize, or ideally to prevent, any unwarranted intrusions.

A properly conducted investigation is one which is tailored to the circumstances and individuals involved. The CPS investigator must be a competent and professional individual, capable of properly exercising the high degree of discretion granted. The worker must have the time to properly evaluate the circumstances and individuals.

Additional funding is required to hire additional workers to reduce the heavy caseloads and enhance the ability of CPS to provide individualized attention to each case. More funds are also needed to expand and improve the entry level and in-service training programs for CPS workers and supervisors, and for others involved in the CPS system (i.e., judges, lawyers, law enforcement). Finally, funds to increase salaries to more competitive levels are needed. Skilled and experienced CPS workers are critical to performance of the CPS mission. The General Assembly must be committed to CPS and provide the funding needed to ensure that the system continues to properly serve children and families.

Respectfully submitted,

Joseph V. Gartlan, Jr., Chairman  
David G. Brickley, Vice-Chairman  
James F. Almand  
John G. Dicks III \*  
Jean W. Cunningham  
Joseph P. Crouch \*  
W. Onico Barker \*  
William C. Wampler, Jr. \*

\* See attached Dissent-in-Part.

Dissent-in-Part

We believe that statements made by the subject of a complaint to a CPS worker during the course of an investigation should be inadmissible as evidence against him in any subsequent criminal prosecution arising out of the complaint, unless the subject was first advised of his constitutional rights in accordance with Miranda. Such a proposal would not require CPS to give Miranda warnings and therefore would not "criminalize" the CPS process. It would, however, ensure that persons who may be subject to a criminal prosecution are advised of their constitutional rights and that the CPS process is not used as a tool of law enforcement.

Respectfully submitted,

John G. Dicks III  
Joseph P. Crouch  
W. Onico Barker  
William C. Wampler, Jr.



## Footnotes

<sup>1</sup> American Bar Association, Child Abuse & Neglect Reporting and Investigation Policy Guidelines for Decision Making, Douglas J. Besharov, 1987.

<sup>2</sup> Bureau of Child Welfare Services, Virginia Department of Social Services.

<sup>3</sup> See, Journal of Family and Culture, "The Reauthorization of the Federal Child Abuse Act: The Need to Protect Parental Rights," Douglas J. Besharov, Fall 1987; American Association for Protecting Children, "Highlights of Official Child Neglect and Abuse Reporting," 1985, Denver: American Humane Association, 1987.

<sup>4</sup> Policy Guidelines, at 12.

<sup>5</sup> See, Roth v. Iowa Department of Human Services, Iowa Sup. Ct. No. 90/87-263, 4/13/18. In a case challenging the state statutory provision allowing the central registry to retain reports on unfounded complaints for six months, the court held that reputation is not a protectable interest and therefore, the subject suffered no denial of due process.

<sup>6</sup> Phi Delta Kappan, Abuse in the Name of Protecting Children, Robert L. Emans, June, 1987, citing VOCAL newsletter.

<sup>7</sup> The News and Daily Advance, Lynchburg, Va., December 6, 1987.

<sup>8</sup> See, Iowa v. Hilleshiem, 305 N.W. 2d 710 (Iowa, 1981), failure to adequately investigate a substantiated injury resulting in child's death two weeks later resulted in settlement.

<sup>9</sup> Trial, Child Welfare Malpractice, Douglas J. Besharov, March 1984.

<sup>10</sup> Department of Social Services Training Manual, CPS Subcomponent, Initial In-Service Pregroup, Part II - 1.

<sup>11</sup> Defined in Black's Law Dictionary as "Proof which should leave no reasonable doubt in the mind of the trier of the facts concerning the truth of the matters in issue."

<sup>12</sup> Defined in Black's Law Dictionary as "Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not."

<sup>13</sup> The other four states participating in the study are Arizona, Colorado, Kentucky and Massachusetts.

<sup>14</sup> See Miranda v. Arizona, 384 U.S. 436 (1966) and Beckwith v. United States, 425 U.S. 341 (1976).

<sup>15</sup> Letter of August 26, 1988, to Chairman Gartlan from Commissioner Jackson.

<sup>16</sup> Letter of September 1, 1988, to Chairman Gartlan from John Oliver, Chairman of the Governor's Advisory Board on Child Abuse and Neglect.

## Appendices

- Appendix A            House Joint Resolution No. 127
- Appendix B            Protective Services Complaints Flow Chart
- Appendix C            Data on complaints for FY 86-87 - Department of Social  
Services
- Appendix D            Draft legislation
- Appendix E            List of offenses
- Appendix F            Memorandum, Jane Norwood Kusiak, Senior Legislative Fiscal  
Analyst, House Appropriations Committee

APPENDIX A

**GENERAL ASSEMBLY OF VIRGINIA -- 1988 SESSION**

**HOUSE JOINT RESOLUTION NO. 127**

*Establishing a joint subcommittee to study investigative procedures used in child abuse cases.*

Agreed to by the House of Delegates, March 11, 1988

Agreed to by the Senate, March 9, 1988

WHEREAS, local departments of social services have the statutory mandate to establish child protective services with the responsibility to receive and investigate reports of child abuse; and

WHEREAS, child abuse, though not uncommon before but rarely reported, has been receiving a great deal of attention and concern in our society today; and

WHEREAS, while the rights and protection of the child should be the primary concern in such cases, there must be a mechanism to equally protect the rights of other involved individuals; and

WHEREAS, there is great concern over the informal reporting and investigation procedures used by the departments in that there are due process questions which need to be answered; and

WHEREAS, many of these complaints are erroneous and unfounded but defendants have little recourse to reinstate their reputation in the eyes of the community under the current system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee is established to study the child abuse reporting and investigative procedures in order to assess the due process problems identified with such procedures and determine what method, if any, would alleviate the gross injustices inflicted upon those falsely accused of such acts.

The joint subcommittee shall be composed in the following manner: three members of the House Committee on Health, Welfare and Institutions and two members of the House Committee for Courts of Justice, to be appointed by the Speaker; and two members of the Senate Committee on Rehabilitation and Social Services and one member of the Senate Committee for Courts of Justice, to be appointed by the Senate Committee on Privileges and Elections.

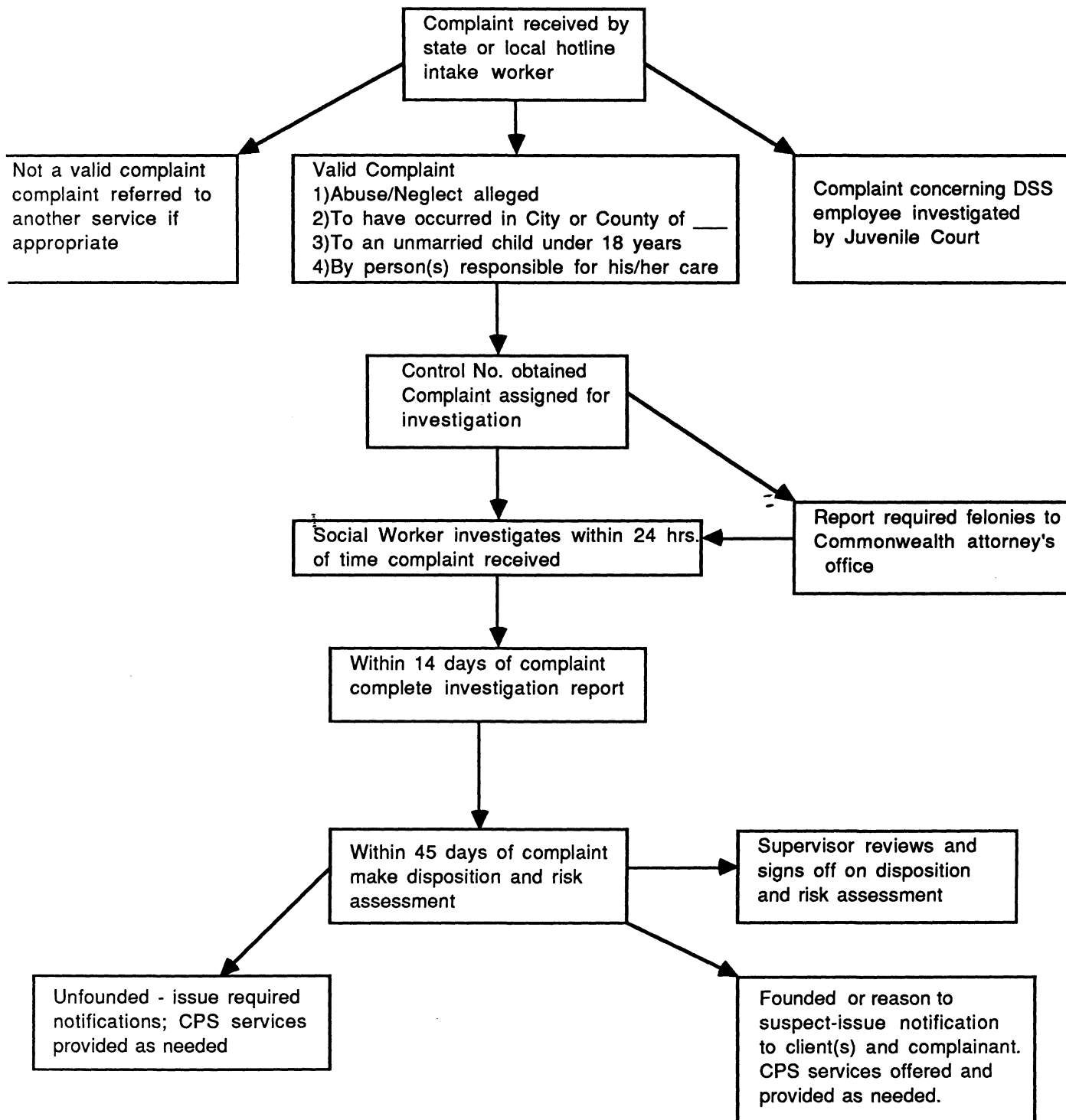
The Department of Social Services, the Office of the Attorney General and the state court system, as well as any other state agency, shall provide assistance to the study as appropriate.

The study should examine, but not be restricted to, the following: (i) the child abuse complaint and investigative process; (ii) an examination and evaluation of federal regulations governing this issue and the legal and monetary requirements involved with state compliance; (iii) the numbers of persons affected; and (iv) review of the current study being done by the American Bar Association on screening of child abuse complaints in which Virginia is participating.

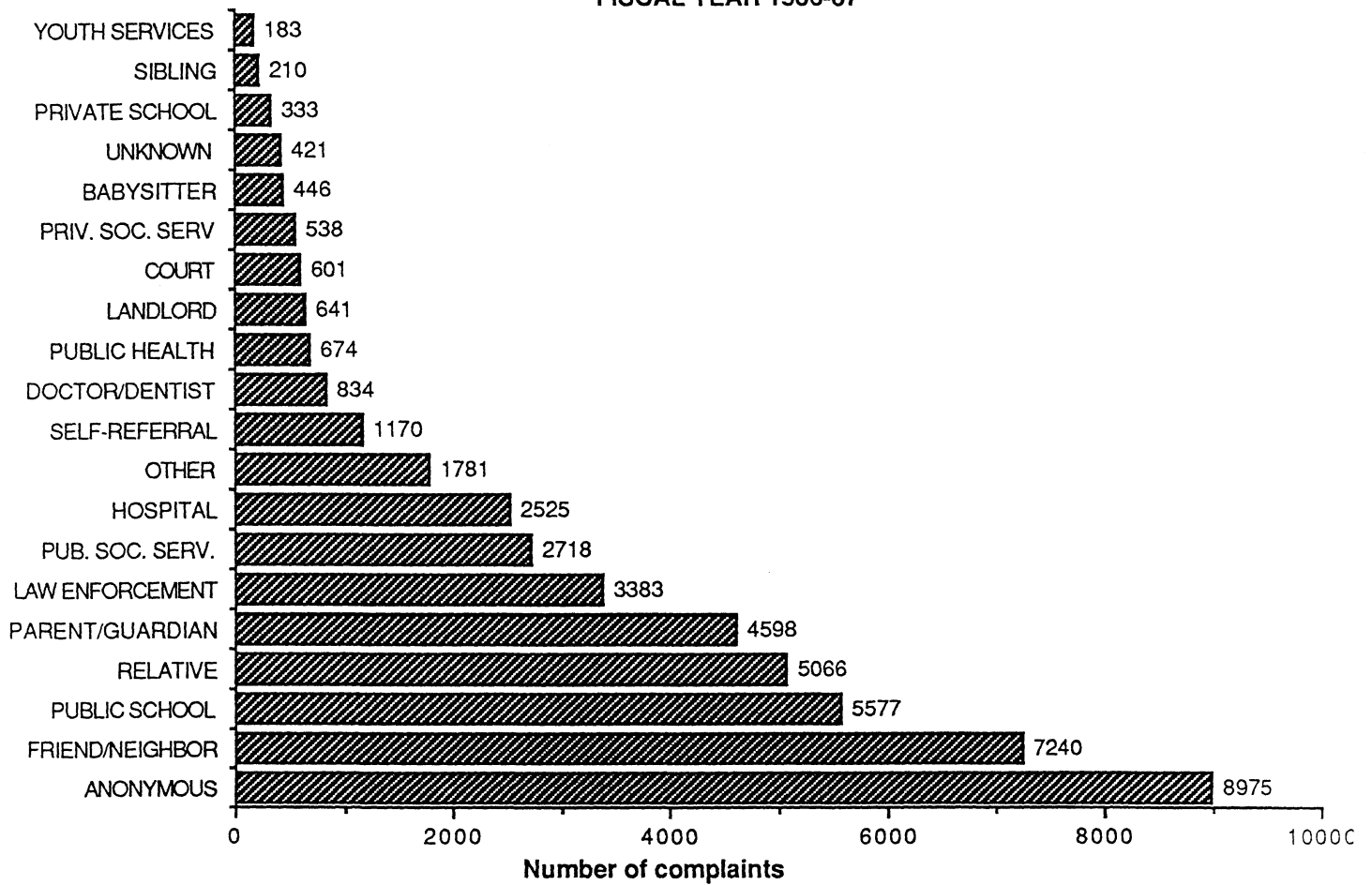
The joint subcommittee shall complete its work and make its recommendations to the 1989 Session of the General Assembly.

The indirect costs of this study are estimated to be \$10,650; the direct costs of this study shall not exceed \$5,760.

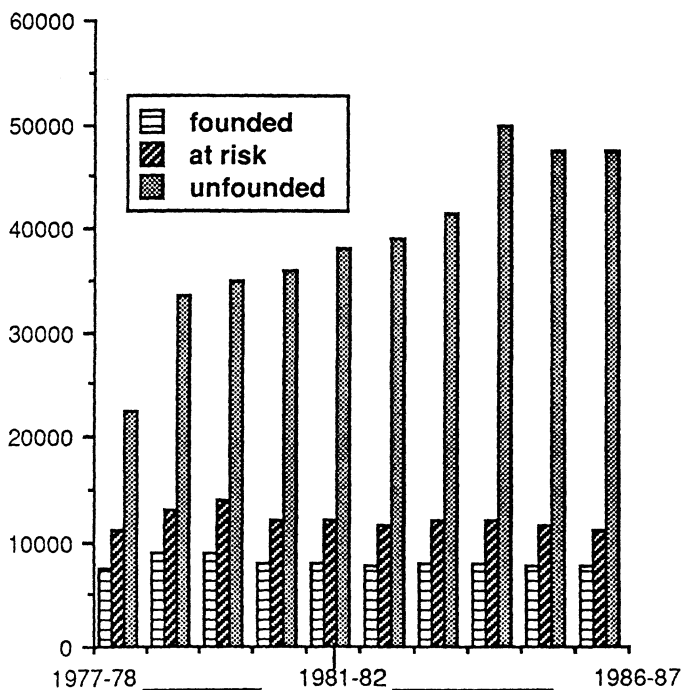
### Protective Service Complaints Flow Chart



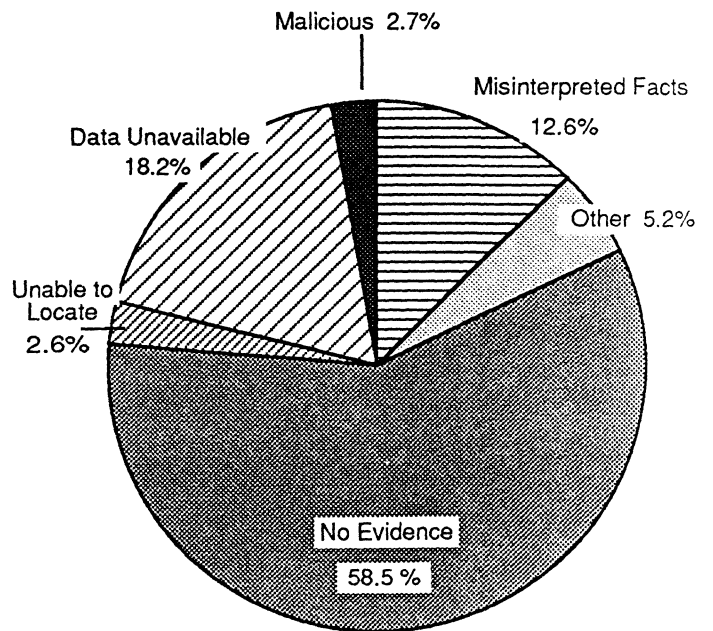
## SOURCE OF COMPLAINTS FISCAL YEAR 1986-87



### YEARLY COMPARISON OF COMPLAINTS



### UNFOUNDED COMPLAINTS



Source: Child Welfare Services Annual Report 1986-87

1 D 11/22/88 Devine C 12/2/88 smw

2 SENATE BILL NO. .... HOUSE BILL NO. ....

3 A BILL to amend and reenact § 63.1-248.6 of the Code of Virginia,  
4 relating to duties of child protective services.

5

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 63.1-248.6 of the Code of Virginia is amended and reenacted  
8 as follows:

9 § 63.1-248.6. Local departments to establish child-protective  
10 services; duties.--A. Each local department shall establish  
11 child-protective services under a departmental coordinator within such  
12 department or with one or more adjacent local departments which shall  
13 be staffed with qualified personnel pursuant to regulations  
14 promulgated by the State Board of Social Services. The local  
15 department shall be the public agency responsible for receiving and  
16 investigating complaints and reports, except that (i) in cases where  
17 the reports or complaints are to be made to the juvenile and domestic  
18 relations district court, the court shall be responsible for the  
19 investigation and 7 (ii) in cases where an employee at a private or  
20 state-operated hospital, institution or other facility, or an employee  
21 of a school board is suspected of abusing or neglecting a child in  
22 such hospital, institution or other facility, or public school, the  
23 local department shall request the Department to assist in conducting  
24 the investigation in accordance with rules and regulations approved by  
25 the State Board.

1 B. The local department shall ~~insure~~ ensure , through its own  
2 personnel or through cooperative arrangements with other local  
3 agencies, the capability of receiving reports or complaints and  
4 responding to them promptly on a twenty-four hours a day, seven days  
5 per week basis.

6 C. The local department shall widely publicize a telephone number  
7 for receiving complaints and reports.

8 D. The local department shall upon receipt of a report or  
9 complaint:

10 1. Make immediate investigation;

11 2. When investigation of a complaint reveals cause to suspect  
12 abuse or neglect, complete a report and transmit it forthwith to the  
13 central registry;

14 3. When abuse or neglect is found, arrange for necessary  
15 protective and rehabilitative services to be provided to the child and  
16 his family;

17 4. If removal of the child or his siblings from his home is  
18 deemed necessary, petition the court for such removal;

19 5. When Report immediately to the attorney for the Commonwealth  
20 and make available to him the records of the local department upon  
21 which such report is based, when abuse or neglect is suspected in any  
22 cases case involving (i) death of a child or ; (ii) injury or  
23 threatened injury to the child in which a felony or Class 1  
24 misdemeanor is also suspected ~~for which the penalty prescribed by law~~  
25 ~~is not less than five years imprisonment or where there is~~ ; (iii)  
26 any sexual abuse or , suspected sexual abuse ~~of~~ or other sexual  
27 offense involving a child involving , including but not limited to  
28 the use or display of the child in sexually explicit visual material,

1 as defined in § 18.2-374.1 7 ; (iv) any abduction of a child; (v) any  
2 felony or Class 1 misdemeanor drug offense involving a child; (vi) a  
3 violation of § 18.2-371 with respect to the child (contributing to the  
4 delinquency of a minor); or (vii) any attempt to commit the  
5 aforementioned offenses report immediately to the Commonwealth's  
6 attorney and make available to the Commonwealth's attorney the records  
7 of the local department upon which such report is founded ;

8         6. Send a follow-up report based on the investigation to the  
9 central registry within fourteen days and at subsequent intervals to  
10 be determined by department regulations;

11         7. Determine within forty-five days if a report of abuse or  
12 neglect is founded or unfounded and transmit a report to such effect  
13 to the central registry;

14         8. If a report of abuse or neglect is unfounded, transmit a  
15 report to such effect to the complainant and parent or guardian and  
16 the person responsible for the care of the child in those cases where  
17 such person was suspected of abuse or neglect.

18         E. The local department shall foster, when practicable, the  
19 creation, maintenance and coordination of hospital and community-based  
20 multi-discipline teams which shall include where possible, but not be  
21 limited to, members of the medical, mental health, social work,  
22 nursing, education, legal and law-enforcement professions. Such teams  
23 shall assist the local departments in identifying abused and neglected  
24 children, coordinating medical, social, and legal services for the  
25 children and their families, helping to develop innovative programs  
26 for detection and prevention of child abuse, promoting community  
27 concern and action in the area of child abuse and neglect, and  
28 disseminating information to the general public with respect to the



1 problem of child abuse and neglect and the facilities and prevention  
2 and treatment methods available to combat child abuse and neglect. The  
3 local department shall also coordinate its efforts in the provision of  
4 these services for abused and neglected children with the judge and  
5 staff of the court.

6 F. The local department shall report annually on its activities  
7 concerning abused and neglected children to the court and to the  
8 Child-Protective Services Unit in the Department on forms provided by  
9 the Department.

10 G. Statements, or any evidence derived therefrom, made to local  
11 department child-protective services personnel, or to any person  
12 performing the duties of such personnel, by any person accused of the  
13 abuse, injury, neglect or death of a child after the arrest of such  
14 person, shall not be used in evidence in the case in chief against  
15 such person in the criminal proceeding on the question of guilt or  
16 innocence over the objection of the accused, unless the statement was  
17 made after such person was fully advised (i) of his right to remain  
18 silent, (ii) that anything he says may be used against him in a court  
19 of law, (iii) that he has a right to the presence of an attorney  
20 during any interviews, and (iv) that if he cannot afford an attorney,  
21 one will be appointed for him prior to any questioning.

22

#

## SOME OFFENSES NOT CURRENTLY REPORTABLE UNDER § 63.1-248.6D.5.

FeloniesClass 4

- § 18.2-26 Attempt to commit a Class 2 felony.
- § 18.2-63 Carnal knowledge of child 13-15.
- § 18.2-67.5 Attempt to commit rape, forcible sodomy or inanimate object sexual penetration.
- § 18.2-71 Producing abortion or miscarriage.
- § 18.2-355 Pandering.
- § 18.2-356 Procuring.
- § 18.2-357 Pandering - profits from prostitution.

Class 5

- § 18.2-26 Attempt to commit Class 3 felony.
- § 18.2-35 Voluntary manslaughter.
- § 18.2-36 Involuntary manslaughter.
- § 18.2-47 Abduction by parent by removal from the State.
- § 18.2-49 Threatening, attempting or assisting in abduction.
- § 18.2-53.1 Use of firearm in commission of a felony.
- § 18.2-248.1 Distribution of less than 5 lbs. of marijuana.
- § 18.2-366 Adultery or fornication with child, grandchild or parent.
- § 18.2-371.1 Child neglect.
- § 18.2-374.1 Production, etc., of sexually explicit items involving children.

Class 6

- § 18.2-26 Attempt to commit Class 4, 5, or 6 felony (otherwise reportable).
- § 18.2-29 Solicitation to commit a felony otherwise reportable.
- § 18.2-49.1 Parental abduction.
- § 18.2-51 Unlawful wounding.

- § 18.2-53 Shooting, wounding in commission or attempted commission of a felony.
- § 18.2-60 Threats of death or bodily injury.
- § 18.2-67.5 Attempted aggravated sexual battery.
- § 18.2-255 Distribution of imitation controlled substance.
- § 18.2-255.2 Sale of certain controlled substances to minors.
- § 18.2-308.4 Possession of certain controlled substance and firearm.
- § 18.2-361 Crimes against nature.
- § 18.2-370 Taking indecent liberties with child.
- § 18.2-370.1 Same; if in supervisory relationship.

## Misdemeanors

### Class 1

- § 18.2-47 Parental abduction if punishable as contempt.
- § 18.2-57 Simple assault and battery.
- § 18.2-67.4 Sexual battery.
- § 18.2-67.5 Attempted sexual battery.
- § 18.2-248 Sale, etc., of Schedule III, IV or V controlled substance.
- § 18.2-248.5 Distribution of illegal stimulants or steroids.
- § 18.2-250 Possession of Schedule III controlled substance.
- § 18.2-250.1 Possession of marijuana; second offense.
- § 18.2-255.2 Accommodation sale of controlled substance or marijuana on school property.
- § 18.2-265.3 Distribution of drug paraphernalia to a minor.
- § 18.2-346 Prostitution.
- § 18.2-366 Incestuous adultery.
- § 18.2-371 Contributing to delinquency of a minor.
- § 18.2-391 Sale or loan of certain sexually explicit materials to a minor.

APPENDIX F



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

APPROPRIATIONS COMMITTEE  
DOROTHY S. MCDIARMID, CHAIR  
9TH FLOOR, GENERAL ASSEMBLY BUILDING  
CAPITOL SQUARE  
RICHMOND, VIRGINIA 23219

TELEPHONE  
804-786-1837

**MEMORANDUM**

**TO:** Members of the Joint Subcommittee Studying Child Abuse Reporting and Investigative Procedures (HJR 127)

**FROM:** Jane Norwood Kusiak *JK*  
Senior Legislative Fiscal Analyst

**DATE:** November 21, 1988

**SUBJECT:** Funding Requirements Associated With Additional Child Protective Service Staffing and Training

Child Protective Services Staffing

Based upon the Caseload Standards Study which was completed by the Touche-Ross consulting firm in 1987, and is in the process of being implemented by the Department of Social Services, workload in both child and adult protective services justifies the addition of 340 positions on a state-wide basis.

The 1988 General Assembly considered a funding request totaling \$12.3 million to add 227 positions on a state-wide basis. This request would increase the average allotment of hours per case from 5.8-8 in Adult Protective Services and Child Protective Services. State and national standards recommend 10-12 hours per case.

This request was given consideration in each House. However, shortfalls in administrative costs in benefit programs and the social services block grant, coupled with foster care issues took precedence. Additionally, the Department felt that additional time was needed to "clean-up" case files in the field to make sure that additional staff was awarded on an equitable basis.

While I am aware that the mission of the subcommittee is limited to the child protective service system, it would be very difficult to isolate a staffing request for child protective services only. In many localities these cases are handled by the same individual. Furthermore, establishment of a workload standard which would favor child protective service cases over adult protective service cases would generate serious public policy questions.

1989 Funding Requests

The Department of Social Services has submitted an addendum request to the Department of Planning and Budget totaling \$1.4 million to support 50 additional social workers in FY 1989. This request reflects the first phase of an initiative to fully fund the Caseload Standards Study. It also reflects the pressure on the Department to minimize funding requests associated with new initiatives for the second year of the biennium.

This request is identified as Addendum 9 in order of priority in the Department's Budget package. Other issues which ranked higher included a shortfall in foster care funding totaling \$5.3 million in general funds, and a shortfall in administrative costs associated with benefit programs totaling \$11.8 million.

HJR 127 Recommendation

The Joint Subcommittee may wish to consider a recommendation which would provide one-half (170 positions) of the additional positions documented by the Caseload Standards Study in FY 1989, as part of a two-part phase-in of additional positions. This request would require a \$3.9 million budget amendment.

If the subcommittee would wish to entertain any other portion of this request, approximately 22 positions can be added for each \$500,000.

Child Protective Services Training

Other than support the continued use of Social Services Block Grant funding for training of local agencies, the 1988 General Assembly did not seriously consider any discrete request for child protective services training.

Given the constraints imposed upon the Departments in preparing their 1989 budget submission, there are no addenda requests in the Department of Social Services submission related to child protective services training.

HJR 127 Recommendation

Late last week, at my request, the Department of Social Services developed a proposal totaling \$800,000 to improve training provided to case workers for both child and adult protective services. I have attached this proposal as I believe for the short time frame (turn around in two days) it provides a summary of the various issues to be addressed in training.

Given the above-mentioned staffing requests, the subcommittee may wish to consider a smaller request for training which may target one region of the state to demonstrate the effectiveness of a more intensive training effort. A reasonable amendment for this effort would range between \$150,000-\$200,000.

Related Issue

One other side issue which has been brought to my attention and may warrant consideration is a model approach which would encourage smaller localities to share child and adult protective workers. This approach could increase a worker's competence in this area thereby improving our services to clients.

If the subcommittee would like the Commissioner to pursue this approach, it could be woven into the new training activities.

I hope this information may prove helpful as you conclude your Subcommittee activities.

**ADULT/CHILD PROTECTIVE SERVICES TRAINING  
IN VIRGINIA: A NEW DIRECTION**

**BACKGROUND AND CURRENT TRAINING**

From 1981-1986 the department provided training for child protective service (CPS) staff focusing on experienced workers and supervisors. This training was developed through a grant from the Department of Health and Human Services. It entailed 3 weeks of training for workers with at least one year of experience in CPS and 4 weeks for their supervisors.

An evaluation of this training revealed that the topics covered were needed by new CPS workers as well as child welfare staff in general.

Using Social Service Block Grant and state funding, the department has developed over the last two years a spectrum of "Initial In-Service Training" for services staff.

The Initial In-Service Training for child welfare staff begins with each staff person and his/her supervisor being given pre-group materials to use on site before the group training event. The child welfare components include approximately 3 weeks of training spread over 3 months of the staff person's first 6 months of employment. One four day session for experienced CPS workers is offered twice per year.

Problems:

- Funding: Over the last several years money for Child Welfare training has been threatened by federal and state mandates in other areas taking precedence. As the program currently exists the training is managed and delivered by a staff of 5.

The demand for this training is currently increasing beyond predictions and is close to being beyond the current trainer resources.

- Training Focus: Given current resources the training being delivered is directed at minimal knowledge and skills known to be required of child/adult protective service staff in Virginia. There is no mechanism to assist workers and supervisors in assessing individual competencies and subsequent training needs and communicating these needs to a centralized curriculum development staff.

Current training does not effectively address itself to the role of the supervisor. As the person who has the greatest influence on the worker's use of knowledge and skills required to do a professional job, he/she should also be trained in the child protection area. Besides training related to child protective/adult protective service investigation, the supervisor should also have knowledge of the unique aspects of supervising protective service staff as it relates to stress management, interagency relationships, and public education.

RECOMMENDATIONS:

- A dedicated and secure source of funding is needed which will ensure a comprehensive, consistent plan to meet protective service training needs on an ongoing basis.
- In-Service training provided by the State must be competency based. This means that workers will receive training to meet their individual needs in order to develop the knowledge and skills, which they may not possess at the time of hire, to get the job done.
- The State must mandate a minimum number of hours of in-service training for both new and experienced Child Welfare workers: 80 hours annually in the first year and 40 per year thereafter in recommended.
- The needs of the local Child Welfare supervisor must be addressed. They require support as the primary trainers of local staff. They must also be trained to assess and reassess training needs of their staff, which may be met by State sponsored or other training.
- A regionally based model needs to be adopted which will improve the management and availability of training yet allow for consistent content and decrease the need for local travel.

The system of in-service training will include some or all of the following features:

- standardized curricula and training manuals
- a computerized administration and tracking system
- individual training needs assessment instrument and process
- a delivery system that utilizes central coordination and planning to maintain standardization and consistency along with regional implementation for efficient delivery which is responsive to local needs.



By February of 1989, the Department will have in place an In-Service Training Program which consists of 5 separate components: 3 days of Generic Training, 3 of Child Welfare Services, 2-1/2 for Child Protective Services, 2-1/2 for Foster Care and Adoption, and 4 for Adult Services. This training is offered to new workers within the first 6 months of their employment. Participation in all components will entail 15 days. The topics offered in this training include an initial examination of all areas of services pertaining to children and adults at risk. Current costs include the salary and administrative costs of 6 full-time employees and over \$300,000 to pay travel expenditures and other costs of local service agency participants.

Effective expansion of this training program would include an enhanced new worker training and the establishment of advanced worker and supervisor training. This would require the development of a standardized core curriculum as well as specialized curricula based on competencies and individually assessed job related needs. The delivery system for this enhanced training program would use a responsive combination of centralized administration and contracted services.

Below is a tentative outline of the costs related to the enhanced new worker training and the establishment of advanced worker and supervisor training:

**o Needed Personnel (including FICA, Ret., etc.):**

1 Grade 12 Supervisor	\$ 43,914
5 Grade 11 Staff	\$ 275,390
FTE will manage the training needs assessment process and related automated system for all protective service staff; 2 FTEs will train the trainers as well as provide some of the training; 1 FTE will coordinate the training events and assign local personnel to session; and the fifth FTE will develop and/or manage the curricula.	
1 Grade 5 Clerical	\$ 21,134
	<u>\$ 340,438</u>

**o Curriculum Development, Supporting Software and Consultation** (First year only) \$ 100,000

The purchase of relevant curricula. The initial cost for establishing an automated system to identify and track training needs of individual protective service workers and supervisors; to schedule general and specialized training; and then to track training provided. The system will identify the staff's competency in both general and specialized areas.

APPENDIX F

Page 4

o <b>Locally Based Core Trainers</b>	\$ 75,000
To recruit and train a group of individuals to provide protective services Core training at the local level.	
o <b>Contractual Services, Specialized Training Providers</b>	\$ 100,000
Contractual services will be for specialized training providers and for the development of specialized curricula. Specialized training will be needed in such areas as sexual abuse, mental illness, substance abuse, institutional abuse, crisis intervention, and legal procedures and issues.	
o <b>Participant Costs and Materials</b>	\$ 115,000
o <b>Administrative Overhead (space, phone, etc)</b>	\$ 69,562
	\$ <u>494,562</u>
<b>TOTAL REQUEST</b>	<b>\$ 800,000</b>

Further research of expected costs would be required in order to request appropriate funding.

The additional resources will allow the establishment of training groups related to individual needs. The new worker training may be lengthened for staff without prior protective services experience and more specialized classes would be offered. There are approximately 150 new staff each year. Experienced workers (about 600) would receive 5-7 days of specialized training each year. Supervisors (about 150) would attend 3-6 days of general training related to their supervisory role and then 3-7 days each year for topical training sessions.



