

MC SECTION 409 – DUTIES OF CHILDREN’S PROTECTIVE SERVICES IN DOMESTIC VIOLENCE CASES

STATE	STATUTE	STATUTORY LANGUAGE
Alaska	§ 47.17.035	<p>In consultation with the Council on Domestic Violence and Sexual Assault, the Department of Health and Social Services shall develop written procedures for screening reports of harm for abuse and neglect of a child to assess whether there is domestic violence occurring within the family. The procedures must include the following factors: (1) inquiry concerning the criminal records of the parents or of the alleged abusive or neglectful person or the alleged perpetrator if not the parent of the child; and (2) inquiry concerning the existence of protective orders involving either parent as a petitioner or respondent.</p> <p>If the department determines in an investigation of abuse or neglect of a child that: (1) the child is in danger because of domestic violence or that the child needs protection as a result of the presence of domestic violence in the family, the department shall take appropriate steps for the protection of the child. “Appropriate steps” include: (A) reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is not a domestic violence offender; (B) reasonable efforts to remove the alleged domestic violence offender from the child's residence if it is determined that the child or another family or household member is in danger of domestic violence; and (C) services to help protect the child from being placed or having unsupervised visitation with the domestic violence offender until the department determines that the offender has met conditions considered necessary by the department to protect the safety of the domestic violence victim and household members; (2) a person is the victim of domestic violence, the department shall provide the victim with a written notice of the rights of and services available to victims of domestic violence.</p>
Arizona	§ 8-817	<p>The department shall develop, establish, and implement initial screening and safety assessment protocols in consultation with the attorney general and statewide with county attorneys, chiefs of police, sheriffs, medical experts, victims' rights advocates, domestic violence victim advocates, and mandatory reporters. Any initial screening and safety assessment tools shall be based on sound methodology and shall ensure valid and reliable responses. The department shall establish written policies and procedures to implement the use of the initial screening and safety assessment protocols.</p>

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California	Cal. Welf. & Inst. Code § 302	The social worker shall keep confidential the address of any parent who is known to be the victim of domestic violence.
	Cal. Penal Code § 13732	The Legislature finds and declares that a substantial body of research demonstrates a strong connection between domestic violence and child abuse. However, despite this connection, child abuse and domestic violence services and agencies often fail to coordinate appropriately at the local level. It is the intent of the Legislature in enacting this section to improve preventative and supportive services to families experiencing violence in order to prevent further abuse of children and the victims of domestic violence. It is the further intent of this section that child protective services agencies develop a protocol which clearly sets forth the criteria for a child protective services response to a domestic violence related incident in a home in which a child resides.
	Cal. Welf. & Inst. Code § 16208	The State Department of Social Services, in consultation with the Child Welfare Training Advisory Board, shall contract with the University of California or the California State University system to develop a statewide protocol for telephone screening of emergency response referrals to protect children from abuse and neglect, to be called the Emergency Response Protocol. The Emergency Response Protocol shall incorporate written procedures for screening each referral of abuse or neglect to assess whether abuse of another family or household member is occurring. This additional domestic violence assessment and referral criteria shall be developed by the department in consultation with domestic violence victims' advocates, and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators and the County Welfare Directors Association.
Connecticut	§ 17a-106b	The state of Connecticut finds that family violence can result in abuse and neglect of the children living in the household where such violence occurs and that the prevention of child abuse and neglect depends on coordination of domestic violence and child protective services. The Commissioner of Children and Families may consider the existence and the impact of family violence in any child abuse

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		investigation and may assist family members in obtaining protection from family violence.
	§ 17a-101g	<p>Upon receiving a report of child abuse or neglect, the Commissioner of Children and Families shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency. The investigation shall include a home visit and shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence.</p> <p>The commissioner may establish a program of differential response to reports of child abuse and neglect whereby the report may be referred to appropriate community providers for family assessment and services without an investigation or at any time during an investigation, provided there has been an initial safety assessment of the circumstances of a family and child and criminal background checks have been performed on all adults involved in the report.</p>
District of Columbia	§ 4-1303.03a	The Agency may financially support a program of neighborhood-based services to families with children to meet permanency and safety goals set forth in the Adoption and Safe Families Act. “Services to families with children” is defined to include assistance to help families resolve a crisis brought on by domestic violence.
	§ 4-1303.03b	The Agency shall establish or attempt to secure priority access for protective services clients, by contract or agreement with private organizations, other public agencies, or other Agency units, to services necessary for the preservation or reunification of families, which may include domestic violence.
Florida	§ 39.903	The department shall: (1) Operate the domestic violence program and, in collaboration

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		<p>with the coalition, shall coordinate and administer statewide activities related to the prevention of domestic violence.</p> <p>(2) Receive and approve or reject applications for initial certification of domestic violence centers. The department shall annually renew the certification thereafter upon receipt of a favorable monitoring report by the coalition.</p> <p>(3) Have the right to enter and inspect the premises of domestic violence centers that are applying for an initial certification or facing potential suspension or revocation of certification to effectively evaluate the state of compliance with minimum standards.</p> <p>(4) Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the circuits.</p> <p>(5) Coordinate with state agencies that have health, education, or criminal justice responsibilities to raise awareness of domestic violence and promote consistent policy implementation.</p> <p>(6) Cooperate with, assist in, and participate in, programs of other properly qualified state agencies, including any agency of the Federal Government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention of domestic violence and the provision of services to clients.</p> <p>(7) Contract with the coalition for the delivery and management of services for the state's domestic violence program. Services under this contract include, but are not limited to, the administration of contracts and grants.</p> <p>(8) Consider applications from certified domestic violence centers for capital improvement grants and award those grants pursuant to § 39.9055.</p> <p>(9) Adopt procedural rules to administer this section, including developing criteria for the approval, suspension, or rejection of certification of domestic violence centers and developing minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.</p>
	§ 39.301	<p>Upon receiving a report of known or suspected child abuse, abandonment, or neglect, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, the central abuse hotline shall determine if the report</p>

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		requires an immediate onsite protective investigation. For each report received from the central abuse hotline and accepted for investigation, the Department of Children and Family Services or the sheriff providing child protective investigative services shall conduct a review of all relevant, available information specific to the child and family and alleged maltreatment, including family child welfare history, local, state, and federal criminal records checks, and requests for law enforcement assistance provided by the abuse hotline. Based on a review of available information, including the allegations in the current report, a determination shall be made as to whether immediate consultation should occur with law enforcement, the child protection team, a domestic violence shelter or advocate, or a substance abuse or mental health professional. Such conversations should include discussion as to whether a joint response is necessary and feasible. As applicable, child protective investigators must inform parents and caregivers how and when to use the injunction process to remove a perpetrator of domestic violence from the home as an intervention to protect the child.
Illinois	Ch. 20, Act 505 § 21	The Department shall develop and implement the following: (1) a standardized child endangerment risk assessment protocol; (2) related training procedures; (3) a standardized method for demonstration of proficiency in application of the protocol; and (4) an evaluation of the reliability and validity of the protocol. The Department of Children and Family Services shall establish a multi-disciplinary advisory committee appointed by the Director, including but not limited to representatives from the fields of child development, domestic violence, family systems, juvenile justice, law enforcement, health care, mental health, substance abuse, and social service to advise the Department and its related contractors in the development and implementation of the child endangerment risk assessment protocol, related training, method for demonstration of proficiency in application of the protocol, and evaluation of the reliability and validity of the protocol.
Louisiana	§ 36:477	The Department of Children and Family Services shall issue and monitor domestic violence service contracts.
Massachusetts	18B § 2	The Department shall provide and administer a comprehensive child welfare program for children and families, including

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		temporary residential programs providing counseling and supportive assistance for families in transition and their children who, because of domestic violence, homelessness, or other situations, require temporary shelter and assistance.
Minnesota	§ 260C.221	If a parent makes an explicit request that a specific relative not be contacted or considered for placement due to safety reasons including past family or domestic violence, the agency shall bring the parent's request to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact the specific relative when the juvenile court finds that contacting the specific relative would endanger the parent, guardian, child, sibling, or any family member.
Missouri	§ 210.145	Prohibits persons responding to or investigating a child abuse and neglect claim from calling, prior to a home visit, or leaving documentation of any attempted visit when the person has a reasonable basis to believe the family has a history of domestic violence or fleeing the community.
Montana	§ 41-3-301	If the Department determines that an adult member of the household is the victim of partner or family member assault, the Department shall provide the adult victim with a referral to a domestic violence program.
Nebraska	§ 28-728	Requires counties or contiguous groups of counties to convene a child abuse and investigation team. Each team must have protocols that outline what cases will be reviewed by the team, including cases involving serious or ongoing domestic violence.
	§ 43.4208	Creates the Title IV-E Demonstration Project Committee, whose responsibilities include implementation of a plan that addresses the options for developing a program to identify and address domestic violence that endangers children and results in the placement of children in foster care.
Nevada	§ 432B.640	Upon receiving a report of domestic violence, the agency may, as appropriate, assess whether a psychological evaluation or counseling is needed by a child. If the assessment reveals that counseling would benefit the child, the agency may, with the approval of the child’s parent or legal guardian, conduct the evaluation or counseling or make a referral for such services.
New Jersey	Directive 4-04	If the sole caretaker of a minor child is convicted of a crime for which he or she will be incarcerated, the presentence

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		investigation must include an inquiry into the person who will assume responsibility of the child during the period of incarceration, including checking the domestic violence registry. The court shall provide this information to the Department of Youth and Family Services, which must determine if there is a risk that the person would abuse or neglect the child and take steps to ensure the child’s safety.
New York	§ 427-a	Any social services district may, upon the authorization of the office of children and family services, establish a program that implements differential responses to reports of child abuse and maltreatment. Such programs shall create a family assessment and services track as an alternative means of addressing certain matters otherwise investigated as allegations of child abuse or maltreatment pursuant to this title. Any social services district interested in implementing a differential response program shall apply to the office of children and family services for permission to participate. The criteria for a social services district to participate will be determined by the office of children and family services after consultation with the office for the prevention of domestic violence, however, the social services district's application must include a plan setting forth a description of the protocol to be followed for handling cases where domestic violence is present in order to maintain the safety of the child through the family assessment and services track.
Texas	§ 40.0521	The Department of Family and Protective Services shall adopt and implement rules that require an investigating employee to document indications of domestic violence, including elder, spousal, and child abuse. The Department may develop forms to facilitate the documentation process. The Department shall require that written information, printed in English and Spanish, concerning community services that are available to victims of domestic violence, be distributed to those victims. The Department may coordinate its efforts under this subsection with local law enforcement agencies already providing that information.
Utah	§ 62A-4a-105	The Division of Child and Family Services shall administer services to minors and families, including domestic violence services.
Virginia	§ 63.2-1502	The Child Protective Services unit shall establish minimum training requirements for workers and supervisors on family

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		abuse and domestic violence, including the relationship between domestic violence and child abuse and neglect.

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