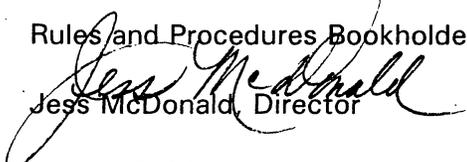


DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution X, Z, C-3

POLICY GUIDE 2000.06

REQUIRED NOTIFICATIONS TO THE GUARDIAN AD LITEM

RELEASE DATE: June 22, 2000
TO: Rules and Procedures Bookholders
FROM: 
Jess McDonald, Director
EFFECTIVE DATE: July 1, 2000

I. Purpose

The purpose of this Policy Guide is to remind staff of what notifications the Department is required to send to the Guardian Ad Litem.

II. Primary Users

The primary users of this Policy Guide are child protective and child welfare staff.

III. Background Information

The guardian ad litem (GAL) is appointed by the court to represent the best interests of abused and neglected children and wards of the court in all juvenile court proceedings and to make recommendations to the court consistent with those best interests. It is important, therefore, that the GAL be informed of all important events affecting a child's life. Below are listed those events of which the guardian shall be notified. Each will be discussed individually in this Policy Guide. Those events are:

- Final findings of abuse or neglect reports involving children for whom the GAL has been appointed, including children who have been named as perpetrators in the report.
- Notice of final administrative hearing decisions of indicated reports that have been appealed, including decisions that have been upheld by the hearing.



All unusual incident reports (UIRs) involving Department wards and the dispositions of the UIR's.

- Notification of licensing investigations involving homes and facilities in which department wards are placed.
- Notification of administrative case reviews.
- Notification of a change in a child's placement and other critical decisions.

In addition, GAL's will have the opportunity to review unfounded reports of abuse or neglect of wards for which they are the guardian. See Section X of this Policy Guide.

IV. Final Findings of Abuse or Neglect Reports Involving Department Wards

Department Rules and Procedures already require the Department to notify a child's GAL of indicated, unfounded, and undetermined reports involving the child, including a child who has been named as a perpetrator in the report. This requirement is found in Rule and Procedures Section 300.130, Notices Whether Child Abuse or Neglect Occurred. With the notification, the Department is required to furnish the GAL with a copy of the investigative file.

In order to ensure that the required notification takes place, the investigator must add the child's guardian ad litem to the **CANTS 2F**. In Cook County, the GAL will always be the person fulfilling the role of the Public Guardian in the Office of the Cook County Public Guardian, Juvenile Division. Currently that person is Patrick T. Murphy. Downstate, investigators will have to determine the name of the GAL representing the child from the child's caseworker or from the juvenile court that has jurisdiction.

Upon receipt of the CANTS 2F, the State Central Register will provide the GAL with the proper notification including the investigative file. The notice to the GAL (as required by Rule 336, Appeal of Child Abuse and Neglect Investigation Findings amended effective June 1, 2000) shall include the following information:
(New Policy)

- 1) a specific statement whether the Department has determined the report indicated or unfounded as a result of an investigation;
- 2) the name of the perpetrator;
- 3) the allegation(s) determined indicated;
- 4) length of time the indicated case shall be retained by the Department;

- 5) a statement that a Department review of an indicated decision is available;
- 6) a statement that if a review of the Department's decision is desired, it must be requested in writing within 60 calendar days after notification of the completion of the investigation by the the Child Protective Service Unit, as determined by the date of the notifications sent by the Department; and
- 7) the name and address of the individual who must be contacted in order to request a review of the Department's decision.

V. Notice of Final Administrative Hearing Decisions

Rule 336, Section 336.220, Final Administrative Decision, (as amended effective June 1, 2000) requires that the Department shall provide the GAL (as well as others) with a notice of the final administrative decision, if the decision amends, expunges, or removes any record made under Section 7.17 of the Abused and Neglected Child Reporting Act. In addition to this requirement, the Department will also inform the GAL of decisions that uphold the indicated report without any amendments (**New Policy**). This latter notification will be added to Rule 336 when it is next amended.

The Administrative Hearings Unit is responsible for sending these notices to the GAL.

VI. Unusual Incidents

Rule 331, Unusual Incidents Involving Department Clients, Employees and Facilities, is being amended. The new procedures under development will require that reports of unusual incidents involving Department wards, as well as the report's disposition be shared with the child's guardian ad litem. A system is being developed to forward reports to the GAL electronically. (**New Policy**)

VII. Notification of Licensing Investigations

The child's guardian ad litem must be notified of licensing investigations involving homes and facilities in which Department wards are placed. This **New Policy** is currently under development. Staff will receive further instructions at a later date.

VIII. Notification of Administrative Reviews

Rule 316, Administrative Case Reviews and Court Hearings, requires that the case review be open to the child's GAL and notification be given to the GAL of the ACR. In Cook County a process is being developed to notify the GAL electronically.

IX. Notification of Placement Changes and Other Critical Decisions

Rule 315, Section 315.70, Critical Decisions, lists the decisions affecting children and families that the Department considers to be the most critical, including changes in a child's placement. Procedures Section 305.30, which is still the operative procedure for critical decisions, requires that the child's guardian ad litem be sent a copy of the CFS 151, Notice of Decision, which was sent to the affected parties.

X. GAL Review of Unfounded Reports

These guidelines have been developed to implement amendments to the Abused and Neglected Child Reporting Act that provide for reviews of unfounded child abuse and neglect investigations requested by a minor's guardian ad litem appointed under the Juvenile Court Act of 1987. The Child Protection Manager shall review all reports involving Department wards that investigative teams plan to unfound prior to sending the CANTS 2, Final Finding Report (FFR), to SCR. The Child Protection Manager's signature must be on all FFR's that they have reviewed.

Procedural Guidelines

Final findings of alleged incidents of abuse or neglect involving a ward of the Department shall be reported to the ward's appointed GAL in accordance with Procedures 300, subsection 300.130(e)(8). The notification letter from the State Central Register (SCR) will inform the GAL of his or her right to request a review of an unfounded investigation if he or she has concerns about the adequacy of the investigation.

Review requests must be made in writing to the SCR Administrator within ten days of the date of the notification letter. The request must contain detailed, specific and factual documentation that existed prior to the date of the notification, which the GAL believes supports an indicated finding of the reported allegation.

The SCR Administrator or designee shall be responsible for assessment and initial disposition of review requests and shall contact the GAL when the review criteria have not been met to establish the existence of any additional supporting documentation. If no other documentation exists, the GAL will be informed in writing of the decision not to proceed with a review. The SCR Administrator or designee shall forward review requests with merit to the appropriate Child Protection Manager for review and resolution.

The Child Protection Manager shall inform the SCR Administrator and GAL in writing of the final decision.

In order for this process to occur, all unfounded reports involving Department wards must be retained in the State Central Register for 60 days. Rule 431

currently requires retention of unfounded reports made by non-mandated reporters for 30 days. The rule will be amended as soon as possible. However, SCR will begin retaining these reports for 60 days beginning with the effective date of this Policy Guide.

XI. Other Policies

Other policies are being developed as a result of concerns raised by the Public Guardian's Office in Cook County. Some of those policies that will be incorporated into rules and procedures are:

1) State Central Register Procedures

The following changes will be made in SCR's handling of reports involving wards:

- a) When information obtained from a GAL does not constitute a report of alleged child abuse or neglect the report-taker shall complete a "Mandated Reporter–No Report Taken" form that shall be forwarded for supervisory concurrence. The form shall be kept on file at the SCR for six months.
- b) If SCR receives a call that is defined as a licensing investigation and **not** abuse or neglect, SCR will refer the report to licensing and will not tell the caller to contact licensing.
- c) SCR will notify licensing when a report is received alleging abuse in a licensed facility.

2) Licensing Procedures

- a) Procedures are being developed that will require concurrent, coordinated investigations by licensing and child protection when reports of abuse or neglect involve licensed facilities. Licensing will not automatically dismiss the report if the abuse or neglect allegation is unfounded.
- b) Placements will not be allowed in any home that has been investigated for abuse or neglect until the licensing investigation has been completed and licensing concludes that the home can be opened for placement. Consequently, Placement Clearance Desk procedures will be revised to delete any automatic removal of a facility from the placement hold desk. Holds will not be lifted unless the Clearance Desk is told to do so by licensing.

XII. Questions

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy by phone at (217) 524-1983 or by E-mail. The E-mail address for Staff on Outlook is OCFP. Others may use cfpolicy@idcfs.state.il.us.

XIII. Filing Instructions

Child welfare staff are to file this Policy Guide with Rule Section 315.70, Critical Decisions. Child Protective staff are to file this Policy Guide with Procedures Section 300.130, Notices Whether Child Abuse and Neglect Occurred.