110 CMR 13.00: CASE INVESTIGATION UNIT

Section

13.01: Introduction

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13.01: Introduction

(1) The Department shall have a Case Investigation Unit (CIU) within the Central office of the Department. The CIU shall conduct internal reviews of all Department and contracted casework provider agency cases involving the death or near fatality of any child who was:

(a) a member of a family with an open case; or

(b) a member of a family being investigated as a result of a M.G.L. c. 119, § 51A report received prior to the child’s death or near fatality; or

(c) a member of a family who had an open case within the six months preceding the child’s death or near fatality; or

(d) a member of a family who had a supported 51A report, but a case was not open for services, within the six months preceding the child’s death or near fatality.

The CIU shall also conduct case investigations on any case which does not fall within the criteria in 110 CMR 13.01 (a) through (d), if requested to do so by the Commissioner.

(2) The purpose of each CIU investigation shall be to determine:

(a) the circumstances surrounding the child's death or near fatality;

(b) if the child’s death or near fatality has any implications for the Department’s policy, regulations, training and/or contracted service resources; and

(c) if case management activities and other services provided to the child and her/his family were adequate, appropriate and complied with Department policy and regulations.

13.02: Procedures

(1) Upon learning of the death of a child the social worker shall:

(a) immediately notify her/his supervisor, Area Program Manager and Area Director, or the equivalent if a contracted provider, of the death of the child and the circumstances surrounding the death;

(b) collect as much information as possible about the cause of death and circumstances surrounding the death; and

(c) collect as much information as possible to assess the risk and safety issues for any other children in the setting.

(2) Upon learning of the death of a child the Area Director, or the Director of a contracted casework provider agency, shall:

(a) immediately provide verbal notification to the Regional Director and the CIU director, or designee, of the child’s death and provide as much information as is available regarding the circumstances surrounding the death and any other children in the setting; and

(b) if the child was residing in an out-of-home setting at the time of her/his death, immediately notify the Director(s) of any other Department Area Office(s), or Director of a contracted provider agency, who has a child in the setting; and

(c) within one working day convene a meeting to coordinate the Department’s activities and response to the death; and

(d) ensure that a copy of the Department case record is provided to the Case Investigator at the time of the investigation interview.

(e) ensure that the death is reported to the agency’s critical incident committee by using the standardized format established by the Department.

(3) Upon learning of the death of a child the CIU shall:

(a) immediately notify other central office staff as set forth in the Department’s policy; and

(b) notify the Department of Early Education and Care (EEC) if at the time of her/his death the child was residing in a placement subject to EEC licensure, including a family child care home, group and school age child care program, or residential facility; and

(c) on the day the CIU is notified of the child’s death, assign a case investigator who shall immediately contact the Area Director, or designee, and schedule an investigation interview to be conducted within two working days after receiving notification of the child’s death; and

(d) the assigned case investigator shall proceed to conduct the investigation.

The procedures for conducting the investigation shall include but are not limited to:

1. interviewing Department staff involved with the child, the child’s family, and/or the child’s placement;

2. interviewing non-Department staff, if appropriate; and

3. requesting, in writing, a copy of the child’s autopsy report from the Medical Examiner’s Office.

(4) After the CIU investigation is completed, a written report shall be prepared and submitted for comments to the Central Office Critical Incident Committee. Once the Committee has reviewed the CIU written report, the report shall be submitted to the Commissioner for comments and approval. The report may contain or address recommendations and/or comments covering a range of issues including: commendable or deficient casework practices demonstrated in the case, compliance with existing regulations and procedures, the need for new or revised policies or procedures, or operational and administrative issues. When approved by the Commissioner, the CIU report shall be delivered to the Deputy Commissioner for Field Operations and to any Regional and Area Director involved in the investigation. The report shall include a narrative of the facts of the case based upon the information gathered by the CIU The CIU may issue a preliminary report, followed by a final report, if requested to do so by the Commissioner. A final report shall be delivered to the Commissioner within 30 calendar days after the CIU received notification of the death, unless the child died of natural causes. If the child died of natural causes the final written report shall be delivered to the Commissioner within 60 calendar days after the CIU received notification of the child’s death.

(5) The Area Director and/or any Department staff interviewed during the CIU process may request an exit interview with the case investigator. Requests for an exit interview must be made 30 days after receipt of the CIU report, through the Area Director and are directed to the Deputy Commissioner or the Director of CIU

The exit interview must include the Area Director, or designated manger, and may include the social worker, supervisor, Regional Director, or designee or other Department staff interviewed during the CIU process.

(6) For cases involving near fatalities, the Department will follow all of the applicable procedures outlined in 13.02(1), (2) and (3).

13.03: Participation of Department Employees

(1) Department employees, if they so request, are entitled to union representation during the CIU investigatory process. The union representative attends at the staff members requests but does not participate in any discussions pertaining to the case materials during the interview.

(2) All Department staff involved with service provisions to the child and her/his family shall have the opportunity to review the final report of the CIU and to provide a written response to the report.

Any written response from any involved staff is submitted, through the Area Director, within 30 working day after the Area Office receives the report or the exit interview, which ever is later.

(3) Notes from the exit interview and the Area Office’s written response to the CIU report shall be included in the CIU file.

13.04: Public Access to CIU Report

The Department's CIU report shall remain confidential, and shall not be released to any person or entity outside the Department, except:

(1) that portion of the CIU report which contains conclusions or recommendations may be released, in whole or in part, with all identifying data removed, if a written request is directed to the Commissioner and if the Commissioner determines that release of this portion, so redacted, would not be contrary to the best interests of the Department's client(s) or other involved parties, or effective law enforcement. In those limited number of cases where publicity accorded the events under investigation is so extensive that mere removal of identifying data would be insufficient to protect existing privacy interests, the report shall remain confidential; and

(2) The Office of the Child Advocate;

REGULATORY AUTHORITY

M.G.L. c. 18B, § 7(i); M.G.L. c. 119, § 37.