110 CMR 5.00: FAMILY ASSESSMENT and ACTION PLAN

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5.01: Introduction

(1) Family Assessment and Action Planning is the process of gathering and evaluating information regarding a family or individual's strengths and needs through engaging the family/individual in an integrated and dynamic process, in order to determine:

(a) whether the department must remain involved with the family and why; and if so

(b) jointly develop a plan to support the family in strengthening their capacity to meet the safety, permanency and well-being needs of each child.

(2) After the assessment process, a written "Assessment" document shall be prepared by the social worker, in accordance with a standard format established by the Department. The assessment document shall include

(a) a description of the family composition and the family’s functioning, which includes the reason for current department involvement, relevant personal history or past child welfare involvement,

(b) an assessment of the parental capacities of each parent or where applicable parent substitute (non-DCF), which includes knowledge of parenting and child development, building social and emotional competence of children (nurturing and attachment), parental resilience, social connections, and access to and utilization of concrete support in times of need;

(c) an assessment of child safety, permanency and well-being which focuses on the safety of the child, the permanency plan for the child, the child’s health and development, the child’s cognitive and academic functioning and the child’s social and emotional functioning;

(d) a clinical formulation which summarizes the assessment of 110 CMR 5.01(2)(a-c);

(e) a limited assessment of any adult, living in or out of the home, who acts, or may act in the future, in a caregiving role and is important to the safety, permanency and well-being of the child(ren);

(f) a recommendation whether to continue department involvement and why;

(g) for cases that were newly opened or reopened, after a 51B response, a review of the decision at the end of the 51B response and a recommendation on whether the decision should be changed or remain the same.

(3) Assessment shall include:

(a) face-to-face contact with the parent(s)/guardians or other caregiver identified as a consumer and the children, as specified in the department’s Family Assessment and Action Planning policy;

; and

(b) collateral contacts with such persons as the social worker and family deems necessary, including but not limited to extended family, previous or current service providers, and any other information resources identified by the client;and

(c) review of existing department case records or case records from other child protective agencies the family has been involved with; and

(d) a criminal offender record information and sexual offender registry information check if determined applicable.

(4) During the course of the assessment process, the social worker shall establish an initial relationship with the family and shall respond to the family’s immediate needs, including authorizing any immediately necessary services for the family and providing any necessary casework services.

5.02: When Required

A family assessment must be completed for each new case and updated every six months or as otherwise specified in the Department’s Family Assessment and Action Planning policy. For cases which were previously assessed, closed, and are re-opened, a new assessment is not required if the case closed within the prior six months of re-opening. However, an update of the family assessment must be completed.

5.03: When Completed

A family assessment and action plan, if needed, must be completed within 60 working days after thecase opening (i.e. the date of a completed response, Voluntary Application, or a referral from a court).

5.04: How Conducted

1. Upon assignment, the social worker reviews the material included in the case record. If the material indicates that a previous case record exists, the social worker accesses and reviews the previous record(s).
2. The social worker, together with the family, identifies family members who will be included in the assessment. The assessment process includes the active involvement of all family members. For the purpose of assessment, family is defined as: all family members and other individuals residing in the home, children in Department placement, children residing out of the home, and any parent/parent substitute living out of the home.
3. The assessment involves collateral contacts with extended family, service providers, and other resources identified by the social worker and family. If the family is willing to sign the required releases permitting the Department to contact these collateral sources, the social worker proceeds to contact these collaterals. If the family is not willing to sign releases, the social worker documents this in the dictation and proceeds with the assessment without the benefit of collateral contacts.
4. During the course of the assessment, the social worker shall have a minimum of three face-to-face contacts with parents and other individuals who reside in the home, the first of which occurs within five working days after the assignment of the case to the social worker responsible for completing the assessment. Two of the three face-to-fact contacts take place in the home. If an out-of-home parent/parent substitute can be located, s/he is visited a minimum of one time, at a mutually agreeable location, during the assessment. All children are visited a minimum of two times during the assessment. The first fact-to-face contact occurs in the child’s current residence within five working days after the assignment of the case to the social worker responsible for completing the assessment.
5. If the social worker is not able to meet with the individuals in the family, cannot conduct the expected number of visits, and/or it is not possible or appropriate to conduct a visit in the expected location set forth in 110 CMR 5.04(4), the social worker discusses this with his/her supervisor prior to the completion of the assessment. The reason(s) why the visits were not conducted, and/or occurred at a different location, and the outcome of the discussion with the supervisor are documented in the case record.
6. In cases which were opened as a result of a response, under M.G.L. c. 119, § 51B, the social worker informs the family that they may submit information to her/him regarding the response decision which will be reviewed at the completion of the assessment.
7. As part of the assessment, the social worker should request a check of the Registry of Alleged Perpetrators for all household members. The social worker, in consultation with his/her supervisor, should determine if there is a need to conduct a Criminal Offender Record Information (CORI) check on a household member. When such a determination is made, the social worker should submit a request in accordance with the Department’s Policy and Procedures for Accessing Name Search, Central Registry, Registry of Alleged Perpetrators, and CORI Checks policy, (Department Policy #86-014(R).
8. If an assessment is being completed as the result of a response under M.G.L. c. 119, § 51B, and the family refuses, despite reasonable casework efforts, to participate in the assessment process, the social worker and supervisor consult with the Area Director, or designee, to determine risk to the child(ren) and, in consultation with a Department attorney, to determine if there are reasons to pursue legal action.
9. Documentation: Information gathered during the assessment process is documented, by the social worker, in consultation with the supervisor, utilizing a form or an electronic method established by the Department. . The family assessment is based on an evaluation of information learned from the interviews with all family members and collateral contacts.
10. Outcome: Before the end of the family assessment, , the social worker and supervisor determine if the case will remain open or be closed.

For cases remaining open the social worker in conjunction with the family and supervisor complete an action plan that meets the requirements specified in 110 CMR 5.10-5.16 The social worker verbally informs the family of the outcome of the assessment and also provides the family with written notification.

For cases that will be closed after the family assessment, the social worker verbally informs the family of the outcome of the assessment and proceeds in accordance 110 CMR 9.00 *et.seq.* and the Department’s Case Closing Policy..

5.05: Administrative Review

(1) Supported decisions and substantiated concern decisions in new cases, made by the Department on or after February 28, 2016, will be automatically reviewed following the Department's family assessment, by Administrative Review.

(2) Each Administrative Review will consider all information gathered during assessment, as well as the original information gathered during the response which formed the basis of the supported or substantiated concern decision. The purpose of each Administrative Review is to determine whether the supported or substantiated concern decision should be changed to "unsupported", because:

(a) based on information available during the response, the decision at the time it was made was not in accordance with 110 CMR or policies, or was not reasonable; or

(b) based upon new information not available during the response , the decision is not in accordance with 110 CMR or policies, or is not reasonable.

(3) In any case where the Department changes, via the above Administrative Review process, a decision from supported or substantiated concern to"unsupported,

1. the Department's Central Registry shall reflect said change, and shall be expunged according to the timetable as if the original decision had been unsupported.
2. Any alleged perpetrator listing on the Central Registry will be automatically eliminated;
3. The parents, the mandated reporter who filed the report, if applicable, and any individual identified on the Registry of Alleged Perpetrators as a result of the supported response, shall be notified that the supported decision has been unsupported and that any perpetrator listing that resulted from the support decision has been eliminated; and
4. The M.G.L. c. 119, §§ 51A and 51B reports and related case record materials shall be filed with other closed record files.

(4) An individual may waive his/her right to the Department's assessment and Administrative Review (for example, where the Department proposes and the individual agrees, to support the allegation(s) after investigation but to close the case thereafter).

5.10: Action Plan - Description and Purpose

(1) The purpose of the action plan is for the Department and the family to jointly develop a plan to support the family in strengthening their capacity to meet the safety, permanency and well-being needs of their child(ren).

(2) An action plan is a written document which describes the areas of parental capacities and child well-being which the family and Department will focus on to strengthen and improve, the behavioral changes needed to strengthen parental capacities and improve child well-being, the tasks to be undertaken and the services to be provided to either:

(a) strengthen a family unit; or

(b) reunify a family unit for a child who has been removed from his/her home; or

(c) provide an alternative permanent home for a child who has been removed from his or her home;

(3) The action plan shall provide a basis for assessing the progress of family members in strengthening parental capacities and improving child well-being.

(4) Parental Capacities are the skills, knowledge, attributes and abilities of the caregivers to provide for the safety, permanency and well-being needs of their child(ren). The potential areas of focus include

(a) knowledge of parenting and child development;

(b) building social and emotional competence of children (nurturing and attachment);

(c) parental resilience;

(d) social connections; and

(e) access to and utilization of concrete support in times of need.

(5) Child Well-Being areas of focus may include permanency, safety, health and development, cognitive and academic functioning and social and emotional functioning.

5.11: Action Plan - Requirement

Every family with an open case with the Department shall have an action plan. The plan should involve both parents, including any parent who lives outside the home of the child, whenever possible.

5.12: Action Plan - Elements (Generally)

Each action plan shall contain the following elements:

(1) A permanency plan for each child which may be either:

(a) Permanency through stabilization; or

(b) Permanency through reunification; or

(c) Permanency through adoption; or

(d) Permanency through guardianship; or

(e) Permanency through care with kin; or

(f) An alternative permanent planned living arrangement;

(2) A summary of the family history and functioning, the parent capacities to meet the specific needs for safety, permanency and well-being of each child, the reason for department involvement with the family, and the identification of and prioritization of the areas of focus.

(3) A description, for each parent, other case member as needed, or child over 14, the areas of focus for change, the observable changes needed, and the specific tasks to complete to achieve the observable behaviors and the time by which or the frequency at which the task is to be completed.

(4) A statement of the task(s) the Department and other parties will complete to support the areas of focus and observable changes needed identified in the action plan and the time by which or the frequency at which the task is to be completed.

(5) A listing of the services to be provided to the parents, other case members if needed, and the children to strengthen/improve the areas of focus to achieve the behavior changes identified and the time by which or the frequency at which the service is to be provided.

(6) The time frame for the action plan, which usually be a period of 6 months for each.

(7) A place to indicate the family involvement with the action plan and their agreement or disagreement with all or some of the plan.

(8) Signatures of the parents, children over 14 and the Department.

5.13: Action Plan - Elements (Children in Substitute Care)

An action plan for a family with a child(ren) in substitute care shall contain the elements listed above and each of the following additional elements about the child:

1. At the time of placement, a placement supplement which shall include
   1. Reasons for the child’s removal
   2. Whether the child is placed with his/her siblings, and if not the whether there is a plan to place them together.
   3. Whether the child is placed in a kinship placement, and if not whether there is a plan to find a kinship placement.
   4. Whether kin have been notified of the removal as required by MGL c. 119, § 23.
   5. Date for the first phone contact with the parent(s) and the first parental visit scheduled.

(2) The type of placement (foster care, intensive foster care, congregate care, etc.).

(3) The visiting schedule between the parents and the child (6) The visiting schedule between siblings who are not placed together, (4) The visiting schedule between the children and their grandparents, if available and in the best interest of the child;

(4) For youth or young adults age 14 and older, the Action Plan may include the programs and services which will help the youth/young adult prepare for transition from foster care to successful adulthood, including areas of skill development appropriate for age and interest

(5) Action Plans for young adults do not have to include their parents, except to the extent that the young adult wants them included.

5.14: Action Plan - Time for Completion; Case Opening

(1) An action plan shall be completed in conjunction with the family assessment within the following time periods:

(a) for all cases within 60 working days after the opening of the case as part of completing the family assessment which results in the case remaining open of services with the department.

(b) for a placement made on an emergency basis to ensure the immediate safety of a child, where there is no action plan, an action plan shall be completed within 30 working days after the placement.

(2) Except in an emergency, every family shall have an action plan prior to placing a child in substitute care.

(3) For purposes of developing an action plan the opening of the case occurs upon one of the following:

(a) a finding at the end of a response conducted under GL c. 119, § 51B to support or have substantiated ; or

(b) a safe haven referral; or

(c) the receipt of an application for voluntary services which is accepted by the Department; or

(d) a court order giving custody to the Department.

5.15: Action Plan - Agreement by Family

(1) An action plan shall be, to the maximum extent possible, jointly developed by the Department and the family receiving services from the Department. If the parties are in agreement about the action plan it shall be signed by all parties and a copy shall be provided to the family.

(2) If the parties are not in agreement about the action plan the Department shall prepare the action plan and a copy shall be provided to the family. The Department shall also inform the family that the family may seek a review of the action plan by using the Department's grievance procedure.

(3) If the parties are in agreement about some but not all of the service plan, the family member has the option of noting the sections he/she does agree with, or adding services he/she would like the Department to offer, and signing the action plan. .

(4) Each youth/young adult age 14 or older who is in placement may choose 2 individuals, who shall not be either the foster parent or the assigned Social Worker, to consult with regarding the development of their Action Plan. The Department may decline to work with an individual chosen by the youth/young adult at any time if the Department has good cause to believe the individual will not act in the best interest of the youth/ young adult.

5.16: Action Plan – Review and Update of Existing Plan

An action plan shall at a minimum be reviewed and updated as needed every six months or at other times as specified in the department’s family assessment and action planning policy.

18B, §3; MGL c. 119, §§ 29, 37; 42 USC 675(1)(B).