

<b>Policy Subject:</b>	Birth Match Reports
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<b>Approved By:</b>	Rebecca Jones Gaston, MSW <i>RJG</i> Executive Director Social Services Administration
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<b>Supersedes:</b>	SSA # 12-30
<b>Program Affected:</b>	Family Preservation Services



## **Legal Information & Purpose**

On October 1, 2018, SB490, Child Abuse and Neglect – Disclosure of Identifying Information (Birth Match), became law. This bill amends Family Law Article § 5-715 to require the Department of Human Services (DHS) to periodically provide the Maryland Department of Health (MDH) with an updated list of parents who have had their parental rights terminated within the last 10 years as a result of child abuse or neglect. This bill also requires that courts (the judiciary) provide MDH with the names of individuals convicted of murder of a child, attempted murder of a child, or manslaughter of a child.

MDH's Vital Statistics Division will match the names provided by DHS and the judiciary against a list of parents with newborns and send the Social Services Administration (SSA) a Birth Match Report. When SSA receives notification of a match, it will attempt to verify that the parent of the newborn is the same person identified by DHS or the judiciary. SSA will then immediately provide notice of the match and of any relevant information it has found to the local department of social services (LDSS) where the parent resides or where the address given at the time of birth is located.

The LDSS is required to conduct an assessment of the family consistent with safety and risk assessments done for a Services to Families with Children - Intake (SFC-I) case. The new law removed the LDSS's discretion to determine if an assessment was "appropriate."

## **Policy**

This policy directive provides guidelines for Family Preservation Services staff/LDSS when completing assessments following Birth Match reports to ensure the safety and well-being of newborns and to provide services to parents. If at any time during the birth match assessment process a local department has reason to believe that the newborn or other child in the home has been abused or neglected, or is at a substantial risk of abuse or neglect, the local department should immediately make a report to CPS.

## **Procedural Guidance**

### Responsibilities of SSA

- Receive weekly Birth Match Reports from MDH.
- Conduct a child welfare database search of any parent who is identified as a purported match to determine if he or she has any involvement in an active child welfare (services or CPS) case.
- Complete and forward a Birth Match Information and Reporting form within 48 business hours or as soon as possible to the Screening unit in which the address listed for the parent is located. (In the event that no address is provided, SSA will use the jurisdiction where the delivery occurred.)

### Responsibility of LDSS

#### **A. In the case of a birth match based on a TPR where there is NO ACTIVE LDSS CASE:**

- The LDSS shall enter the Birth Match information into the child welfare database to establish a record.
- The LDSS shall review records on the parent to verify that the Termination of Parental Rights (TPR) stemmed from alleged child abuse or neglect.

- If the TPR was a result, even if in part, of a court finding that the child was abused or neglected, the case shall be assigned for an assessment. If no court documents are available at the time of the LDSS review, a LDSS finding of indicated child abuse or neglect based on the same conduct that formed the basis for a CINA finding would be sufficient to proceed with an assessment. The choice to assign the assessment to a CPS or Family Preservation/SFC Intake Worker is left to the discretion of each local department; however, the assessment should always follow SFC-I protocols.
- The Screening Unit shall follow all clearance protocols as outlined in the latest screening policy to document historical information and to verify that there is no active LDSS case.
- The LDSS should request that its CINA and/or TPR attorney(s) locate the TPR court reports/records and may request assistance in locating information or files related to a crime against a child.
- If the prior TPR was the result of consent or another circumstance that did not involve abuse or neglect, the Birth Match referral shall be screened out and the reason documented in the child welfare database.
- If the TPR was a result of child abuse or neglect, the worker will immediately contact the family to conduct an assessment and offer appropriate services to prevent abuse or neglect. The LDSS shall open a services case consistent with SFC-I and shall ensure a home visit occurs within the SFC-I guidelines.
- TPR records are confidential by law. Accordingly, in cases where only one parent of the newborn has a prior TPR based on abuse or neglect, the worker should first obtain consent from that parent to disclose information related to that TPR before sharing any information with the newborn's other parent.
  - Absent a properly executed consent due to the parent's unavailability or unwillingness to sign a consent, the LDSS may advise parents of the reasons for the assessment, *i.e.*, a match between a new birth and a parent having previously had his or her parental rights terminated as a result of child abuse or neglect. If, *and only if*, information in the TPR record is relevant to the safety of the newborn such that sharing that information allows a substantial mitigation of risk to the newborn, the worker may share information about the TPR case with the parent whose rights were not terminated.
  - All other information pertaining to the TPR should inform the worker's assessment but not be shared with the parents unless it meets the previously stated criteria.
- In each case a safety (SAFE-C), risk (MFRA) and Child and Adolescent Needs and Strengths Family version (CANS-F) assessment must be completed and entered into the child welfare database for all children in the household and the parent(s). The worker need not repeat an assessment on any family in which assessments have already been completed that includes the newborn in the household.
- If the LDSS caseworker is denied entry into the home, and there is no suspicion of abuse or neglect, the worker should document all attempts at engagement with the family and close the case.
- After assessing the safety of the newborn and any other children in the home, the worker shall provide appropriate services and refer the parent(s) for appropriate services that will assist in safeguarding the child and any other children in the home.

**B. In the case of a birth match based on a murder of a child, attempted murder of a child or manslaughter of a child where there is NO ACTIVE LDSS CASE:**

- The LDSS should proceed as set forth above, modified as follows:
- The assigned LDSS shall look in the child welfare database to determine if the agency has records related to the prior crime against a child. If the worker finds such a record, the worker should not share information from the Department file unless doing so is necessary to mitigate a safety risk to a child.
- Unlike the case of a birth match based on a prior TPR, the worker may freely discuss the crime reported by the courts to MDH.
- As needed, the worker should ask the LDSS's legal department to assist as needed to locate a file or information relevant to the reported crime.

**C. In the case of a birth match due to a TPR or a crime against a child where there is an OPEN LDSS case:**

- When the LDSS discovers that there is currently an open service or investigation case providing home-based services, the LDSS shall contact the supervisor for the case to determine if a safety assessment and risk assessment have already been completed and documented in the child welfare database that reflect the presence of the newborn in the home. If no safety or risk assessment was completed, the action steps listed above for a match based on a TPR or a crime against a child shall be followed. If a safety assessment and risk assessment have been completed, the report described below shall be forwarded to DHS/SSA.

Time Frames

**All time frames for LDSS activity are consistent with COMAR 07.02.01.04D(3)**

- SSA will initiate the referral to the LDSS for entry into the child welfare database within 48 hours or as soon as possible to determine if an assessment is appropriate based on the criteria stated above.
- Within seven (7) calendar days of receipt of the referral from DHS/SSA:
  1. The worker shall attempt to locate and review the local department record related to the prior TPR or the murder, attempted murder, or manslaughter of a child.
  2. The worker will initiate contact with the family to assess the safety of the newborn and any other children in the home and determine if the family is in need of services.
- Within thirty (30) calendar days of the date of acceptance (COMAR 07.02.01.04):
  1. The worker shall complete a SAFE-C, MFRA and CANS-F in the child welfare database.
  2. The LDSS designee shall provide the DHS/SSA representative with a written report of the activities conducted for the case as set forth below.

LDSS Reports to SSA

Whether the family is active or not receiving services when the LDSS receives the Birth Match notification from SSA, the LDSS must submit a report to the SSA CPS/Family Preservation Services Manager or designee with a brief summary on each Birth Match including::

1. Newborn's and casehead's demographics;
2. Date of the Birth Match notification;

3. Type of case that was opened or active at the time the Birth Match was received;
4. Date and ratings of the initial safety and risk assessment that includes the newborn;
5. Name of worker and supervisor to which the case was assigned;
6. The outcome of the assessment (i.e. case closed or other child welfare service opened or continued);
7. Details if it was an incorrect match; and
8. Immediate notification forwarded to DHS/SSA if the case is screened out and if the family cannot be located or contacted. (For suggestions for locating children please refer to the most recent policy directive regarding locating a child/family.)

### **Documentation**

In addition to opening a SFC-I case in the child welfare database and completing a SAFE-C, MFRA and CANS-F, the worker should observe all policies and regulations (COMAR) regarding the documentation and timeliness of entering Contact Notes into the database.

### **Forms**

*The DHS/SSA Birth Match Information and Reporting Form (This form will be located on DHS Knowledge Base under Child Protective Services (CPS)).*