

Child Protective Services: Investigation

[←←BACK](#)

[CONTENTS](#)

[FORWARD⇒⇒](#)

2104.23 Case Determination

Requirement

Make one of the following determinations at the completion of the Investigation (within 30 calendar days from receipt of the report):

1. **Substantiated** -- an investigation disposition by an abuse investigator concludes that the allegation of maltreatment, as defined by state law and CPS requirements, is supported by a preponderance of the evidence; or,
2. **Unsubstantiated** -- an investigation disposition by an abuse investigator concludes that under state law and CPS procedure requirements, there is either no evidence of maltreatment or the allegation of maltreatment was not supported by a preponderance of the evidence.
3. **Unsubstantiated / High Risk** – an investigation disposition by an abuse investigator concludes that under state law and CPS procedure requirements, there is either no evidence of maltreatment or the allegation of maltreatment was not supported by a preponderance of the evidence; **however, risk rates High**, and the case will remain open for services.

Procedures/Practice Issues

Case determination is the decision, made at the completion of the investigation process, that a report of child abuse is substantiated or unsubstantiated. This decision is based on all information obtained throughout the entire investigation process. The determination decision is made in collaboration with the supervisor.

Throughout the investigation, assess the safety and risk factors and the resources which already exist or can be developed and put in place to ensure the child's safety, should maltreatment be substantiated.

Judgment is critical in CPS determinations for cases that involve discipline or punishment. Parents have rights to discipline their children, and they are not prohibited by law to use corporal punishment (See [2101.3](#)). **Discipline** is teaching children right from wrong, guiding and directing behavior, correcting and setting limits. **Punishment** involves intention to correct behavior by inflicting a penalty or some pain through more serious actions.

When making a case determination, consider the age of the child, the location of the injury, the size and vulnerability of the child and whether the parent's explanation supports what is observed. A slap to a teenager, that is not likely to be substantiated as child abuse, is different from a slap to an infant, which is likely to be substantiated as child abuse.

Specific guidelines prohibit any form of physical discipline or corporal punishment to a child in a foster home or a pre-adoptive placement. The department is responsible and

Child Protective Services: Investigation

liable for the safety and protection of children in its care (see Foster Care Manual, Appendix U, and Foster Parents Manual, Chapter 4, Revised 7/93).

All investigations require completion of Form 455A (Safety Assessment), Form 457 (Risk Assessment Scale) and Form 431 (Child Abuse and Neglect Report). Substantiated cases require a 455B (Safety Plan).

Close low and moderate risk unsubstantiated cases for CPS at the time this determination is made, unless the case is court-ordered for services. Complete the Form 590 (Internal Data System). It is often appropriate to refer these families to community resources used for low risk cases (See 2104.37).

High risk unsubstantiated cases remain open for provision of services. This includes referrals to available resources that can assist the family to lower the risk level (see 2104.27). A family with an unsubstantiated report has the right to refuse services, and for this reason it is important to discuss in a face-to-face meeting with the family, where risk rates high, the need for the case to remain open.

See [2104.24](#) for instructions for handling the closure of a case that had a child fatality.