State of Vermont Agency of Human Services Department of Corrections	Title: **DOC/DCF Communication for Child Protection**	
Chapter **Information Management Systems**	**INTERIM PROCEDURE**	Supersedes: #08.01 dated 8/10/2001 and #303 dated 02/05/1976

Attachments, Forms & Companion Documents:

1. Memorandum of Understanding – Department of Corrections and Department for Children & Families Child Protection Measures signed September 15, 2008

Local Procedure(s) Required? Yes; refer to *Attachment 1*.
Applicability: All staff (including volunteers and contractors)
Security Level: "B"- Anyone may have access to this document.

Approved:

Andrew Pallito	**June 1, 2009**	**June 5, 2009**
Andrew A. Pallito, Commissioner	**Date Signed**	**Date Effective**

PURPOSE

The purpose of this Interim Procedure is to provide guidance to Agency of Human Services staff in the Department of Corrections (DOC) and Department for Children and Families (DCF) regarding access to case information; it also delineates situations in which the Department of Corrections will request information and share case specific information with the Department for Children and Families' Family Services Division.

POLICY

It is the policy of the Vermont Department of Corrections to assist in the protection of children from abuse and neglect through ongoing communication with the Department for Children and Families' Family Services Division.

AUTHORITY

28 V.S.A § 601(10). Agency of Human Service Policy #1.05 *Policy on Sharing of Client Information.*

REFERENCE

Department of Corrections Policies #03 *Department Philosophy and #254 Access to Offender Information; Administrative Directive #254.04 Case Documentation – Electronic. Memorandum of Understanding between the Department of Corrections and Department for Children and Families, Child Protection Measures,* signed 9/15/08.

DEFINITIONS

Case Information: Documents, electronic files, forms, notes, reports, assessments, plans or data in any form whether reduced to print, microfiche, photograph, video or audio/visual tape recordings, that pertain to a specific person currently or formerly under the supervision of the Department, or currently or formerly confined in a Department correctional facility. Case information does not

include such confidential information as medical or mental health records, education records, or treatment records.

Department for Children and Families (DCF) Child Protection Registry: A list of individuals who have a substantiated report for child abuse from January 1, 1992 to the present.

DCF Emergency Services Program: A program that deals with all after-hours emergencies when district offices are not open during regular business hours. This program can be accessed by calling the Child Protection Line at 1-800-649-5285.

DCF Master Index: A database that tracks the general activity of **all** cases in which DCF has been involved. It includes both substantiated and unsubstantiated child maltreatment allegations, as well as the type of case (delinquency, unmanageable, open child protection cases, custody cases, etc. - prior to and since January 1, 1992). It is an instrument which enables DCF to get a fuller picture of the people they are dealing with.

Family Services Division: A division of DCF whose primary duty is the protection of children and working with families to keep children safe.

Forseeable Risk of Harm: A case-by-case determination by Department employees in consultation with treatment providers and others involved in the offender's case planning that is based upon: 1) an offender's prior criminal background, personal history, and current conduct; 2) the type of crime for which the offender was most recently convicted; and 3) the surrounding circumstances in which the offender is being supervised, including the relationship of the offender to a third party(ies).

Max-out: The serving of an incarcerative sentence to the maximum allowable time after the deduction of awarded reduction of term for good behavior and earned reduction of term.

Substantiated Report: The Commissioner of DCF or the Commissioner's designee has determined, after investigation, that a report is based on accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected.

PROCEDURAL GUIDELINES

1. The Department for Children and Families (DCF)/Department of Corrections (DOC) access to offender case information is governed by the provisions of DOC *Policy #254, Administrative Directive #254.01,* and the provisions of *Attachment 1* of this directive, and *Memorandum of Understanding between the Department of Corrections - Department for Children and Families, Child Protection Measures.*

2. In accordance with the Memorandum of Understanding between the Department of Corrections and the Department for Children and Families, **DOC has the following responsibilities**:

   a. If DOC has control over an offender's residence (furlough, or probation and parole with residence restrictions), and it is determined that the offender continues to pose a risk to children, DOC will prohibit an offender who poses a risk of sexual abuse or physical injury to children from residing in a home where children live.

b. Prior to approving a residence for an offender, the assigned DOC Probation Officer will check with DCF to see if any child(ren) residing in the proposed home is/are the subject of an open DCF case. In such cases, the assigned Probation Officer shall collaborate with DCF around decision-making on the offender's placement in the home.

c. When DOC does not have control over the offender's residence ("max-outs" with no further supervision, or probation or parole with no residence condition), the Probation Officer, Facility Caseworker, or Supervisor will make a child abuse report to the Child Protection Line 1-800-649-5285 at DCF when DOC has reason to believe that an offender presents a risk of harm to any child(ren) in a current or proposed residence; for example, the offender has a current or past offense of 1) sexual abuse of a child, or the affidavit of the underlying offense provided by the court after adjudication contains information that describes any elements of a sexual offense; or 2) an offense of intra-familial violence with a child residing in the home.

d. For all offenders under supervision for an offense of family violence or for a sexual offense (or the affidavit of the underlying offense provided by the court after adjudication contains information that describes any elements of a sexual offense), DOC Probation Officers will review the DCF Child Protection Registry for substantiations of child abuse, with a follow up inquiry to the local DCF office on all offender matches. Staff from both departments shall coordinate planning and actions to promote child protection.

e. Corrections' facility staff, Community Correctional Officers (CCOs), or Probation Officers will contact the DCF Emergency Services Program (ESP) or the local district office to secure information about the custody status and responsible district office for a juvenile that has been taken into DOC custody. During non-business hours, DOC staff will contact the DCF Emergency Services Program staff.

f. Facility staff will ask any lodged or incapacitated person if they are responsible for a minor child(ren), and whether there is an appropriate adult to provide immediate care for the offender's minor child. If there is no appropriate adult, they will contact DCF.

g. Field Staff will contact DCF when DOC field staff arrest or return an offender to jail who reports that there is no appropriate adult to provide immediate care for the offender's minor child(ren).

h. DOC central office will provide the DCF Emergency Services Program with a current list of local DOC District Managers/Supervisors and Facility Superintendents, with their contact information.

i. All DOC staff must make a report of child abuse or neglect to the Child Protection Line (1-800-649-5285) at DCF if that staff person has reason to believe that abuse or neglect has occurred.

j. When invited, DOC staff shall participate in DCF case reviews on offenders under supervision for offenses of family violence or sexual offenses (or the affidavit of the underlying offense provided by the court after adjudication contains information that describes any elements of a sexual offense).

3. In accordance with the Memorandum of Understanding between the Department of Corrections and the Department for Children and Families, **DCF has the following responsibilities:**

a. Upon request, they will share information with DOC about current or past clients of the DCF Family Services Division for child protection purposes.

b. Upon request, they will share information about perpetrators from the Child Protection Registry regarding substantiations of child abuse.

c. Pursuant to DCF Family Services policies, they will accept and investigate reports from DOC staff of suspected or potential child abuse.

d. They will check the DOC *database offender locator* for all new DCF cases, and if there is a match, contact DOC staff to coordinate planning and actions to promote child protection.

e. They will consult with DOC, by phone or email, before using any DOC case notes in a fact-finding or judicial process. DCF staff may not print out case notes from the DOC data base. If local staff from both Departments cannot agree on the appropriate use of a case note, the decision will be made at the central office level.

f. They will invite DOC staff to attend case plan reviews (and treatment team meetings, as appropriate) for children when DOC is supervising a family member.

g. They will provide ongoing training to DOC staff about child abuse and neglect issues.

4. DOC Electronic Access to DCF Case Information

a. DOC access to DCF case information is limited to those staff designated by the DOC. They will have login access to the Child Protection Registry, after signing a "user agreement." This may be done electronically.
b. Local Managers will ensure that all casework staff, probation officers, and supervisors receive appropriate training on use and access of DCF case information.
c. DOC employee use and access to the DCF database is limited to purposes directly related to the protection of children. Other use is prohibited and may result in adverse personnel action. DOC staff will ensure the maintenance of confidentiality of DCF information.

5. DCF Electronic Access to DOC Case Information

a. DCF employee access to the DOC *database offender locator* is limited to staff who have received appropriate training and signed a "user agreement." This may be done electronically.
b. Case information access is only authorized when it is directly related to serving DCF clients, including the screening of potential caregivers of children.
c. Other use is prohibited and may result in adverse personnel action.
d. DOC maintains a list of all persons who have accessed the offender data base.

6. Local DOC District Managers will:

a. Ensure that staff know that information exchanged between the Departments in any form is to be used only as needed to carry out professional responsibilities;

b. Require staff to sign a "user agreement" before being given access to the other Department's databases;
c. Inform DCF when it appears that an employee has misused case information and may be disciplined;
d. Appropriately manage access of staff to automated information, and encourage direct communication between Department staff;
e. Ensure that DCF is informed of any changes in policy requirements related to access to case information;
f. Develop local protocols to promote regular and efficient communication and collaboration between the respective district offices.

TRAINING

District Managers, Supervisors, and Facility Superintendents shall ensure that all appropriate staff are trained in this interim procedure, have signed the appropriate user agreement, and comply with this interim procedure. The goal is to ensure ongoing communication and collaboration between DOC and DCF staff toward the protection of children.

QUALITY ASSURANCE

Information Technology (IT) staff will develop a log of all DOC individuals who access the DCF database.

MEMORANDUM OF UNDERSTANDING
Department of Corrections and Department for Children and Families CHILD PROTECTION MEASURES

OBJECTIVE:
To protect children from violent offenders by improving communication between staff of the Department of Corrections (DOC) and the Department for Children and Families (DCF).

Part 1: Child Safety

DOC WILL:

- When DOC has control (furlough, or probation and parole with residence restrictions) over the offender's residence, DOC will prohibit an offender who poses a risk of sexual abuse or physical injury to children from residing in a home where children live.
- When DOC does not have control over the offender's residence, DOC will make a child abuse report to DCF when DOC has reason to believe that an offender presents a risk of harm to children in a current or proposed residence.
- Review DCF client index, with a follow up inquiry to the local DCF office, on all matches for any offender under supervision for an offense of family violence or sexual offenses. Coordinate planning and actions to promote child protection.
- Provide the DCF Emergency Services Program and the DCF child protection hotline a current list of local DOC District Managers and Facility Duperintendents.
- Contact the DCF Emergency Services Program or the local district office to secure information about the custody status and responsible district office for a juvenile that has been taken into DOC custody.
- Contact DCF when DOC field staff arrest or return an offender to jail, or facility staff admit an offender who reports that there is no appropriate adult to provide immediate care for the offender's minor child(ren).
- Create multidisciplinary case management teams for the purpose of collaborating and prioritizing community safety and the protection of former victims. These teams will include a representative from DCF.
- Provide DCF with copies of Pre-Sentence Investigation Reports on cases where the offense is against children or if the offender is on the DCF client index.
- Contact DCF on all offenders where elements of a sexual offense are present, for the purposes of preparing the Pre-Sentence Investigation Report.

DCF WILL:

- Upon request, share information with DOC about current or past clients of the Family Services Division for child protection purposes according to Family Services Division policy.
- Create and maintain a client index. The client index is an agreed upon subset of the DCF master index and will include the name and, when available, date of birth of those in the master index.

- Pursuant to Family Services policies, accept and investigate reports from DOC staff of suspected or potential child abuse.
- Check the DOC offender locator for all new DCF cases, and if there is a match, contact DOC staff to coordinate planning and actions to promote child protection.
- Consult with DOC before using any DOC case notes in a fact finding or judicial process. If local staff from both Departments cannot agree on the appropriate use of a case note, the decision will be made at the central office level in consultation with the Attorney General's office.
- Invite DOC staff to attend case plan reviews (and treatment team meetings, as appropriate) for children when DOC is supervising a family member.
- Ensure DOC representation at DCF Child Protection Team meetings.
- Provide ongoing training to DOC staff about child abuse and neglect issues.
- When copies of Pre-Sentence Investigation Reports are provided by the DOC, keep those documents confidential and do not subject them to public inspection.
- Provide DOC information regarding an offender's records maintained by DCF in the child protection registry if the offender was previously substantiated for child abuse or neglect, for DOC use in writing Pre-Sentence Investigation Reports.
- In the cases involving sex offenses, provide DOC with information pertaining to the juvenile court and law enforcement records for Presentence Reports. A complete juvenile record will be released pursuant to a court order or a validly executed release of information.

Part 2: Safeguarding Information
DOC AND DCF WILL:

- Ensure that their staff members know that information exchanged between the departments in any form is to be used only as needed to carry out professional responsibilities.
- Require staff to sign an acknowledgement of confidentiality requirements before being given access to the other department's databases.
- Inform the other department when it appears that an employee has misused case information and may be disciplined;
- Appropriately manage access of staff to automated information.
- Ensure that the other department is informed of any changes in policy requirements related to access to case information.
- Develop local protocols to promote regular and efficient communication and collaboration between the respective district offices.

Andrew Pallito, Commissioner
Department of Corrections
11/9/09
Date

Stephen R. Dale, Commissioner
Department for Children and Families
11/9/09
Date