

Child Welfare Policy Manual

Questions & Answers

2.1G CAPTA, Assurances and Requirements, Triage

1. Question: Section 106(b)(2)(B)(v) of the Child Abuse Prevention and Treatment Act (CAPTA) requires the State to have triage procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary protective service. At what point must the State Child Protective Services (CPS) agency refer a child ¿ at the point there is a report of abuse or neglect on a child; at the point the child is screened out of CPS; or after the results of the investigation determine that there is no imminent risk of harm to the child?

Answer: The statute does not prescribe a point in time in which a referral to a community organization must be made. Thus, the State has the flexibility to determine appropriate procedures for when and how to refer a child it determines is not at imminent risk to a community organization or voluntary protective services provider. There may be Federal confidentiality restrictions for the State to consider when implementing this CAPTA provision.

- **Source/Date:** 05/02/06; updated 12/9/11
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) ¿ section 106(b)(2)(B)(v); Sections 1171 through 1179 of the Social Security Act; and 45 CFR Parts 160 and 164, Subpart E

2. Question: What is the expected scope of public outreach the citizen review panels are supposed to undertake per the Child Abuse Prevention and Treatment Act (CAPTA) provision at section 106(c)(4)(C)? In one State, one panel is interested in surveying foster parents while another is interested in surveying some of their local community service providers. Is either of these too narrow?

Answer: At a minimum, we expect the panels to reach out to the immediate community. In doing so, individual panels have discretion as to whom in the community to survey, depending on the issues for which the panel feels it needs input in order to meet its obligation to evaluate the extent to which State and local CPS agencies are effectively discharging their child protection responsibilities as required by section 106(c)(4)(C) of CAPTA. For example, one panel may evaluate issues related to recruiting and retaining foster parents. In that case, it would be appropriate for the panel to survey foster parents.

Surveying foster parents, however, would not necessarily help the panel meet its obligations if the issue of concern was the high number of child deaths in the State. The public outreach should be tailored to meet the needs of the panel in achieving its goals.

- **Source/Date:** 05/02/06
- **Legal and Related References:** Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) § section 106(c)(4)(C)