

**If Child and Family Services Division (CFSD) is assessing a report of child maltreatment, you have the right to:**

- Be treated with dignity and respect, free from discrimination.
- Have the report of child abuse or neglect assessed in a timely manner.
- Be notified if you are the “alleged perpetrator” and be told information about the report and why an assessment is being conducted (without being told the identity of the reporter as prohibited by Montana law).
- Know the outcome of the assessment.
- Speak to a supervisor if you have concerns regarding the Child Protection Specialist’s actions.
- Participate in developing a safety plan for your child if a safety plan is necessary.
- Suggest and provide the contact information for an alternative adult family member or family friend who may be able to safely care for your child if CPS is advising that it is necessary to remove your child from your home and create an alternative plan of safety.
- Visit any children removed from your home, unless visitation is determined not to be in your child’s best interest.
- A court hearing if your child is removed from your home.
- Be notified of and to take part in hearings involving your child, be represented by a lawyer, receive copies of all documents filed with the court, call witnesses and cross examine witnesses, request court hearings, and appeal decisions made by the court.
- Tribal representation—if you or your child are Native American, the Indian Child Welfare Act (ICWA) procedures and protections may apply, and the tribe will be notified in writing of the child’s removal. A Qualified Expert Witness will be assigned to ensure compliance with ICWA during court proceedings.

YOUR CHILD PROTECTION SPECIALIST IS:

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PHONE NUMBER:

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CPS’s SUPERVISOR IS:

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PHONE NUMBER:

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The Department of Public Health and Human Services (DPHHS) does not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin. If you believe you have been subjected to discrimination contact the DPHHS Human Resources Division at (406) 444-3136 or the Montana Human Rights Bureau at 1-(800)-542-0807, or relay service at 711.



**Child and Family Services Division**

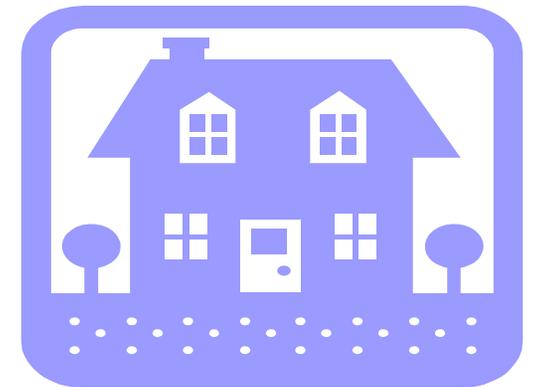
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**UNPAM 130-A**

Child and Family Services Division

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## WHY IS MY FAMILY BEING INVESTIGATED BY CHILD AND FAMILY SERVICES?



### PARENT’S RIGHTS

### WHAT YOU NEED TO KNOW

### ABOUT A CHILD AND FAMILY SERVICES

### INITIAL ASSESSMENT

# *WE KNOW YOU HAVE QUESTIONS.*

## *HERE ARE ANSWERS TO A FEW OF THE MOST COMMON...*

### **Why has Child and Family Services contacted my family?**

Child and Family Services Division (CFSD) is given the duty to respond to reports of child abuse or neglect and to provide protective services when necessary, including the authority to interview a child and take temporary or permanent custody of a child, when ordered to do so by the court. Montana Code Annotated, Title 41, Chapter 3, covers the laws governing protective services to children.

### **What is a Report?**

A report or referral is a statement that someone is concerned for a child's welfare or safety. When a report of suspected abuse or neglect is received by the Child Abuse Hotline, it is sent to the appropriate CFSD office. A Child Protection Specialist is required to assess and investigate the allegations to determine if there is abuse or neglect present. It is the role of CFSD staff to help assure children are safe from harm and to assist parents and families in finding solutions to problems that may interfere with their child's safety.

### **Who made the Report to the Child Abuse Hotline?**

Anyone who suspects child abuse or neglect is occurring may call the Hotline. Certain professionals are required to report suspected abuse or neglect, such as doctors, teachers, law enforcement and CFSD staff.

According to Montana law, the name of the person who made the report must remain confidential.



### **What happens during an initial assessment of alleged abuse or neglect?**

- A Child Protection Specialist will interview your children. The Child Protection Specialist has the right to conduct the interview prior to contacting you. The interview may take place in a school, daycare, or other such setting.
- A Child Protection Specialist will meet with you and your family, most often in the home, to discuss concerns and gather information about your family as part of the initial assessment.
- A Child Protection Specialist will interview all children and adults who reside in the home.
- Your children may receive medical attention, or a medical exam may be recommended, as part of the initial assessment. A Child Protection Specialist may ask you to take your children to the doctor.
- If applicable, the Child Protection Specialist will contact any parent who does not live with your children, unless contact with that parent would put your child or any member of your household in danger.
- CFSD must initiate an assessment within certain timeframes to assure child safety based on the severity of the alleged maltreatment and has 60 days to complete the assessment.
- After the initial assessment is completed, the Child Protection Specialist will determine whether the allegations of abuse or neglect are:

Substantiated—there is sufficient evidence to indicate that abuse or neglect did occur;

Unsubstantiated—the evidence found is not sufficient to show that abuse or neglect has occurred; or

Unfounded—the evidence indicates that abuse or neglect could not have occurred.

### **Can I appeal the substantiation of abuse or neglect?**

A person who is found responsible for substantiated child abuse or neglect has the right to request a fair hearing. Once the abuse or neglect is substantiated, a letter will be sent stating the facts that led to the substantiation. The letter will also explain the appeal procedures available to you. You will have 30 days from the receipt of the letter to make your request for a fair hearing. Your request must be in writing and sent to the address on the letter.

### **Will Law Enforcement be involved with the investigation?**

Law enforcement and CFSD staff often work together during an investigation of possible child abuse or neglect, especially if there is reason to believe a child has been sexually abused, has received a serious injury, is the victim of another crime, or if there is a situation that could be dangerous to the child and/or the Child Protection Specialist.

### **Will my child be removed from my care?**

- CFSD has the authority to remove a child who is in immediate or apparent danger of harm, and therefore is unsafe due to the presence of present danger or impending danger in the home, and an in-home safety plan cannot be utilized.
- Before CFSD removes a child from an unsafe home, the worker must determine whether any services can immediately be put into place that would prevent the need for the child to be removed from the home.
- If your child is removed from your home, you will be asked about relatives or family friends who may be able to provide a safe, temporary placement for your child. The non-custodial parent will be the first choice for placement as long as there is no safety risk to the child.
- Your Child Protection Specialist will give you information about the court hearing and what to expect next.