

## Child and Family Services Policy Manual: Investigation Critical Incidents and Internal Reviews

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<b>Introduction</b>	The Child and Family Services Division uses a team approach to conduct internal reviews. The internal review is intended to be a learning and self-correcting tool for the Division. The internal review provides a systematic method of reviewing critical events, and uses findings to improve child protective services policy and practice.
<b>Definitions</b>	<p><b>CRITICAL INCIDENT</b> means the: occurrence of serious injury or death to a child, provider, or staff person that may have a connection to Division policy, procedures, or rules, or any other occurrence or situation which is deemed by the Division Administrator to be a critical incident.</p> <p><b>NOTE:</b> The Field Services Administrator or a Regional Administrator can request that the Division Administrator review a particular incident to evaluate whether it constitutes a critical incident and should be handled as outlined under this policy.</p> <p>Other situations that may merit an internal review include, but are not limited to: sexual abuse of a child by a foster parent, provider, or staff; child-on-child serious assault in a foster home or facility; or, any serious altercation between staff, provider, or foster parent and child.</p> <p><b>INTERNAL REVIEW</b> means: an assessment of relevant policies, rules, practice and law, and staff compliance with them in a given case or situation.</p> <p><b>On-site Review</b> includes in-depth interviews and a thorough review of the relevant case records. The work will be accomplished in the field.</p> <p><b>Desk Review</b> includes a thorough review of relevant case records, completed in a central location. Telephone interviews may be conducted.</p> <p><b>INTERNAL REVIEWER</b> means the staff assigned by the Division Administrator to conduct an internal review of the Division's involvement in and response to a critical incident.</p>

Team reviewer(s) shall not include anyone who has had

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prior significant involvement with the case under review.

The team reviewer(s) may include one person from the Division's central office, experienced in conducting internal reviews.

The team reviewer(s) may include one child protection specialist supervisor.

Other reviewers may vary, depending upon the circumstances in each case. For example, one reviewer may be a person with expertise in the area under review.

### Process

Whenever there is doubt whether a serious incident is a "critical incident," staff shall proceed with notification requirements and **securing** of the records as though it is a critical incident.

### Notification

All critical incidents shall be reported immediately to the Regional Administrator by the supervisor or child protection specialist. The Regional Administrator, or his or her designee, shall immediately notify the Field Services Administrator who shall then notify the Division Administrator. The Division Administrator shall notify the Economic Security Branch Manager.

Prior to beginning the **internal** review, the team reviewer(s) shall notify the Regional Administrator who shall then notify the Field Services Administrator of the initiation of the review. After reviewing the case file and in consultation with the Field Services Administrator, the Regional Administrator shall notify staff involved with the case of the pending review.

### Securing Case Record

Immediately following the occurrence of a critical incident, **or on the date a review of a critical incident is requested**, the Regional Administrator or the supervisor shall secure the existing file. All electronic records shall be printed, and placed with all hard copy records in the file. The contents shall be secured and sent to the Field Services Administrator.

Except for copying case files, it is important that nothing be added to, or taken from, the case record prior to the review of the case record by the team. The Regional Administrator or supervisor may copy any documents necessary for work to continue on the case while the complete file is in use by the internal review team.

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**If the Division Administrator decides that an internal review of a critical incident is not necessary, the Division Administrator will notify the Field Services Administrator who shall then notify the Regional Administrator of the decision and authorize the case file to be made available for regular use.**

### Charge Letter

If an internal review is deemed appropriate, the Division Administrator shall designate an internal reviewer or, if a team of reviewers is designated, a team leader, and provide written instructions in the form of a “charge” letter to the team members. Instructions shall include:

Establish the “charge” for the internal review team, specifying the parameters of the critical incident the team is to review. Designate the leader and members of the internal review team. Establish the time frame for the internal review. **Determine whether the internal review will be conducted on-site, or whether it will be conducted as a desk review.**

The reviewer(s) shall make every effort to limit the scope of the review to that which is outlined in the charge letter. If other serious incidents are discovered while conducting the internal review, the reviewer(s) shall report those incidents to the Division Administrator.

Within five working days of receiving a charge letter from the Division Administrator regarding an internal review, reviewer(s) will begin on-site interviews and case record review. Staff involved with the case under review shall be made available to the reviewer(s), with instructions to provide full and complete information as requested. Referrals for counseling and emotional support for staff and/or providers should be made when necessary.

The reviewer(s) shall consult with the Division Administrator, the Field Services Administrator, and the appropriate Regional Administrator, as needed. The internal reviewer(s) are responsible to the Division Administrator, but have the freedom to determine which records to review, who to interview, and which tasks need to be completed in order to accomplish the review.

The internal reviewer(s) will be provided complete access to all

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records and case files relevant to the specific charge to the internal reviewer(s).

### Case Record

For the protection of both the Division, and the individual staff involved in the critical incident, the internal reviewer(s) shall immediately confirm that the case record has been secured. The internal reviewer(s) review, analyze, and assess the information contained in the case record to comply with the specific actions identified in the charge letter. Those actions may include but are not limited to:

- determine the frequency and nature of client contact;
- determine the process and information used to conduct assessments and/or to make decisions in the case;
- determine whether state laws, rules, Division policies, and current **acceptable** practices in the field were followed;
- determine whether appropriate consultation and supervision were provided to the child protection specialist in the case;
- determine whether case notes are current; and
- determine whether all of the required forms and other necessary documents are in the case record.

### Interviews

Since the nature of the review is fact-finding, it is important that the interviews be conducted by mutual agreement between the internal reviewer(s) and the persons to be interviewed.

The internal reviewer(s) shall determine who to include in each interview, after consultation with the person to be interviewed and that person's supervisor. If there is disagreement on the persons to be interviewed, the internal reviewer(s) will consult with the Division Administrator, unless oversight of the review has been delegated to the Field Services Administrator.

**Entrance Interview** - Prior to, or upon arrival at the review site, the internal reviewer(s) will conduct an entrance interview with the Regional Administrator to explain the nature and parameters of the internal review.

**Other Staff Interviews** - The internal reviewer(s) will determine

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which staff will be interviewed. Working with the Regional Administrator and the supervisor, the internal reviewer(s) will schedule interviews to ensure the least possible disruption to ongoing work in the office.

**Exit Interviews** - Prior to departing from a community where the internal reviewer(s) are conducting an on-site review, the reviewer(s) will schedule and conduct a meeting with the Regional Administrator and affected staff to advise them of subsequent steps to be taken for the review.

The reviewer(s) will schedule and conduct an exit interview with the Regional Administrator and other staff involved in the case, prior to closing the review.

The internal reviewer(s) will provide a summary of the draft findings to the Division Administrator, Field Services Administrator, Regional Administrator and affected staff. The Division Administrator may make an exception to present the draft findings, if pressing issues require speed in addressing the critical situation.

Subsequent to the exit interview, affected staff may respond to the team's findings and recommendations in writing through the Field Services Administrator. The portions of those responses relevant to the facts of the reports will be considered for inclusion in the final report.

### Final Report

The internal reviewer(s) shall present written findings in a final report. The report shall be given to the Division Administrator and Field Services Administrator. The Division Administrator and/or Field Services Administrator shall consult with the legal unit, and determine recommendations and/or requirements for follow-up action.

The final report will include, but not be limited to, the following:

- background information
- description of Division involvement in the case
- a brief description of the critical incident that occurred - as best as the internal reviewer(s) can ascertain
- determine whether relevant policies, rules, and laws were

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correctly followed

- recommendations, except that the team shall not make any recommendations with respect to personnel matters or personnel-related corrective action
- proposals for improvements in the delivery of services as they relate to the critical incident.

The Division Administrator, Field Services Administrator, or Regional Administrator may share the contents of the report with local office staff involved in the review, with the Department's legal unit, the Economic Security Branch Manager, or the Department Director.

Sensitive information relating to specific individuals shall be shared only with those individuals with a specific and direct "need to know." If the final report contains confidential materials, the report shall not be released to anyone other than those listed in this section, unless the confidential material is removed, or approval to release the report is obtained from the Department's legal unit.

When appropriate, a copy of the report's recommended policy changes will be provided to the management team for their review and possible incorporation into the Division's Policy Manual. Confidential information shall not be included for review by the management team.

### **Media**

The Department's Public Information Officers, or the Director, shall be the spokesperson for the case with the media. Other staff, including the internal reviewer(s) and those persons directly involved with the case, shall not discuss the case with persons who do not need to know the information.

Staff contacted by the media regarding the case, or regarding the internal review, shall immediately notify the Division Administrator. Approval to discuss the case must be granted by the Division Administrator, in consultation with the Field Services Administrator and the Department Public Information Officer(s) prior to staff discussion with the media regarding the case or the internal review.

### **Follow-up**

The Division Administrator and/or the Field Services Administrator shall contact the Regional Administrator to

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discuss the internal review team's final report and recommendations. If the report demonstrates the need for change in local office or staff practice, the Division Administrator, Field Services Administrator, and the Regional Administrator shall determine corrective actions that are needed and the specific time frame by which they should be accomplished.

The Regional Administrator will promptly respond, in writing, to all requirements and recommendations for corrective action directed by the Division Administrator or Field Services Administrator. The response will include the corrective action steps that already have been, or will be, addressed.

If appropriate, the Regional Administrator, in consultation with the Field Services Administrator, will arrange for a general staff meeting to discuss the findings and recommendations as a means of clarifying facts and applying the information learned through the review.

### References

Mont. Code Ann. § 52-1-103 (1) and 52-1-103 (4)  
Mont. Admin. R. 37.43.103  
Mont. Admin. R. 37.43.104

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