

Policy Clarification Number: 3490-21-05
Quick Reference Guide

DELAY OF NOTIFICATION BY LAW ENFORCEMENT

UNIQUE CASES WHERE AN OFFICE OF CHILDREN, YOUTH AND FAMILIES (OCYF) REGIONAL OFFICE OR COUNTY CHILDREN AND YOUTH AGENCY (CCYA) CANNOT COMPLETE A CHILD PROTECTIVE SERVICES (CPS) INVESTIGATION WITHIN THE 30/60 DAY INVESTIGATIVE TIME FRAME

DELAY OF NOTIFICATION BY LAW ENFORCEMENT OFFICIALS (LEOs) SHOULD HAVE NO BEARING ON CHILD SAFETY; CHILD SAFETY MUST BE ASSURED

INFORMATION OBTAINED THROUGH OUTREACH TO LAW ENFORCEMENT AT THE FOLLOWING INTERVALS SHOULD BE RECORDED, MAINTAINED, AND PRODUCED BY THE OCYF REGIONAL OFFICE OR CCYA UPON THE DEPARTMENT'S REQUEST

*The following is recommended at a minimum

<p>UPON RECEIVING DELAY OF NOTIFICATION FROM LEO WITHIN THE 30/60 DAY INVESTIGATIVE TIME FRAME</p>	<p>Pending Criminal Court (PCC) status may only be assigned to a case when the following court action exists:</p> <ul style="list-style-type: none"> • A criminal proceeding (arraignment, preliminary hearing, trial, etc) has occurred or is scheduled to occur; • Criminal charges have been filed in connection to the suspected child abuse; or • An active criminal investigation is occurring, including but not limited to interviews are taking place, evidence is being gathered, polygraph or voice stress tests have been ordered and/or conducted, although no criminal charges may have been filed. 	
<p>30 DAYS FROM THE DATE THE DELAY WAS RECEIVED</p>	<p>OCYF Regional Office or CCYA should conduct outreach to the appropriate law enforcement agency/officer to determine the status of the active investigation or court action.</p> <p>If CPS investigation cannot resume, proceed to next date of outreach to law enforcement agency/office.</p>	<p>DELAY NO LONGER EXISTS... Determine if/what findings resulted from criminal investigation/court action.</p> <p>Resume CPS investigation...if the 60-day time frame for completing CPS investigations under § 6368(n) has lapsed, the OCYF Regional Office or CCYA should complete the CPS investigation/update the PCC status within 30 days.</p>
<p>90 DAYS FROM THE DATE THE DELAY WAS RECEIVED</p>	<p>OCYF Regional Office or CCYA should conduct outreach to the appropriate law enforcement agency/officer to determine the status of the active investigation or court action.</p> <p>If CPS investigation cannot resume, proceed to next date of outreach to law enforcement agency/office.</p>	<p>DELAY NO LONGER EXISTS... Determine if/what findings resulted from criminal investigation/court action.</p> <p>Resume the CPS investigation... OCYF Regional Office or CCYA is to complete the CPS investigation/update the PCC status within 30 days.</p>

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<p>150 DAYS FROM THE DATE THE DELAY WAS RECEIVED OR 180 DAYS FROM THE DATE THE CPS REFERRAL WAS RECEIVED, WHICHEVER OCCURS FIRST</p>	<p>OCYF Regional Office or CCYA should conduct outreach to the appropriate law enforcement agency/officer to determine the status of the active investigation or court action.</p> <p><u>A COMPELLING REASON(S) SHOULD EXIST FOR AN OCYF REGIONAL OFFICE OR CCYA TO NOT BE ABLE TO RESUME THE CPS INVESTIGATION OR UPDATE THE PCC STATUS.</u></p>	<p><u>A COMPELLING REASON(S) DOES NOT EXIST...</u> Determine if/what findings resulted from criminal investigation/court action.</p> <p>Resume the CPS investigation... OCYF Regional Office or CCYA is to complete the CPS investigation/update the PCC status within 30 days.</p>
<p><u>IF A COMPELLING REASON(S) EXISTS...</u> Continue to conduct outreach to the appropriate law enforcement agency/officer at the following times frames: 30 days, 60 days and 90 days, 120 days, and 150 days from the date law enforcement provided the <u>compelling reason(s)</u>.</p> <p><u>IF A COMPELLING REASON(S) DOES NOT EXIST...</u> The OCYF Regional Office or CCYA should resume the CPS investigation immediately and complete the CPS investigation/update the PCC status within 30 days.</p> <p>When law enforcement informs an OCYF Regional Office or CCYA that they may resume a CPS investigation and the 60-day time frame for completing CPS investigations under § 6368(n) has lapsed, the OCYF Regional Office or CCYA should complete the CPS investigation/update the PCC status within 30 days.</p> <p><u>AT 180 DAYS FROM THE DATE LAW ENFORCEMENT PROVIDED THE COMPELLING REASON(S) OR ONE YEAR FROM THE DATE THE CPS REFERRAL WAS RECEIVED, THE OCYF REGIONAL OFFICE OR CCYA SHOULD RESUME THE CPS INVESTIGATION IMEDIATELY AND COMPLETE THE CPS INVESTIGATION/UPDATE THE PCC STATUS WITHIN 30 DAYS.</u></p>		