

Policy Clarification Number: 3490-22-02
POLICY CLARIFICATION REQUEST FORM

REGIONAL OR DIVISION USE ONLY

Regulation Title/Chapter:

55, PA C. S., Chapter 3490. Protective Services.

Regulation:

§ 3490.232(a). Receiving reports and assessing the need for services.

Date: February 4, 2022

Request Prepared By:

Michael Beckstein, Program Representative
Office of Children, Youth and Families (OCYF)
Central Region Office

Issue: Lancaster County Children and Youth Agency is requesting clarification of Regulation § 3490.232(a) regarding the responsibility of the county to complete general protective services (GPS) assessments.

Section 3490.232(a) states that the county agency shall be the sole civil agency responsible for receiving and assessing all reports alleging a need for general protective services.

Lancaster County Children and Youth Agency has historically employed contracted caseworkers in ongoing case management positions. These contracted employees are certified caseworkers having completed the certification program provided through the Child Welfare Resource Center. They provide ongoing case management services to those families who have been accepted for agency services or whose children have been placed in out of home care by the agency. The county agency has requested to utilize these contracted positions to complete GPS assessments for a specific population, namely adolescents. The agency has indicated that the following conditions would be present for this to occur:

- The worker would be a PA certified child welfare caseworker;
- The worker would be directly supervised by and report to a county certified casework supervisor and County Director of Intake;
- The worker would be located in the county office, utilize all county equipment, and follow all policy, procedures, and protocols (case planning meetings, case supervision etc.) as a county GPS caseworker; and
- The county agency maintains the sole responsibility and oversight of the assessment and case planning process.

The agency understands they cannot use contracted caseworkers to complete child protective service (CPS) investigations.

Clarification requested:

1. Does this regulation prohibit anyone other than a county employee from completing GPS assessments?
2. Given the conditions provided by the county agency, may a contracted caseworker complete a GPS assessment?
3. May a contracted worker meet a tag on a case (like the 24-hour) if they are not doing the investigation/assessment? Example: A Regional Office requests that a child on the caseworker's caseload be seen due to a CPS report being received, but nothing further needs to be done.
4. If a contracted worker that is providing ongoing case management services (in-home or placement) and a new GPS comes in on their current case, are they able to meet that tag and assess safety instead of having a worker that doesn't really know the family go out on an already opened case?

Regional Children & Youth Director: *Gabi Williams*

Date: April 2, 2022

Response Prepared By:

Clarification:

Erik Walters, Human Services Analyst
OCYF, Division of Policy

Question: Does this regulation prohibit anyone other than a county employee from completing GPS assessments?

Response: Yes. Title 55, Pa Code § 3490.232(a) requires that the County Children and Youth Agency (CCYA) must be the sole civil agency responsible for receiving and assessing GPS reports, prohibiting another entity from fulfilling this duty. Title 23, Pa. C.S., Chapter 63 (also known as the Child Protective Services Law (CPSL)), § 6375 (relating to county agency requirements for general protective services), subsection (d) (relating to receiving and assessing reports) states that the county agency is required to be the sole civil agency responsible for receiving and assessing all reports of children in need of protective services (to include both GPS and CPS). Additionally, § 6378 of the CPSL provides that CCYAs may purchase and utilize the services of any appropriate public or private agency, **except for** the receipt and assessment of reports alleging a need for protective services.

Allowing outside agencies to complete GPS assessments may lead to inconsistent results as an outside agency may potentially come to a different conclusion than a CCYA. The duplication of fact-finding efforts necessary for completing another safety assessment may lead to the re-traumatization of children and families, as they would be meeting with additional child welfare professionals and increasing their interactions with the child welfare system.

Question: Given the noted conditions provided by the county agency, may a contracted caseworker complete a GPS assessment?

Response: No. While OCYF fully supports having outside agencies, who are closely working with children and families complete the certification program provided through the Child Welfare Resource Center, §§ 6375(d) and 6378 of the CPSL prohibit outside agencies from completing assessments regardless of conditions established by a CCYA. Attempts to provide conditions that will allow for contracted caseworkers to complete GPS or CPS assessments through OCYF Request for Waiver of Regulation (waivers) will not be approved.

Question: May a contracted worker meet a tag on a case (like the 24-hour) if they are not doing the investigation/assessment?

Response: No. Sections 6375(d) and 6378 of the CPSL prohibit outside agencies from completing assessments, therefore prohibiting a contracted worker from meeting the initial response time/start of an assessment when a GPS or CPS report is received. This response time is often referred to as "a tag" as noted in the question above.

Question: If a contracted worker that is providing ongoing case management services (in-home or placement) and a new GPS report is received on their current case, are they able to meet that tag and assess safety instead of having a worker that doesn't really know the family go out on an already opened case?

Response: No. Sections 6375(d) and 6378 of the CPSL prohibit outside agencies from completing assessments, therefore prohibiting a contracted worker from meeting the initial response time/start of an assessment when a GPS or CPS report is received.

Bureau Director: *Amanda Dorris*

Date: May 2, 2022

CC:

NEXT STEP: Regions disseminate copies of this clarification to affected agencies.