

Investigations of Complaints & Allegations Against Foster Homes: Frequently Asked Questions

NOTE: These Frequently Asked Questions have been compiled by the Alaska Resource Family Advisory Board in cooperation with the State of Alaska Office of Children's Services and the Alaska Center for Resource Families



IMMEDIATE CONCERNS

Why is this happening to me?

Going through a Licensing and/or Child Protective Services investigation is a very difficult experience for a foster parent. You might be feeling anger, shame, embarrassment, and confusion. So take a deep breath, let yourself feel what you feel, and have a good cry if you need to. Then step back and remember this--- this investigation is not a judgment of your fostering—this investigation is about the safety and wellbeing of a child in your home. Don't take it to heart that you are being investigated—focus on the need to make sure the child is okay. As a foster parent, you are expected to cooperate so answer the questions and speak the truth. Remember that this process protects you too. If there is a complaint against you that is not true or misdirected, the investigation process sets out to discover that. Your best strategy is to answer questions truthfully and educate yourself on how the process works.

Why would someone make a report on me?

It is likely that someone made a report regarding children in your home because they had concerns for the safety of that child. This could have come from a mandated reporter such as a teacher or someone such as a neighbor who observed you with your child. Mandated reporters are legally bound to report any suspicions that a child might be experiencing harm. Or a child may say something to an adult that caused him or her to suspect a child may be unsafe.

At times a birth parent or relative to a child may make a report because they are frustrated that you are not providing care for their child the way they want you to. In some situations, a child or youth may be angry or upset with a foster parent and say things (true and untrue) to other adults that may cause concern for a child's safety.

All reports of possible harm to children are taken seriously. Possible reports of harm to children in foster care are also taken very seriously because the State of Alaska has a special responsibility for the safety of the children in their care.

Am I allowed to know who made that allegation?

No, the names of persons reporting harm to children are kept confidential. If you think you know who made the report, don't confront someone for making a report in good faith—something that person saw caused them to be concerned about a child and they made a report to the system that is set up to investigate these concerns.

Where do I find support? Where can I find information?

When there is an active investigation, you may find that workers at OCS are not very communicative. Even your licensing worker who might have been supportive up to now can't talk to you about the investigation. This can be frustrating but it is part of the investigation protocol so let the process unfold. If you have questions about the general process, you can call the Alaska Center for Resource Families to provide a listening ear or to share training material that will help you understand the process of investigation.

It also helps to find another foster parent who has been through an investigation before and can offer emotional support. Remember, *you are not alone*. Other foster parents have also gone through this process.

DURING AN INVESTIGATION

What is the difference between a licensing and a child protection investigation?

A **licensing investigation** looks into complaints of whether you have violated your responsibilities to follow the State of Alaska foster care regulations that guide the requirements you must meet to maintain a foster care license. Many licensing violations don't rise to the level of a child abuse act.

A **CPS (Child Protective Services) investigation** looks into complaints of whether you have committed any of the acts considered child maltreatment under Alaska Statute 47.17.

Joint Investigations: Sometimes these investigations are run concurrently. Sometimes licensing will wait for the CPS investigations to conclude before conducting their investigation. It is important to know that CPS Investigations look to the Alaska Statutes on Child Maltreatment for guidance to determine if maltreatment has occurred and Licensing looks to Foster Care Regulations guided by the Alaska Administrative Code to see if violations of licensing regulations has occurred. Each will produce a separate report even if there is a joint investigation.

Can I have someone else with me during the interview? Can I have a tribal representative with me during the interview?

The short answer is yes. You can have a friend or a tribal representative or another foster parent with you during the investigations. You can also have a legal representative (though this not required or necessary.) But investigations may happen unannounced and you may not have time to notify them ahead of the visit. You can ask to take a pause before you meet with OCS representatives until your support person is able to be with you. Be aware that as a licensed foster parent, you are expected to cooperate with the investigation so eventually you need to talk with OCS and if OCS cannot guarantee the safety of children in their custody who may be in your home, they may choose to remove the children from your home until they can talk with you and determine that the children are safe remaining in your home.

How long will the investigation take?

- If the investigation includes a Child Protective Services investigation, the guideline is to have these completed within 60 days.
- If the investigation includes a foster care licensing allegation, the guideline is to prepare a report of the results of the investigations within 10 working days after the completion of the investigations. While there is not strict time limit on an investigation, the goal is to complete the investigations within 60 days.

Is it okay for OCS to interview my birth children as part of an investigation? Even at school?

It is standard policy of OCS that anyone who resides in the home is interviewed during an investigation. This includes your birth children. By OCS policy, children can be interviewed at school or other locations. You should be notified within 24 hours of your child being interviewed.



Should you talk with your kids about the investigations? Prepare your kids to talk to OCS staff by telling them to be cooperative and answer questions truthfully. Be careful not to coach your children by telling them what to say to investigators. Explain to them that OCS receives a report and they want their perspective to make sure everyone in the home is safe.

What are my rights as a foster parent?

You have the right to be treated with respect and if the investigation results in an action against your license or a substantiated protective services report, you have a right to appeal the judgment. Please see attached Resource Family Bill of Rights.

Am I held to a different standard than birth parents?

As a licensed foster parent, you are held to the standards outlined in the State of Alaska foster care regulations. Birth parents are not held to these standards because they are not licensed.

For child protection investigations, if the investigation concerns your birth children, you will be held to the same child protection statute that all Alaska parents must adhere to. If the allegation applies to your treatment of the foster children in your home, you will be held to a higher standard than birth parents. For example, CPS may choose to implement a safety plan with birth parents but will not do so for foster families.

WHAT CAN I EXPECT AT THE INVESTIGATION CONCLUSION?

How will I know the result of an investigation?

In both licensing and child protection investigations, you will receive a written notice of the result of the investigation. For a



licensing complaint, this is called a Report of Investigations which will list the complaint, the foster care regulation that it might violated and either a decision of “finding” or “no finding.” For a child protection report, this is called a Letter of Substantiation, and it will list the complaint and the result of the investigation and a decision or either substantiated or not substantiated. This written notice will also give you information or instructions if you have grounds for an appeal of the decision.

What happens if there is a finding in a licensing complaint against me?

- It will depend on the type and severity of the violation. OCS may ask for a voluntary plan of correction or may develop a plan of correction for you. OCS may use other avenues such as modifying your foster care license and restricting the number of children you can care for. In serious or extreme cases, OCS may also take an action against your license such as suspension or revocation of your license.
- All results of investigations (findings and no findings) will be included in your foster care licensing file.
- In cases where your license is suspended as a result, this information will be listed on the central registry and may impact your eligibility for future employment involving children or licensure.

What happens if a child maltreatment complaint is substantiated?

- If the complaint involved the foster children in your home, these children may be removed from your home.
- If the complaint involved your birth children, a CPS case could be opened for services with your family and in some situations your children could be removed.
- The substantiation of abuse will be listed on the central registry and may impact your eligibility for future employment involving children or licensure.

Is this a confidential process?

All licensing and CPS investigations follow the guidelines of confidentiality laid out in the Statutes, Regulations and OCS policies and procedures. Results of licensing investigation are placed in the foster care file, The foster care file is a public file but only the results are included in the file, not the investigation notes or interviews. OCS investigations files and records are confidential and are not public but are documented in the OCS information management system called ORCA.

Will I lose my foster care license?

Your foster care license, once granted, is considered a property right and you cannot not lose this right without the right to appeal. OCS licensing has many options available to assist you getting back in good standing including asking you to develop a plan of correction, developing a plan of correction for you, or adjusting the conditions on your license. There may be more severe actions against your license such as suspending your license or revoking your license permanently. Anytime there is an action against your license, you have the right to appeal and this process will be given to you in writing. You have 15 days from the time of notification of the action against your license to notify OCS in writing if you wish to appeal.

HOW DO I CARRY ON AFTER AN INVESTIGATION?

What if I want to appeal the decision? Do I need to get a lawyer?

- If there is a substantiated child abuse report, you will receive a letter stating the results of the investigations and given information about how to appeal the decision if you feel it is unfair or untrue. Follow the direction and note there is a time limitation of 15 days to respond. You always have the right to secure an attorney at your own expense if you wish but be aware that most appeals proceed without an attorney so it is not a requirement or necessity.
- If there is a substantiated licensing violation, you will receive a letter stating the results of the investigation and given information about how to appeal the decision if you feel it is unfair or untrue. Follow the direction and note there is a time limitation of 15 days to respond. You always have the right to secure an attorney at your own expense if you wish but be aware that most appeals proceed without an attorney so it is not a requirement or necessity.



If I want to talk to someone for more information, where can I go?

- You can always go to a licensing supervisor or manager to ask questions about the process or to give feedback about your experience. Likewise, in a child protective services investigation, you can always go to a supervisor or manager to ask questions.
- For ongoing support or for general information about the investigations process, contact your nearest office of the Alaska Center for Resource Families or call toll free 1-800-478-7307.
- The Resource Family Advisory Board is working on an initiative to support families going through an investigation so you are welcomed to reach out to your regional Board representative with ideas or for more information about their work.



This publication was developed as part of an initiative by the Resource Family Advisory Board to support families through the investigations process.