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Subject:	Juvenile Proceedings Act – CHINS (C) and (D) Assessments	Page 1 of 15
Approved:	Christine Johnson, Deputy Commissioner	Effective: 1/27/21
Supersedes:	Family Services Policy 60	Dated: 1/12/21


Purpose

The goal of completing youth assessments is to look at the youth holistically in the context of their family and community as outlined in 33 V.S.A. § [5101](#):

- To provide for the care, protection, education, and healthy mental, physical, and social development of children coming within the provisions of the juvenile judicial proceedings’ chapters.
- To achieve the foregoing purposes, whenever possible, in a family environment, recognizing the importance of positive parent-child relationships to the well-being and development of children.

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Definitions

Educational Neglect: Occurs when a parent or person responsible for a child’s care knowingly fails to enroll a child in school or to provide education in accordance with 16 V.S.A. § [1121](#). Through the parent or caretaker’s action or inaction, the child regularly fails to attend school. Educational neglect will be considered for children **beginning at age six until the completion of the sixth grade**, where the expectation is that the parent or caretaker is responsible for getting the child to school and the parent or caretaker’s behavior has contributed to the child’s lack of attendance. Exceptions to this age/grade consideration apply if circumstances of the child or youth, such as intellectual or developmental disabilities, exclude them from being held responsible for getting themselves to school.

Child in Need of Care or Supervision (CHINS): A child who:

- is without or beyond the control of his or her parent, guardian, or custodian (33 V.S.A. § [5102](#) (3) (C)); OR
- is habitually and without justification truant from compulsory school attendance (33 V.S.A. § [5102](#) (3) (D)).


See [Policy 52](#) for CHINS (A) and (B) definitions.

Homeless Youth: Youth are not homeless if they have a home or residence but are electing to not be there. The definition of homeless youth includes:

- Youth who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided;
- Youth who are losing their primary night-time residence, which may include a motel or hotel;
- Youth who are unstably housed and likely to continue in that state; or
- Youth who are fleeing or attempting to flee family violence or intimate partner violence, have no other residence, and lack the resources or support networks to obtain other permanent housing.

Truancy: Occurs when a child who has completed the sixth grade has accumulated 20 unexcused absences from school as a result of their own action or inaction.

Youth Assessment: A process by which the youth’s strengths and challenges are identified in order to develop a comprehensive understanding of their needs and risks

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and build upon protective factors. Assessment is a collaborative process involving the youth, Family Services Worker, and family members. The youth’s view of themselves, their strengths, and issues of concern play a key role. Gaining a clear view of how the youth and family function as a system, including their structure, boundaries, patterns of communication and any intergenerational features of the family system, facilitate the design of a case plan to accurately addresses relevant needs and issues. Areas to be addressed in youth assessments include, but are not limited to, the following:


- Age of the child and grade level
- School in which the child is currently enrolled
- The child’s academic program and extra-curricular activities
- Individualized Education Program (IEP) or 504 services, criteria and justification
- Disability or health issue preventing the child from attending school
- Services and supports for the child
- Services and supports for the family
- Whether medical care is up-to-date and addressing the needs of the child
- Parent or caretaker’s ability to get child to school and/or ensure attendance
- Parent or caretaker’s contribution to the child not attending school
- Home environment issues impacting the child’s ability to attend school
- Parent or caretaker’s mental health, substance abuse, or other issues preventing them getting the child to school
- Whether there are other school-aged children in the home and if they are attending school
- Past concerns regarding truancy and/or lack of attendance at school
- Number of unexcused absences
- Number of excused absences

Policy

33 V.S.A. § [5106](#) (2) authorizes the division “to investigate complaints and allegations that a child is in need of care or supervision for the purpose of considering the commencement of proceedings under the juvenile judicial proceedings chapters.”

For the purpose of this policy, these assessments will be referred to as youth assessments. The following will guide the division’s involvement with the children, youth and families in CHINS (C) or (D) assessments:

- The division should engage with the family in the least intrusive way possible while maintaining a focus on child safety and well-being;

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- The family and community context of the child's behavior will be assessed;
- Appropriate referrals should be made to community agencies; and
- Intervention should assist the family to utilize family, kinship, and community resources.


Criteria for Division Involvement

CHINS (C)

At the point of intake, when information is received, the Department must screen for CHINS (A) and (B) concerns first. If the parent or caretaker has refused to or not sought services, and the youth continues to be engaging in high-risk activities, a CHINS (B) assessment should be considered. A lack of caretaker engagement is defined by a refusal to participate in necessary services recommended to address the child’s risk of physical harm to self or others. Caretakers have the right to choose which services best meet the needs of their family, as long as the youth’s behavior and risk is being addressed.

The division will accept the case and conduct a youth assessment when a child is alleged to be in need of care or supervision under the following circumstances:

- An Emergency Care Order has been issued; and/or
- A Conditional Custody Order has been issued; and/or
- There has been a post-merits finding with a protective order (no custody); and/or
- The case presents serious risk:
 - Youth is demonstrating serious physical harm to a child or others, including caregivers.
 - Pattern of youth engaging in violence toward sibling(s) with resulting injuries or bruising and caregivers are voicing an inability to control/protect.
 - Youth is engaging in substance use which is putting youth at serious risk (such as binge drinking episodes resulting in black outs and/or hospitalization, use of cocaine, opiates, non-prescribed pharmaceuticals, any IV use) **AND** youth is engaging in other unsafe behaviors (including but not limited to: driving while impaired, refusing to return home, sleeping in a car, couch surfing in strangers’ homes, not attending school, self-harm, or any suggestion of exchange of sex for drugs or other needs).
- Pattern of running away or being missing for periods of time overnight combined with young age or other vulnerability factors (IQ, mental health, LGBTQ), or youth is at risk of human trafficking (for example staying with adults who are known to law

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enforcement for drug dealing, human trafficking, or gang activity), and attempts at parental supervision are not successful.

- Youth is an unaccompanied minor in shelter care; is nearing and will likely surpass the 21-day state/federal limit of that care; and is not otherwise subject of assessment for CHINS A/B concerns including parental abandonment.
- Youth has made a credible threat of targeted mass violence and initial assessment at school or community level indicates need for further intervention.
- **Note: allegations of human trafficking should be accepted as a Chapter 49 Investigation.**

CHINS (D)

For youth that are age 6 to grade 6, that are not enrolled in a public, private, or Agency of Education approved home or school program, the Division will screen for CHINS (B) Educational Neglect. The Division will also screen for CHINS (B) Educational Neglect if the child has missed 20 or more days of school not due to illness (medical or mental health) or school-imposed suspension, resulting in negative impact on child’s school performance, or the parent has contributed to or prevented child or youth from attending school.


The Division will conduct a youth assessment when a case is accepted due to CHINS (D) concerns, when a child is between grade 7 and age 16, and under the following circumstances:

- An Emergency Care Order has been issued; and/or
- A Conditional Care Order has been issued; and/or
- Post-merits finding of truancy with an open court case (no custody).

The division will encourage local truancy protocols or coordinated service planning meetings to be utilized by the school prior to filing. For additional information on compulsory attendance and truancy law, see 16 V.S.A. [§1121](#).

Planning for Youth Assessments

The Family Services Worker shall review the intake report, prior departmental interventions, VCAS, results of master index, central registry, and Department of Corrections (DOC) checks. If applicable, the Family Services Worker should confer with district staff knowledgeable of the child and family. The Family Services Worker should identify other individuals who need to be contacted, gather additional information as

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needed, and obtain necessary release of information forms from the parent or caretaker.

Timelines and Focus for Youth Assessments

When a report is accepted for youth assessment, the case may be assigned to either an investigation/assessment Family Services Worker or ongoing Family Services Worker. The division will commence the intervention within 72 hours of receiving a referral that meets the criteria stated above. If safety of the child is an issue, the assessment will commence sooner. For youth assessments, commencement is defined as making contact with the parent or caretaker and alerting them to the concern and need for the youth assessment.


The district director or policy and operations manager may waive the requirement to commence a youth assessment only when, in his or her judgment:

- the Family Services Worker is unable to locate the person responsible for the child’s welfare as listed in the intake;
- it would be harmful to the child; or
- there is danger to the Family Services Worker.

The waiver must be granted before 72 hours. The rationale for the waiver and the date the youth assessment will commence must be documented in the youth assessment file. The Family Services Worker is responsible for documentation of the anticipated commence date and activity necessary for commencement. If the anticipated commence date passes, the supervisor is responsible for daily documentation of efforts to commence the intervention. This will be documented as an addendum on the intake by the supervisor.

Issues necessitating the waiver should be addressed immediately so the youth assessment commences as soon as possible. Youth who are the subject of the assessment may not be interviewed without the permission of the parent or caretaker.

When accepting a case for a youth assessment that is not the result of Court intervention, you will open a CJ case. The youth assessment requires the Family Services Worker to complete the YASI. When closing the youth assessment, the Family Services Worker will document any interviews conducted during the assessment in the IA Summary. The Family Services Worker will also document interviews and other pertinent information relied upon in the youth assessment in the Case Determination. When completing the Case Determination form the YASI results are reported in section 7 – Risk Assessment. Section 10, UNCOPE and section 11, Plan of

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Safe Care for Drug Exposed Newborns are not applicable. If the youth comes into custody while the CJ case is still open, the Family Services Worker will complete the FSDnet documentation and close the CJ case and open the UC case.

When conducting a youth assessment as a result of Court intervention, the following case types will be used:

- ECO issued – UC
- CCO issued – US
- Post-Merits findings (no custody) – UY


In these circumstances the youth assessment, including all interviews and other pertinent information, will be documented in case notes and in the case plan.

The results of the assessment will not be entered into the Child Protection Registry, unless during the course of the assessment, the Family Services Worker has determined that the child has been abused or neglected as defined in 33 V.S.A. § [4912](#), and criteria for a mandatory investigation are met (Family Services [Policy 51](#): Screening Reports of Child Abuse and Neglect).

If family refuses access to the child, the Family Services Worker shall evaluate the situation to determine if there are any underlying Chapter 49 issues. During the course of the youth assessment, Family Services Worker should always conduct a thorough assessment of child safety. (Family Services [Policy 52](#): Child Safety Interventions – Investigations and Assessments). If additional information is learned and it appears that other CHINS or Chapter 49 issues exist, Family Services Worker shall discuss concerns with a supervisor to determine whether to make a report to Centralized Intake and Emergency Services (CIES) or to submit an affidavit.

In instances where a case begins as a youth assessment for CHINS (C) or (D) and a subsequent report of child abuse or neglect is received, both the *SDM Safety Assessment* and Youth Assessment and Screening Instrument (YASI) will be completed. The need for services should be evaluated using the Youth Assessment and Screening Instrument (YASI), and the Family Services Worker should either open an ongoing case or close the youth assessment.

Youth assessments will focus on youth and family strengths, resources, contributors to youth and family stress, risks to the youth posed by the family and/or the youth’s behavior. The division will complete a youth assessment within 45 days unless an

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extension has been approved by the district director. If the family requires division involvement beyond 45 days of acceptance of the youth assessment to ensure engagement with services or other support/monitoring, the youth assessment (CJ case) will be closed and a UY case should be opened to provide this ongoing support.

Youth Assessment and Screening Instrument (YASI)


In order to evaluate the need for ongoing supports and services to the youth and their family, the Youth Assessment and Screening Instrument (YASI) will be completed on all youth assessments. The YASI is an evidenced-based risk and needs assessment and case planning tool. The YASI assesses the following domains:

- Legal History
- Family
- School
- Community and Peers
- Alcohol and Drugs
- Mental Health
- Aggression
- Attitudes
- Skills (social/cognitive)
- Employment and Free Time

The YASI includes a pre-screen and full assessment. The pre-screen is designed to assess immediate risk at low, moderate, or high. It does not assess for risk or protective factors in each individual domain. The pre-screen is not appropriate as a screening tool for mental health or substance abuse.

YASI Pre-Screen

If the pre-screen results indicate low risk...	the assessment will be closed.
If the pre-screen results indicate moderate risk...	the Family Services Worker will do a full screen to determine whether the issues identified can be remedied by community supports and services.
OR	
If the pre-screen results indicate high risk...	

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YASI Full Screen

If the full screen results indicate moderate risk...	the supervisor may determine whether to open a case.
If the full screen results indicate high risk...	a case will be opened.

If the case is opened, the case plan will be completed by either the assessment Family Services Worker or the ongoing Family Services Worker.

Recommendations for CHINS Petition

Type	Age or Grade Level of Child/Youth	Recommendation
CHINS (C)	Under 16	The division may take custody of children under the age of 16 as CHINS (C) only if the parent or caretaker has made a good faith effort to obtain services from available community resources. If the parent or caretaker has refused or not sought services, the child should be evaluated under CHINS (B).
CHINS (C)	16 – 17.5 Law enforcement-initiated petition	Following an unanticipated Emergency Care Order (ECO), the Deputy Commissioner of the Family Services Division shall be notified if the child is older than 16. If DCF has additional information to support the petition they may file a supplemental affidavit.
CHINS (C)	16-17.5 DCF-initiated petition	The Deputy Commissioner must approve the filing of a petition, based on a summary of: <ul style="list-style-type: none"> • previous interventions by DCF or other agencies to address risks and treatment needs; • supporting information about the youth’s risk of serious harm to self or others, substance abuse, human trafficking or homelessness; • supporting information about the needs of the youth which transcend any one department and require complicated clinical interventions; and • present treatment team recommendations.

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		<p>The Deputy Commissioner will provide a decision in writing. If approved, the Deputy Commissioner will provide his or her delegated authority in writing to proceed with local court action. Prior to approval, the family should be encouraged, whenever possible, to participate in a Coordinated Service Planning process.</p> <p>The petition may be accompanied by an affidavit from the division which sets forth facts supporting the petition, and that it is in the best interests of the child to be considered as a child in need of care or supervision.</p>
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Requirements to Inform

In all child safety interventions, the division must inform the parent or caretaker of the child that a report has been accepted for a response and that the division is conducting a youth assessment.


Working with Individuals Who May Require Reasonable Accommodations

Before interviewing any person, the Family Services Worker will inform the person of their right to receive reasonable accommodations in order to participate in the interview. Suggested language for notification is as follows:

“DCF has received a call expressing concern that your child may be abused or neglected. We need to speak to you about that concern. If you have a disability and need, or think you may need, an accommodation in order to participate in the interview, please let us know. We will discuss your needs and provide you with a reasonable accommodation.”

Individuals with a disability can be successful parents and may need reasonable accommodations, including adaptive equipment and supports. A disability may not be visible or obvious. When planning with a parent with a disability, the Family Services Worker should:

- Ask the person if they need any special accommodations;
- Enter into a discussion with them about their limitations and needs;
- Seek input from an expert or someone with relevant expertise; and

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- Consult with a supervisor and/or the assigned Assistant Attorney General (AAG) as needed.

Working with Individuals with Limited English Proficiency

When conducting a child safety intervention in which a caretaker or child has limited English proficiency, the Family Services Worker will arrange for appropriate interpretive services. Children and youth will not be asked to interpret for their caretakers or family members.

The Agency of Human Services (AHS) maintains contracts for three forms of interpretive services:

- In-person interpretive services
- Written translation services — translation of documents, brochures, application forms and any other needed written materials.
- Telephonic services — interpretive and translation services for telephone communications.

Required Notification of Reporters

The assigned Family Services Worker or supervisor will notify the mandated reporter verbally or in writing that the report has been accepted, for what type of child safety intervention, and who the assigned Family Services Worker is.

Sharing Information with Mandated Reporters Working with Child or Family

Upon the request of a mandated reporter, the Family Services Worker will provide relevant information if the reporter is engaged in an ongoing working relationship with the child or family.

Informing Child’s Caregivers and Parents of Case Disposition

The child’s parents or guardian will be informed of the case disposition. They will be informed verbally, whenever possible, and subsequently documented in the case file, and by the following letters.

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Number	Case Disposition
306-J	Closing with Recommendations
306-K	Closing with No Recommendations
306-L	Ongoing FSD Services

Appendix I

Areas for Consideration in Youth Assessments

- Age of the child and grade level
- School in which the child is currently enrolled
- The child's academic program and extra-curricular activities
- Individualized Education Program (IEP) or 504 services, criteria and justification
- Disability or health issue preventing the child from attending school
- Services and supports for the child
- Services and supports for the family
- Whether medical care is up-to-date and addressing the needs of the child
- Parent or caretaker's ability to get child to school and/or ensure attendance
- Parent or caretaker's contribution to the child's current situation
(school attendance, homelessness, etc.)
- Home environment issues impacting the child's current situation
(ability to attend school, ability to reside in the home, etc.)
- Parent or caretaker's mental health, substance abuse, or other issues preventing them getting the child to school or remaining in the home
- Parent or caretaker's willingness or ability to engage in community services
- Whether there are other school-aged children in the home and if they are attending school
- Past concerns regarding truancy and/or lack of attendance at school
- Number of unexcused absences
- Number of excused absences
- Child's current living situation
(Is the child homeless? Is the parent in support of the child's current living situation?)
- Substance abuse and the efforts – both child and parent – have made in addressing the issue
- Sex trafficking of minors
- Any other concerns or considerations specific to the child and family's current situation

Appendix II

Educational Neglect vs. Truancy Acceptance Considerations For CIES First Read and District Second Read

CHINS (B) Educational Neglect	CHINS (D) Truancy	N/A
Age 6 – Grade 6	Grade 7 – Age 16	Child under age 6 or over age 16
Child or youth is not enrolled in a public, private, or Agency of Education approved home school program.	<p style="text-align: center;">An Emergency Care Order has been issued.</p> <p style="text-align: center;">A Conditional Custody Order has been issued.</p> <p style="text-align: center;">Post merits finding of truancy with an open court case (no custody)</p>	Youth is engaged in approved home school plan
Child has missed 20 or more days of school NOT due to illness (medical or mental health) or school-imposed suspension, resulting in negative impact on child's school performance		
Parent has contributed to or prevented child or youth from attending school		

Appendix III

Considerations for Case Closure - CHINS D (Truancy)

- What is the youth's risk level as identified by the YASI?
- What domains/issues are contributing to the youth's risk?
- Are there strengths/protective factors present to mitigate the risk?
- What are the contributing factors in the home that are impacting school attendance?
- On a scale of 1 (not at all) to 10 (very supportive) how much do the parents support the youth in their education?
- Is the youth on a 504/IEP plan? Are they receiving the services that they need?
- What services are available to the youth/family to provide ongoing support?
- Has the family engaged in available services?
- Has there been a positive change in the youth's motivation to attend school?
What is the youth's current attendance record?