

FAMILY SUPPORT AND CHILD WELFARE SERVICES

FSCWS-09-06

TO: County Directors of Social Services

ATTENTION: DSS CPS Supervisors and Program Managers

DSS CPS Social Workers

DATE: June 29, 2006

SUBJECT: CPS INTAKE GUIDANCE

EFFECTIVE DATE: Immediately

Questions from county departments of social services have been raised surrounding Session Law 2005-282 and the acceptance of reports that address the use of All-Terrain Vehicles (ATV) and children. All-Terrain Vehicles are defined in statute as “a motorized off-highway vehicle designed to travel on three or four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.” This statute makes it unlawful for any parent or legal guardian to knowingly permit the operation of an ATV in violation of the age restrictions established. A child who is 8 years of age or younger is not permitted to operate an ATV at all. A child who is less than 12 years of age is not permitted to operate an ATV with an engine capacity of 70 cubic centimeter displacement or greater. A child who is less than 16 years of age is not permitted to operate an ATV with an engine capacity of 90 cubic centimeter displacement or greater. While operating an ATV, a child must be under the **continuous visual supervision of a person 18 years of age or older**. In addition, it is unlawful to operate an ATV without eye protection and a safety helmet meeting the United States Department of Transportation standards for motorcycle helmets. Exceptions to these age restrictions make provisions for the operation of an ATV while engaged in farming, hunting or trapping purposes. For detailed information regarding other requirements, prohibited acts by owners and operators and other provisions of Session Law 2005-282, you may access this legislation at <http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/HTML/S189v8.html> .

Guidance from our child welfare attorneys reiterates that when the information received meets the statutory definition of abuse, neglect or dependency, the agency has a legal responsibility to assess the safety of the alleged victim children. When a report is received that **only** alleges that a parent or legal guardian has knowingly permitted a child to operate an ATV in violation of the age restrictions, the report does not meet the criteria for an assessment of abuse or neglect. The report should be screened out and referred to law enforcement, if appropriate. The same is true if the report **only** alleges

the lack of appropriate eye and helmet protection and/or the child is not under the continuous visual supervision of a person 18 years of age or older. This guidance is consistent with current policy.

Current policy provides guidance regarding the screening of reports that alleged abuse, neglect or dependency and that those reports must meet the statutory definitions if further action by the agency is to be taken. There are times when the allegations are concerning but the information obtained during the intake process does not rise to the level that would warrant intervention.

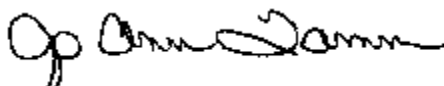
For instance, reports that **only** allege that the parent has allowed a child to be a passenger in a motor vehicle with out using a seatbelt, or to be a passenger in a motor vehicle that has been caught speeding are concerning but do not meet statutory definition, even if true. For instance, if law enforcement tickets a parent for speeding and a child is in the vehicle that would not constitute a report without additional allegations that would meet the statutory definition of abuse, neglect or dependency. If a parent is ticketed for failure to wear a seatbelt and a child passenger is not wearing a seatbelt and that is the **only** allegation, that report would not be accepted for a CPS assessment without additional allegations. Without allegations that meet the criteria of abuse, neglect or dependency, the report must be screened out. If appropriate, those allegations should be reported to the local law enforcement agency that has jurisdiction. If the information reported contains allegations surrounding abuse, neglect or dependency that meet the statutory definitions in addition to the report of a child unrestrained or a parent speeding, it would be appropriate to accept the report for a CPS assessment.

Section 1407 and 1408 of the Family Services Manual, Volume 1, Children's Services, Chapter VIII, Protective Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/index.htm>) contains policy for the use of the Structured Intake Report and for Receiving and Assessing Reports of Abuse, Neglect or Dependency. To assist in the determination of whether or not a valid CPS report has been received, the Structured Intake Report and Maltreatment Screening Tools must be used thoroughly during the intake process. Using the Structured Intake and Maltreatment Screening Tools facilitates consistent agency decisions regarding the acceptance of CPS reports.

If, after consulting the Structured Intake and Maltreatment Screening Tools, there is insufficient information available from the reporter to make a screening decision, the report should **not** be accepted.

Please contact your Children's Program Representative or the Work First/CPS Policy Team at (919) 733-4622 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Op. Anna Damm". The signature is written in a cursive, somewhat stylized font.

Jo Ann Lamm, Chief

Family Support and Child Welfare Services Section

JAL:ttr

cc: Sherry S. Bradsher

Sarah Barham

Family Support and Child Welfare Team Leaders

Children's Program Representatives

Work First Program Representatives

Local Business Liaisons