

Staff Memo

TO: All Staff

FROM: Trista D. Piccola
Director - DCYF

DATE: June 1, 2017

SUBJECT: Drug Exposed Infants

The recent child fatality/near fatality report released by the Office of the Child Advocate raised an issue with respect to the Department's practices and procedures relating to infants who were drug exposed during pregnancy. We are aware of the risks that parental substance use (both legal and illicit use) poses to children, and we must continue to be vigilant in our efforts to carefully assess information received through the Child Abuse Hotline.

DCYF Policy *Criteria for Child Protective Service Investigation* (Policy 500.0010) requires a report to be assigned for an investigation when there is reasonable cause to believe that abuse or neglect exists. Reports accepted for investigation contain the following elements:

- 1) Harm or substantial risk of harm to the child; and
- 2) An incident or pattern of incidents that suggest child abuse or neglect; and
- 3) The allegation pertains to a person responsible for the child's welfare.

In the screening of reports related to drug exposed infants, the Department considers risk factors in determining whether the infant has been harmed or is at risk of harm. The factors to be considered include, but are not limited to, the following:

- 1) Whether there is evidence of fetal alcohol syndrome or withdrawal from drugs at birth which is caused by a mother's alcohol or drug addiction/abuse.
- 2) Whether the parent or the infant tested positive for substances at the time of birth.
- 3) Observation and/or report of a witness, medical professional, law enforcement officer or behavioral health professional that the parent's use of substances (both legal and illicit use) impairs the caregiver's ability to care for the infant and/or other siblings.
- 4) Prior agency involvement with the family including:
 - a. Prior allegations of drug and/or alcohol abuse that impact the parent(s) ability to safely care for a child.
- 5) Prior indicated reports of child abuse or neglect.

In the event a case is screened in for investigation, DCYF *Drug Use During Pregnancy Policy* (Policy 500.0125) provides guidance on the processing of child abuse and neglect reports related to drug use during pregnancy. The Department policy and procedure includes the following key requirements:

- 1) CPS will initiate an investigation of any report that meets the criteria for a child abuse and neglect investigation. Fetal alcohol syndrome or withdrawal from drugs at birth, which is caused by a mother's alcohol or drug addiction/abuse, is considered child abuse.
- 2) As part of the investigation, the investigator considers whether there is evidence that the mother has tested positive for drug use during prenatal drug testing, a positive toxicology screen on mother or infant while in the hospital, or the admission of the mother and/or father to the use of drugs. If the mother has tested positive for drug use during pre-natal care, there is good cause to request a drug test on the mother and the baby at the time of birth.
- 3) If there is evidence to substantiate an allegation of child abuse and neglect, the investigator confers with his or her supervisor and the Department's legal staff as to whether it is necessary to pursue legal action.
- 4) Regardless of whether legal action is initiated, the assigned child protective investigator refers the family to community services, as appropriate.