

**STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES**

Procedure No.: I.F.PR.002

Subject: Abuse and Neglect/Notification:

Allegations and Completed Investigations to
Appropriate Parties

Section: Human Rights and Legal Responsibilities

Issue Date: August 15, 2007

Effective Date: August 15, 2007

Revised Date: August 14, 2009

Approved: /s/ Peter H. O'Meara

A. Purpose

The purpose of the procedure is to develop a standard, consistent approach for the implementation of Policy No: I.F.PO.001, Abuse and Neglect, related to notification of appropriate parties of allegations and completion of investigations of abuse and neglect.

B. Applicability

This procedure is applicable to individuals with mental retardation and service providers subject to Connecticut General Statutes related to the abuse and neglect reporting and investigation systems in the state of Connecticut.

C. Definitions

Refer to Definitions in Abuse and Neglect Policy No. I.F.PO.001.

D. Implementation

1. Notification of Allegation

a. When an allegation of abuse or neglect is made involving an individual as described under Section B above, the regional A/N Liaison will immediately inform the case manager of the allegation and that an investigation has been assigned.

b. The Case Manager shall ensure prompt contact of the guardian or other involved family member, as applicable, unless the guardian or family member is the alleged perpetrator, and document this in the individual's master record. If the guardian or other involved family member cannot be reached by telephone within 72 hours, the Case Manager will send written notification and maintain a copy of the notification in the individual's master record. The Case Manager will inform the A/N Liaison of the contact date to ensure entry into the statewide abuse and neglect data base.

c. If the allegation of abuse or neglect is related to an individual's death, the Regional Director or Designee shall notify the guardian or other involved family member, unless the guardian or other involved family member is the alleged perpetrator.

d. As part of the above notification, the guardian or other involved family member should be informed that he or she can contact the A/N Liaison at any time during the course of the investigation to determine its status and that the Case Manager will inform them upon completion of the investigation and will ensure the summary of findings and recommendations, as applicable, are shared.

e. For allegations which fall under the jurisdiction of OPA, the applicable components of the DDS OPA Interagency Agreement of June 2008 related to notification within *Intake and Referral Processes* will be followed.

2. Notification of Investigation Completion

a. Upon completion of the investigation and acceptance of the report and findings by the Regional Director or Designee, the A/N Liaison will send a copy of the summary of findings and recommendations to the Case Manager. The A/N Liaison will maintain a separate file of the completed investigation.

b. Within five (5) working days of receiving the summary of findings and recommendations, the Case Manager will contact the guardian or other involved family member to inform him or her of the findings and recommendations, unless the guardian or other involved family member was the alleged perpetrator.

i. The Case Manager will note the date of the contact in the individual's master record and will inform the A/N Liaison of the contact date to ensure entry into the statewide abuse and neglect data base.

c. In cases which OPA completed the investigation, and the guardian or other involved family member requests additional information, the case manager will refer him or her to the OPA AID.

d. In cases for which DCF, DSS or DPH completed the investigation, the A/N Liaison shall request in writing the investigation findings, disposition and any recommendations. The A/N Liaison will share the findings and recommendations with the Case Manager.

i. Within five (5) working days of receipt, the Case Manager will contact the guardian or other involved family member to inform him or her of the findings and recommendations, unless the guardian or other involved family member was the alleged perpetrator, and will inform the A/N Liaison of the contact date to ensure entry into the statewide abuse and neglect data base.

ii. If the guardian or other involved family member wishes to review such an investigation, the A/N Liaison will inform the Case Manager of the name and telephone number of the contact person at the investigating agency. The Case Manager will forward that information to the guardian or other involved family member.

e. If the Case Manager requires additional information, he/she may contact the A/N Liaison to review the completed investigation report.

3. Upon receipt of the OPA AID Death Investigation Report, the DDS will do the following notifications, as applicable:

a. Guardian or other involved family member (if NOT the alleged perpetrator):

i. The Regional Director or Designee shall contact the guardian or other involved family member to inform him or her that the DDS has received the OPA AID Investigation Report.

ii. The Regional Director or Designee shall explain that the investigation was completed by the OPA AID as mandated by statute, and inform them of the general outcome(s) of the investigation, i.e. abuse or neglect was or was not substantiated, if recommendations were contained in the report, and that DDS will be formally responding to the recommendations.

b. Qualified Provider:

i. The Regional Director or Designee shall contact the Qualified Provider Administrator of the agency to inform them that the DDS has received the OPA AID Investigation Report.

ii. The Regional Director or Designee shall explain that the investigation was completed by the OPA AID as mandated by statute, and inform them of the general outcome(s) of the investigation, and the necessity, as applicable, to respond to recommendations contained in the investigation report.

4. If the guardian or other involved family member wishes to review an investigation report, the following will occur:

a. For investigations completed by the OPA, DCF, DSS, DPH, the requesting party will be referred to the investigating agency.

b. For investigations completed by the DDS and/or a Qualified Provider:

i. The Case Manager will request the guardian or other involved family member submit their request in writing to the Regional Director, and will document the request in the individual's master record.

ii. Once the request is received, the A/N Liaison will forward a copy of the completed investigation report and all attachments to the Division of Legal and Government Affairs for review and redaction. The A/N Liaison shall specify whether or not the reporter was anonymous.

iii. Once completed, the Division of Legal and Government Affairs will forward the redacted investigation report to the Regional Director and the A/N Liaison.

- c. The Assistant Regional Director or Designee assigned by the Regional Director will offer to meet with the guardian or other involved family member to review and discuss the redacted investigation report. Documentation of this meeting will be maintained in the individual's master record.
 - d. A copy of the redacted investigation report will be given to the guardian. If the individual requesting the redacted investigation report chooses not to meet, the redacted report will be sent to the guardian by the assigned Designee.
 - e. The A/N Liaison will maintain a copy of the redacted investigation report and correspondence in the abuse/neglect file.
5. If a Qualified Provider wishes to review a report of an investigation conducted by the DDS and any of the documents gathered in the completion of the investigation, the following will occur:
- a. The Qualified Provider will be asked to submit the request in writing to the A/N Liaison.
 - b. Upon receipt of the written request, the A/N Liaison will forward a copy of the written request, the completed investigation report and all attachments to the DDS Division of Legal and Government Affairs. Within the rationale for the review and redaction, the A/N Liaison shall specify whether or not the reporter was anonymous.
 - c. The DDS Division of Legal and Government Affairs will review the investigation report, complete all necessary redactions to maintain the anonymity of the reporter, as applicable, and any other information deemed appropriate for redaction.
 - i. Once completed, the DDS Division of Legal and Government Affairs will forward the redacted investigation report to the Regional Director and the A/N Liaison.
6. If a state agency wishes to review or have a copy of an investigation conducted by the DDS, and any of the documents gathered in the completion of the investigation, the following will occur:
- a. The A/N Liaison will notify a representative of the DDS Division of Legal and Government Affairs of the specifics of the request. The A/N Liaison shall also specify whether or not the reporter was anonymous.
 - b. The representative of the DDS Division of Legal and Government Affairs will evaluate the request and advise the A/N Liaison of his or her decision to share the requested documents.
 - c. If determined necessary by the representative of the DDS Division of Legal and Government Affairs, redactions will be completed as noted in 5 c above.

7. A representative from the DDS Division of Legal and Government Affairs will notify the appropriate DDS Regional Director(s) of any cases subject to pending litigation. Pending litigation may impact upon the sharing of information with any requesting party.

E. References

DDS Policy No. I.F. PO. 001: Abuse and Neglect
DDS Procedure No. I.P. 001: Abuse and Neglect/Allegations: Reporting and Intake Processes

CT General Statutes

CGS Section 46a-11a – 11h: “Protection and Advocacy for Persons with Disabilities”
CGS Section 53-20: “Crimes”
CGS Section 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-65 et seq.: “Penal Code”
CGS Section 17a-101 et seq.: “Abuse of Children”
CGS Section 17a-210 et seq.: “Department and Commissioner of Mental Retardation”
CGS Section 17a-238: “Rights of Persons under Supervision of Commissioner of Mental Retardation”
CGS Section 17a-247a – 247e: Statutes Governing the “DDS” Abuse/Neglect Registry
CGS 17b-451: “Protective Services for the Elderly”

Rules, Regulations and Policy – External

Federal Registry

42 C.F.R. 442.1 through 442.119 – ICF/MR Regulations

F. Attachments

See attachments in I.F.PO.001, Abuse and Neglect