



**DEPARTMENT OF SERVICES FOR CHILDREN,  
YOUTH AND THEIR FAMILIES**

**OPERATING GUIDELINES FOR CONTRACTED  
CHILDREN AND FAMILY  
PROGRAMS AND SERVICES**

**Effective 11/1/2016**

## TABLE OF CONTENTS

I.	Introduction and Purpose of Document	Page 1
II.	Integrated Children’s Services	Page 1
III.	Administrative, Fiscal, and Treatment/Intervention Accountability	Page 2
IV.	Licensing	Page 5
V	Laws Applicable to the Operation of Programs and Services	Page 6
VI.	Programs Providing Education	Page 7
VII.	Child Safety	Page 10
VIII.	Transfer Instruction Sheet for Medication, Medical, Emotional, or Behavioral Information	Page 14
IX.	Reportable Events and Notification Procedures	Page 17
X.	Documentation and Reporting Requirements	Page 25
XI.	Child/Case Records Maintenance	Page 25
XII.	Performance Expectations	Page 25
XIII.	Useful Websites	Page 26

**STATE OF DELAWARE**

**DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES**

**OPERATING GUIDELINES FOR CONTRACTED CLIENT PROGRAMS AND SERVICES**

**I. INTRODUCTION TO DSCYF OPERATING GUIDELINES**

The operating guidelines contained in this document apply to all contracted child and family Service Providers of the Department of Services for Children, Youth and Their Families (DSCYF). Because of the range of Providers to whom these operating guidelines apply, expectations may vary depending on the size and scope of the organization and services provided. Under these guidelines, the Department expects that corporations and 501c3 organizations will have documentation that includes written policies and job descriptions to demonstrate compliance with these guidelines.

DSCYF has a commitment to serving children safely and effectively within the context of the family and community. Family is defined broadly to encompass the many types of families, groups of related and non-related individuals, who are members of the child’s immediate support network. In planning interventions, DSCYF encourages collaboration among agencies and individuals who are active with the child and family.

- A. Purpose of this Document: This document outlines the set of operating guidelines to which DSCYF holds all contracted Service Providers accountable. This document is included by reference to child and family service contracts and is part of the contractual agreement.

Each Division may include additional requirements within the body of the contract. This document specifies the expectations within the following categories:

- Integrated Children’s Services
- Administrative, Fiscal and Treatment/Intervention Accountability
- Licensing
- Laws Applicable to the Operation of Programs and Services
- Programs Providing Education
- Child Safety
- Transfer Instruction Sheet for Medication, Medical, Emotional, or Behavioral Information
- Reportable Events and Notification Procedures
- Child/Case Records Maintenance
- Performance Expectations
- Useful Websites

**II. INTEGRATED CHILDREN’S SERVICES**

DSCYF’s strategic efforts are focused on implementing an integrated service delivery system based on system of care principles and practices in partnership with other state agencies, service providers, community partners, and other stakeholders. An integrated service delivery approach brings together everyone involved in supporting and serving a child and family in all areas of life including home, school and community.

DSCYF expects contracted service providers to work in partnership with the Department to integrate a service delivery to children and families in Delaware. Services are to be managed so as to be individualized, provided in the most appropriate and least restrictive setting, supportive of continuity of services and treatment, and responsive to the needs of the child and family.

The principles that guide integrated children's services are:

- Practice is individualized
- Services are appropriate in type and duration
- Care is child-centered and family-focused
- Care is community-based
- Care is culturally competent
- Care is seamless within and across systems
- Teams develop and manage care

Overall, DSCYF's integrated service delivery principles emphasize:

- Organizing intra-agency and inter-agency operations to ensure that coordination occurs and one coordinated System of Care results
- Integrated case management to ensure that each child and family receives, and continues to receive, the necessary set of individualized services and care with the needs of the child and family determining the type and duration of services provided
- Team driven process involving the child and family to provide formal and informal services to ensure a comprehensive array of services, including educational, vocational, health, recreational, home-based, mental and behavioral health and other support services

The goal of our DSCYF is to provide high-quality care for children and youth with child welfare, juvenile justice, and behavioral health needs in ways that lead to improvements in child outcomes, (e.g., reduced abuse and delinquency, enhanced social functioning, better school attendance and performance) and improved family functioning and outcomes.

To ensure continuity of service anytime a contract ends the provider shall be required to cooperate fully with the DSCYF in the development and execution of an orderly plan for transitioning to other service providers all clients receiving services from the provider. The provider thus agrees to continue providing services for up to 90 days as part of this transition period to ensure the continuity of appropriate client care during the transition to another service provider. DSCYF agrees to continue compensating the provider at the established Contract rate during the transition period.

### **III. ADMINISTRATIVE, FISCAL, AND TREATMENT/INTERVENTION ACCOUNTABILITY**

A. Providers must have an administrative infrastructure to support the provision of safe, cost-effective services that achieve positive child outcomes and provision of required contractual documentation. The articulation of a Provider's administrative infrastructure for the Department may include as appropriate:

- Clear lines of accountability within the organization with regard to:
  - Management of staff and staff activities
  - Management of the various levels and/or programs
  - Accountability for the provision and documentation of services to children
  - Accountability for the oversight of GAAP compliant financial activities

- Methods for assessing the implementation of accountability for policies, procedures, practices, and services.
- Processes for implementing quality assurance and performance improvements based on the assessments of policies, procedures, and practices
- Method to report data on subcontracts with Minority or Women Owned Business Enterprises

B. Policies, Procedures, and Practices:

1. The Provider will provide evidence of the implementation of policies, procedures, and practices, as appropriate to the size and scope of the organization, to demonstrate that:
  - a. Policies, procedures, and practices are regularly communicated to staff and are available to children/families/consumers/stakeholders
  - b. A time-frame exists for the periodic review of policies, procedures, and practices
  - c. Staff and children/families/consumers/stakeholders have been provided the opportunity to periodically review and comment on existing or proposed policies, procedures, and practices
2. The Provider will have policies, procedures, or practices for:
  - a. Ethical Practice: Operating guidelines that address:
    - Care and treatment of children and families
    - Business practices that include marketing, admission and discharge practices, and billing as applicable to the organization
    - Potential for conflicts of interest or appearances of impropriety
  - b. Language Services: Provider is to take reasonable steps to ensure meaningful access to its programs and activities for persons with limited English proficiency (LEP) in compliance with DSCYF policy #118, Language Access Policy.
  - c. Rights and Responsibilities: Documentation must be maintained that children/ youth/parents have been informed of their rights and responsibilities in a language they can understand. Policy, procedure, and/or practice requirements will include, but are not limited to the rights or responsibilities to:
    - Be treated with respect and with recognition of their dignity and need for privacy and confidentiality
    - Be provided with information about the agency, its services, and employees providing those services
    - Participate in decision-making as applicable, with regard to the services to be provided.
    - Express grievances/complaints about the organization or about the services provided
    - Have reasonable visitation by parents, as applicable to the program setting, unless expressly denied by court order
    - Have reasonable access to communication with provider staff, supervisors, and administrators and with parents, guardians, caregivers, advocates, and other appropriate individuals external to the agency
    - Provide complete and accurate information as necessary for the organization to provide safe and effective services
    - Provide for material support for their child, e.g. clothing, grooming and medical attention, as appropriate to the program setting

- d. Grievance/Complaint Procedures: Operating guidelines requirements include, but are not limited to:
- Procedures and practices for children and families to register grievances/ complaints and for the agency to respond in a timely fashion
  - Procedures and practices for how grievances/complaints will be documented
  - Procedures and practices to ensure a resolution to the grievance/complaint, including appeals as appropriate
  - Documentation that children/youth have access to and have received this information
- e. Confidentiality of Child/Case Information/Records and Privacy Rights of Children and Families: Operating guideline requirements must include, but are not limited to:
- Assuring staff will comply with state and federal laws and regulations regarding the handling of confidential child information as applicable to the organization
  - Specifying condition(s) under which information on program applicants or children will be disclosed and the procedures or practices for releasing such information
  - Compliance with DSCYF Policy #205, Confidentiality of Client Records.
  - Compliance with DSCYF Policy #115, External Communications
  - Compliance with DSCYF Policy #113, DSCYF Information and Communications Acceptable Use Policy.
  - All DSCYF policies are available here:  
[www.kids.delaware.gov/information/policy.shtml](http://www.kids.delaware.gov/information/policy.shtml)
- f. Consent for Service/Treatment: Procedures and practices that assure:
- No minor will be served without documentation of informed, dated, written consent by at least one parent or a person holding legal guardianship and witnessed by another independent party
  - The consent will include specification of the service(s) to be provided
  - If a youth is prescribed psychotropic medication, the Provider will obtain specific informed consent prior to the implementation of said medication regime. At minimum, such informed consent will indicate the drug and dosage, likely benefits, potential risks and side effects.

**Exceptions** to the parental consent requirement in Delaware:

- Pursuant to the Delaware Caregivers Medical Authorization Law, 13 Del. C. Sections 707-708, a relative who is caring for a minor child without having legal custody, may, under certain circumstances sign consent for treatment. Eligible individuals must complete and have notarized a “Caregivers Medical Authorization Affidavit.” Information about this law and a copy of the affidavit form is available through the Delaware Division of Aging and on the Web at <http://www.dhss.delaware.gov/dhss/dsaapd/intergen.html>
- DPBHS Crisis Services may perform an initial evaluation of imminent suicidality or homicidality in which the absence of the evaluation could result in serious harm to the child/youth or others. Recommendation for next steps can be made but follow-up treatment by the crisis services cannot be provided without consent. Reasonable efforts to contact parent(s) or legal guardian(s) must be documented.
- If a minor is in the custody of DFS, a representative of DFS may sign consent for routine medical and mental health treatment. Routine medical treatment includes mental health

and substance abuse treatment except for psychiatric hospital and psychotropic medication. Reasonable effort should be documented that the parent has been notified of the child's participation in the service. If a parent who continues to hold parental rights objects to the treatment, DFS must obtain a court order prior to the service being rendered. In the event that DFS signs consent, separate written consent must be obtained for:

- Each level of care, where applicable, e.g., residential and day treatment, emergency services, medical and dental care, client transportation and permission to leave the premises for field trips and other activities
- Personal arrangements (residential and day treatment) – consents regarding visits, mail, telephone calls, vacations, gifts and family contact
- Pursuant to 24 Del. C. Section 1788, outpatient mental health contractors of the Division of Prevention and Behavioral Health Services (DPBHS) may provide counseling and support to any minor who is pregnant and has filed or is considering filing an application to waive parental consent for an abortion under 24 Del. C. section 1784.
- Children age 14 and over may consent to their own nonresidential substance abuse treatment.

f. Fiscal Accountability – Operating guidelines include but are not limited to:

- GAAP compliant accounting practices
- Maintenance of documentation for all services reported to and/or billed to DSCYF
- Internal controls to ensure valid and reliable invoicing to the State

g. Electronic Communication of Information

As a contracted provider with the State of Delaware, Department of Services for Children, Youth and Their Families (DSCYF), we are jointly responsible to safeguard and protect the confidentiality of information for youth and their families receiving DSCYF contracted services. Confidential information may include but is not limited to credit card numbers, social security numbers, medical records, youth names or dates of birth, address information and/or other personally identifiable information. These transmissions may include e-mails with confidential information within the e-mail subject line, body of the e-mail and/or in addition e-mail attachments.

As a result of this need, Delaware has adopted standards that now apply to all electronic communications. This new standard requires utilizing a secure encrypted e-mail system when transmitting personally identifiable information.

When sending emails that contain confidential information, the email must be **encrypted**, preferably using the State's **designated secure email tool**. Your DSCYF contract administrator can provide guidance on the currently designated tool. **Please note that even when an email is encrypted, the subject line is NOT encrypted.**

### C. External Communications:

DSCYF has issued Communications Policy #115 to ensure internal and external communications are well coordinated, effectively managed and responsive to the diverse information needs of the public. Policy #115 also establishes requirements of contracted provider to obtain approval from DSCYF for review of media created as a result of the contract. Policy #115 is available through the DSCYF internet site at [www.kids.delaware.gov/information/policy.shtml](http://www.kids.delaware.gov/information/policy.shtml) A high level summary of these contracted provider requirements follows.

As a contracted provider your agency shall submit for approval to DSCYF any of the following items which are either partially or fully funded through your agency's contract with DSCYF: print, audio, video or internet material including websites for external communication. Such requests for review and approval of materials shall be made by email to the DSCYF designated contract manager.

In addition, all materials developed as a result of a contract with DSCYF (for external public distribution in print or distribution to print and broadcast media) must include the Department's name ("Delaware Children's Department" or "DE Children's Department" ~ informal or "Department of Services for Children, Youth and Their Families" ~ formal) or the name of the purchasing Division(s) as the funding source unless either has waived that requirement. The preference is, and when space permits, that the Department logo be included. Variations of the above mentioned phrases must be pre-approved.

If you are taking video or pictures of youth which will be shared publically and you or your staff are not the parent(s) of the depicted children, the video or pictures must be taken from the neck down or from behind. Photographing or videotaping the youth in state custody or care in an identifiable manner who is not your own child and whose image you intend to share publically or through educational materials with an audience outside of the Department, requires written permission from the biological parent(s)/ relative caretaker or guardian, the child, appropriate DSCYF staff, and/or the DSCYF Community Relations Coordinator. Such requests shall be made by email to the DSCYF designated contract manager.

All materials described above which require approval must be reviewed and approved in writing by the DSCYF prior to issuance or distribution.

Please direct questions or concerns by email to the DSCYF designated contract manager.

## **IV. LICENSING AND INSURANCE COVERAGE**

### A. Licensing

Providers will observe all licensing requirements of the state in which they render the service.



DSCYF contracted programs operating in the State of Delaware are subject to the following regulations.

- All Delaware (in-state) contracted providers, with the exception of nonprofit organizations will possess a current valid business license.
- All programs must comply with applicable health and life safety codes.
- Psychiatric Hospitals and Day Hospitals: Licensed by the Delaware Division of Public Health and must be accredited by a nationally accrediting body.
- Residential Programs, including Group Homes and Child Placing Agencies: Must have a valid Delacare license from DSCYF Office of Child Care Licensing (OCCL)
- Day Treatment Programs: Must have a valid Delacare license from DSCYF Office of Child Care Licensing (OCCL)
- Substance Abuse Treatment Programs (Residential and Nonresidential): Must be licensed by the Delaware Division of Substance Abuse and Mental Health.
- Outpatient Counseling and Behavioral Health Services: Therapists in independent practice must be licensed by their respective regulatory board - behavioral health agencies are encouraged to seek accreditation from a national accreditation body.
- All providers operating pharmacies will comply with the regulations promulgated by the State Board of Pharmacy, Drug Enforcement Agency (DEA) and other regulatory groups as applicable.

Providers will notify the appropriate contract and program administrators within twenty-four hours of any change in licensure status. Further licensing information and Delacare requirements may be obtained on the Office of Child Care Licensing website: <http://www.kids.delaware.gov/occl/occl.shtml>

B. Insurance Requirements

The Contractor shall maintain such insurance as will protect against claims under Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under this Contract. The Contractor is an independent contractor and is not an employee of the State. During the term of this Contract, the Contractor shall, at its own expense, carry insurance with minimum coverage limits as follows with a carrier satisfactory to the state:

- |                                   |                          |
|-----------------------------------|--------------------------|
| 1. Commercial General Liability   | \$1,000,000              |
| <b>and</b>                        |                          |
| 2. Medical/Professional Liability | \$1,000,000/ \$3,000,000 |
| <b>or</b>                         |                          |
| 3. Misc. Errors and Omissions     | \$1,000,000/\$3,000,000  |
| <b>or</b>                         |                          |
| 4. Product Liability              | \$1,000,000/\$3,000,000  |

All Contractors must carry (1) and at least one of (2), (3), or (4), depending on the type of service or product being delivered.

If the contractual service requires the transportation of Departmental clients or staff, the Contractor shall, in addition to the above coverage, secure at its own expense the following coverage:

- |   |  |
|---|--|
| 5. Automotive Liability (Bodily Injury)   | \$100,000 per accident/\$300,000 per claim |
| 6. Automotive Property Damage (to others) | \$25,000                                   |

## V. LAWS APPLICABLE TO THE OPERATION OF PROGRAMS AND SERVICES

Providers will abide by all applicable federal and state laws and regulations.

The following laws and regulations are highlighted for the purpose of emphasizing their importance for DSCYF providers and are not to be considered as an all inclusive listing.

- A. Criminal Background Checks for Contracted Services in Delaware: 31 Del. C., Chapter 3, Section 309 requires criminal background checks on all employees and volunteers of any DEPARTMENT in-state contractor “who have regular direct access to children and/or adolescents under the age of 18”. The Provider will document that all present program employees and volunteers have completed the criminal background check and in keeping with Delaware’s State Regulations and that all future hires will have begun the criminal background check process prior to beginning the orientation phase of their employment.
- B. Mandated Reporting of Abuse and Neglect
1. Delaware Providers: The Provider will assure that its employees know they are mandated reporters as specified in 16 Del. C. Subsections 901 – 914, and are trained in the Division of Family Services (DFS) reporting procedures. When a Provider’s employee or agent knows or reasonably suspects child abuse or neglect (intra-familial or in out-of-home care setting), an oral report will be made **as soon as possible** to the toll-free Delaware Child Abuse Report Line by calling **800-292-9582**. This number is operational 24 hours per day, 365 days per year. Within 72 hours after the oral report, a completed DFS Child Abuse/Neglect Mandatory Reporting Form must be submitted as instructed on the form. A copy of this form can be obtained at the internet link listed in Section XIII of the Operating Guidelines, Useful Websites.
  2. Out-of-State Providers:
    - a. When a Provider’s employee or agent knows or reasonably suspects child abuse or neglect of a DSCYF child/youth in their program that occurred in Delaware, an oral report shall be made **as soon as possible** to the Delaware Child Abuse Report Line by calling **800-292-9582**. This number is operational 24 hours per day, 365 days per year. Within 72 hours after the oral report, a completed DFS Child Abuse/Neglect Mandatory Reporting Form must be submitted as instructed on the form. A copy of this form can be obtained at the internet link listed in Section XIII of the Operating Guidelines, Useful Websites.
    - b. When a Provider’s employee or agent knows or reasonably suspects child abuse or neglect, including institutional abuse, of a DSCYF child/youth in their program that occurred in a setting outside of Delaware, the Provider shall report the alleged abuse or neglect to the Child Protective Services agency where the child is placed. The Provider shall also make person-to-person voice contact **as soon as possible**, but within 4 hours with the DSCYF Contract Administrator and the DFS case manager if the case is open in DFS. Incidents of out-of-state abuse or neglect require that the Provider complete a Reportable Event Summary within 72 hours (see Section IX of the Operating Guidelines, Reportable Events and Notification Procedures).
- C. Health Insurance Portability and Accountability Act of 1996 (HIPAA): Providers who are covered entities and/or business associates of DSCYF as defined under 45 C.F.R. 162 will observe requirements for confidentiality and privacy of health/behavioral health data as defined in that law.
- D. Prison Rape Elimination Act (PREA) of 2003 (Federal Law 42. U.S.C. 15601 ET. Seq.): Providers shall comply with all applicable PREA Standards and any DSCYF Policies or Standards related to

PREA for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse within DSCYF contracted or subcontracted Facilities/Programs/Offices. In addition to "self-monitoring requirements" and submission to PREA state or federal audits, providers will allow DSCYF announced or unannounced, compliance monitoring to include "on-site" monitoring. Failure to comply with PREA, including PREA Standards and DSCYF PREA related policies or standards, may result in a loss of business until the provider comes into compliance with PREA standards and/or subsequent contract termination.

- E. Handling of DELJIS and CJIS Client Information (added 10/1/2016) (Title 1 DE Admin. Code 1301): The provider shall insure that all employees that may have **direct or indirect** access to Delaware Criminal Justice Information System (DELJIS) and/or Criminal Justice Information System (CJIS) records comply with DELJIS's Rules and Regulations (Title 1 DE Admin. Code 1301). In addition, if a provider is designated by DSCYF as required to provide documentation of compliance of these requirements, the provider's authorized designee shall annually sign Form 2014-1: Request for CJIS Access and Acknowledgment of DELJIS Rules and Regulations and submit it to the DEPARTMENT's designee. The referenced code requirements and form are available here: <http://server.deljjs.state.de.us/deljjs/pdfs/DELJISRnR.pdf>

## VI. PROGRAMS PROVIDING EDUCATION

The goal for the Provider's education program shall be to foster academic, social, behavioral and vocational achievement in support of academic promotion and high school credit attainment where grade appropriate, and to facilitate a successful school transition to one of the following according to the service or treatment plan:

- Delaware school district of residence
- A Delaware adult high school education program, General Equivalency Diploma (GED) program, and/or any skills training program
- Another DSCYF provider-operated educational program

The Delaware Department of Education (DOE), in conjunction with DSCYF and/or Local Education Agency (LEA) representative(s), may conduct either the "Approval of a Private Facility" process and/or monitoring of education services and records documenting the Provider's educational program. Such Delaware education representatives shall have access to all education service records. The Provider will forward IEPs and other educational reports to the DSCYF Education Office within timeframes stipulated within the Contract.

- A. Provision of Education (other than special education): This section applies to all programs that offer education through home-bound-instruction agreement with a Delaware school district.

Some Delaware programs, e.g., Psychiatric hospital, day hospital and substance abuse day treatment, leverage homebound instruction funds obtained from child's school districts to provide a teacher for the children within the program. The purpose of homebound instruction is to keep a child who is temporarily unable to attend school current with school assignments being provided in his/her regular classroom. In this way, the program teacher is acting as a substitute for the classroom teacher. All programs providing homebound education will:

- Assure that children classified as special education are taught in accordance with the current IEP and in collaboration with the special education teacher
- Provide progress reports to the special education teacher as appropriate

- Participate in IEP meetings as requested by the sending school
- Document educational activities and assignments from the sending school, or,
- If children are no longer in school, document efforts to encourage them to pursue GED and/or other vocational training

B. Provision of Special Education: This section applies to all Providers whose contract includes a special education program. All Providers will observe the special educational requirements for the state in which services are provided.

The Provider's school program(s) provide education, special education and related services. The school program is required to follow attendance policies set up by their respective state.

The Provider agrees to submit the following to the DSCYF Program Administrator/Contract Manager prior to the Contract start date:

1. One (1) copy of each special education teacher and specialist certification where applicable.
2. One (1) copy of sub-contract for education service provision and/or copy of letter of agreement with a public school district, as may be applicable.
3. One (1) copy of documentation identifying that the special education program meets the regulatory requirements of the State Education Department.

Providers will comply with the requirements of P.L. 105-17, the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (HR 1350 as of 2005), Section 504 of the Rehabilitation Act of 1973 as amended, and Final Regulations, if they furnish a special educational program for DSCYF children or youth who are identified as students with disabilities as follows:

- A student with an identified disability will have an Individualized Education Program (IEP) that meets the requirements of the IDEA
- Provide assurances that the education program is certified to provide special education and related services by the State Department of Education in the State where the Provider supplies educational services
- Provide assurances that the education, special education and related services in compliance with IDEA are provided by instructors and related service specialists who are qualified/certified by the State Department of Education
- When it is known or suspected that a student is identified for special education services and in the absence of special education records at admission, the Provider will develop a temporary IEP and schedule appropriate evaluations and/or IEP meetings, to be completed within 30 calendar days following the determination that the child is eligible for special education and related services.
- Convene a meeting according to State and federal regulations to review and revise or develop an identified special education student's Individualized Education Program (IEP) in conjunction with the Delaware Local Education Agency (LEA) of residence. This meeting shall occur within 30 calendar days of the student's enrollment into a Delaware Provider's program and with 60 days in an out-of-state program to ensure that there is no delay in providing a free and appropriate education (FAPE).
- IEP meeting participants, including LEA representatives, the DSCYF Case Monitor/Case Manager, parent, youth, and related service personnel as may be required, shall receive notification/invitation at least 10 business days prior to the scheduled meeting. Parental

and LEA notification shall occur prior to the implementation of any IEP program or service revisions. The IEP shall continue to serve as the legal document by which the student's special education needs and related services are addressed.

- On the first business day of the month after the IEP meeting, the Provider shall send a copy of: (1) the student's current IEP; (2) the current IEP meeting minutes; and (3) the current psycho-educational evaluation or documentation of eligibility to the DSCYF Supervisor of Education, the identified LEA contact person, and the DSCYF Case Monitor/Case Manager. These documents are for desk audits of special education students. The Provider shall also forward a copy of the student's IEP to his parent or guardian.
- The Provider will report student progress toward the IEP goals and objectives on the above-referenced IEP documents on a quarterly basis or consistent with Provider's report card periods. Copies to be sent to the LEA, parent(s), DSCYF Special Education Supervisor and DSCYF Case Manager(s). Electronic copies are acceptable.
- Facilitate an annual IEP meeting as required, to develop a new IEP. The Provider shall coordinate with required participants from the Delaware LEA. Also, when indicated, the Provider will conduct a three-year re-evaluation of the disabled student to determine continued eligibility for services and specific IEP program goals and objectives.
- The Provider shall notify both the identified contact person at the Delaware LEA and the DSCYF Case Monitor/Case Manager of the definite discharge date at least thirty (30) days prior to the scheduled discharge date. No less than 15 business days in advance of a student's return to the Delaware School District of residence, the Provider shall forward school records as delineated below to the Delaware LEA.

For all discharges where indicated, final grades and a brief summary of school progress/recommendations should be forwarded by the Provider to the LEA within 5 business days after discharge. However, the Provider shall not send the entire treatment/service plan or written service reviews to the Delaware LEA, as these planning materials contain confidential treatment information.

C. Continuity of Education: DSCYF contracted programs that provide education will collaborate with DSCYF case managers to ensure a smooth transition into their educational program by obtaining relevant educational materials from the sending school districts upon admission to the Provider's program in order to assure that an appropriate education plan can be developed. DSCYF, in collaboration with the sending Delaware school district (local education agency or LEA) shall send the following education information for each referred youth:

- Name and contact at the local education agency (LEA)
- Immunization record
- School status (attending, withdrawn, suspended, expelled). Note: if expelled, date when the youth will be eligible to return to school. If withdrawn from school this official notification requires a parent signature.
- Report card indicating numerical or letter grades for each subject and teacher comments as appropriate
- Transcript which includes cumulative credits for grades 9 through 12, if servicing youth for 60 days or longer. Transcripts need to be cumulative from prior placements and indicate where grades were received.

- Achievement/educational testing information as appropriate
- Vocational/transition planning for special education students (age 14 or over)
- Current psycho-educational evaluation
- Related service assessments as may be current and appropriate
- Current IEP with documentation of progress and accommodations for testing
- Current special education Evaluation Report

Prior to discharge, Providers will cooperate with identified DSCYF case managers to assure that copies of all relevant educational material produced during the course of treatment at the facility are available to forward to the receiving educational program. These may include but not necessarily be limited to:

- School status
- As applicable, updates to:
  - Immunization record
  - Recommendations for education/vocational programming
  - Report card indicating numerical or letter grades for each subject, teacher comments and dates of enrollment
  - Transcript which includes cumulative credits for grades 9 through 12 if servicing youth for 60 days or longer
  - Transcript which includes cumulative credits (grades 9 through 12)
  - Current achievement/educational testing information
  - Current vocational/transition planning for special education students (age 14 or over)
  - Current psycho-educational evaluation, if performed by the Provider
  - Related service assessments, if performed by the Provider, and service documentation
  - Current IEP with documented progress
  - Current special education evaluation report, including documentation of Eligibility for Special Education Services, if the evaluation was completed by the Provider
  - Current 504 plan, if applicable.

## **VII. CHILD SAFETY**

A. Emergency Preparedness Policy/Plan: The Provider will have an emergency preparedness plan, appropriate to the size and scope of the organization that will outline immediate and follow-up response procedures to potential accidents, natural disasters or other human-caused emergencies.

These plans will include, but not necessarily be limited to:

- Immediate evacuation procedures and plans for life safety
- Definition of and reporting to work expectations for essential and non-essential staff.
- Parental/Guardian notification procedures
- Documentation of routine disaster drills as appropriate to the setting
- Documentation of routine testing of emergency equipment
- Documentation that staff has been oriented to and received ongoing refreshers on emergency procedures, including the use of universal precautions and first aid applicable to the setting.
- Posting of evacuation routes and other procedures applicable to the setting
- Guidelines for responding to media inquiries
- Plans for shelter, care, and accountability for children in emergencies or natural disasters
- Plans for protecting documents in emergencies
- Plan to notify DSCYF contract and program administrators as soon as possible

- Emergency agency contact information in the event of an emergency
- B. Transportation: Providers who transport children will ensure that:
- Vehicle operators have current valid drivers' licenses commensurate with the vehicle being driven.
  - Insurance coverage as described above is in place for driver and passengers (will provide proof upon request)
  - Vehicles have appropriate licenses and registrations required by jurisdictions within which the vehicles are operated
  - Vehicles have operable safety equipment, e.g. safety belts, child safety seats, etc. and that children use them
  - Vehicles have adequate emergency equipment including first aid kits, spill kits, a regulation size Class B chemical type fire extinguisher placed in easy reach of the driver (with an inspection tag reflecting annual inspections and the extinguisher's pressure gauge visible and readable), plans and or means to make contact with assistance in an emergency, etc.
  - Passenger windows will not be opened more than 50% when children are in transport
  - 15 passenger vans are not used to transport individuals under the age of 18. Vehicles used to transport more than 10 children must meet state and federal specifications applicable to school buses.
  - Children have adequate escort and supervision to ensure their safe transport
- C. Smoking: Smoking is not permitted by any minor in any DSCYF contracted facility, program or vehicle, in any public building, or on any outing with youth. Smoking by adults in designated areas that are away from space used for therapeutic and living activities and recreation may be permitted within private facilities.
- Under no circumstances will program personnel allow the purchase directly or indirectly of tobacco products by minors.
  - Tobacco products will not be used as positive reinforcement.
  - Contractor staff shall not smoke in the presence of DSCYF youth.
- D. Child/Youth Violence or Criminal Activity: It is the expectation that providers will have policies and/or practices that prohibit drug sales, other criminal activity, and program participant violence on the premises of the program. All newly admitted program participants will be informed of these policies and/or practices on entry into the program. These policies/practices shall address at a minimum:
- Action to be taken if illegal drugs of any kind are found in the possession of any individual on the premises
  - Action to be taken if alcohol is found in the possession of any individual on the premises
  - The definition of what constitutes participant violence and the contingencies for such violence actions that will be taken in response to program participant violence
- E. Restrictive Procedures (Restraint): Under no circumstances will restraint be permitted during program activities other than those specifically authorized by an appropriate regulatory body. For non-licensed providers under no regulatory oversight, physical restraint or restrictive procedures may be used only in instances when the safety of the child, other children in program, or staff is at risk.
- F. Medication: The Provider will have policies and/or practices which are compliant with any applicable licensing body requirements in place for all medication, including over-the-counter medication, issued

in the program. These policies and/or practices must provide documentation related to the prescription or ordering of medication; preparation, dispensing, storage of medication; administration or assistance with self-administration of medication; monitoring the effects of medication; continuation of medication; recording and reporting of medication errors/lapses; and reporting to other professionals as appropriate or required.

G. Medical Treatment for Children in Residential Treatment: At the point when approval for admission has been confirmed, the Provider will document with the DSCYF case manager how emergency, psychiatric hospital, and hospital medical care will be approved and reimbursed. In all cases, the provider will use third-party payment, e.g., medical insurance or Medicaid, prior to requesting reimbursement from DSCYF.

A. Communicable Disease Training and Prevention: DSCYF Policy 103, Communicable Diseases, requires that contracted providers provide communicable disease prevention training and information to their employees and children in residential programs. This policy addresses communicable diseases which may be serious enough to require hospitalization and/or be construed as life threatening.

The policy is based on Delaware Division of Public Health regulations. Communicable disease prevention training should include, but is not limited to, the following information:

- Universal precautions require that care providers use appropriate barrier precautions (use of latex gloves and care in the use and disposal of needles and other sharp instruments) to prevent exposure to blood, body fluids, secretions and excretions of children, youth or patients at all times.
- Standard precautions include “universal precautions” and the appropriate use of hand washing.
- Standard precautions and infection control measures should be practiced routinely to prevent the spread of infectious diseases. These precautions are sufficient to reduce the low risk of transmission of most communicable diseases in residential settings, the workplace and other public spaces.
- Contracted providers should comply with required communicable disease prevention training requirements of those organizations and agencies that either license or accredit their facilities and programs.
- Children, youth and their families who have, or may be at risk of getting any communicable disease do not forfeit any rights of access, *confidentiality* or assignment regarding the services offered by DSCYF through contracted service providers.

### **VIII. Transfer Instruction Sheet for Medication, Medical, Emotional, or Behavioral Information**

The purpose of DSCYF Policy #207, Transfer Instruction Sheet, is to ensure continuity of care for children entering or leaving residential care. The Transfer Instruction Sheet contains the most accurate and current information regarding a child’s school, medication, and other medical, emotional, and behavioral information. A copy of Policy #207 can be located at <http://kids.delaware.gov/information/policy.shtml> Procedures to be followed in using the Transfer Instruction Sheet are:



- A. A Transfer Instruction Sheet shall accompany a child when entering residential care, moving from one residential program to another, when returning to the community from residential placement, or going on a home pass or visit.
- B. All children entering a DSCYF contracted residential placement or DFS foster home should have a Transfer Instruction Sheet accompanying them prepared by the current caregiver or case manager.
- C. All children receiving prescription medication and going on a home pass or visit should have a Transfer Instruction Sheet accompanying them that was prepared by the current caregiver or case manager.
- D. The Transfer Instruction Sheet is completed by the current caregiver or case manager following the Instructions for Completing Transfer Instruction Sheet each time a child leaves or is discharged from a placement. (See Instructions for Completing Transfer Instruction Sheet below.) An electronic copy of this form can be found on the DSCYF website where these “Operating Guidelines” are available as well as with DSCYF Policy #207 by going to the DSCYF Policy page here: <http://www.kids.delaware.gov/information/policy.shtml> then click “**Direct Client Service**” to access the policy and the Transfer Instruction Sheet.
- E. When a child is receiving prescription medication, the child’s current caregiver and the adult or DSCYF employee transporting the child should ensure that the information on the Transfer Instruction Sheet is consistent with the label on the medication bottle. The transporting adult should sign for each medication on the Transfer Instruction Sheet. Medication should pass from adult to adult. The receiving adult caregiver to whom the child is being transferred signs and dates the Transfer Instruction Sheet for each medication that accompanies the child.
- F. The Transfer Instruction Sheet shall be completed plus two copies made. The original copy is retained by the current care provider (person/agency completing the form), one copy is left with the receiving care provider, and one copy is maintained in the Division case record for the child. A photocopy of the Transfer Instruction Sheet should be provided to any other DSCYF division active with the child.

## Instructions for Completing the Transfer Instruction Sheet

The Transfer Instruction Sheet should be completed by the person last responsible for caring for the child. If the child is being transferred from a facility that has a medical provider on staff, the medical provider should review a copy of this form before the child is transferred. No child should be transferred, accepted into a placement, or if being prescribed medication go on a home pass or visit without a copy of this form. If the child is being transferred to a facility that has a medical provider on staff, the medical provider should review a copy of this form as soon as possible.

For a child going on a home pass or visit, items 1, 9, and 15 should be completed as applicable. For a child going into placement, moving between placements, or returning from a placement to a community setting, all items on the sheet should be completed as applicable.

The current caregiver completes the Transfer Instruction Sheet and retains the original copy. One copy is given to the child's receiving caregiver, and one copy should be maintained by the Division responsible for making the placement in the child's case record.

Indicate at the top of the sheet whether the Transfer Instruction Sheet is for a child entering or leaving a residential placement or for a child going on a home pass/visit.

1. Fill in the child's full name.
2. Fill in child's Personal Identification Number (PID) if known.
3. Fill in child's date of birth.
4. Fill in the name of child's medical insurance carrier and ID # if known.
5. Specify any current medical conditions the child may have (e.g., asthma, allergies, bronchitis, etc.).
6. Complete the name of the medical provider who made the above listed diagnoses if known.
7. Specify any current psychiatric/behavioral diagnosis the child may have (e.g., depression, oppositional defiant disorder, schizophrenia, etc.).
8. Complete the name of the mental health provider who made the above listed psychiatric/ behavioral diagnoses.
9. List all current medications, dose & time(s) of day the medication is to be administered (e.g., 1 pill before breakfast), number of pills (if in pill form), reason (the condition being treated), the name of the prescribing health care provider, signature of the adult who is transporting the child for each medication, the signature of the receiving caregiver for each medication, and the date the receiving caregiver signs for the medication. **Note**--The adult transporting the child may be the same person as the receiving adult caregiver.
10. List any special precautions or other instructions being taken at the child's current placement (e.g., sleeping on a mat for seizure precautions, special dietary needs, etc.).
11. List child's health care provider, phone number, and date of the last appointment if known.
12. Indicate if the child has been seen in a hospital within the past 30 days. If so, indicate the hospital name, phone number of the hospital if known, date of visit, and reason for the visit.
13. List any scheduled medical appointments the child may have.
14. Provide the name of the school the child attends and what grade the student is in.
15. List the names of individual(s) with which the child should not have contact.
16. Fill in your name and the date you completed the Transfer Instruction Sheet.
17. Fill in your agency's name and address and the phone number at which you can be reached.
18. Signature of person giving Transfer Instruction Sheet to receiver and date.
19. Signature of person receiving the Transfer Instruction Sheet and date.

## **IX. REPORTABLE EVENTS AND NOTIFICATION PROCEDURES**

DSCYF requires prompt reporting of specified significant events affecting the care and well-being of Delaware children. Children in DSCYF contracted programs may be active with only one Division, or with any combination of the following Divisions:

- Division of Prevention and Behavioral Health Services - (DPBHS)
- Division of Family Services - (DFS)
- Division of Youth Rehabilitative Services - (DYRS)

The following procedures are not meant to preclude the usual agency processes for contacting key individuals such as parents and guardians, police, medical personnel, etc., when incidents occur. In most cases, parents or guardians should be the first point of contact after an incident unless otherwise specified by DSCYF.

All Reportable Events incidents listed below require initial notification either by person-to-person voice contact or by leaving a voice-mail message. Initial notification is to be followed-up with a typed report using the DSCYF Reportable Event Summary for the events listed in C-1 and C-2 within 72 hours of the event's occurrence.

The Provider's client case files shall identify a child's family or guardian contact information and the DSCYF Division(s) case worker(s) and contract manager(s)/administrator(s) names and telephone numbers. To ensure compliance with these contractual requirements, it is the Provider's responsibility to review the Reportable Events section of the Operational Guidelines with all direct care staff and to post the one-page "Delaware DSCYF Reportable Events & Notification Procedures" (found immediately following this section) so that it is readily available to staff members for quick reference.

- A. When a Reportable Event report must be made to DSCYF:
1. When a Reportable Event occurs in a facility or program that is responsible for the twenty-four hour supervision of a Delaware child/adolescent.
  2. When a Reportable Event occurs during a time when a nonresidential service or program is directly responsible for supervising the child/adolescent, i.e., the child/adolescent is or is supposed to be in the presence of program staff in the program office or in the community.
  3. 3<sup>rd</sup> Party Reporting. A report is considered "3<sup>rd</sup> Party" when a child/adolescent is active with a provider (formally admitted/referred and not formally discharged) and a provider employee becomes aware of an identified event or incident which has occurred at a time other than when provider staff were responsible for the supervision of the child/adolescent. The types of events or incidents considered 3<sup>rd</sup> Party reportable are the following: all those listed below requiring person-to-person voice contact; and suicide attempt; and allegations of abuse or neglect by someone outside the agency. Notification should be made as required below and the written report shall have the "Making 3<sup>rd</sup> Party Report" box checked when submitted to DSCYF.
- B. Types of Reporting to DSCYF: The Provider should maintain written documentation of all person-to-person voice contacts or voice-mail message contacts made with the Department regarding a Reportable Event. This record should include date and time of contact, the type of contact (person-to-person voice contact or voice-mail message), the name of provider staff making the contact, and the name of the DSCYF person contacted.
1. *Person-to-Person Voice Contact (Required for Reportable Events listed in C-1 below):* These reports must have a live person speaking to another live person. Voice-mail messages cannot be substituted for the person-to-person voice contact for these reportable events.
  2. *Voice-Mail Messages (Acceptable for Reportable Events listed in C-2 and C-3 below):* If the provider staff member notifying DSCYF of a Reportable Event does not make person-to-person voice contact,

the provider staff member may leave a voice-mail message for the DSCYF case manager or program administrator/contract manager for Reportable Events listed in C-2 or with the program administrator/contract manager for Reportable Events listed in C-3.

3. *Typed Report:* The CONTRACTOR shall encrypted email or fax a typed and completed Reportable Event Summary to the Program Administrator/Contract Manager within 72 hours for Reportable Events listed in C-1 and C-2. *If more than one DSCYF child is involved, a separate Reportable Event Summary shall be prepared for each child, without naming the other involved child(ren).* A revised report must be indicated by checking the appropriate box at the top of the form.

The format for this report is included at the end of this section and available separately online in fillable format for ease of use.

Each Reportable Event Summary shall be submitted as follows:

Division of Prevention and Behavioral Health Services (DPBHS) - send by encrypted email to DSCYF_DBPHS_QI@state.de.us OR faxed to (302) 661-7270.
Division of Youth Rehabilitative Services (DYRS) – send by encrypted email DSCYF_Reportable_Events@state.de.us OR faxed to (302) 661-7287.
Division of Family Services (DFS) – send by encrypted email to the appropriate youth case manager

Since a Provider may be required to file other written incident reports internally or with other agencies, those forms MAY be acceptable provided that they contain the information DSCYF has requested. *Please secure prior approval from the active Divisions' Contract Administrator or the DPBHS Quality Improvement Unit before submitting alternate Reportable Event forms.*

A DSCYF Reportable Event Summary does not need to be used for written reports about Reportable Events not involving a Delaware child listed in C-3. In these instances, provide a brief written narrative of the incident containing the relevant information to the DSCYF Program or Contract administrator within 72 hours.

### C. Reportable Events:

1. *Reportable Events Requiring Person-to-Person Voice Contact:* Any of these events involving a Delaware youth active with DSCYF requires live person-to-person voice contact as soon as possible after the event, not to exceed 4 hours. For these events, leaving a message is not acceptable. **In addition, the identified events below require additional Abuse Hotline reporting as indicated.**
  - Allegation of an incident of institutional abuse of a Delaware youth by program staff member(s) or foster/adoptive parent(s). This may include possibly physical, sexual, or emotional abuse, physical neglect, as well as failure to provide appropriate supervision. **Incidents occurring in Delaware require contacting the Delaware Hotline at 800-292-9582 and submission of a DFS Mandatory Reporting form as instructed on the form. Events occurring outside of Delaware ALSO require contracting the abuse hotline in the jurisdiction where the incident occurred.**
  - Alleged sexual assault or rape of or by a Delaware youth.
  - Child/youth death or death of a contracted program staff member while on duty or foster/adoptive parent(s)
  - Escape, AWOL, or runaway from any 24-hour residential facility, foster/adoptive care, or day treatment program. A reportable AWOL is defined by a child having left the facility/program without appropriate authorization. *See Paragraph F below for additional requirements for DYRS youth.*

- Injury, illness, or any other event which requires medical or psychiatric hospital admission beyond emergency room treatment.
  - Disturbance that has potential for harming a child or causing major program disruption such as a natural disaster, bomb threat, hostage taking, etc.
  - Abduction of youth
2. *Reportable Events for Which Voice-Mail Messages are Acceptable:* While serious, these events usually do not require immediate DSCYF action and/or intervention. For these Reportable Events involving a Delaware child, voice mail message notification is acceptable if person-to-person voice contact cannot be made with either the case worker or contract manager within 24 hours or the next regular working day. NOTE: A provider staff contact name and phone number for follow-up must be included when leaving a voice mail message.
- Arrest of an employee on criminal charges for offenses that either occurred at the program or involved any program youth
  - Communicable diseases of any child or staff in the program. Service providers in Delaware should report any communicable disease that is listed on Delaware's Division of Public Health's website: <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>. Out-of-state providers should report to DSCYF those communicable diseases that their state's public health regulatory agency requires be reported in that state.
  - Community, facility, or employee issues which may or may not relate directly to any Delaware child but could lead to media inquiries or attention (e.g., employee strike, protests about program location, etc.)
  - Contraband in the possession of or involving a Delaware child (e.g., weapons, drugs, tobacco products, or other illegal or dangerous items)
  - Infection/illness that may have been caused by conditions in the program facility
  - Injury/illness resulting in emergency room visit or requiring outside medical attention (exclude follow-up appointments)
  - Medication error / lapse. Reporting medication errors or lapses is required only by residential or service programs that administer or aid in the administration of medication.
    - Errors: Giving a child the wrong medication, the wrong dosage, or using the wrong route of administration (ie, eye-drops taken orally) are examples of medication errors.
    - Lapse: Medication can be given within the following time range--one hour prior to and up to one hour after the scheduled time for administration. A medication lapse occurs in instances when medication has not been given within one hour of the scheduled time for administration.
    - A child's refusal to take medication is not a medication error or medication lapse. A child's refusal to take medication is not a Reportable Event, but it should be documented in the child's medical chart.
  - Pattern of self-harm. Identification of a reportable pattern of self-harm is defined as being a pattern of self injurious behavior which raises the concern of a medical/clinical professional involved with the youth such that this person feels it should be communicated to an appropriate DSCYF contact person.
  - Physical restraint and indicate type: Physical, Chemical, and Mechanical. This type of event involves the use of physical force or mechanical means to temporarily limit a person's freedom of movement. Chemical restraint is the involuntary emergency administration of medication, in immediate response to a dangerous behavior. NOTE: Briefly holding a person served, without undue force, for the purpose of comforting him or her or to prevent self-injurious behavior or injury to self, or holding a person's hand or arm to safely guide him or her from one area to another is not a restraint. Separating individuals threatening to harm one another, without implementing restraints, is not considered restraint.

- Injury resulting from physical restraint  
Any injury that occurred during or as the result of a physical restraint needs to be reported. In addition, any injury which requires medical attention or any injuries which are atypical from a restraint must be called into the DFS Hotline. **Atypical injuries occurring in Delaware require contacting the Delaware Hotline at 800-292-9582 and submission of a DFS Mandatory Reporting form as instructed on the form. Atypical injuries occurring outside of Delaware ALSO require contacting the abuse hotline in the jurisdiction where the incident occurred.**
- Seclusion
- Police called for assistance with youth or youth arrested on new delinquency charges
- Removal of an employee from duty as a result of a performance issue that may affect security or child safety (i.e., intoxication or drug use while on duty, etc.)
- Suicide attempt. This event type requires specific action with the intended goal of causing the death of the youth.
- Vehicle accident involving DSCYF client (child or family member) in provider's vehicle
- Physical peer to peer aggression. This type of event is defined as any physical act (i.e., shoving, slapping, punching, kicking, etc) of intended bodily harm to another person which may or may not result in physical injury. This event also includes physical contact with an object with the same intended bodily harm of another person.

3. *Reportable Events to be Reported Only to the DSCYF Contract Manager or Program Administrator:* When no child from DSCYF is involved, the following Reportable Events shall be reported to the provider's DSCYF contract manager or program administrator no later than the next business day (voice-mail messages are acceptable) with a brief written narrative submitted within 72 hours (Note: written reports for these events do not have to be submitted on a Reportable Event Summary):

- Allegations of institutional abuse lodged against provider's staff but not involving a Delaware child
- Allegations of abuse/neglect by persons outside the agency **but associated with the contractor's program** (e.g. parent, coach, etc.), but not involving a Delaware youth.
- Arrest of provider staff for felonies involving violence against a person(s) occurring away from the program site
- Charges of DUI of a provider staff member with responsibility for transporting children

E. *Instructions and Phone Numbers for Events Requiring Person-to-Person Voice Contact:* For Reportable Events that require person-to-person voice contact, during regular business hours (8:00 a.m. to 4:30 p.m.), call the child's case worker assigned to the child or youth. If the provider staff member is unable to make person-to-person voice contact with the case worker, call the Contract or Program Administrator next. If person-to-person voice contact cannot be made with either of these individuals, then call the designated Division Emergency/After-Hours contact phone numbers.

To report a Reportable Event requiring person-to-person voice contact after regular business hours, on weekends, or holidays, call the designated Division Emergency/ After-Hours contact phone number.

**Emergency/After-Hours Contact Numbers for Events Requiring Person-to-Person-Voice Contact**

Division	Required Calls - 1. Contact parents / guardians, police, medical personnel, etc. 2. Contact Division(s) Emergency/After-Hours contact numbers
DPBHS	(800) 969-HELP (4357)
DFS	(800) 292-9582
DYRS	Emergency daytime numbers: (302) 892-6424 or (302) 633-2620 After Hours Administrative Emergency Cell Phone: (302) 353-0334

- F. Victim Notification Requiring Person-to-Person Voice Contact with Ferris School: For DYRS youth only, in addition to the case manager, contract manager, or emergency/after-hours contact person, providers must also report escapes, AWOLs, or unauthorized absences from staff secure (Level 4) or secure care (Level 5) facilities to Ferris School at (302) 993-3800 for victim notification purposes. This includes DYRS youth who fail to return from a “home pass” within one hour of the agreed-upon return time, as that constitutes an unauthorized absence.
- G. Information to be included in Initial Telephone Reporting of an Incident: The service provider staff member calling to report any reportable event should be prepared to give the following information:
1. Staff reporter’s name, job title and phone number
  2. Provider/Program name and phone number
  3. Child’s/Adolescent’s name(s) and Date(s) of Birth
  4. Date, location, and time of the event
  5. Description of event – what happened? Include who, what, how, why, and any available information such as situations existing before the incident, recent changes, attitudes, other contributing factors, etc.
  6. What steps or precautions have been taken to re-establish safety or manage the situation? If the incident involved allegations of abuse, what steps have you taken to ensure child safety?
  7. Current condition of the child(ren) now?
  8. Who has been contacted already? (Parents? Guardians? Other agencies? )
  9. Who should DSCYF contact for additional information and/or follow-up (name and phone number)?
- H. Follow-Up Requirements: Each Division has policies, procedures and requirements unique to that Division. Each event or situation is also unique. Additional communication, follow-up actions, or other special handling beyond the limits of the language and instruction provided in this section may be necessary based on the nature of the individual event, the Contractor’s situation, and the Division(s) involved. DSCYF reserves the right to request additional information and/or written follow-up reports regarding corrective actions, administrative investigations, policy or program changes, and safety plans resulting from incidents.

DSCYF Reportable Event Summary

**Making 3<sup>rd</sup> Party Report**

**Revised Event Summary**

<b>Last Name</b>		<b>First Name</b>		<b>Middle Initial</b>	<b>Date of Birth</b>
<b>Date of Event</b>	<b>Time of Event</b>	<b>Location of Event</b>			
<b>Provider Name</b>			<b>Type of Service</b>		<b>Admission Date</b>
<b>Provider Address:</b>		<i>Street</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
					<b>Provider Phone #</b>

<b>1<sup>st</sup></b>	<b>3<sup>rd</sup></b>	<b>EVENT TYPE</b> <i>(Check all that apply)</i>
<i>Hand or Party</i>		
<b>Events requiring person-to-person voice contact.</b>		
1.	<input type="checkbox"/>	<input type="checkbox"/> Allegation of institutional abuse of a Delaware child by program staff member or foster/adoptive parent(s)
2.	<input type="checkbox"/>	<input type="checkbox"/> Alleged sexual assault or rape of or by a Delaware child
3.	<input type="checkbox"/>	<input type="checkbox"/> Child/youth death or death of a program member staff while on duty or foster/adoptive parent(s)
4.	<input type="checkbox"/>	<input type="checkbox"/> Escape, AWOL or runaway from any 24-hour facility, foster/adoptive care, or day treatment program
5.	<input type="checkbox"/>	<input type="checkbox"/> Injury, illness or event requiring medical or psychiatric hospital <u>admission</u> beyond emergency room
6.	<input type="checkbox"/>	<input type="checkbox"/> Disturbance that has the potential for harming a child or causing major program disruption such as a natural disaster, bomb threat, hostage taking, etc.
7.	<input type="checkbox"/>	<input type="checkbox"/> Abduction of youth
<b>Events for which voice mail messages are acceptable.</b>		
8.	<input type="checkbox"/>	Arrest of an employee for criminal offenses occurring at the program site or involving a Delaware child
9.	<input type="checkbox"/>	Communicable disease of any child or staff in program (e.g., tuberculosis, hepatitis, meningitis)
10.	<input type="checkbox"/>	Community, facility or employee issues which may or may not relate directly to any Delaware child but could lead to media attention or inquiries (e.g., employee strike, protests about program location)
11.	<input type="checkbox"/>	Contraband (e.g., weapons, drugs, and other illegal or dangerous items)
12.	<input type="checkbox"/>	Infection/illness that may have been caused by conditions in the program facility
13.	<input type="checkbox"/>	Injury or illness that results in emergency room visit or requires outside medical attention (exclude follow-up appts)
14.	<input type="checkbox"/>	Medication error/lapse
15.	<input type="checkbox"/>	Pattern of self harm
16.	<input type="checkbox"/>	Police called for assistance with youth or youth arrested on new delinquency charges
17.	<input type="checkbox"/>	Removal of employee from duty as a result of a performance issue that may affect security or child safety (i.e., intoxication or drug use while on duty, etc.)
18.	<input type="checkbox"/>	Restraint (specify type of restraint) <input type="checkbox"/> Physical <input type="checkbox"/> Chemical <input type="checkbox"/> Mechanical
19.	<input type="checkbox"/>	Injury resulting from physical restraint
20.	<input type="checkbox"/>	Seclusion
21.	<input type="checkbox"/>	<input type="checkbox"/> Suicide attempt
22.	<input type="checkbox"/>	Vehicle accident involving DSCYF client (child or family member) in a provider vehicle
23.	<input type="checkbox"/>	Physical peer to peer aggression
<b>Events to be reported to the DSCYF Contract Manager or Program Administrator only.</b>		
24.	<input type="checkbox"/>	Allegation of institutional abuse lodged against provider's staff but not involving a Delaware child
24.	<input type="checkbox"/>	<input type="checkbox"/> Allegation of abuse/neglect by persons outside the agency (parent, coach, etc) but associated with the contractor's program
26.	<input type="checkbox"/>	Arrest of provider staff for violent felonies against person(s) occurring away from the program site
27.	<input type="checkbox"/>	Charges of DUI of a provider staff member with responsibility for transporting children



**Description of Event: Person(s) involved, situation preceding the event, action taken, outcome:**

**Steps taken to evaluate or treat the child and assure child safety:**

**If reporting restraint or Seclusion:**  
 Start Time:                      End Time:

---

**What are the implications of the event for change in the child's treatment or case plan?**

---

**What are the implications of the event for program or policy change(s)?**

---

**Did event prompt a staff retraining?**  
 Yes                       No (Explain below)

---

**Is this an event that has or will be reported to the program's licensing agency or accrediting body?**  
 Yes                       No (Explain below)

---

**If abuse or neglect by staff is alleged, has involved staff been removed from the direct child care setting?**  
 Yes                       No (Explain below)

NOTIFICATION RECORD				
CONTACT CATEGORY	NAME	CONTACT (Y / N)	DATE	TIME
Child/Client (for medication error)				
Parent/Guardian				
Foster/Adoptive Parent(s)				
DSCYF Case Manager				
DSCYF Program Administrator or Contract Manager				
DE Abuse Hotline				
DE Office of Child Care Licensing				
Child Protection Agency (other state)				
Police				
Other				

Other				
<b>MOST RECENT CHILD/FAMILY CONTACT INFORMATION</b>				
<b>For events involving a child(ren) occurring in a <u>non-residential service or program</u> only, give the date and description of the provider's most recent contact with the child(ren) prior to this Reportable Event.</b>				
<b>Date of last contact</b>	<b>Time of contact</b>	<b>Person who made the contact</b>	<b>How was the contact made?</b>	
<b>Description of contact:</b>				
<b>PERSON COMPLETING FORM</b>				
<b>I understand that DSCYF has the option of requesting additional and/or periodic written follow-up information regarding corrective actions, administrative investigations, policy or program changes, and/or a written Plan of Safety as a result of this Reportable Event.</b>				
<b>I affirm and attest that all information provided is complete and accurate to the best of my knowledge.</b>				
<b>Printed Name</b>		<b>Title</b>		
<b>Email Address</b> <i>(e-mail address where confirmation of receipt will be sent if submitting electronically)</i>				
<b>Signature</b> <i>(required if NOT submitting electronically)</i>			<b>Date Report Completed</b>	<b>Time Report Completed</b>
<b>Indicate contact person for additional information if different from above.</b>				
Name:	Title:	Phone Number:		

# **DELAWARE DSCYF REPORTABLE EVENTS & NOTIFICATION PROCEDURES**

## **Events Requiring Person-to Person Voice Contact within 4 Hours (No Voice-Mail) (all 3<sup>rd</sup> Party Reportable)**

- Allegation of institutional abuse of a Delaware child by program staff member or foster/adoptive parent(s)
- Alleged sexual assault or rape of or by a Delaware youth
- Child/youth death or death of program staff member (while on duty) or foster/adoptive parent(s)
- Escape, AWOL, or runaway from 24-hour facility, foster/adoptive care, day treatment-*\*See NOTE Below*
- Injury, illness, or event requiring medical or psychiatric hospital admission beyond ER
- Disturbance that has potential for harming a child or causing major program disruption such as a natural disaster, bomb threat, hostage taking, etc.
- Abduction of youth

## **Events Requiring Contact within 24 Hours (Voice-Mail Acceptable)**

- Arrest of employee for criminal offenses at program or involving Delaware child
- Community, facility, or employee issues which could lead to media attention
- Infection/illness that may have been caused by conditions in the program facility
- Police called for assistance or youth arrested on new delinquency charges
- Removal of employee from duty for issue affecting child security/safety
  - Physical Restraint
  - Seclusion
  - Contraband (weapons, drugs, etc.)
  - Suicide Attempt (3<sup>rd</sup> Party Reportable)
  - Medication error/lapse
  - Physical peer to peer aggression
  - Injury resulting from physical restraint
  - Accident with client in provider's vehicle
  - Pattern of self-harm
  - Injury/illness requiring ER/medical attention
  - Communicable diseases (e.g., tuberculosis, hepatitis, meningitis)

## **Events to be reported to the DSCYF Contract Manager or Program Administrator only.**

- Allegation of institutional abuse lodged against provider's staff but not involving a Delaware child
- Allegation of abuse/neglect by persons outside the agency (parent, coach, etc.) (3<sup>rd</sup> Party Reportable)
- Arrest of provider staff for violent felonies against person(s) occurring away from the program site
- Charges of DUI of a provider staff member with responsibility for transporting children

## **Phone Contact Information**

*Division of Family Services*-At any time on any day of the year, call **(800) 292-9582**

## **During Regular Business Hours**

*Prevention & Behavioral Health Services & Youth Rehabilitative Services*-call case or contact manager or Emergency/After-Hours contact phone numbers (*need to reach only one*)

## **After-Hours/Weekends/Holidays**

*Prevention & Behavioral Health Services*-(800) 969-HELP (4357)

*Youth Rehabilitative Services*-Emergency Daytime: (302) 892-6424 or (302) 633-2620

After-Hours/Weekends/Holidays--call Administrative Cell Phone: (302) 353-0334

**\*NOTE:** You must **also** call Ferris School at (302) 993-3800 to report DYRS youth AWOLs, escapes, or failure to return from "home pass" within 1-hour for victim notification.

## **Information to be Included in Initial Telephone Notification:**

- Reporting person's name, job title, phone number
- Provider/Program name, location, phone number
- Child's/Youth's name(s) and Date(s) of Birth
- Location, date, and time of Reportable Event
- What happened? Include who, what, how, & why
- If abuse alleged, what steps have been taken to insure safety?
- What is the condition of the child at this time?
- Who has been contacted? (Parents? Guardians? Agencies?)
- Contact for additional information/follow-up & phone number

**Reminder:** Typed report using format in Operating Guidelines required within 72 hours of Reportable Event.

## **X. DOCUMENTATION AND REPORTING REQUIREMENTS**

Providers will submit the minimal data set required for maintenance of the Department's electronic case management client data system. Providers will also submit reasonably required data for child outcome studies and program evaluation concerning the providers' program and children/ youth served under this contract.

## **XI. CHILD/CASE RECORDS MAINTENANCE**

- A. **Child/Case Records:** Providers will keep an individual record appropriate for the level of service provided for each child that will contain at minimum:
- Customary demographic information such as legal name, date of birth, address, telephone contacts including parents, case managers as applicable, start and end dates of service
  - Critical child information such as allergies, medical conditions, and dietary restrictions as applicable
  - Emergency contact information
  - Dated and signed documentation of all services provided within service setting which may include but are not limited to: child assessments, initial and updated treatment/service plans, progress notes, milieu notes, contact notes (case management), discharge summaries, details of emergency events, and use of special procedures as required by regulatory bodies. *Undocumented services are considered not to have been rendered.*
- B. **Storage, Retention, and Ownership:** The Provider will have policies and procedures to assure that written, electronic and other records containing "non-public" child/case information are accessible only by individuals who have a right to the information.
- Alteration: The Provider will have procedures to control how and under what circumstances records may be altered.
  - Retention: Record retention will comply with requirements outlined in the contract.
  - Program Closing: If a provider's program, which is fully-funded by the Department and exclusively serves DSCYF children, closes, the provider shall return all child/case records to the Department.
- C. **Non-Public Data Security**  
Loss or theft of an unencrypted device containing "non-public" sensitive data is generally considered to be a data "breach" and could have undesirable consequences. Password "protection" alone can be easily bypassed and is not capable of protecting such sensitive data from unauthorized disclosure.

For providers who store "non-public data" or otherwise confidential information, this data shall be encrypted at rest. The provider shall use encryption that is consistent with validated cryptography standards as specified in National Institute of Standard and Technology FIPS140-2, Security Requirements.

Theft or loss of devices or files containing sensitive data are generally not considered a data breach if they were encrypted using appropriate tools. The State currently recommends using encryption tools, many of which are free, that conform to Federal Information Processing Standard Publication 197, Advanced Encryption Standard. Examples can be found here: <http://csrc.nist.gov/groups/STM/cavp/documents/aes/aesval.html>

D. Cyber Security Insurance

When the provider cannot offer encryption at rest, the provider must maintain, for the duration of the contract, cyber security liability insurance coverage for any loss resulting from a data breach. The insurance policy shall comply with the requirements outlined in State of Delaware's Department of Technology & Information Policy SE-CLD-001 page 3 found here: <http://dti.delaware.gov/pdfs/pp/CloudandOffsiteHostingPolicy.pdf>

E. Destruction of "Non-Public" Data

Destruction of all "non-public" data and/or media storage containing "non-public" data must be completed in compliance Delaware's Department of Technology and Information Policy found here: <http://dti.delaware.gov/pdfs/pp/DisposalOfElectronicEquipmentAndStorageMedia.pdf>

F. Reporting the loss or theft of "Non-Public" Data

In the event a contracted provided experiences the loss or theft of a "non-public" data it must be reported to the Department Contract Administrator as soon as it is discovered.

G. Breach Notification and Recovery

Delaware Code requires public breach notification when citizen's personally identifiable information is lost or stolen see 6 Del. C. § 12B-102 found here: <http://delcode.delaware.gov/title6/c012b/index.shtml>.

Additionally, unauthorized access or disclosure of non-public data is considered to be a breach. The provider will provide notification without unreasonable delay and all communication shall be coordinated with the State of Delaware. When the provider or their sub-contractors are liable for the loss, the provider shall bear all the costs associated with the investigation, response and recovery from the breach, for example: 3-year credit monitoring services, mailing costs, website, and toll free telephone call center services. The State of Delaware shall not agree to any limitation on liability that relieves a provider from its own negligence or to the extent that it creates an obligation on the part of the State to hold a provider harmless.

## **XII. PERFORMANCE EXPECTATIONS**

A. The Department requires child-centered performance measures that support DSCYF's goals of safety and positive program outcomes for children and youth in contracted provider services. Generic examples of child outcome performance measures include:

- Eighty percent (80%) of the children will successfully complete and be discharged from a provider's services within the designated (expected) length of service or stay for the program or service.
- Eighty percent (80%) of the children in the program will make progress on at least 75% of the goals established in their treatment or service plans while in the provider's services.
- Eighty percent (80%) of children will increase their scores by at least 25% from pre- to post-test on instruments used by the provider to monitor progress on improving specified child or youth behaviors.

- No more than twenty percent (20%) of children completing a contracted service/ program will require additional service(s) at the same or greater level of intensity or restrictiveness within specified time period (generally 6 or 12 months) following service or program discharge..
- B. Contracted services that provide prevention or community-oriented programs that do not maintain individual client records should have relevant program outcome measures that are appropriate for the population targeted by the services in the contract.
- C. The Department expects contracted providers to be responsive to expectations related to the timeliness of service activities and reporting activities. These performance measures are designated as “contract deliverables” as opposed to measures of “child outcome performance measures.” Generic examples of “contract deliverables” (service delivery process measures) include:
- Ninety-five percent (95%) of individual initial treatment or service plans will be completed within the timeframe established by the contract.
  - Ninety-five percent (95%) of individual case reviews will be completed within the timeframe established by the contract.
  - Ninety-five percent (95%) of required periodic reports will be received within the timeframe established by the contract.
  - Ninety-five percent (95%) of periodic reports received will be accurate and complete.

NOTE: Percentages for outcome and “contract deliverable” performance measure targets should be set at a level appropriate for each provider’s services and circumstances.

### **XIII. USEFUL WEBSITES**

DFS Child Abuse/Neglect Mandatory Reporting Form  
[http://kids.delaware.gov/fs/fs\\_iseethesigns.shtml](http://kids.delaware.gov/fs/fs_iseethesigns.shtml)

Division of Aging/Caregiver Medical Authorization  
<http://www.dhss.delaware.gov/dhss/dsaapd/caregive.html>

DSCYF Policies <http://www.kids.delaware.gov/information/policy.shtml>

Office of Child Care Licensing (OCCL): [www.kids.delaware.gov](http://www.kids.delaware.gov) click on “Child Care Licensing”

Operating Guidelines for Contracted Children and Family Programs and Service, Reportable Event Summary, 1-page Reportable Event Poster for Provider Staff and Transfer Instruction Sheet  
[www.kids.delaware.gov](http://www.kids.delaware.gov) Click on “Contracts/RFPs/Reporting” under Information.

Request for Proposal (RFP) Website: [www.bids.delaware.gov](http://www.bids.delaware.gov)