



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

September 21, 2012

ALL COUNTY INFORMATION NOTICE NO. I-45-12

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES
PROGRAM MANAGERS

SUBJECT: CHILD FATALITY REPORTING AND DISCLOSURE – REVIEW OF
CHILD DEATHS

REFERENCE: PUBLIC LAW SECTION [111-320](#); TITLE 42 UNITED STATES CODE
SECTIONS [5106a\(b\)\(2\)\(B\)\(viii\)](#) AND [5106a\(b\)\(2\)\(B\)\(x\)](#); PENAL CODE
SECTION [11174.32\(a\)](#); WELFARE AND INSTITUTIONS CODE
SECTION [10850.4](#).

The purpose of this All County Information Notice (ACIN) is to encourage all county Child Welfare Services (CWS) agencies whenever possible to: 1) review cases of child deaths that are determined to be the result of abuse and/or neglect in which the child/family was known to and/or received services from the county CWS agency, or had prior CWS history, 2) annually reconcile the CWS agency’s child death information with data from other entities that review child deaths, such as county child death review teams (CDRT), and 3) participate in meetings of local CDRTs when the opportunity is available.

Background

In California, federal and state statutes govern the reporting requirements and disclosure of information related to child fatalities that are determined to be the result of abuse and/or neglect.

Federal law – the [Child Abuse Prevention and Treatment Act](#) (CAPTA), signed into law in 1974, is one of the key pieces of federal legislation that guides child welfare services and was most recently reauthorized in the CAPTA Reauthorization Act of 2010 ([Public Law 111-320](#)). CAPTA requires states to prescribe state laws that allow for the public disclosure of “findings or information” about cases of child abuse and/or neglect that

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

result in fatalities(42 USC § 5106a(b)(2)(B)(x)) while preserving the confidentiality of all child abuse and neglect reports and records in order to protect the rights of the child and the child's parent(s) or guardian(s) (42 USC § 5106a(b)(2)(B)(viii)).

California Law – [Senate Bill \(SB\) 39](#) (Chapter 468, Statutes of 2007) added section [10850.4](#) to the Welfare and Institutions Code (W&IC), and specifically requires 1) that county CWS agencies report to the California Department of Social Services (CDSS) specified child fatality information when the death is determined to be the result of abuse and/or neglect; and, 2) that the custodian of records for the county child welfare agency release specified child fatality information to the public.

These laws emphasize the importance of ensuring that when a child dies as the result of abuse and/or neglect that the CWS agency report the death to CDSS, and that specified information is made available to the public. The CDSS recognizes that there may be limited instances where a CWS agency does not become aware of a fatality that is the result of abuse and/or neglect due to the failure of another agency to cross report the death, and as a result the incident may not be reported to CDSS. Unfortunately, this results in a missed opportunity for the State to acquire and analyze valuable information about these deaths, and compromises the data available to help shape future statewide policy and practice. Child fatality reviews may provide an opportunity for the local CWS agency to learn about local systemic issues needing improvement, and may assist in shaping local CWS policy and practice. As a result, the CDSS has developed the following best practice recommendations to address these issues.

Review of Child Deaths as Best Practice

Many counties currently conduct internal reviews of child fatality cases that were determined to be the result of abuse and/or neglect, and where the child/family was known to and/or received services from the county CWS agency. These reviews can be beneficial to the county CWS agency by providing information that may illustrate systemic issues or patterns that indicate areas needing improvement. Because of the benefits that internal child death reviews can provide, CDSS agrees with this approach and encourages county CWS agencies to consistently conduct reviews. The county CWS agency may consider using the information gleaned from the reviews to make necessary changes and to inform their county self assessment. Once a review is completed, the county CWS agency may find value in concluding the review with a discussion of how to prevent a similar death in the future, and each review may benefit the county CWS agency through identification of:

- Significant risk factors and trends in child deaths.
- Effective prevention strategies, leading to recommendations and actions to prevent deaths, keeping children healthy, safe and protected.

- Ways the CWS agency may better conduct and coordinate investigations and resources.
- Any specific barriers and/or systemic issues involved in the deaths of children.
- Improvements to policies and practices that may better protect children from harm.

Annual Reconciliation of Child Death Data as Best Practice

In addition to an internal review of the case file information related to the child who has died, county CWS agencies may glean valuable information from other agencies/teams that are tasked with reviewing child fatality information, such as local CDRTs. Statute ([W&IC section 10850.4](#)) requires county CWS agencies, when they learn of a child fatality that was the result of abuse and/or neglect, to report the death to CDSS. However, if a child's death is not reported to the county CWS agency, or if another county agency, such as law enforcement (LE) or the coroner, does not cross-report the child's death, the county CWS agency may not otherwise learn of the death and will be hindered in meeting its requirement to report all such deaths of which it is aware.

In order for county CWS agencies to be further informed of child deaths that were the result of abuse and/or neglect, CDSS recommends that county CWS agencies annually reconcile their child fatality information against other reliable sources of information on child deaths, such as county CDRTs, and/or LE. This will ensure that child fatalities resulting from abuse and/or neglect, which may not have been previously reported and/or cross-reported, are brought to the attention of the county CWS agency. Annual reconciliation can benefit the county CWS agency by:

- Ensuring the accurate identification and uniform, consistent reporting of the cause and manner of every child fatality that is determined to be the result of abuse and/or neglect.
- Providing more complete information which may help to identify cause and manner of such deaths.
- Improving interagency communication and linkages to enhance coordination of efforts and facilitation of the reconciliation process.
- Facilitating valuable cross-discipline learning and strategizing.

Attending Local CDRT Meetings as Best Practice

Counties may establish CDRTs according to [Penal Code section 11174.32\(a\)](#), in order to assist local agencies in identifying and reviewing suspicious child deaths and to facilitate communication among the various persons and agencies involved in child abuse or neglect cases. The statute notes that "interagency CDRTs have been used successfully to ensure that incidents of child abuse or neglect are recognized and other

siblings and non-offending family members receive the appropriate services in cases where a child has expired.”

The local CDRT meetings provide an excellent opportunity for CWS agencies to participate in an interdisciplinary discussion of those child deaths which may have been the result of abuse and/or neglect as well as to learn about community prevention needs. Additionally, CDRTs provide a means for the agencies involved (CWS, LE, coroner/medical examiner, and/or others) to ensure that they are informed of all child fatalities that are determined to be the result of abuse and/or neglect. In counties that have established CDRTs, county CWS agencies are encouraged to participate in CDRT meetings. Additionally, it is recommended that any county CWS agency staff members attending CDRT meetings are adequately trained and knowledgeable of the policies and procedures regarding child fatality reporting and disclosure requirements so they can share relevant information learned at these team meetings with the CWS agency.

Further clarification regarding child fatality and near fatality reporting, disclosure, and data entry requirements will be provided in upcoming all-county letters.

If you have any questions, please contact the Child Welfare Policy and Program Development Bureau at (916) 651-6160.

Sincerely,

Original Document Signed By:

KEVIN GAINES, Chief
Child Protection and Family Support Branch