

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**REASON FOR THIS TRANSMITTAL**

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

June 21, 2004

ALL COUNTY INFORMATION NOTICE NO. I-42-04

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NEW FEDERAL REQUIREMENTS

The purpose of notification is to inform counties of new federal statutory changes. On June 25, 2003, Public Law 108-36, the Keeping Children and Families Safe Act of 2003, was signed by the President. Provisions of this law reauthorized and amended the Child Abuse Prevention and Treatment Act (CAPTA).

Public Law 108-36 contains eleven new or substantially revised assurances with which California must comply by June 25, 2004, in order to receive approximately \$2.4 million in CAPTA funding for FFY 2005. Among these assurances are two that require each State to certify that it has:

- Provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant and
- Provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment.

The purpose of this law is to ensure that CPS workers are aware of both the law and their legal limitations and that they protect the rights of families that are served during investigation and intervention while protecting the identity of the informant.

The new Federal language is consistent with the California's continued protection of the confidentiality of individual making a child abuse and/or neglect report. In addition, Counties should continue to be careful not to compromise their own investigations or concurrent criminal investigations that may lead to criminal charges against a perpetrator of serious child maltreatment. The California Department of Social Services (CDSS) will be providing an operational definition to terms contained in the new law and to determine what constitutes an advisement. The Federal guidance provided indicates that the advisement does not call for "Miranda" type warnings as are required by police to be given to criminal suspects. CDSS will be working with the Regional Training Academies to amend the Core Curriculum to address the training requirements.

More detailed information on these two assurances can be accessed through the website of the Administration for Children and Families at <http://www.acf.hhs.gov/programs/cb/initiatives/capta/legalissues.htm>

Questions that you have regarding this letter may be addressed to Susan Nisenbaum, Chief of the Office of Child Abuse Prevention at susan.nisenbaum@dss.ca.gov.

Sincerely,

Patricia Aguiar, Chief
Child Protection and Family Support Branch