

DEPARTMENT OF SOCIAL SERVICES

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April 1, 1985

ALL-COUNTY LETTER NO. 85-39

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS
ALL COUNTY PROBATION DEPARTMENTS

SUBJECT: RESPONSE TO REFERRALS FROM FAMILY PLANNING AGENCIES

Beginning in May, the Department of Health Services, Office of Family Planning will be providing training to local family planning agencies statewide to provide information related to their reporting responsibilities under child abuse reporting requirements for children who seek family planning services.

The training, "Sexual Abuse, Identification and Referral Training" will include family planning agencies' responsibilities as set forth in the Penal Code and interpreted in the Attorney General's Opinion No. 83-911 (OAG 83-911) for reporting to child protection agencies regarding children who seek family planning services. OAG 83-911 concludes, based on review of several sections of the Penal Code, that:

"The obligation of a medical practitioner or a nonmedical practitioner, as defined in the Child Abuse Reporting Law, to make a report to a child protective agency arises when such person in his or her professional capacity has knowledge of or observes a child who he or she knows or reasonably suspects has been the victim of child abuse. A report is required when a child under age 14 receives medical attention for a sexually transmitted disease, for pregnancy or for abortion. A report is required when a child age 14 or older receives such attention if additional facts point to child abuse."

As a result of OAG 83-911 and the training to be provided, county welfare departments (CWDs) may begin to receive an increasing number of referrals/reports from family planning agencies. The purpose of this letter is to review the responsibilities of CWDs for responding in these instances.

When any report alleging abuse, neglect or exploitation of a child is received, the CWD is required by statute, Penal Code Section 11165 et seq. and Welfare and Institutions Code (WIC) Section 16504 to respond. The in-person response mandated by MPP 30-132.3 and .31 shall determine whether or not the child is described in WIC Section 300. If the initial evaluation determines that Child Welfare Services (CWS) are indicated, CWD shall take the appropriate

actions to provide them. If the initial evaluation determines that CWS are not indicated, CWD may refer the child/family to another public or private agency for services as appropriate. CWDs shall cross report in all reports of abuse as required in Penal Code, Section 11166(g).

If you have questions, please contact your Adult and Family Services Program Operations Consultant at (916) 322-6671 or ATSS 492-6671.



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