

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 31, 1987

ALL-COUNTY LETTER No. 87-168

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: EMERGENCY REGULATIONS (SB 1219) AND CASE DEFINITIONS

REFERENCE: ALL COUNTY LETTER 87-62

The purpose of this All-County Letter (ACL) is to provide Counties with copies of Emergency Regulations filed with the Office of Administrative Law to implement Senate Bill (SB) 1219 (Chapter 1459, Statutes of 1987) and corresponding changes to the definitions of case for Child Welfare Services (CWS) which were transmitted in ACL 87-62. The regulations and revised definitions became effective January 1, 1988. This letter updates and supersedes ACL 87-62.

The Department, working with the County Welfare Directors' Association (CWDA), developed the Emergency Regulations to implement changes made by SB 1219 to Welfare and Institutions Code (WIC) Sections 16501.1 and 16504. Statute has been amended to mandate that an in-person response is to be made immediately when a child is in imminent danger and within 10 days to all other emergency response (ER) referrals. Amendments also provide that an in-person response is not required when an assessment determines that an in-person response to an ER referral is not appropriate. The assessment is defined as including collateral contacts, a review of previous referrals and other relevant information as indicated.

The lengthy time frame for normal processing of regulations to implement the provisions of SB 1219 would potentially place children at risk during periods when, under existing regulations, large numbers of ER referrals are received and County Welfare Departments' (CWDs') limited staff resources are committed to in-person response to all ER referrals in mandated time frames. Implementation of Emergency Regulations on January 1, 1988 when SB 1219 became effective allows reallocation of CWD staff to focus attention on those ER referrals that require timely response where the health and safety of a child is potentially at greatest risk.

The DEFINITIONS OF CASE FOR CWS programs as defined in ACL 87-62 have been expanded to reflect documentation necessary to describe the activities involved in conducting an assessment on a ER referral for CWS to determine whether or not an in-person response is appropriate and activities necessary when an in-person response is completed or attempted. The CWS case definitions will not be included in the Emergency Regulations to implement SB 1219 but will be finalized as part of a CWS clean-up package which the Department and County Welfare Directors' Association (CWDA) have cooperatively developed during the past year and which will be developed via the standard regulatory process.

If you have any questions, please contact your Adult and Family Services Operations Consultant at (916) 445-0623 or ATSS 485-0623.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services

Attachment

cc: CWDA

Amend MPP Section 30-132 to read:

30-132 RESPONSE TO REFERRALS

30-132

- .1 The county welfare department shall respond to the following:
  - .11 All law enforcement agency referrals requests for emergency response services.
  - .12 Any other requests or referrals for service which allege that a child is endangered by abuse, neglect or exploitation.
- .2 Emergency response staff shall immediately review all requests or referrals to determine the time frame within which initial response is required as specified in #21 through #23 below

Emergency response staff shall immediately assess all referrals to determine whether an in-person response is required.

- .21 Response shall be made immediately under either of the following circumstances:

The decision whether or not to make an in-person response shall be based on an assessment which shall include collateral contacts, a review of previous referrals and other relevant information to the extent such information or measures are necessary to conduct an assessment.

- .211 \* law enforcement agency requests emergency responder unless the situation described meets the definition of "general neglect" specified in Penal Code Section 22165(c)(2)

This assessment shall include, but not be limited to, consideration of the following factors:

- (a) This statute defines "general neglect" as follows

The information provided in the referral describes a situation as defined in 30-002(a), (i), and (s).

- (i) The negligent failure of a person having care or custody of a child to

provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred.

(b) When the alleged incident of abuse occurred.

(c) Credibility of reporter.

(d) Relationship and access of alleged perpetrator to the child.

(e) History and disposition of prior referrals.

¶212 The request or referral indicates the existence of a situation which is likely to imminently cause physical pain, injury, disability, severe emotional harm or death of a child.

¶22 Response shall be made within three calendar days under either of the following circumstances:

¶221 A law enforcement agency requests response on a nonemergency basis, unless the situation meets the definition of "general neglect" as defined in Penal Code Section 11165(c)(2).

¶222 The request or referral involves any type of abuse, neglect, or exploitation not specified in ¶21 above or ¶23 below.

¶23 Response shall be made within ten calendar days to requests or referrals involving an allegation of only "general neglect" as defined in Penal Code Section 11165(c)(2).

3 Upon the county welfare department's receipt of a request or referral, a social worker skilled in emergency response shall have immediate face-to-face contact with all children and available parents/guardians in situations requiring immediate response.

An in-person response shall be made immediately under either of the following circumstances:

31 Such face-to-face contact shall be made within three calendar days in situations specified in ¶22 through ¶222 above and within ten calendar days in situations involving allegations of "general neglect."

30-002 Definitions (Continued)

(e)(1) "CASE", for Child Welfare Services programs, means the following:

(A) EMERGENCY RESPONSE ASSESSMENT CASE means the documented activities of the county welfare department emergency response social worker necessary to complete an assessment to determine whether or not an in-person response is appropriate. The assessment shall include, but not be limited to, those activities specified in MPP 30-132.2.

(B) EMERGENCY RESPONSE, IN-PERSON RESPONSE CASE means the documented activities of the county welfare department emergency response social worker, based on the assessment as specified in section 30-132.2 which determined that an in-person response is appropriate, who has either:

(1) completed an in-person response as specified in section 30-132, including an initial evaluation as specified in section 30-134 which determined that no additional Child Welfare Services are required and no further action is necessary; or,

(2) attempted an in-person response which includes activities associated with identifying and/or locating the whereabouts of the child and/or parents, even when such efforts are unsuccessful and no in-person contact can be made and the case is closed.

(C) EMERGENCY RESPONSE SERVICES CASE means the documented activities of the county welfare department emergency response social worker, who based on an assessment pursuant to section 30-132.2 which determined an in-person response was appropriate, has completed an in-person response and conducted an initial evaluation as specified in section 30-134; determined that additional Child Welfare Services as defined in Welfare and Institutions Code Section 16500 et seq. are required; and prepared an assessment and services plan as specified in sections 30-142 and 30-144.

(D) FAMILY MAINTENANCE, FAMILY REUNIFICATION, or PERMANENT PLACEMENT CASE means an assessment and service plan have been or are being completed as specified in sections 30-232, 30-234, 30-332, 30-334, 30-432, or 30-434 which identifies the need for Child Welfare Services. A case for purposes of meeting the time limits specified in sections 30-234, 30-334, or 30-434 begins when a first level supervisor approves the transfer of case management services responsibilities to one of the above mentioned programs.

A law enforcement agency refers a minor who is at immediate risk of abuse, neglect or exploitation.

.32 The referral indicates the existence of a situation which is likely to imminently cause physical pain, injury, disability, severe emotional harm or death to a child.

.4 Upon the county welfare department's receipt of a referral that is assessed to require an immediate in-person response, a social worker skilled in emergency response shall have immediate in-person contact with all children and available parent(s)/guardian(s) in situations requiring immediate response.

.41 If all of the following circumstances exist and are documented in the Emergency Response, In-Person Response Case, the decision to contact any additional children in the family who are not present at the time of the initial response shall be at the discretion of the county welfare department:

.411 The county welfare department emergency response social worker has had in-person contact with the child(ren) alleged to be abused, neglected, or exploited and all other children present at the time of the social worker's response.

.412 The county welfare department emergency response social worker has had in-person contact with the parent(s)/guardian(s) available at the time of the response.

.413 The county welfare department social worker has made the necessary collateral contacts.

.5 All other in-person responses shall be made within ten calendar days.

.6 No response is required to a cross-report from a law enforcement agency if the law enforcement agency has investigated and determined that there is no indication of abuse or neglect by a member of the child's household.

.47 (Continued)

.58 (Continued)

Authority Cited: Sections 10553 and 10554 of the Welfare and  
Institution Code.

Reference: Sections 16501.1 and 16504 of the Welfare and  
Institutions Code.