

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

## ITEM # 1 SB 39, Child Fatality Reporting and Disclosure Requirements

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held March 18, 2009, as follows:

March 18, 2009  
Office Building # 8  
744 P St., Room 105  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 18, 2009.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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California Department of Social Services  
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## CHAPTERS

Manual of Policies and Procedures, Division 31 (Child Welfare Services Program), Chapter 31-000 (General Requirements), Section 31-002 (Definitions) and Section 31-003 (Definitions – Forms) and Chapter 31-500 (Special Requirements), Section 31-502 (Child Fatality Reporting and Disclosure Requirements)

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, in the Manual of Policies and Procedures, Chapter 31-500 outlines in regulations, special requirements for child welfare services. The disclosure requirements for child fatalities resulting from abuse and/or neglect do not exist within Division 31. Section 31-502 is being adopted to include reporting and disclosure requirements at different instances of learning about the child fatalities and when a determination has been made that the fatality occurred as a result of abuse and/or neglect. Further, this section provides specific information that must be released within a child's case record and the specified timeframes.

Senate Bill 39, Chapter 468, Statutes of 2007, requires child welfare agencies to notify the CDSS of any child fatality that results from abuse and/or neglect. Welfare and Institutions Code Section 10850.4 specifies pertinent information that must be released from a child's case record per public request. This statute also stipulates that the CDSS will issue emergency regulations that adopt the reporting and disclosure requirements and procedures, which are to be implemented by January 1, 2009.

Section 31-002(c)(5) defines a child's case record, which includes all information from emergency response services through permanent placement services. Additional information is included to update the definition of a child's case record to capture both paper and electronic formatting and additional court documents, which are all inclusive of what exists within a child's case record.

Section 31-002(r)(7) defines a risk assessment, which may be released pursuant to the addition of Welfare and Institutions Code Section 10850.4. The addition of this definition provides clarification on documents that must be released by the county child welfare agencies if they exist within a child's case record.

Section 31-002(s)(1) defines a safety assessment, which may be released pursuant to the addition of Welfare and Institutions Code Section 10850.4. The addition of this definition provides clarification on documents that must be released by the county child welfare agencies if they exist within a child's case record.

Section 31-003(s)(1) defines CDSS' specific form that counties must use when reporting child fatalities to CDSS. The addition of this section provides counties with clarification regarding the most current form that is accepted by CDSS for purposes of child fatality reporting compliance.

## COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

## LOCAL MANDATE STATEMENT

Although these regulations do impose a mandate on local county child welfare agencies to respond to public requests for information, this will not create any additional costs for the local county child welfare agencies.

At this time, the CDSS is responsible for compiling all of the data received from counties relating to child abuse and neglect cases that result in a fatality. This information is prepared annually for submission to the Federal Region IX office via the Annual Progress and Services Report. An additional report is now required in collaboration with the County Welfare Director's Association (CWDA) due to the statute authorizing these regulations; however, the CDSS will not incur any additional costs as a result of these regulations.

## STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

## ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

## STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Subject regulations implement and make specific Section 827, Welfare and Institutions Code; Penal Code Sections 11165.12, 11166, and 11169; 42 U.S.C. 5106 (The Child Abuse Prevention and Treatment Act); 45 CFR 1340.15(b), and Rule 5.552 of the California Rules of Court.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements concerning these regulations, the comments will be considered at public hearing in accordance with Government Code Section 11346.4.