

UPDATED INFORMATIVE DIGEST

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.

These regulations were considered as Item #1 at the public hearing held on March 18, 2009 in Sacramento, California. Oral testimony was given by National Center for Youth Law. Written testimony was received from the National Center for Youth Law and Disability Rights California during the 45-day comment period from January 30, 2009 through March 18, 2009

As a result of testimony and at the Department's discretion, the following changes have been made:

In Section 31-003(s)(1), a technical correction was made to reflect the newest revision date of the SOC 826 form.

In Section 31-502.1, the information was deleted and Sections 31-502.11, .112, and .112(a) were combined to make a revised Section 31-502.1. The words "caused by" were changed to "a result of" in response to public comment in order to maintain consistency in the language used throughout this section of the regulations.

Section 31-502.112 was deleted because counties are not required to submit a SOC 826 form for suspected fatalities. Section 31-502.112(a) was renumbered for clarity and ease of use.

Sections 31-502.113 through .113(d) renumbered to Sections 31-502.2 through .24.

Sections 31-502.2 through .24 were renumbered from Section 31-502.113.

Sections 31-502.22 through .223 were renumbered to Sections 31-502.25 through .253 and subsequently amended.

Section 31-502.224 was renumbered to Section 31-502.254 as a result of modifications to Section 31-502.2.

Section 31-502.23 is being deleted because the reporting requirements are combined in Sections 31-502.2 through .254 and because counties only report upon determination that the death was the result of abuse or neglect, therefore, there is no subsequent report.

Section 31-502.24 is being adopted and the remainder sections renumbered accordingly for clarity. These sections clarify the necessary information that shall be reported to CDSS by the county child welfare agency when it is substantiated that a child fatality was the result of abuse and/or neglect.

Section 31-224 is renumbered to Section 31-502.254 for consistency.

Section 31-502.31 was amended to change a cross reference, due to renumbering of the section.

Cross references in Sections 31-502.33 and .331(a) were renumbered to reflect changes made in previous sections. Amendments were made to maintain consistency in the language used throughout this section of the regulations. In Section 31-502.331(b), the word "caused" was changed to "resulted in" in response to public comment, in order to maintain consistency in the language used throughout this section of the regulations.

A technical correction was made to the punctuation in Section 31-502.34 for clarity. The word "caused" was changed to "resulted in" in Section 31-502.341(b) in response to public comment in order to maintain consistency in the language used throughout this section of the regulations. Also, in Section 31-502.341(e), 'person' was changed to 'person(s)' for clarity.

Handbook Section 31-502.41 was added to provide clarification regarding entities under independent state law that are entitled to unredacted records. Section 31-502.43 was amended to clarify that the section provides instruction related specifically to the disclosure of information that may be detrimental to children directly or indirectly related to the deceased child. The word 'that' was added to Sections 31-502.441, .442 and .443 in response to public comment, for clarity. Because of the inclusion of Handbook Section 31-502.41, previously numbered Sections 31-502.41 through .437 have been renumbered to Sections 31-502.42 through .447, respectively. Additional amendments were made for clarity.

Section 31-502.44 was renumbered to .45 due to the inclusion of Handbook Section 31-502.41.

Section 31-502.441 has been renumbered to Section 31-502.451 due to the inclusion of Handbook Section 31-502.41. Section 31-502.451 is being amended in response to public comment. The confidentiality laws originally listed in this section were over inclusive. Sections 31-502.451(a) through (d) now includes examples of applicable laws related to confidentiality, as well as handbook sections that include a brief description of each law for clarification purposes.

Section 31-502.442 was removed due to public comment, because it was overly inclusive and misleading. All relevant confidentiality laws are now included in Section 31-502.451.

Sections 31-502.43 through .437 are renumbered to Sections 31-502.44 through .447.

Sections 31-502.45 through .47 were renumbered to Sections 31-502.46 through .48 due to the inclusion of Handbook Section 31-502.41.

Pursuant to Government Code Section 11346.8, a 15-day renote and complete text of modifications made to the regulations were made available to the public following the public hearing. No written testimony on the modifications renoted for public comment from August 29 to September 13, 2009 was received.