



CDSS

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Regulation Package # 1008-07

CDSS MANUAL LETTER NO. CWS-09-01

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package # 1008-07

Effective 1/1/09

Sections 310992, 31-003, and 31-502

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG603.htm>.

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.

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.

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.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-05-01.

<u>Page(s)</u>	<u>Replace(s)</u>
3 and 4	Pages 3 and 4
6.1 and 6.2	Pages 6.1 and 6.2
16 through 18.2	Pages 16 through 18
109 through 111	Pages 109 through 111

Attachment

RG

**CHILD WELFARE SERVICES PROGRAM
GENERAL REQUIREMENTS**

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- (10) "Assessment" means a written document which contains information relevant to the case situation and an appraisal of case services needs.

- (b) (1) "Boarding home" means a small family home or foster family home.

- (c) (1) "California Department of Justice Clearance" means an individual has submitted his or her fingerprints to the California Department of Justice (DOJ). DOJ has conducted a fingerprint search of its criminal records, and this search did not generate a report that the individual has any felony or misdemeanor convictions, other than a minor traffic violation.

- (2) "Case management" means a service-funded activity performed by the social worker which includes assessing the child's/family's needs, developing the case plan, monitoring progress in achieving case plan objectives, and ensuring that all services specified in the case plan are provided.

- (3) "Case plan" means a written document which is developed based upon an assessment of the circumstances which required child welfare services intervention; and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.

- (4) "Case plan update" means a written document which contains any changes regarding the information in the case plan and includes specific information about the current condition of the child and family.

- (5) "Case record" means an electronic and/or written record for each child receiving child welfare services including, but not limited to, the emergency response protocol. The Case Record contains all of the documentation requirements specified by the Division 31 regulations, and includes court documents maintained by the child welfare services agency, as defined in Rule 5.552 of the California Rules of Court.

- (6) "Certified" means a community treatment facility that has been approved by the California Department of Mental Health as complying with the standards established for that program.

- (7) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

- (8) "Child" means a person under 18 years of age or a person up to 19 years of age who meets the requirements of Section 11403 of the Welfare and Institutions Code. For community treatment facilities, child means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1924(b) states:

- "(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:
 - "(1) They continue to satisfy the requirements of subsection (a).
 - "(2) They have not graduated from high school.
 - "(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.
 - "(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF."

HANDBOOK ENDS HERE

- (9) "Child abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s). The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 31-002(c)(7)(A) through (D).
 - (A) "Emotional abuse" means nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse.
 - (B) "Physical abuse" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165.3 and .4 as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."

31-002	DEFINITIONS (Continued)	31-002
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- (4) "Permanency Planning Family" means the home of a relative, a licensed foster family home as defined in Health and Safety Code Section 1502(a)(5), or a certified family home as defined in Health and Safety Code Section 1506(d) willing to assist in implementation of the child's case plan by facilitating family reunification while being prepared to provide the child with legal permanence should family reunification fail.

- (5) "Permanent placement services" means those services described in Welfare and Institutions Code Section 16501(i).

- (6) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.

- (7) "Preferential Consideration" means that relatives seeking placement for a child or relatives identified by the social worker as willing to care for a child shall be the first to be considered and investigated in determining the placement. Only the following relatives shall be given preferential consideration for placement of the child: a non-custodial parent as defined in Section 31-002(n)(2), or an adult who is a grandparent, aunt, uncle, or sibling of the child.

- (8) "Preplacement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are emergency response services and family maintenance services.

- (9) "Primary Caregiver" means the nurturing adult who is assigned to specific children under the age of six for the duration of their stay in a county operated emergency shelter care facility. The Primary Caregiver provides the major portion of daily care as described in Section 31-002(p)(8) during normal working hours for their assigned children and who is not assigned more than three children at any time.

- (10) "Primary Caregiver Duties" shall be to meet the needs of the child in the following areas: physical health and well-being, self-care, motor skills, social skills, emotional development, cognition, language and communication, and other child care worker duties as defined in Title 22, Section 84065.2(b).

- (q) Reserved

31-002	DEFINITIONS (Continued)	31-002
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- (r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.
- (2) "Referral to community agency" means informing another service agency that a child and/or that child's family desires or requires that agency's services; and assisting the child and/or family to avail themselves of such services.
- (3) "Relinquishment of a Child" means the action of a relinquishing parent who signs a relinquishment document in which he or she surrenders custody, control and any responsibility for the care and support of the child to the Department or any licensed public or private adoption agency pursuant to Family Code Section 8700.
- (4) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.
- (5) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including step-parents, step-siblings, and all relatives whose status is preceded by the words "step", "great", "great-great", or "grand", or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, "relative" means an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care.
- (7) "Risk assessment" means documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluates the protective capacity of the caregiver, any likelihood for future maltreatment, the age and vulnerability of a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services.
- (s) (1) "Safety assessment" means documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluates and determines whether there are present dangers and/or imminent threats of serious harm/maltreatment to a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services.

31-002 **DEFINITIONS** (Continued) **31-002**

- (2) "Safety plan" means a plan for providing services to promote the health and safety of the children in a family. The safety plan shall specify the number and frequency of in-home visits required.
- (3) "Senior parent" means the adult parent of a minor parent.
- (4) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3(a)(2).

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(A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

"(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

"(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

"(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

HANDBOOK ENDS HERE

- (5) "Service funded activity" means activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).

31-002	DEFINITIONS (Continued)	31-002
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- | (6) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.
- | (7) "Social services" or "services" means the composite of service programs funded under the Social Security Act Titles IV-B and IV-E, and Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"), and any other applicable funding sources.
- | (8) "State agency" means the California Department of Social Services (CDSS).
- | (9) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.
- | (10) "Substantial Distance from Home" means an out-of-home placement which is farther than an adjacent, "contiguous county" from the residence of the parents or guardian.

31-002 **DEFINITIONS** (Continued) **31-002**

- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.
- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.
- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.
- (4) "Transitional Independent Living Plan (TILP) for the purposes of the Independent Living Program" means the written service delivery plan, available on the Child Welfare Services/Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.
- (5) "Transitional independent living plan" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (6) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.

31-002	DEFINITIONS (Continued)	31-002
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- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.

- (v) (1) "Visit" means a face-to-face contact between:
 - (A) A social worker or other person authorized by the Division 31 regulations to make visits with the child, the child's family, and/or the out-of-home care provider; or
 - (B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.

- (2) "Voluntary placement" means a placement described by Welfare and Institutions Code Section 11400(n).

- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code Section 11400(o).

- (w) Reserved

- (x) Reserved

- (y) (1) "Youth" means, for the purposes of the ILP, children who are at least 16 years of age up to the day prior to their 21st birthday.

- (z) Reserved

| NOTE: Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 361.4(a)(3)(A), (b), and (c), 362.7, 366.22, 366.3(e)(4) and (e)(8), 391, 636.1(c), 706.6(o), 727, 727.2, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 10850.4, 11100, 11105, 11108.15, 11155.5, 11400(a), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, and 16501, 16501(a)(3), 16501.1(e)(9), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1505.2 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 1522, 1522.06, and 1530.8, Health and Safety Code; 45 CFR 233.120; 42 U.S.C. 675(5); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977), and Rule 5.552 of the California Rules of Court.

31-003 DEFINITIONS – FORMS **31-003**

- (a) (Reserved)
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)
- (f) (Reserved)
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- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (Reserved)
- (s) (1) SOC 826 (Rev. 11/08) Child Fatality/Near Fatality County Statement of Findings and Information.
- (t) (Reserved)
- (u) (Reserved)

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(v) (Reserved)

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Reference: Sections 827 and 10850.4, Welfare and Institutions Code and 42 USC 5106.

**CHILD WELFARE SERVICES PROGRAM
SPECIAL REQUIREMENTS**

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CHAPTER 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS 31-501

- .1 The county shall report child abuse as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(g).
- .2 When the county receives a report of abuse that has allegedly occurred in a licensed facility, the county shall, as specified in Penal Code Sections 11166.1 and 11166.2, notify the licensing office with jurisdiction over the facility.
- .3 The county shall submit a report pursuant to Penal Code Section 11169 to the Department of Justice of every case it investigates of known or suspected child abuse that it has determined not to be unfounded as defined in Penal Code Section 11165.12.
 - .31 The county shall make information received from the Department of Justice available as specified in Penal Code Section 11170(b)(1).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11165.12, 11165.6, 11166, 11166.1, 11166.2, 11169, and 11170(b)(1), Penal Code.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502

- .1 The county shall submit a report to the Department for all child fatalities when there is reasonable suspicion, as defined in Penal Code Section 11166(a)(1), that a child fatality was caused by abuse and/or neglect.
 - .11 When the county learns that a child fatality has occurred and there is reasonable suspicion that the fatality was caused by abuse and/or neglect, the county shall notify the Department by submitting the Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826) form within five (5) business days.

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- .111 The county may "learn" of the fatality in ways that may include, but not be limited to, a formal report, emergency response referral, a cross report from a law enforcement agency or a private party. Once this information is learned the standard condition of reasonable suspicion is applied.
 - (a) Penal Code Section 11166(a)(1) defines "reasonable suspicion" and states in pertinent part: "reasonable suspicion" for the purposes of this section means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

HANDBOOK ENDS HERE

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

- .112 Once information regarding a child fatality is learned and there is reasonable suspicion that the cause was due to abuse and/or neglect, the county shall generate a referral within the Child Welfare Services/Case Management System, and the county shall respond to the referral as described in Section 31-101.
- (a) If the county finds an allegation to be inconclusive or substantiated, they shall complete the reporting requirements as described in Section 31-501.
- .113 The following information shall be reported to the Department, using the SOC 826 form:
- (a) The age and gender of the child.
- (b) The date of death.
- (c) Residence of child at the time of death.
- (1) Foster care placement as defined by Section 31-002(f)(8).
- (2) Parent or Guardian as defined by Sections 31-002(p)(1) and (g)(3).
- (d) Whether an investigation is being conducted by a law enforcement agency and/or the county child welfare agency.
- .2 The county shall report additional information to the Department, using the SOC 826 form, upon the completion of the child abuse and/or neglect investigation of the deceased child. The subsequent report shall include the information listed in Section 31-502.113 as well as the following:
- .21 Whether the child fatality was or was not determined to be a result of abuse and/or neglect.
- .22 The agency that made the determination whether the child fatality was or was not the result of abuse and/or neglect:
- .221 CWS or Probation
- A "determination" of abuse and/or neglect by CWS or Probation is the substantiation of abuse and/or neglect allegations as the direct cause of the fatality.
- .222 Law Enforcement
- A law enforcement investigation concludes that the child's death was a direct result of abuse and/or neglect.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)**.223 Coroner/Medical Examiner**

A coroner/medical examiner concludes that the child's death was a direct result of abuse and/or neglect.

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.224 Penal Code 11165.12(b) defines a "substantiated" report as one "that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred."

HANDBOOK ENDS HERE

- .23 If the child fatality is substantiated as a result of abuse and/or neglect, pursuant to Section 31-502.224, the findings and information related to the child fatality shall be included in the subsequent report to the Department.
- .3 Upon public request, whether written, verbal, or via email or facsimile, the county shall disclose information related to a child fatality to the requesting party in the following circumstances:
- .31 When there is reasonable suspicion that the fatality was a result of abuse, and/or neglect, the county shall provide the information as listed in Section 31-502.113 to the requesting party within five (5) business days of receiving the request.
- .32 Upon receiving the public request for information pursuant to Sections 31-502.33 and/or .34, the county shall notify counsel for any child directly or indirectly related to the deceased child's case record.
- .33 When the agency, pursuant to Section 31-502.22, makes the determination that the child fatality was a result of abuse and/or neglect; the child resided with his/her parent or guardian, as defined by Sections 31-002(g)(3) and (p)(1), and the abuse and/or neglect was inflicted by the parent or guardian, the county shall release additional documents pertinent to that parent or guardian.
- .331 The following information, subject to redactions specified in Section 31-502.4, shall also be released by the county upon public request within ten (10) business days of receiving the request or the determination of the investigation, whichever is later:
- (a) All information listed in Section 31-502.113.
 - (b) Any emergency response referral information, completed by the county, which pertains to the abuse and/or neglect that caused the death of the child.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

- (c) Any previous referrals of abuse or neglect specific to the deceased child that were determined to be inconclusive or substantiated while living with that parent or guardian.
 - (d) Any cross reports relating to the deceased child that were completed by the county and sent to a law enforcement agency.
 - (e) Any copies of police reports about the person against whom the child abuse and/or neglect was substantiated.
 - (f) Any health care records, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse and/or neglect.
 - (g) Any risk and safety assessments, as defined by Sections 31-002(r)(7) and 31-002(s)(1), relating to the deceased child that were completed by the county.
- .34 When the agency, pursuant to Section 31-502.22, makes the determination that the child fatality was a result of abuse and/or neglect; the child resided in foster care, and the abuse and/or neglect was inflicted by the foster parent(s), the county shall release additional documents pertinent to the foster parent(s).
- .341 The following documents, subject to redactions specified in Section 31-502.4, shall also be released by the county to the requesting party within ten (10) business days of the request or the final determination of the investigation, whichever is later:
- (a) All of the information listed in Section 31-502.113.
 - (b) The emergency response referral information, completed by the county, which pertains to the abuse and/or neglect that caused the death of the child.
 - (c) Any previous referrals of abuse or neglect specific to the deceased child that were determined to be inconclusive or substantiated while living with the foster parent(s).
 - (d) Any cross reports relating to the deceased child that were completed by the county and sent to a law enforcement agency pertinent to the foster parent(s).
 - (e) Any copies of police reports about the person against whom the child abuse and/or neglect was substantiated.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

- (f) Any health care records, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse and/or neglect inflicted by the foster parent(s).
 - (g) Any risk and safety assessments, as defined by Sections 31-002(r)(7) and (s)(1), relating to the deceased child that were completed by the county pertinent to the foster parent(s).
 - (h) Records pertaining to the foster parent's license and type of license or licenses held, if in the case record.
 - (i) Records pertaining to the approval of the foster family home of the relative or non-related extended family member, including a caregiver assessment, and health and safety inspection of the home, if in the case record.
 - (j) All documented licensing violations, including plans of correction, if in the case record.
 - (k) Records of any training completed by the foster parent(s), if in the case record.
 - (l) If licensing records pertaining to the foster parent(s) are not contained in the child's case record, the county shall release the documents and information specified in Sections 31-502.341(a) through (k) that are available within the case record and direct the requesting party to the appropriate licensing agency for any additional information or documents. For licensing/approval files maintained by the county, the county shall forward that part of the request to the appropriate county custodian of records.
- .35 When a child fatality has occurred as a result of abuse and/or neglect by a non-residential licensed child care provider, the county shall direct any public request to the appropriate licensing department or agency that has jurisdiction over the facility.
- .4 The county shall redact information that is privileged, confidential, or not subject to disclosure prior to public release.
- .41 After consultation with law enforcement or the District Attorney, if the release of specific information would jeopardize a criminal investigation or proceeding, that information shall be redacted prior to release.

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- .42 If information for a child, including the deceased child or any sibling of the deceased child, as listed in Sections 31-502.331(a) through (g) and Sections 31-502.341(a) through (k), may be detrimental to the well-being of another child, counsel for that child may petition the juvenile court to prevent the release of any document or part of a document requested pursuant to Welfare and Institutions Code Section 827.
- .421 To comply with federal law, 42 USC 5106, the county shall release the SOC 826 form, whether or not a petition has been filed in the juvenile court.
- .422 Only information or documents that may pose potential detriment to a child who is directly or indirectly connected to the case, as found by the juvenile court, shall be redacted.
- .43 Information that shall be redacted includes:
- .431 Names, except the name of a county or state department or agency shall not be redacted.
- .432 Addresses, except the address of a county or state department or agency shall not be redacted.
- .433 Telephone numbers, except the public telephone number of a county or state department or agency shall not be redacted.
- .434 Ethnicity.
- .435 Religion.
- .436 Social Security numbers or referral/case identifiers.
- .437 Any other identifying information of any person or institution, other than the county or state department or agency information indicated in Sections 31-502.431, .432 and .433.
- .44 The county shall adhere to all laws that govern confidentiality of the release of information.
- .441 The following are examples of state laws and rules and are not intended to be an exhaustive list of such laws and rules.
- (a) California Constitution: Article 1, Section 1
- (b) Civil Code Sections 56.05 through 56.36

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- (c) Evidence Code Sections 990, 1010, 1560
 - (d) Family Code Sections 1818, 3111, 3118, 7643, 7805, 9200, 3041.5, 17212, and 17505
 - (e) Government Code: Public Records Act 6250-6276.48
 - (f) Health and Safety Code Section 255.7
 - (g) Penal Code Sections 293.5, 841.5, 851.8, 851.85, 1054.2, 1191.15, 1203.3(c), 4011.6, 11081, 11105, 11167.5, and 13300
 - (h) Revenue and Tax Code Sections 19542 and 19548
 - (i) Welfare and Institutions Code Sections 300.2, 345, 676, 827, 828, 5328, 10850, and 11478.1
 - (j) Rules of Court, 3.60, 5.552, 7.1001(c), and 7.1050(c)
- .442 The following are examples of federal laws and are not intended to be an exhaustive list of such laws.
- (a) 5 USC Section 552a
 - (b) 15 USC Section 1681(b)
 - (c) 20 USC Sections 1232(g), 1417(c), and 1418(a)(8)
 - (d) 26 USC Section 6103
 - (e) 42 USC Sections 405, 671(a)(8), 671(a)(20)(c)(iii), 675(l), 675(5)(D), and 5106(a) and (b)
 - (f) 45 CFR 160 and 164, Health Insurance Portability and Accountability Act.
 - (g) 45 CFR Sections 205.50, 302.34, 307.13, 1340.14(i), and 1340.20
- .45 When a public request is made for documents other than those listed in Sections 31-502.331(a) through (g) and Sections 31-502.341(a) through (l), the county shall only release this information upon an order from the juvenile court pursuant to Welfare and Institutions Code Section 827.

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- .46 All case records shall be retained as described in Sections 31-075.2 through .21. The county is not required to retain case record documents beyond any date otherwise required by law.
- .47 The county is not required to obtain documents that are not within the child's case record as defined in MPP Section 31-002(c)(5).

NOTE: Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Reference: Penal Code Sections 11165.12, 11166, and 11169; 42 USC 5106; 45 CFR 1340.15(b), and Sections 827 and 10850.4, Welfare and Institutions Code.

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS 31-503

- .1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code Section 11400, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.
 - .11 In making this determination, the social worker shall evaluate each case on an individual basis considering the best interests of the child and the circumstances of the family, which may include but are not necessarily limited to, the parent(s)' employment status, housing status, the impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, connection with CalWORKs or other public assistance programs.
 - .111 If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS 31-503
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- .112 If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:
- (a) The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk or removal.
- .2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.
- .21 The social worker shall review this decision following each court hearing held under Welfare and Institutions Code Section 361.5.
- .211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.
- .3 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination.
- .4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552 Family Code. Reference: Section 17552, Family Code.

31-505 OUT-OF-COUNTY PLACEMENTS 31-505

- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).