



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

September 27, 2012

ALL COUNTY NOTICE NO. 12-42

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS

SUBJECT: CROSS-REPORTING CHILD ABUSE AND/OR NEGLECT TO
LICENSING AGENCIES

REFERENCE: ALL COUNTY LETTER (ACL) NO. 05-09; MANUAL OF POLICIES AND PROCEDURES (MPP), DIVISION 31, CHAPTER 31-100, SECTION 31-501.2; PENAL CODE SECTIONS 11165.5, 11165.6, 11165.9, 11166, 11166.1, AND 11166.2; CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 11, SECTION 930.40, 930.41, 930.43, 930.52; TITLE 22 DIVISION 6; WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 16001.9

The purpose of this ACL is to highlight the Child Welfare Service (CWS) agencies' responsibility to cross-report instances of child abuse and/or neglect to the appropriate licensing agency when the alleged abuse occurred in a licensed facility. All incidents of suspected child abuse and/or neglect of a child in out-of-home care as defined by Penal Code section 11165.5 must be reported as specified in Penal Code sections 11166 and 11166.1. Such incidents must be responded to and documented as described in the MPP Chapter 31-100.

Please refer to ACL 05-09, <http://www.dss.cahwnet.gov/getinfo/acl05/pdf/05-09.pdf> issued April 26, 2005, which provides reporting and investigation requirements for child abuse allegations regarding children in out-of-home placements. As indicated in ACL 05-09, California has a fundamental obligation to protect and care for children removed from their homes due to abuse and/or neglect. As a result, cross-reporting abuse in out-of-home care is critical to ensure child safety and consistency in reporting.

DISTINCTIONS IN CHILD WELFARE AND LICENSING ROLES:

As stated in ACL 05-09, the primary role of CWS agencies for children in out-of-home care is to investigate suspected child abuse and/or neglect as required, and to protect and ensure the safety of children in placement. When necessary, the CWS agencies has the authority and responsibility to remove a child, assess and recommend a placement, and coordinate an assessment or investigation with law enforcement and the licensing agency pursuant to the CCR Title 11, section 930.52.

The primary role of state or county licensing agencies is to investigate allegations of licensing violations in facilities licensed to provide out-of-home care to children. Such allegations include suspected child abuse, violations of children's personal rights set forth in W&IC section 16001.9 and Title 22 regulations that may or may not rise to the level of child abuse, and violations of other health and safety standards such as criminal record clearances, care and supervision requirements, and physical plant or food standards.

DUAL AGENCY INVESTIGATION

It is important that CWS agencies work closely with the appropriate licensing or law enforcement agencies when investigating suspected child abuse and/or neglect in a licensed out-of-home care facility. A coordinated response between agencies is critical to minimize trauma to the child.

Statutes and regulations include the following requirements:

- When the CWS agency receives a report of alleged abuse, neglect, or death in a licensed out-of-home care facility, it shall notify the licensing office with jurisdiction over the facility immediately or as soon as practicably possible, but no later than 24 hours in accordance with Penal Code section 11166.1 and 11 CCR, Title 11 sections 930.40 – 930.41. The CWS agency shall send the licensing agency a copy of its investigation and any other pertinent materials as specified by Penal Code sections 11166.1 and 11166.2. Following an investigation, the CWS agency shall notify the licensing agency of the results of the investigation, any action taken, and the final disposition of the matter pursuant to CCR, Title 11, section 930.43.
- A report of suspected child abuse received by the CWS agency regarding a child in out-of-home care that indicates a violation of CCR, Title 22, Division 6 licensing requirements must be cross-reported to the licensing authority with jurisdiction over the facility, even if it does not meet the threshold for child abuse as defined in Penal Code section 11165.6.

- All reports of abuse and/or neglect of a child in out-of-home care must have a referral created within the CWS/Case Management System, even in counties where the California Department of Social Services Community Care Licensing Division is responsible for the facility.

Reports on the following type of facilities shall be included:

- Foster Family Homes
 - Foster Family Agency Certified Homes
 - Group Homes
 - Relative/Non-Relative Extended Family Member Homes
 - Small Family Homes
 - Transitional Housing Placements
 - Out-of-state Placements
- Mandated reporters who work within the child welfare services agency (placement social workers or county licensing workers) are required to fulfill their mandated reporter responsibilities as specified by Penal Code sections 11165.9 and 11166.
 - The CWS agencies should inform the county or state licensing agencies of issues resulting in the removal of a child from a licensed home or facility as specified in the MPP section 31-501.2.

If you have any questions regarding this letter, please contact the Child Welfare Policy and Program Development Bureau, at (916) 651-6160.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division