

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 8, 2001

ALL-COUNTY LETTER NO. 14-01

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHILD WELFARE SERVICES
 PROGRAM MANAGERS
 CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: Process for Recording Child Fatalities Related to Child Abuse and Neglect
 on the Child Welfare Services/Case Management System

REFERENCE: Senate Bill 525 (Chapter 1012, Statutes of 1999)
 Penal Code Section 11166.9

Senate Bill 525 (Chapter 1012, Statutes of 1999) requires law enforcement and child welfare agencies to cross-report all cases of child death suspected to be related to child abuse or neglect. The purpose of this law is to coordinate and integrate state and local efforts to address fatal child abuse and neglect, and to create a body of information to prevent child deaths.

This law requires all county child welfare agencies to create a record in the Child Welfare Services/Case Management System for all cases of child death suspected to be related to child abuse or neglect, regardless of whether the deceased child has any known or surviving siblings. If subsequently notified that the death was determined not to be related to child abuse or neglect the child welfare agency shall update the Child Welfare Services/Case Management System. Additionally, county probation departments should refer all cases meeting the criteria to local child welfare agencies for input onto the Child Welfare Services/Case Management System.

Attachment A is the process for recording child deaths on the Child Welfare Services/Case Management System.

Attached is a copy of Senate Bill 525 (Attachment B). If you have any questions regarding this procedure, please contact your Case Management System Support Branch staff at (916) 323-9739. Questions regarding program policy should be directed to Children's Services Operations unit staff at (916) 445-2832.

Original Document Signed By

SYLVIA PIZZINI
 Deputy Director
 Children and Family Services Division

Attachments

c: County Welfare Directors Association

California Department of Social Services
Process for Recording Child Fatalities Related to Child Abuse and Neglect on Child Welfare
Services/Case Management System

Instructions for recording child fatalities:

- 1) Create a new referral.
- 2) Record appropriate information in the Referral "NB," "ID," "Reporter" and "Assignment" pages.
- 3) Perform search(es) on the clients. Attach any matching search results to the new referral, and perform the "relate clients" function.
- 4) If there are no matching search results, create the clients in the "Client Management" section and perform the "relate clients" function.
- 5) In the "Referral Management" section, create the new allegations.

In the "Deceased" grid, record the date and death circumstances type.

From the "Deceased" grid you have a box entitled Death Circumstance Type in which you can select:

Accidental
Confirmed Abuse
Natural Causes
Suicide
Suspected Abuse
Undetermined
Homicide

For cases confirmed to be due to parental abuse or neglect, select "Confirmed Abuse" in the "Death Circumstances Type" field. For cases confirmed to be not due to parental abuse or neglect, select the appropriate reason in the "Death Circumstances Type" field ("Accidental," "Natural Causes," "Suicide," "Undetermined" or "Homicide" if not by parents)

If medical evidence or confirmation is pending, select "Suspected Abuse" or "Undetermined" as appropriate.

- 6) After the "Death Circumstances Type" field has been filled out, perform the "Determine Response" function:
 - From the "Menu" bar, select "Action," "Determine Response."
 - Under "Decision Type," select "Evaluate Out,"
 - Under "Agency Referred To," select "Other,"
 - In the "Rational Description" field, enter the appropriate information,
 - Select "Approval," "Pending approval," "OK."
- 7) Select "Yes." This will generate the Emergency Response document.

- 8) Save.
- 9) Submit to supervisor for review.

When confirmation of death reason is received, the death information on the Client Notebook may be updated in the closed referral by following the steps below:

1. *From the "Client Services" section, search for the client.*
2. *From "Search Results", double click on "Client" to open the "Client Abstract."*
3. *From the "Associated Menu," highlight "Open Associated Referrals" and select "Enter."*
4. *From the "Open Associated Referrals" combo, highlight the appropriate referral and select "OK."*
5. *Open the referral and go to the "Client Management" section.*
6. *Highlight the client to be updated and select "OK."*
7. *Go to the "Demographics" page.*
- 8) *In the "Deceased" section, update the appropriate "Date" and "Death Circumstances Type" fields.*

BILL NUMBER: SB 525 CHAPTERED
 BILL TEXT

CHAPTER 1012
 FILED WITH SECRETARY OF STATE OCTOBER 10, 1999
 APPROVED BY GOVERNOR OCTOBER 10, 1999
 PASSED THE SENATE SEPTEMBER 8, 1999
 PASSED THE ASSEMBLY SEPTEMBER 7, 1999
 AMENDED IN ASSEMBLY SEPTEMBER 2, 1999
 AMENDED IN ASSEMBLY JULY 15, 1999
 AMENDED IN SENATE MAY 17, 1999
 AMENDED IN SENATE APRIL 20, 1999
 AMENDED IN SENATE APRIL 13, 1999

INTRODUCED BY Senator Polanco

FEBRUARY 19, 1999

An act to amend Section 11166.9 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 525, Polanco. Child abuse: state and local coordination.

Existing law provides for coordination between specified state and local entities to address fatal child abuse and neglect, and to provide a body of information to prevent child deaths.

This bill would recast those provisions. The bill would add more state and private entities to the members of the California State Child Death Review Council, specify additional duties for the council and the Department of Justice in connection with gathering and tracking information regarding child deaths from abuse or neglect, and specify additional duties for the State Department of Health Services in connection with tracking child abuse information in specified state data systems. The bill would provide that the provisions requiring the development of the tracking system would be operative July 1, 2000, and that implementation of the tracking system by the State Department of Health Services, and implementation of training and other duties by the Office of Criminal Justice Planning would be done only to the extent that funds are appropriated for that purpose in the Budget Act. The bill would also require law enforcement and child welfare agencies to cross-report, and county child welfare agencies to create a record in the Child Welfare Services/Case Management System of, all cases of child death suspected to be child abuse or neglect related. By imposing additional duties on local governments, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11166.9 of the Penal Code is amended to read:

11166.9. (a) (1) The purpose of this section shall be to coordinate and integrate state and local efforts to address fatal child abuse and neglect, and to create a body of information to prevent child deaths.

(2) It is the intent of the Legislature that the California State Child Death Review Council, the Department of Justice, the State Department of Social Services, the State Department of Health Services, and state and local child death review teams shall share data and other information necessary from the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics and the Department of Social Services Child Welfare Services/Case Management System files to establish accurate information on the nature and extent of child abuse and neglect related fatalities in California as those documents relate to child fatality cases. Further, it is the intent of the Legislature to ensure that records of child abuse or neglect related fatalities are entered into the State Department of Social Services, Child Welfare Services/Case Management System. It is also the intent that training and technical assistance be provided to child death review teams and professionals in the child protection system regarding multiagency case review.

(b) (1) It shall be the duty of the California State Child Death Review Council to oversee the statewide coordination and integration of state and local efforts to address fatal child abuse and neglect and to create a body of information to prevent child deaths. The Department of Justice, the State Department of Social Services, the State Department of Health Services, the California Coroner's Association, the County Welfare Directors Association, Prevent Child Abuse California, the California Homicide Investigators Association, the Office of Criminal Justice Planning, the Inter-Agency Council on Child Abuse and Neglect/National Center on Child Fatality Review, the California Conference of Local Health Officers, the California Conference of Local Directors of Maternal, Child, and Adolescent Health, the California Conference of Local Health Department Nursing Directors, the California District Attorneys Association, and at least three regional representatives, chosen by the other members of the council, working collaboratively for the purposes of this section, shall be known as the California State Child Death Review Council. The council shall select a chairperson or cochairpersons from the members.

(2) The Department of Justice is hereby authorized to carry out the purposes of this section by coordinating council activities and working collaboratively with the agencies and organizations in paragraph (1), and may consult with other representatives of other agencies and private organizations, to help accomplish the purpose of this section.

(c) Meetings of the agencies and organizations involved shall be convened by a representative of the Department of Justice. All meetings convened between the Department of Justice and any organizations required to carry out the purpose of this section shall take place in this state. There shall be a minimum of four meetings per calendar year.

(d) To accomplish the purpose of this section, the Department of Justice and agencies and organizations involved shall engage in the following activities:

(1) Analyze and interpret state and local data on child death in an annual report to be submitted to local child death review teams with copies to the Governor and the Legislature, no later than July 1 each year. Copies of the report shall also be distributed to public officials in the state who deal with child abuse issues and to those

agencies responsible for child death investigation in each county. The report shall contain, but not be limited to, information provided by state agencies and the county child death review teams for the preceding year.

The state data shall include the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics, and the State Department of Social Services Child Welfare Services/Case Management System.

(2) In conjunction with the Office of Criminal Justice Planning, coordinate statewide and local training for county death review teams and the members of the teams, including, but not limited to, training in the application of the interagency child death investigation protocols and procedures established under Sections 11166.7 and 11166.8 to identify child deaths associated with abuse.

(e) The State Department of Health Services, in collaboration with the California State Child Death Review Council, shall design, test and implement a statewide child abuse and neglect fatality tracking system incorporating information collected by local child death review teams. The department shall:

(1) Establish a minimum case selection criteria and review protocols of local child death review teams.

(2) Develop a standard child death review form with a minimum core set of data elements to be used by local child death review teams, and collect and analyze that data.

(3) Establish procedural safeguards in order to maintain appropriate confidentiality and integrity of the data.

(4) Conduct annual reviews to reconcile data reported to the State Department of Health Services Vital Statistics, Department of Justice Homicide Files and Child Abuse Central Index, and the State Department of Social Services Child Welfare Services/Case Management System data systems, with data provided from local child death review teams.

(5) Provide technical assistance to local child death review teams in implementing and maintaining the tracking system.

(6) This subdivision shall become operative on July 1, 2000, and shall be implemented only to the extent that funds are appropriated for its purposes in the Budget Act.

(f) Local child death review teams shall participate in a statewide child abuse and neglect fatalities monitoring system by:

(1) Meeting the minimum standard protocols set forth by the State Department of Health Services in collaboration with the California State Child Death Review Council.

(2) Using the standard data form to submit information on child abuse and neglect fatalities in a timely manner established by the State Department of Health Services.

(g) The California State Child Death Review Council shall monitor the implementation of the monitoring system and incorporate the results and findings of the system and review into an annual report.

(h) The Department of Justice shall direct the creation, maintenance, updating, and distribution electronically and by paper, of a statewide child death review team directory, which shall contain the names of the members of the agencies and private organizations participating under this section, and the members of local child death review teams and local liaisons to those teams. The department shall work in collaboration with members of the California State Child Death Review Council to develop a directory of professional experts, resources, and information from relevant agencies and organizations and local child death review teams, and to facilitate regional working relationships among teams. The Department of Justice shall maintain and update these directories annually.

(i) The agencies or private organizations participating under this section shall participate without reimbursement from the state. Costs incurred by participants for travel or per diem shall be borne

by the participant agency or organization. The participants shall be responsible for collecting and compiling information to be included in the annual report. The Department of Justice shall be responsible for printing and distributing the annual report using available funds and existing resources.

(j) The Office of Criminal Justice Planning, in coordination with the State Department of Social Services, Department of Justice, and the California State Child Death Review Council shall contract with state or nationally recognized organizations in the area of child death review to conduct statewide training and technical assistance for local child death review teams and relevant organizations, develop standardized definitions for fatal child abuse and neglect, develop protocols for the investigation of fatal child abuse, and address relevant issues such as grief and mourning, data collection, training for medical personnel in the identification of child abuse fatalities, domestic violence fatality review, and other related topics and programs. The provisions of this subdivision shall only be implemented to the extent that the Office of Criminal Justice Planning can absorb the costs of implementation within its current funding, or to the extent that funds are appropriated for its purposes in the Budget Act.

(k) Law enforcement and child welfare agencies shall cross-report all cases of child death suspected to be related to child abuse or neglect whether or not the deceased child has any known surviving siblings.

(l) County child welfare agencies shall create a record in the Child Welfare Services/Case Management System (CWS/CMS) on all cases of child death suspected to be related to child abuse or neglect, whether or not the deceased child has any known surviving siblings. Upon notification that the death was determined not to be related to child abuse or neglect, the child welfare agency shall enter that information into the Child Welfare Services/Case Management System.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.