

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



August 4, 2006

ALL COUNTY LETTER No. 06-15

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

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: REQUIREMENTS FOR THE INVESTIGATION OF CHILD ABUSE ALLEGATIONS REGARDING PROBATION WARDS IN OUT-OF-HOME PLACEMENT

REFERENCE: PUBLIC LAW 103-042, CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 11, ARTICLE 3, SECTION 930, ASSEMBLY BILL (AB) 636 (WELFARE AND INSTITUTIONS CODE (W&IC) 10601.2, STATUTES OF 2001), PENAL CODE (PC) SECTION 11166.3, W&IC 241.1, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES MANUAL OF POLICIES AND PROCEDURES (MPP) DIVISION 31-100, MPP DIVISION 31-110 ET SEQ, MPP DIVISION 31-220 ET SEQ, MPP DIVISION 31-125 ET SEQ, MPP DIVISION 23-353, CALIFORNIA PROGRAM IMPROVEMENT PLAN (PIP) SAFETY OUTCOME 1 ITEM 2b, ALL COUNTY LETTER (ACL) No. 03-61, and ACL No. 05-09

The purpose of this ACL is to provide procedures when there has been a report of abuse for a probation ward in out-of-home placement. **Please refer to ACL No. 05-09 (issued April 26, 2005) for a discussion of the requirements for reporting, cross reporting, and data entry of reports of child abuse and neglect allegations regarding children in out-of-home placements.** The instructions in ACL No. 05-09 and this ACL apply to both Child Welfare Service (CWS) and Probation agencies placing children, including probation wards, in foster care.

As part of California's vision that every child live in a safe, stable, permanent home, Assembly Bill (AB) 636 was enacted in 2001. AB 636 established the California-Children and Family Services Review (C-CFSR), a new outcomes-based review system to ensure the ability to measure change and support child welfare improvements. The statute also required the California Department of Social Services (CDSS) to review all county welfare systems for consistency with federal measures and standards for child and family outcomes. This outcome and accountability system was necessary not only to ensure compliance with federal CFSR measures and standards for child and family outcomes, but to ensure the ability to measure change and support child welfare improvements.

One of the federal measures is the rate of abuse in out-of-home care. To ensure accurate data is provided for the next federal review which is tentatively scheduled for late 2007, data on all children who are subjects of suspected abuse and neglect and are placed in out-of-home care must be entered into the Child Welfare Services/Case Management System (CWS/CMS).

INVESTIGATION:

These instructions are a reminder of those given in ACL No. 05-09. Penal Code (PC) Section 11166.3 requires that in each county, coordination of the duties for the investigation of child abuse shall be developed by law enforcement, and the county welfare and probation departments. When an allegation of suspected child abuse or neglect is made regarding a child in a licensed out-of-home care setting, including a child placed in the home of a relative or non-related extended family member, and that child is a ward of the court, that referral comes into the CWS agency hotline. The hotline worker enters the referral into CWS/CMS¹, and with the approved protocol as outlined in the CWS/Probation Memorandum of Understanding (MOU)², the referral will be assigned to the Probation Department for the investigation as outlined in the CDSS MPP Division 31-100. The referral shall remain open in CWS/CMS until the Probation Department reports the results of its investigation to CWS.

Upon receipt of the referral, the Probation Department conducts an in-person investigation as specified in MPP Division 31-110 et seq. as outlined in the Department of Justice (DOJ) regulations found at California Code of Regulations Title 11, Article 3, Section 930 that require a CWS worker or probation officer to:

- Determine, from the information provided, whether an in-person investigation is necessary and document that determination. [MPP Division 31-110 et seq.]
- Conduct an immediate investigation if the information indicates imminent danger to a child, or when law enforcement states or the CWS worker/probation officer determines that the child is at immediate risk of abuse, neglect or exploitation. [MPP Division 31-115 et seq.]
- Conduct an in-person investigation within 10 calendar days after the receipt of a referral when it is determined that an in-person immediate investigation is not necessary. [MPP Division 31-120 et seq.]

¹ Attachment "A" contains information on how to create a probation referral inbox.

² The MOU should address cross reporting responsibilities to Community Care Licensing and law enforcement as appropriate and as outlined in ACL No. 05-09.

- Make a referral to the child abuse hotline as required of a mandated reporter, if in the course of an investigation the CWS worker or probation officer suspects that other children have been abused or neglected.
- Complete and send the DOJ Child Abuse Investigation Report form SS8583, on every case that is “determined not to be unfounded” (except allegations of general neglect). [PC 11169 and outlined in MPP 31-501 et seq.] (This form may be obtained at <http://ag.ca.gov/childabuse/>.) At the same time the report is forwarded to the DOJ, the perpetrator must be notified in writing of this action.

DOCUMENTATION:

As indicated in ACL No. 05-09, California has a fundamental obligation to protect and care for children removed from their homes due to abuse and neglect and, among other requirements, must show a decrease in the percentage of maltreatment of children in foster care. In order to document whether this outcome has been met in accordance with federal requirements and avoid fiscal penalties, it is necessary to track the occurrence of maltreatment of all children who are in out-of-home care. To ensure that data for children who are wards of the court is properly tracked, the following actions must be taken:

- When a referral is received at the CWS hotline alleging abuse or neglect of a ward in out-of-home care, a referral is entered into CWS/CMS and assigned to Probation³. The referral remains open in CWS/CMS until Probation has completed the investigation and reports their findings to CWS.
- The Probation Department shall provide to the Child Welfare Agency the results of their investigation. The Probation supervisor is responsible for approving the referral investigation. This report shall include all necessary information required to complete and close the referral⁴.
- Upon receipt of the report from the Probation Department, CWS shall enter the information into CWS/CMS, and close the referral as appropriate⁵. For referral closure purposes, the CWS supervisor is simply approving the referral for closure in CWS/CMS; the Probation supervisor is responsible for approving the investigation and disposition.

³ See footnote 2.

⁴ Attachment “C”.

⁵ Attachment “B” gives instructions on how to create a generic probation staff person.

RECORDS RETENTION:

The Probation Department shall maintain a copy of the complete investigation available for possible review:

- A minimum of three years in accordance with MPP Section 23-353 on unfounded cases.
- Ten years on inconclusive or unsubstantiated cases where there is no subsequent report about the same child abuser, or 10 years after a subsequent report, in accordance with PC 11170(a)(3).
- Indefinitely on substantiated cases in accordance with PC 11170(a)(1).

TRAINING:

The CDSS recognizes the need for training of Probation staff regarding this responsibility. Under contract with CDSS, the Resource Center for Family Focused Practice (RCFFP), in consultation with the Chief Probation Officers of California's Training Committee, is currently developing an appropriate curriculum for training Probation staff on this issue. Information regarding specific training sessions will be made available by the RCFFP.

MEMORANDUM OF UNDERSTANDINGS BETWEEN CWS AND PROBATION:

The MPP 29-400, specifies that counties must develop Aid for Dependent Children (AFDC) – Foster Care agreements MOU pursuant to Division 45 and must update them when there are changes in requirements. Therefore, CWS and Probation in each county must modify their existing MOU to specifically speak to the issue of the investigation of allegations of abuse or neglect involving wards in out-of-home care. It is recognized that every county is unique in its needs and demographics. With this in mind, each county Child Welfare Agency and Probation Department is encouraged to develop an MOU that best meets the needs of the children and families they serve, while still accomplishing the goal of gathering and entering appropriate data into CWS/CMS.

The MPP Section 29-400.22, requires the county welfare department to send a copy of any newly executed (or amended) agreement to CDSS within 10 working days of the execution. A fully executed agreement must contain the signatures of both the County Welfare Director and the Chief Probation Officer, and the date of execution.

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Copies of the newly executed (or amended) agreements should be sent by September 1, 2006, to:

California Department of Social Services
Children's Services Operations Bureau
744 P Street, M.S. 3-90
Sacramento, California 95814

Any questions regarding this ACL should be directed to Nancy Goodman, Manager, Policy Development and Support Unit, at (916) 651-6160.

Sincerely,

MARY L. AULT
Deputy Director
Children and Family Services Division



All County Letter 06-15
CWS/CMS Data Entry Instructions

Create a Generic Probation in Box Caseload

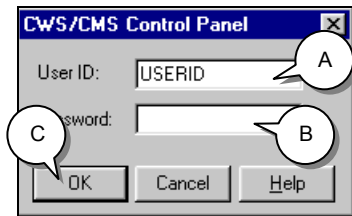
Create a New Caseload

To start the CWS/CMS Control Panel and the Resource Management application, follow these steps:

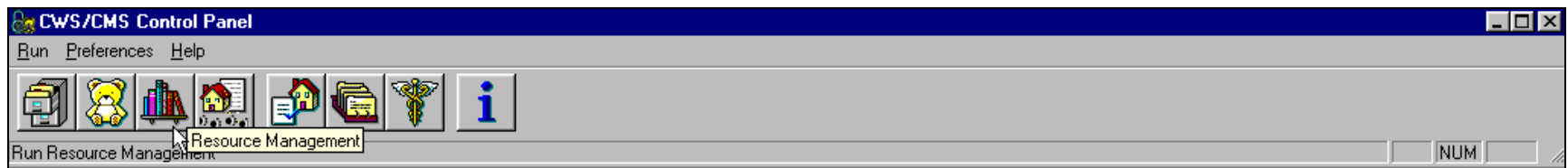
1. From the Windows desktop, double-click the CWS/CMS icon.



2. In the CWS/CMS Control Panel logon window, (A) verify your User ID, (B) type your password, and (C) click the OK button.



3. From the CWS/CMS Control Panel, click the Resource Management application icon.

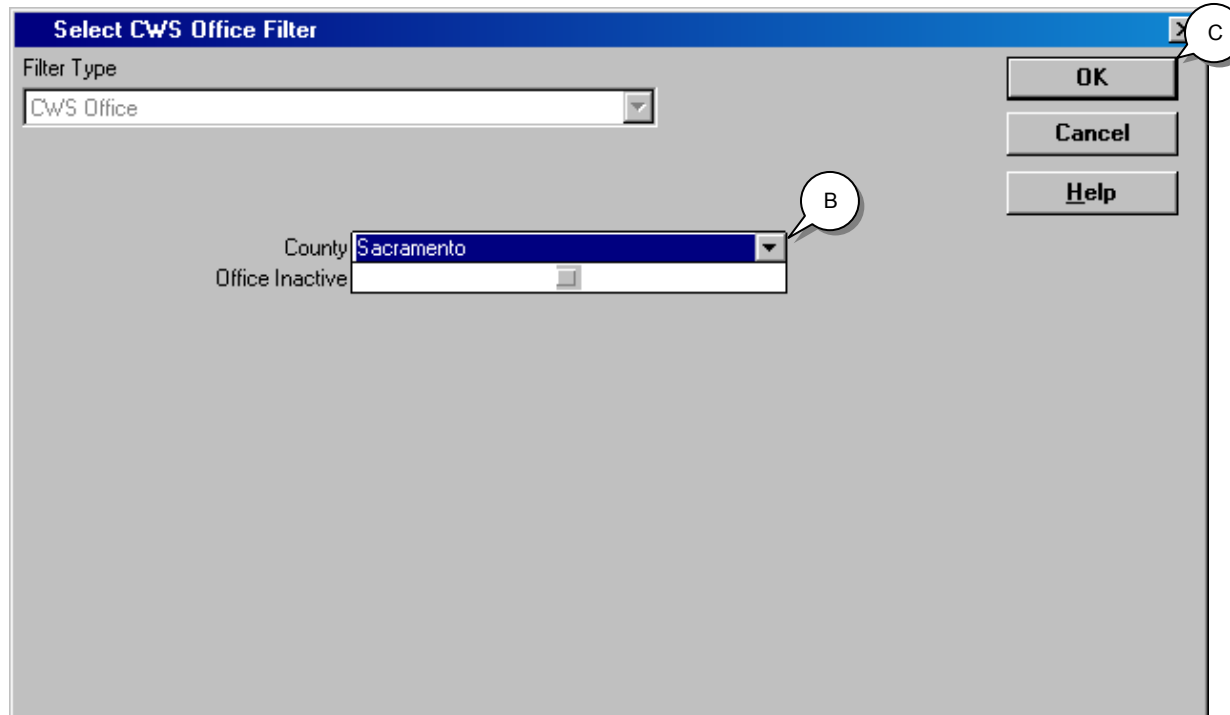


Create a New Caseload (continued)

Click on the County Organization (Green) section. Click the (A) Open Existing Office folder to open the existing CWS office.

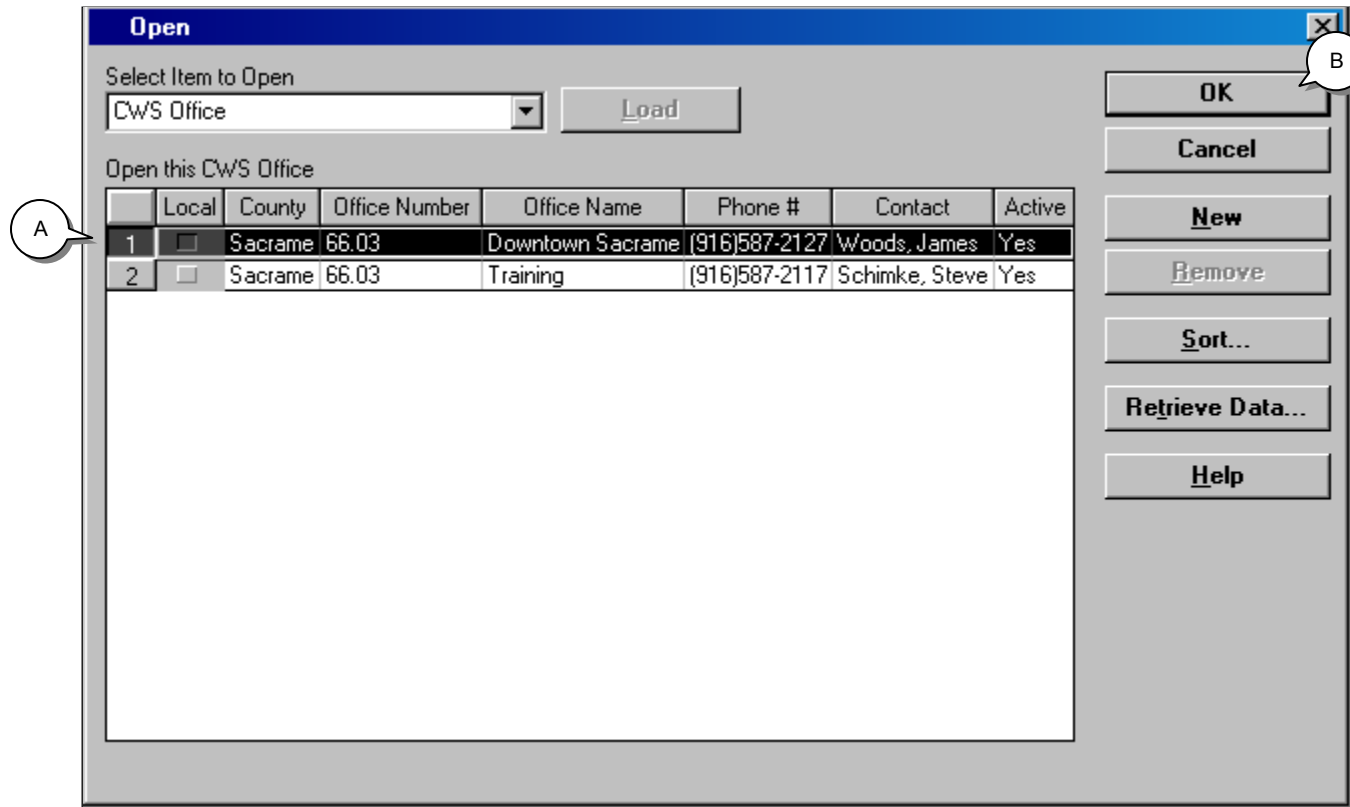


Select the County (B) and (C) click OK.

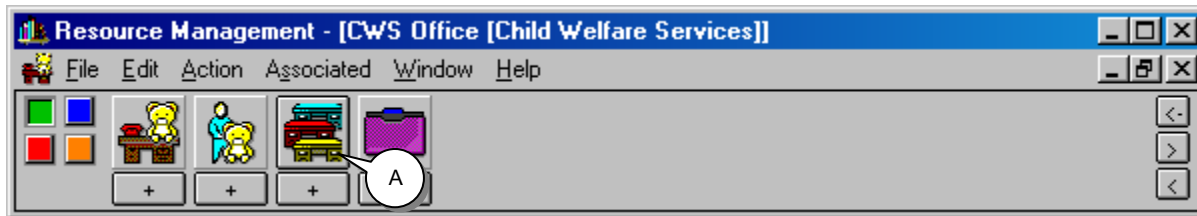


Create a New Caseload (continued)

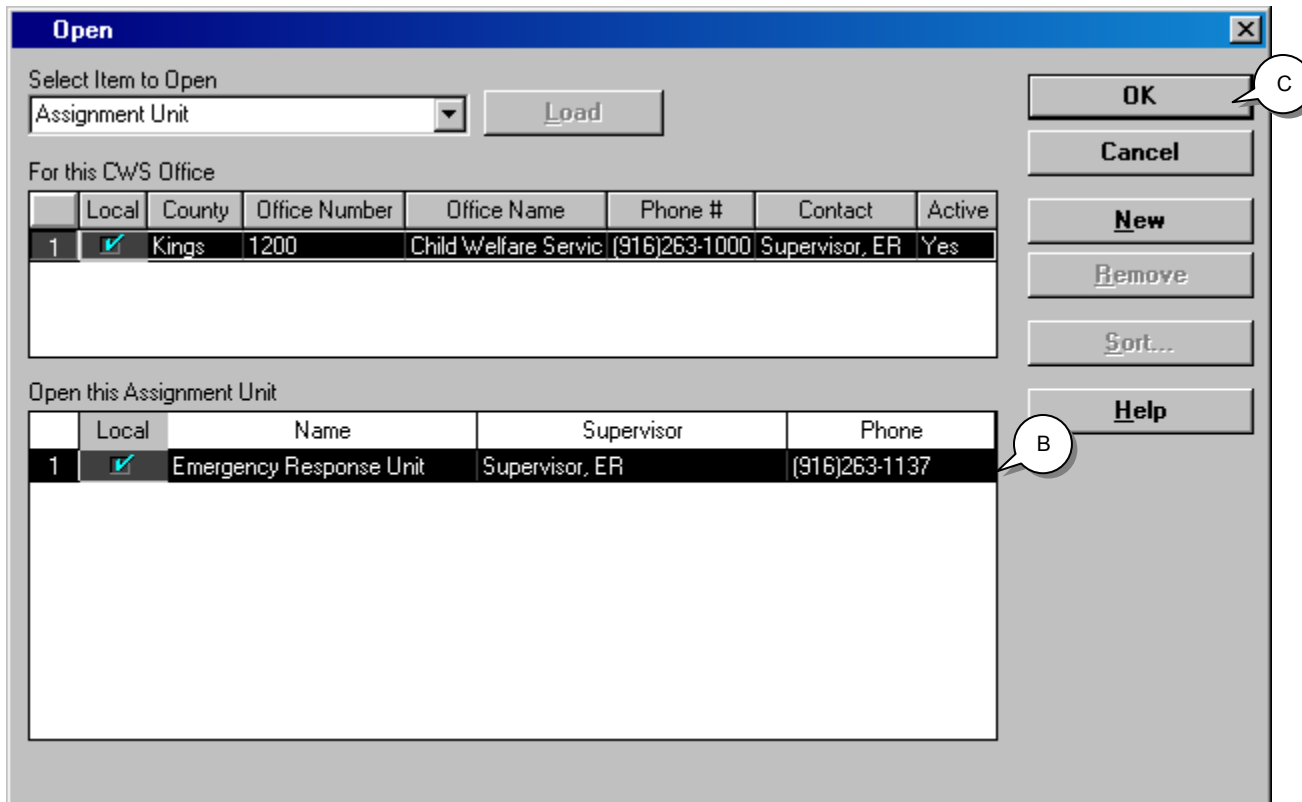
Click the (A) existing office you wish to open in the Open Dialog Box, and (B) click OK.



Create a New Caseload (continued)

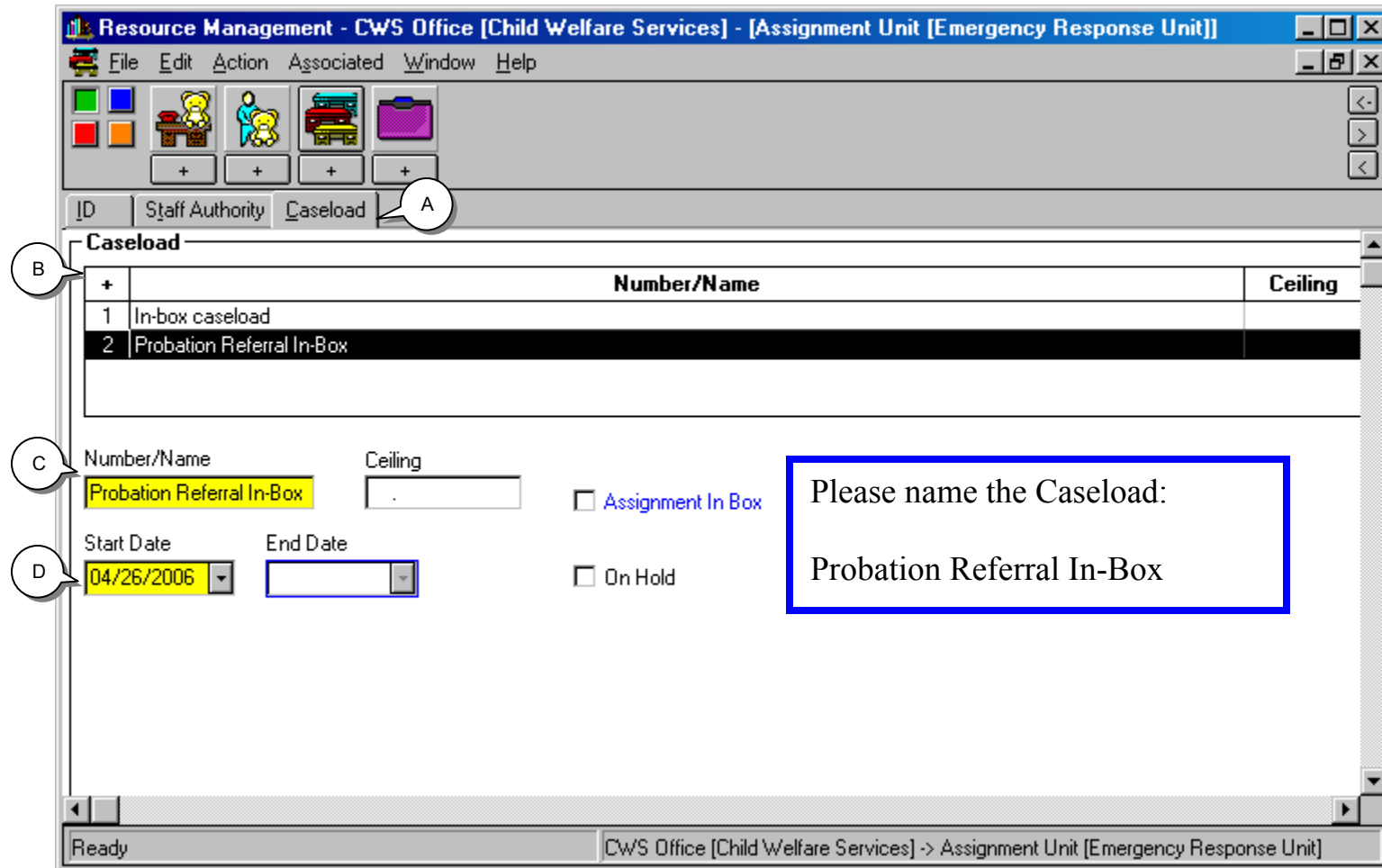


Click the (A) Assignment Unit notebook to open the existing assignment unit. Click the (B) Existing Assignment Unit in the Open dialog box, and (C) click OK.



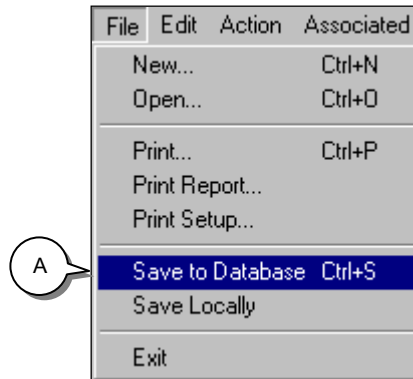
Create a New Caseload (continued)

Click the (A) Caseload page tab. Click the (B) plus sign in the Caseload grid, (C) enter the Number/Name of the caseload (**Probation Referral In-Box**) and (D) the Start Date.



Create a New Caseload (continued)

Click the (A) File drop-down menu, and select Save to Database.



The new caseload will automatically be assigned to the supervisor of the assignment unit unless you denote otherwise. You will be able to assign the Probation Referrals to the new caseload in Caseload Management or in Client Services.



All County Letter 06-15
CWS/CMS Data Entry Instructions

Create a Generic Probation Officer Staff Person Notebook

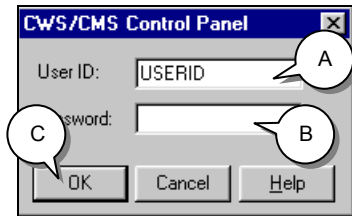
Create a Staff Person

To start the CWS/CMS Control Panel and the Resource Management application, follow these steps:

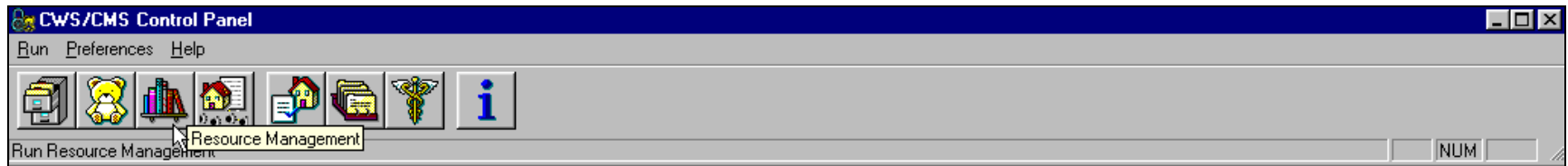
1. From the Windows desktop, double-click the CWS/CMS icon.



2. In the CWS/CMS Control Panel logon window, (A) verify your User ID, (B) type your password, and (C) click the OK button.



3. From the CWS/CMS Control Panel, click the Resource Management application icon.

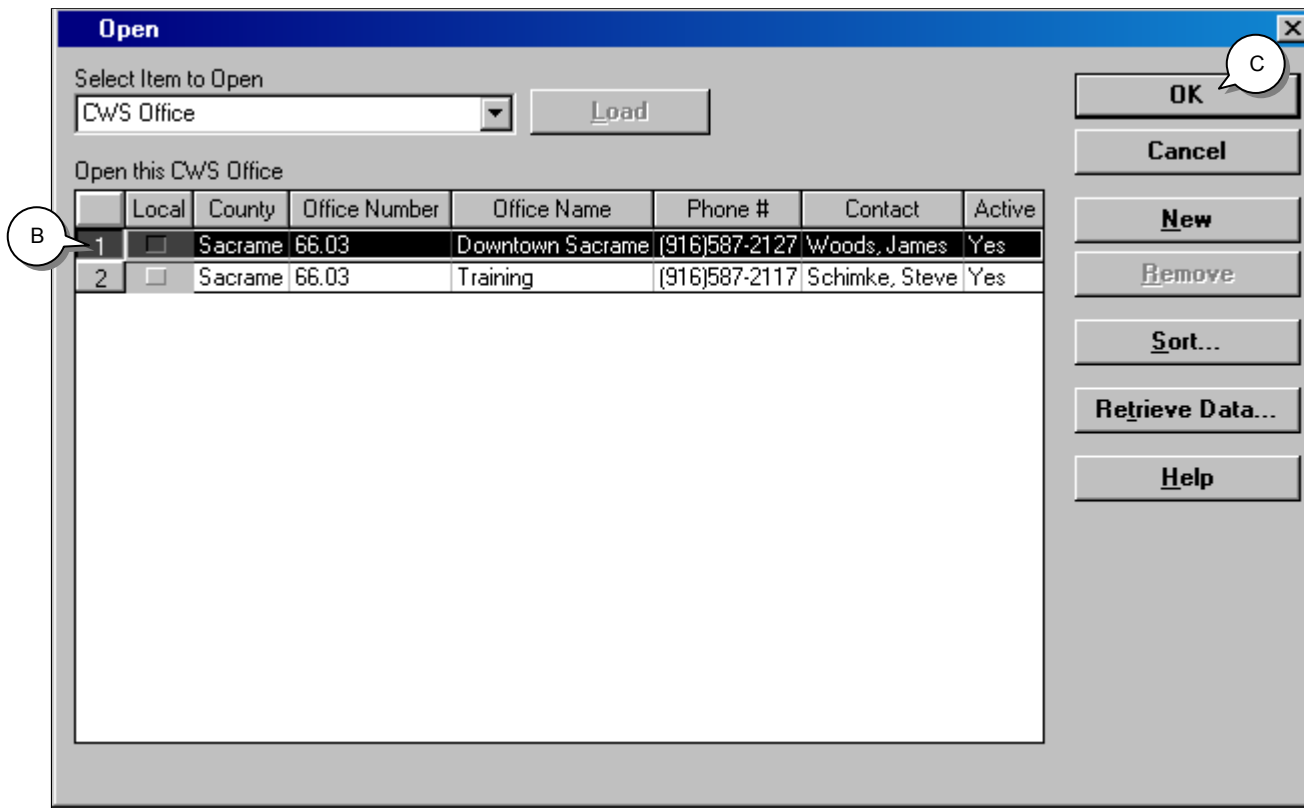


Create a Staff Person (continued)

Click on the County Organization (Green) section. Click the (A) Open Existing Office folder to open the existing CWS office.

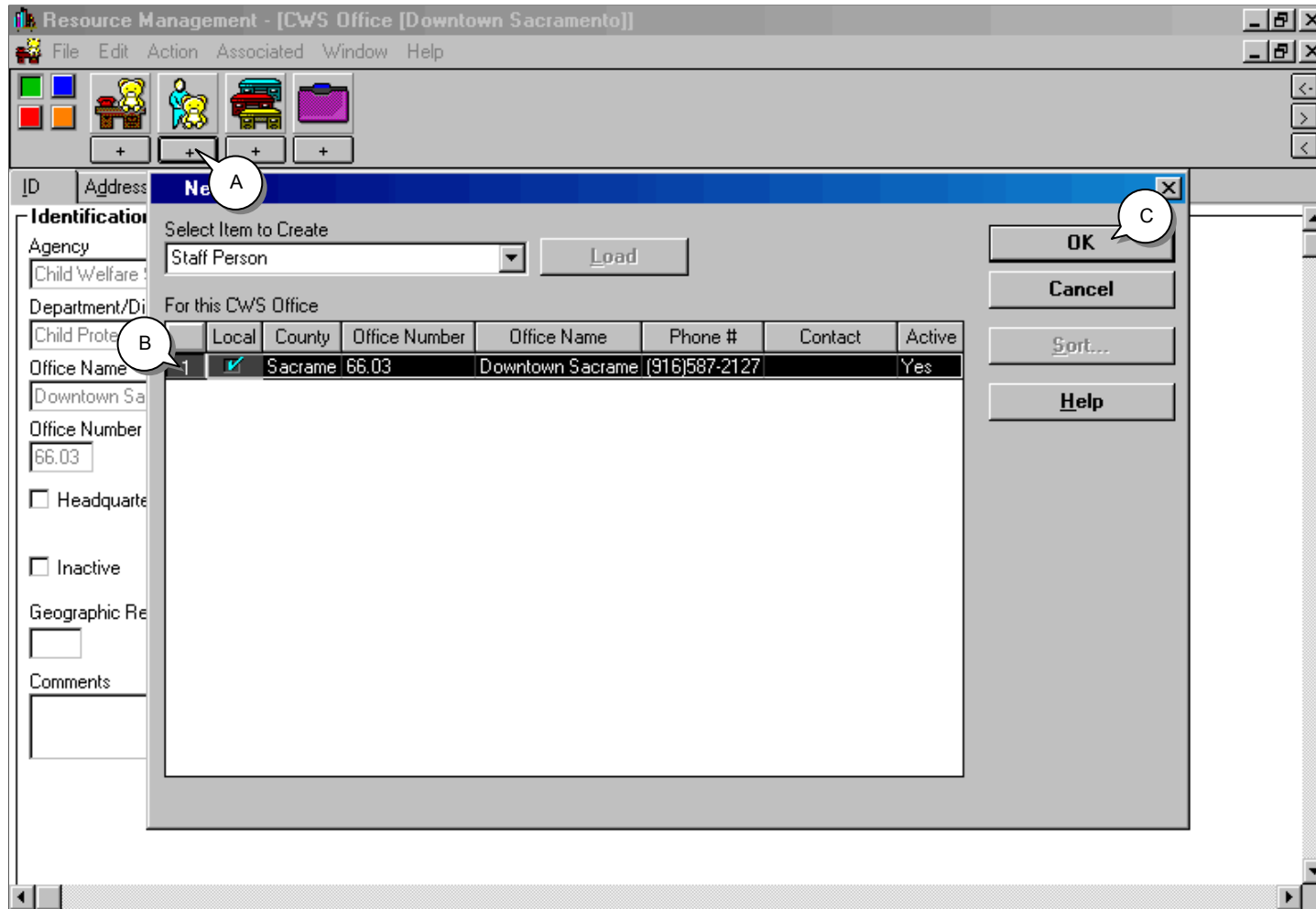


Click the existing office you wish to open in the Open Dialog Box, and (C) click OK.



Create a Staff Person (continued)

Use the (A) Create a New Staff Person Folder to input a new staff person. Click the (B) Existing Office in the New dialog box, and (C) click OK.



Create a Staff Person (continued)

Complete all mandatory and known fields on the ID page of the Staff Person Notebook.

Resource Management - CWS Office [Downtown Sacramento] - [Staff Person [Probation Officer, Sacramento]]

File Edit Action Associated Window Help

ID Specialties Caseload Logon Staff Rights

Identification

Prefix First Middle Last Suffix
[] Sacramento [] Probation Officer []

Primary Phone Ext Start Date End Date
[916] 275-4735 [] Telecommuter 06/01/2006 []

Job Title Licensing Worker ID
Sacramento Probation Officer []

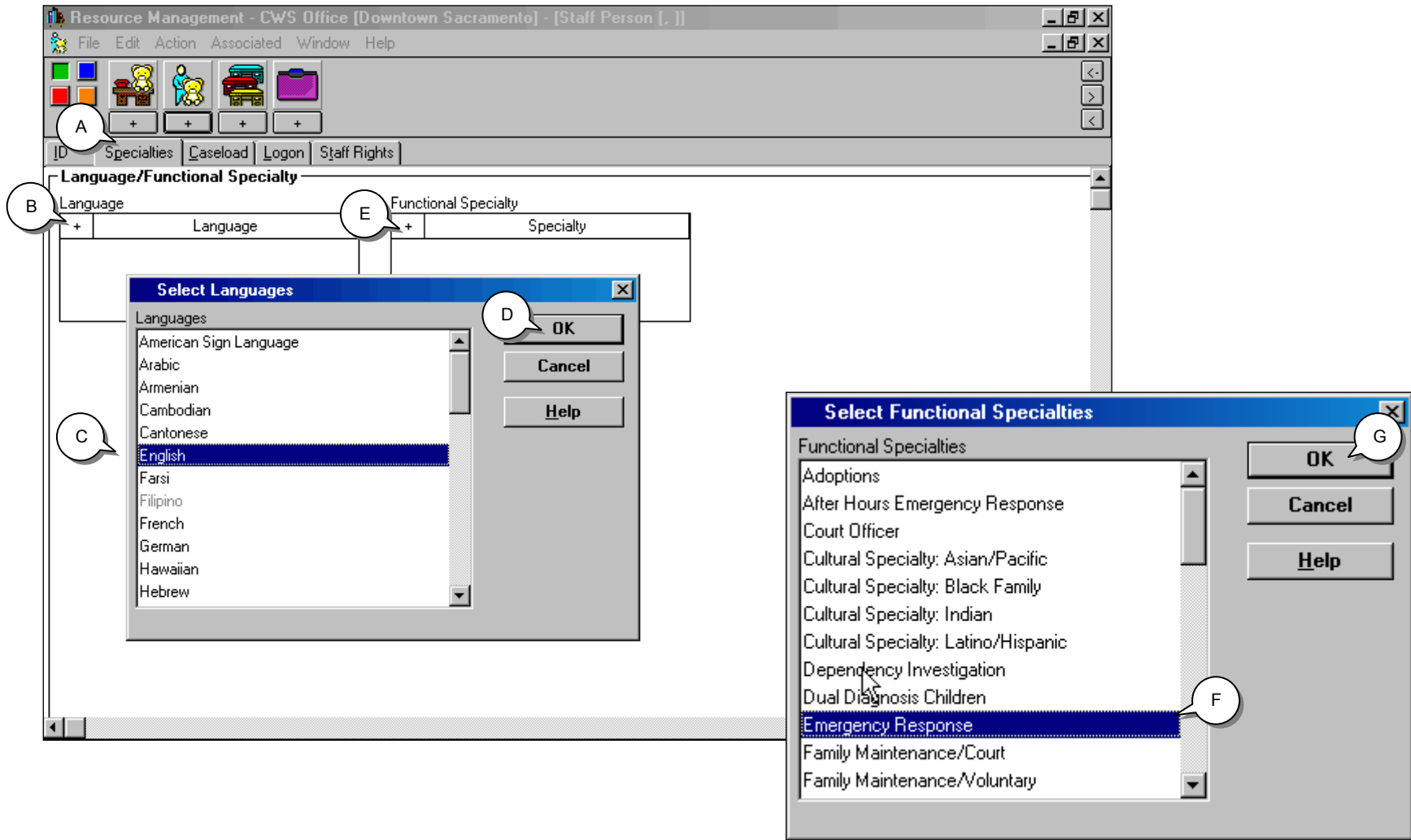
CWS Office Address
800 J Street, Sacramento, California 95810-

Availability/Location Description

First Name = Your County
Last Name = Probation Officer

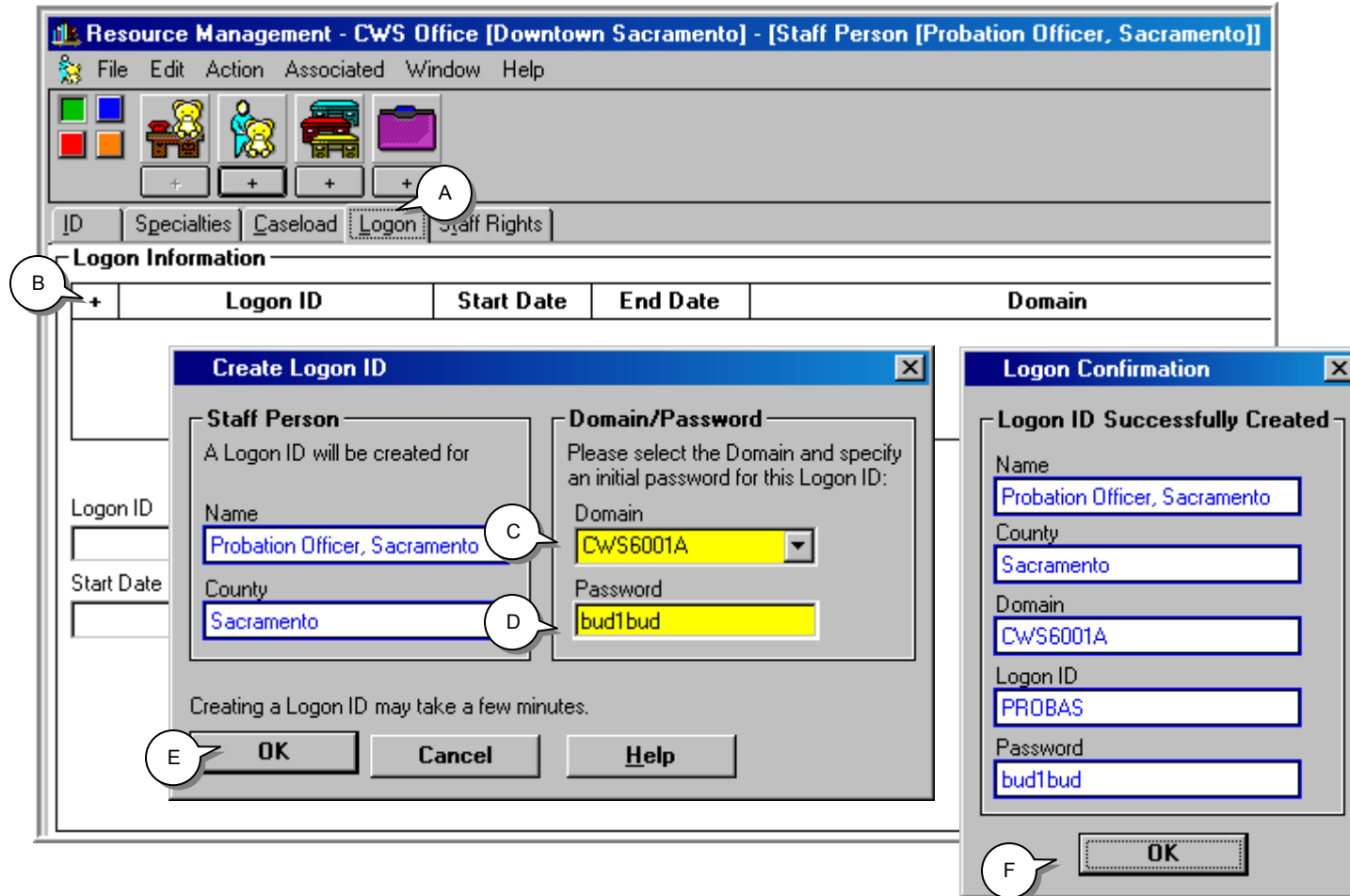
Create a Staff Person (continued)

Click the (A) Specialties Page tab. (B) Click the plus sign in Language grid, (C) select the language the staff person speaks, and (D) click OK. (E) Click the plus sign in Functionality Specialty grid, (F) select the staff person's functional specialties and (G) click OK.



Create a Staff Person (continued)

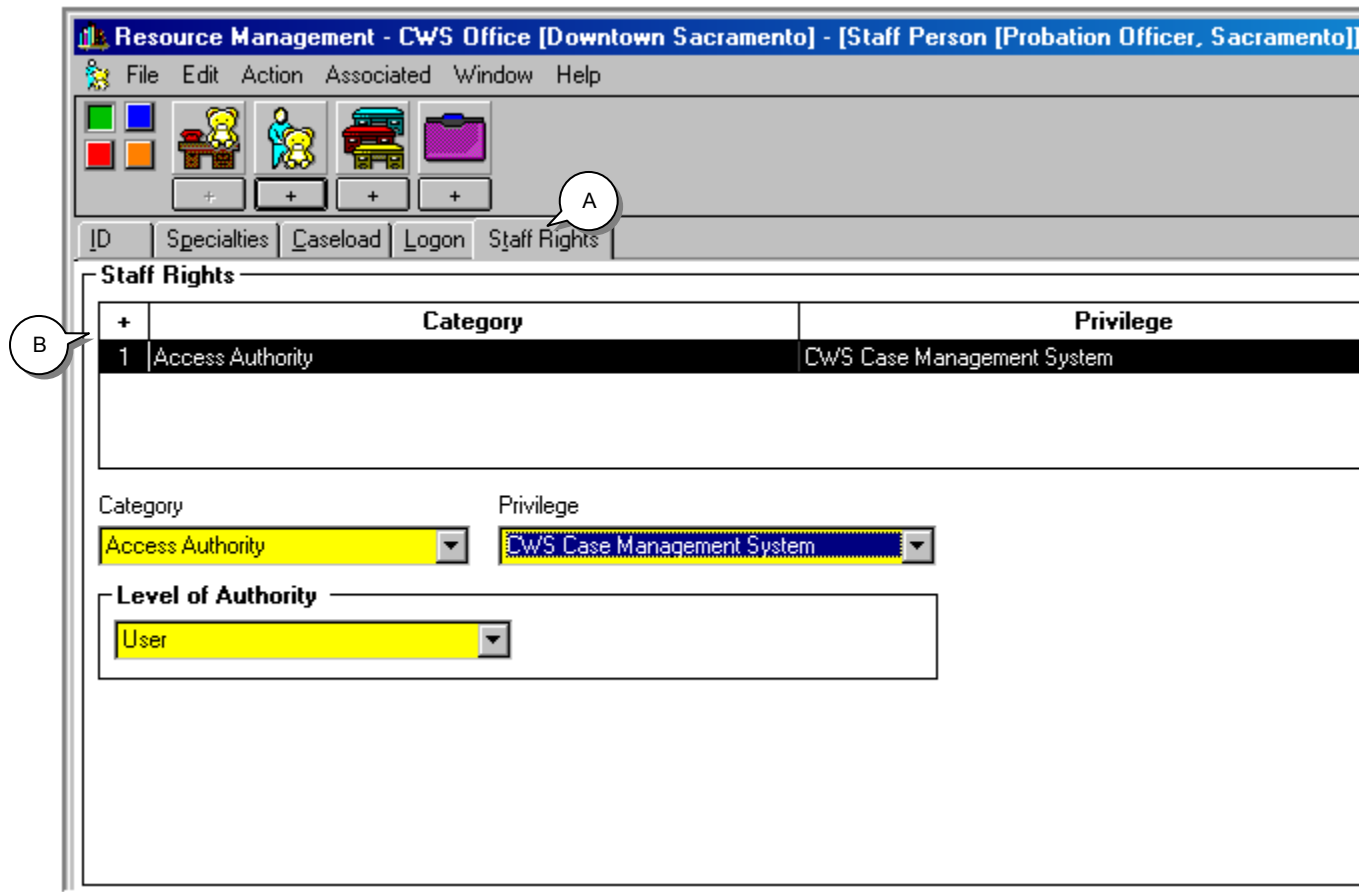
Click the (A) Logon Page tab. Click the (B) plus sign in the Logon Information grid, (C) select the Domain, (D) enter the Password, and (E) click OK. When the Logon Confirmation dialog box appears (F) click OK.



Create a Staff Person (continued)

(A) Click the Staff Rights page tab. (B) Click the plus sign in the Staff Rights grid to enter the staff person's privileges and authorities.

Complete all mandatory and known fields on this page.



Saving to Database

From the File drop-down menu, select **Save to Database** and click **Exit CWS/CMS**.

Create a Generic Probation Officer Staff Person Notebook

Data Fields to Complete a Referral

A. Data needed to create a Referral in the CWS/CMS Application.

Data Fields	Possible Data Values	Description
Date		The DATE the referral is received alleging a ward of the Court was abused in Foster Care.
Time		The TIME the referral was received.
Report Method	<ul style="list-style-type: none"> • E-Mail • Fax • In-Person • Telephone • Written 	How the referral was reported.
Referral Name		Please refer to county CWS policy.
Common Address Information:		
Street No Street Name City State Zip Phone County		The primary residence for the referral, i.e., the alleged victim's address and/or client's address.
Reporter Information:		
Unknown OR First Name Last Name Street City State Zip Code Phone Agency Name		Information about the person who reported the referral to the Probation Dept.
Relationship to Referral		The reporter relationship to the referral clients. Such as aunt, brother, daycare, etc.

Client Information:		
First Name Last Name Gender DOB SSN Lang. Ethnicity		The people involved in the referral such as the alleged victims will be entered into CWS/CMS as clients.
Client's Name type	<ul style="list-style-type: none"> • Legal • AKA • Doe • Maiden 	
Allegation Information:		
Alleged Victim(s)		The name of each alleged victim.
Alleged Perpetrator(s)		The name of each alleged perpetrator.
Abuse Category	<ul style="list-style-type: none"> • At Risk, sibling abused • Caretaker/Absence/Incapacity • Emotional Abuse • Exploitation • General Neglect • Physical Abuse • Sever Neglect • Sexual Abuse • Substantial Risk 	The type of abuse that was alleged.
Perpetrator Type	<ul style="list-style-type: none"> • Perpetrator • Perpetrator-SCP/Residential Facility Staff • Perpetrator Not Identified 	Whether the alleged perpetrator is a substitute care provider or identified.

Data Fields	Possible Data Values	Description
Placement Facility Type	<ul style="list-style-type: none"> • County Shelter/Receiving Home • Court Specified • Foster Family Agency • Foster Family Agency Certified Home • Foster Family Home • Group Home • Guardian Home • Relative/NREFM Home • Small Family Home • Tribe Specified Home 	The type of placement home.
Occurrence Information Start Date		The DATE the alleged abuse started.
Cross-Report Information:		
Date		The DATE the Probation Dept. received or routed the Suspected Child Abuse Report.
Staff Person		The STAFF PERSON who filed the Suspected Child Abuse Report.
County		The COUNTY the Suspected Child Abuse Report was filed in.
Law Enforcement Agency		The LAW ENFORCEMENT AGENCY the Suspected Child Abuse Report is filed with.
Community Care Licensing		Was the Suspected Child Abuse Report sent to CCL? If so, which office?
County Licensing		Was the Suspected Child Abuse Report sent to County Licensing? If so, which office?
District Attorney		Was the Suspected Child Abuse Report sent to the D.A.? If so, which office?
Determine Response Information:		
Decision	<ul style="list-style-type: none"> • Evaluate Out • Immediate • 10 day • 3 day • 5 day 	Probation Department's decision in regard to the response time to the referral.
Rationale		Why the referral was evaluated out.
Agency Referred To		Did probation make a referral to another agency? If so, which agency?

B. Data needed to complete a Referral in the CWS/CMS Application.

Contact Information:		
Staff Person		The Probation Officer that investigated the referral and made contact with the alleged victim and the alleged perpetrator.
Start Date		The DATE the Probation Officer made contact with alleged victim and the alleged perpetrator.
Data Fields	Possible Data Values	Description
Contact Purpose	<ul style="list-style-type: none"> • Investigate Referral 	
Method	<ul style="list-style-type: none"> • E-Mail • Fax • In-Person • Telephone • Written 	How the Probation Dept. contacted the alleged victim and the alleged perpetrator.
Location	<ul style="list-style-type: none"> • Court • CWS/CMS Office • Home • In Placement • Other • School 	Where the Probation Dept. contacted the alleged victim and the alleged perpetrator.
Status	<ul style="list-style-type: none"> • Scheduled • Attempted • Completed 	Was the contact with the alleged victim and the alleged perpetrator scheduled, completed or attempted?
Participants		Names of people that participated in the contact.
Contact Party Type	<ul style="list-style-type: none"> • Attorney • Child • Collateral • Other Contact • Parent-Guardian • Reporter • Service Provider • Sub Care Provider 	Each contact participants relationship or role in regard to the referral.
Narrative description of the investigation		Typed description of the investigation in a Word Document.
Allegation conclusion	<ul style="list-style-type: none"> • Inconclusive • Substantiated • Unfounded 	

Cross-Report Information:		
Date		The DATE the Probation Dept. received or routed the Child Abuse Investigation Report.
Staff Person		The STAFF PERSON who filed the Child Abuse Investigation Report.
DOJ		Was the Child Abuse Investigation Report routed to the Dept. of Justice?
County		The COUNTY the Child Abuse Investigation Report. was filed in.
Law Enforcement Agency		The LAW ENFORCEMENT AGENCY the Child Abuse Investigation Report. is filed with.
Community Care Licensing		Was the Child Abuse Investigation Report sent to CCL? If so, which office?
Data Fields	Possible Data Values	Description
County Licensing		Was the Child Abuse Investigation Report sent to County Licensing? If so, which office?
District Attorney		Was the Child Abuse Investigation Report sent to the D.A.? If so, which office?
Closure Information:		
Closure reason date		The DATE the referral was closed by the Probation Dept.
Closure Reason	<ul style="list-style-type: none"> • Child Appears On Linked Referral • Child Does Not Exist • Child Emancipated/Reached Majority • Child Not at Risk • Child Not Involved in Incident • Child Placed for Adoption • Child Unrelated to Family • Contact Attempted, Can't Locate • Loss of Contact With Child • Situation Stabilized 	The reason the referral was closed.