

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 21, 2006

ALL COUNTY LETTER No. 06-24

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: PUBLIC DISCLOSURE OF CHILD FATALITIES AND NEAR
FATALITIES CAUSED BY ABUSE OR NEGLECT

REFERENCE: CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA)
SECTION 5106a(b)(2)(A)(v-vi), CAPTA SECTION 5106a(b)(4) (A),
CAPTA SECTION 5106a(b)(2)(A)(x), CALIFORNIA PUBLIC RECORDS
ACT, PENAL CODE SECTIONS 11168(a)(1) and 11174.32-11174.35,
WELFARE AND INSTITUTIONS CODE SECTIONS 827 AND 10850,
SENATE BILL 525, CHAPTER 1012 STATUTES OF 1999, ASSEMBLY
BILL 1151, CHAPTER 847 STATUTES OF 2003, ALL COUNTY
LETTER No. 14-01, ALL COUNTY LETTER No. 05-09, ALL COUNTY
INFORMATION NOTICE I-34-06

The purpose of this All County Letter (ACL) is to inform counties of changes in policy and provide processes for public disclosure of information in cases of child abuse or neglect that result in fatalities and near fatalities¹. These changes were necessary to bring California into compliance with federal Child Abuse Prevention and Treatment Act (CAPTA) requirements and will be effective immediately upon receipt of this letter for child fatalities occurring on or after the date of this letter, and 30 days from the date of this letter for near fatalities that occur on or after 30 days from the date of this letter.

The CAPTA requires that states disclose to the public findings and information about cases of child abuse and neglect that result in fatalities or near fatalities. In order to comply with this requirement, California must provide relevant case specific information not only on child fatalities where there is reasonable suspicion² of abuse or neglect but also on near fatalities. After a careful review of the CAPTA requirements, policies and practices employed by other states, and the policies and practices currently in place in California, the Child Death and Near Fatality Workgroup concluded that the best approach for the State was to provide to the public a case specific summary prepared by the California Department of Social Services (CDSS) with the assistance of the county child welfare agencies (CWS/Probation).

¹ The definition of "near fatality" is "a severe childhood injury or condition caused by abuse or neglect which results in the child receiving critical care for at least 24 hours following the child's admission to a critical care unit(s)".

² Reference Penal Code 11166(a)(1) which defines 'reasonable suspicion'.

Notification to CDSS:

The CWS/Probation is now instructed to fax CDSS a Child Fatality or Near Fatality Questionnaire (See Attachment A) within two business days of being notified of either a child fatality or near fatality.

The Child Fatality or Near Fatality Questionnaire should be submitted:

- 1) If the county has reasonable suspicion that the fatality/near fatality was caused by abuse or neglect.
- 2) If a fatality/near fatality initially appears unrelated to abuse or neglect, but the county subsequently has reasonable suspicion that in fact it may have been so caused.

The questionnaire shall be released by CDSS to the public upon request. The questionnaire may be released by CWS/Probation upon request of the public or as otherwise required by law.

Summary Report

The CDSS will conduct a thorough review of the electronic case file contained in the Child Welfare Services/Case Management System (CWS/CMS) and obtain additional information, if necessary, from CWS/Probation. Upon completion of the review, CDSS will prepare and finalize a summary report in collaboration with CWS/Probation that includes information and findings about the case of child abuse or neglect which has resulted in a child fatality or near fatality. This summary may reflect the perspectives of both CDSS and CWS/Probation if the perspectives differ.

Summary Report Contents

The information contained in the summary report will vary depending on whether the child was living in the home or in out-of-home care at the time of the fatality/near fatality.

In Home

If the fatality/near fatality occurred while the child is residing in the home of a parent or legal guardian, the summary report shall contain the following:

- Whether there was an open case/referral at the time of the fatality/near fatality.
- A summary of any parental involvement with CWS in the preceding five years.
- A summary of actions taken by CWS, including referrals for services.
- Information about the child, including the child's:
 - CWS case number
 - Age
 - Gender
 - Family description
 - Special needs if relevant to the fatality/near fatality

- Cross reports to/from other agencies
- Cause of the fatality or near fatality as provided by the county
- Findings about the case of child abuse or neglect which has resulted in the fatality or near fatality.
- What services have been provided to the family since the fatality/near fatality?

Out-of-Home

If the fatality/near fatality occurred in out-of-home care, the summary shall contain the following:

- Whether there was an open case at the time of the fatality/near fatality.
- A description of the current placement, including the basis for the placement decision.
- A summary of the child's placement history.
- A summary of the actions of CWS/Probation relating to the supervision of the current placement.
- Other persons in the home.
- Licensing history. Examples could include type of license, how long licensed, number of reported incidents.
- Information about the child, including the child's:
 - CWS case number
 - Age
 - Gender
 - Ethnicity
 - Special needs if material to the fatality/near fatality.
- Cross reports to/from other agencies.
- Cause of fatality or near fatality as provided by the county.
- Description and findings of the material circumstances leading to the fatality or near fatality.

The following information shall be excluded from the summary report:

- Identifying information about the child and all family members, including non-related caregivers.
- Information that identifies CWS/Probation staff persons.
- Identifying information about the reporting party.
- Medical information not related to the fatality/near fatality.
- Reports, information, and other records which are confidential under law.

Please note that in cases of a child fatality in out-of-home care, the name, date of birth, and date of death of the child must be released if requested in accordance with the Public Records Act.

This report will be completed within 90 days of the date CDSS is notified of the fatality/near fatality and shall be available to the public upon request.

Administrative Summaries

Based on the information contained in the summary reports, the CDSS will release an annual summary identifying systemic issues or patterns presented in these cases. This annual summary will be contained in the CAPTA section of the Annual Progress and Services Report of the State's Title IV-B Child and Family Services Plan and will be available to the public on the CDSS website.

CWS/CMS Documentation Requirements

In order to have the most accurate information to facilitate an analysis on all child fatalities and near fatalities, the CDSS requests the following:

Child Fatality

For all child fatalities either suspected or confirmed to be related to abuse or neglect, the child death information will be recorded in the "Deceased" fields on the Demographics page of the Client Notebook.

- If a cross report is received on a child fatality either suspected or confirmed to be related to abuse or neglect and where there are no siblings, record in CWS/CMS as follows:
 - 1) Create a new referral.
 - 2) Record appropriate information in the Referral "Notebook," "ID," "Reporter" and "Assignment" pages.
 - 3) Perform search(es) on all clients involved in the referral. Attach any matching client notebooks found in the search results to the new referral. An abstract must be opened before you can attach. Go to the Related Clients page and verify the client relationships are correct.
 - 4) If there are no matching search results, create the clients in the "Client Management" section. Go to the Related Clients page and create the client relationships as appropriate.
 - 5) In the "Referral Management" section, create the new allegations.
 - 6) Information regarding a deceased child must be documented on the Demographics page of the client notebook in the "Deceased" fields.

Steps for Completing the Client Disposition and/or Deceased Information when the following conditions exist:

- No open case or referral: If a cross report is received on a child and there are other children in the family whose welfare must be checked or if some other services are provided to the family:
 - Create a referral
 - The client disposition selection for this child should be “Child Dead Prior to Referral Date”. (Note: The Demographics page of the client notebook must be completed on this child to record the date and death circumstances type).
- Open Referral: If the child dies during an investigation where there is an open referral
 - The disposition selection for this child should be “Child Died During Investigation”. Complete the Demographics page of the client notebook to record the date and death circumstances type.
- Open Case: If the child dies while the case is open, regardless of the service component identified on the CWS/CMS,
 - Under case closure reason select the reason “Death of Child”. Complete the Demographics page of the client notebook to record the date and death circumstance type.
- Open Case in Out-of-Home Care: If the child dies while the case is open and the child is in out of home care, regardless of the services component identified in CWS/CMS,
 - Under case closure reason select the reason “Death of Child”. Complete the Demographics page of the client notebook to record the date and death circumstance type.

Please note that all reports of abuse or neglect in out-of-home care settings with a substitute care provider must have a referral created within CWS/CMS. See ACL 05-09 for instructions.

If confirmation of death reason is received after the referral is closed, the death information on the Client Notebook should be updated by workers with the proper privileges by following the steps below:

- a. From the “Client Services” section, search for the client.
- b. From “Search Results” double click on “Client” to open the “Client Abstract.”

- c. From the "Associated Menu," highlight "Open Associated Referrals" and select "Open Associated Referrals."
- d. From the "Open Associated Referrals" dialogue, highlight the appropriate referral and select "OK."
- e. Open the referral and go to the "Client Management" section.
- f. Highlight the client to be updated and select "OK."
- g. Go to the "Demographics" page.
- h. In the "Deceased" section, update the appropriate "Date" and "Death Circumstances Type" fields.

Child Near Fatality

The functionality to track near fatalities currently does not exist in CWS/CMS. A System Change Request to address this issue has been prepared and submitted for approval. In the interim, CDSS will track near fatalities by utilizing the Child Fatality/Near Fatality Questionnaire.

Should you have any questions regarding this ACL, please feel free to contact me at (916) 657-2614 or Susan Nisenbaum, Chief, Child Protection and Family Support Branch at (916) 651-6600. Any questions related to CWS/CMS should be directed to Glenn Jue, Manager, Program Policy Unit of the CMS Support Branch, at (916) 651-7884.

Sincerely,

MARY L. AULT
Deputy Director
Children and Family Services Division

Attachment

**California Department of Social Services
 Children's Services Operations Bureau**
 Main Telephone Number: (916) 651-8100
 Fax Number: (916) 651-8148

Child Fatality/Near Fatality Questionnaire
Based on Suspected Abuse or Neglect

Name of County Contact: _____ Telephone Number:(916) _____
 (Person with knowledge of incident)

CWS Client Identifier: _____ County: _____

Child's Age: _____ Child's Date of Death: _____

Child's Gender: Male Female Child's Race/Ethnicity: _____

Suspected cause of fatatlity/near fatality (injury or condition):

Brief Narrative of CWS History for the child and family: (Include # of referrals with dates; # of open cases; reason(s) for referral(s) with disposition(s); date and description of last county contact.)

Residence of the child at the time of the fatality/near fatality:

- Home of Parent/Legal Guardian Foster Care/Out-of-Home Care

Cross Reporting Done on this Case (to or from):

- Law Enforcement
 Community Care Licensing
 District Attorney
 Other

Comments/Other:

