

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0814-01	REGULATORY ACTION NUMBER 2015-0330-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California

MAY 12 2015

1:55 P.M.

AGENCY WITH RULEMAKING AUTHORITY
 California Department of Social Services

AGENCY FILE NUMBER (if any)
 ORD # 1113-12

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014-352	PUBLICATION DATE 8/29/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Child Fatality Reporting and Disclosure	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Section 31-502
TITLE(S) MPP	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Sylvia Sotelo	TELEPHONE NUMBER (916) 651-2586	FAX NUMBER (Optional) (916) 653-7395	E-MAIL ADDRESS (Optional) sylvia.sotelo@dss.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3/25/15
TYPED NAME AND TITLE OF SIGNATORY Brian Dougherty, Acting Deputy Director, Administration Division	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 12 2015

Office of Administrative Law

Amend Section 31-502 to read:

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

- .1 When the county child welfare agency learns that a child fatality has occurred and has reasonable suspicion that the fatality was a result of abuse and/or neglect, the county child welfare agency 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.
- ~~.11 If the county finds an allegation to be inconclusive or substantiated, they shall complete the reporting requirements as described in Section 31-501.~~
- .11 The county child welfare agency 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.

HANDBOOK BEGINS HERE

- ~~.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

- .12 Within five business days of the county child welfare agency receiving a public request for information concerning a child fatality, whether written, verbal, or via e-mail or facsimile, and the county child welfare agency has reasonable suspicion that the fatality was a result of abuse and/or neglect, the county child welfare agency shall release the information provided in Welfare and Institutions Code Section 10850.4(a)(1-4).

.122 For cases in which a county's involvement with a child fatality is limited to the provision of medical services to the victim and/or the preparation and issuance of a coroner or medical examiner's report, and the abuse or neglect that resulted in the child's fatality occurred in a different county, the child welfare services agency in the county where the abuse and/or neglect occurred shall report on behalf of both counties.

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 10850.4(a)(1-4) provides:

- (1) The age and gender of the child.
- (2) The date of death.
- (3) Whether the child was in foster care or in the home of his or her parent or guardian at the time of death.
- (4) Whether an investigation is being conducted by a law enforcement agency or the county child welfare agency.

HANDBOOK ENDS HERE

.13 A child fatality shall be the result of abuse and/or neglect if any agency pursuant to Section 31-502.14 determines that abuse and/or neglect is either the sole cause of the child fatality, or is a material contributing factor in the child fatality. For purposes of this regulation, "abuse and/or neglect" has the same definition as set forth in section 11165.6 of the Penal Code.

.131 For the county child welfare agency to find that abuse and/or neglect was a material contributing factor in a child fatality, it is not necessary that an agency described in 31-502.14 determine that the abuse or neglect was the sole cause of the fatality or that the child would have lived if the abuse and/or neglect did not occur. On the other hand, the fact that an agency described in 31-502.14 has determined that evidence of abuse and/or neglect was present is by itself an insufficient basis for the county child welfare agency to find that abuse and/or neglect was a material contributing factor in a child fatality. To meet the material contributing factor test, the county child welfare agency must be able to conclude that an agency described in 31-502.14 has determined that abuse and/or neglect was a factor in the child fatality that was more than inconsequential or incidental, which contributed to the cause or causes of the child fatality.

HANDBOOK BEGINS HERE

Section 11165.6 of the Penal Code provides that abuse and/or neglect shall include, but not be limited to, inflicting physical injury or death by other than accidental means upon a child; failing to provide a child with adequate food, clothing, shelter, medical care, or

supervision; willfully causing or permitting any child to suffer, or inflicting thereon, unjustifiable physical pain or mental suffering; and/or sexual abuse.

The Federal Child Abuse Prevention And Treatment Act at 42 U.S.C. 5106a(b)(2)(B)(X) provides the State plan under part B of title IV of the Social Security Act includes "an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide program, relating to child abuse and neglect that includes . . . provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality . . ."

HANDBOOK ENDS HERE

- .14 Pursuant to Welfare and Institutions Code § 10850.4(b)(1)-(3), for reporting and disclosure purposes, the county child welfare agency shall rely on a determination by a law enforcement agency and/or a coroner or medical examiner that abuse and/or neglect resulted in a child fatality as described in section 31-502.13, and/or that a county child welfare or probation agency has substantiated that abuse and/or neglect resulted in a child fatality as described in section 31-502.13.
- .15 Where it is determined or substantiated by an agency identified in Section 31-502.14 that a child fatality occurred as a result of more than one cause, one of which was abuse and/or neglect, the county child welfare agency shall report and disclose child fatality information pursuant to Section 31-502.2 and Section 31-502.3.
- .16 The county child welfare agency shall report and disclose child fatality information pursuant to Section 31-502.2 and section 31-502.3 if any of the agencies identified in Section 31-502.14 have made the determination that abuse and/or neglect resulted in a child fatality as described in section 31-502.13, even if another agency identified in Section 31-502.14 has determined otherwise.
- .2 The county child welfare agency shall submit a report to the Department, using the SOC 826 form, for each child fatality when, upon completion of ~~the~~ a child abuse and/or neglect investigation, it has been determined that ~~the child fatality was the result of~~ child abuse and/or neglect resulted in the child fatality pursuant to Section 31-502.13 through 31-502.16. The county child welfare agency shall report this information to the Department using the SOC 826 form. The report shall include the following information:
- .21 (Continued)
- .23 Residence of child at the time of death, and at the time that the abuse and/or neglect which resulted in the child's death as described in Section 31-502.13.
- .231 (Continued)
- .232 Parent or Guardian as defined by Sections 31-002(g)(3) and (p)(1), and ~~(g)(3).~~

(a) For purposes of Section 31-502, the term guardian shall also include an adult with whom the child resides and who functions as a putative parent or guardian for the child.

- .24 Whether an investigation is being conducted or has been conducted by a law enforcement agency and/or the county child welfare agency.
- .25 The agency that made the determination ~~whether that~~ the child fatality was ~~or was not~~ the result of abuse and/or neglect pursuant to Sections 31-502.13 through 31-502.16.

~~.251 CWS or Probation~~

~~A "determination" of abuse and/or neglect by CWS or Probation is the substantiation of abuse and/or neglect allegations which resulted in the fatality.~~

~~.252 Law Enforcement~~

~~A law enforcement investigation concludes that the child's death was a result of abuse and/or neglect.~~

~~.253 Coroner/Medical Examiner~~

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

- .26 For cases in which a county's involvement with a child fatality is limited to the provision of medical services to the victim and/or the preparation and issuance of a coroner or medical examiner's report, and the abuse or neglect that resulted in the child's fatality occurred in a different county, the child welfare services agency in the county where the abuse and/or neglect occurred shall report on behalf of both counties.

HANDBOOK BEGINS HERE

- ~~.254 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

- ~~.3 Upon public request, whether written, verbal, or via email or facsimile, the county shall release 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 31-502.2 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 31-502.25, 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 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 31-502.2.
 - ~~(b)~~ Any emergency response referral information, completed by the county, which pertains to the abuse and/or neglect that resulted in 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 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 31-502.25, 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 31-502.21 through .25.~~
- ~~(b) The emergency response referral information, completed by the county, which pertains to the abuse and/or neglect that resulted in 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(s) 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 inflicted by the foster parent(s).~~
- ~~(h) 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).~~
- ~~(i) Records pertaining to the foster parent's license and type of license or licenses held, if in the case record.~~
- ~~(j) 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.~~
- ~~(k) All documented licensing violations, including plans of correction, if in the case record.~~
- ~~(l) Records of any training completed by the foster parent(s), if in the case record.~~

~~(m) 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.~~

.3 Sections 31-502.31 through 31-502.37 describe the circumstances in which the county child welfare agency has a duty to disclose child fatality information, as well as the information and records the county child welfare agency is required to disclose, when an agency, pursuant to Sections 31-502.13 through 31-502.16, makes the determination that abuse and/or neglect by a parent, guardian, foster parent(s) or other person resulted in the child fatality, when the child resided with his/her parent or guardian, or in foster care.

.31 ABUSE AND/OR NEGLECT BY A PARENT OR GUARDIAN WHEN THE CHILD WAS LIVING WITH THE PARENT OR GUARDIAN.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by the parent or guardian, as defined in Section 31-502.232 resulted in the child fatality, the county child welfare agency shall release the following records.

.311 To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

(a) All previous referrals indicating abuse and/or neglect perpetrated by the parent or guardian. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.

(b) All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E). (See the following Handbook Section)

(c) All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 10850.4(c)(2)(A-E) provides:

The emergency response referral information form and the emergency response notice of referral disposition form completed by the county child welfare agency relating to the abuse or neglect that caused the death of the child.

Any cross reports completed by the county child welfare agency to law enforcement relating to the deceased child.

All risk and safety assessments completed by the county child welfare services agency relating to the deceased child.

All health care records of the deceased child, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse or neglect.

Copies of police reports about the person against whom the child abuse or neglect was substantiated.

HANDBOOK ENDS HERE

.32 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE PARENT OR GUARDIAN WHEN THE CHILD WAS LIVING WITH THE PARENT OR GUARDIAN, AND CONTRIBUTORY NEGLECT BY THE PARENT OR GUARDIAN.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by someone other than the parent or guardian resulted in the child fatality and the child resided with his/her parent or guardian, as defined in Section 31-502.232, at the time the abuse and/or neglect occurred, and an agency identified in Section 31-502.14 has determined that neglect by the parent or guardian contributed to the circumstances that resulted in the child's fatality, the county child welfare agency shall release the following records.

.321 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10)

business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the parent or guardian and the person whose abuse and/or neglect resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.33 ABUSE AND/OR NEGLECT BY A FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by the child's foster parent(s) resulted in the child fatality, and the child resided in foster care as defined by Section 31-002(f)(8), the county child welfare agency shall release the following records.

- .331 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the foster parent(s). Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) All the documents specified in Welfare and Institutions Code Section 10850.4(c)(3)(A-C).

HANDBOOK BEGINS HERE

Welfare and Institutions Code Section 10850.4(c)(3)(A-C) provides:

- (A) Records pertaining to the foster parents' initial licensing and renewals and type of license or licenses held, if in the case file.
- (B) All reported licensing violations, including notices of action, if in the case file.

(C) Records of the training completed by the foster parents, if in the case file.

HANDBOOK ENDS HERE

(d) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

(e) 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.

.332 If licensing/approval records pertaining to the foster parent(s) are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.331(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.333 The county child welfare agency shall redact from any records released under Section 31-502.331, in addition to the redactions indicated in Section 31-502.4, any information that would identify the child's parent or guardian, unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that the parent or guardian inflicted abuse and/or neglect that resulted in the child's death.

.34 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE FOSTER PARENT(S) WHEN THE CHILD WAS LIVING WITH THE FOSTER PARENT(S), AND CONTRIBUTORY NEGLECT BY FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by someone other than the foster parent(s) resulted in the child fatality, and the child resided in foster care as defined by Section 31-002(f)(8) at the time the abuse and/or neglect occurred, and an agency identified in Section 31-502.14 has determined or substantiated that neglect by the foster parent(s) contributed to the circumstances that resulted in the child's fatality, the county child welfare agency shall release the following records.

.341 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the foster parent(s) and the person whose abuse or neglect resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.331(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.331(c) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(3)(A-C) (See Handbook Section below MPP 31-502.331(c)).

HANDBOOK ENDS HERE

(d) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP 31-502.12)

HANDBOOK ENDS HERE

(e) 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.

.342 If licensing/approval records pertaining to the foster parent(s) are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.341(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.343 The county child welfare agency shall redact from any records released under Section 31-502.342, in addition to the redactions indicated in Section 31-502.4, any information that would identify the child's parent or guardian, unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that the parent or guardian inflicted abuse and/or neglect that materially contributed to the child's death.

.35 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE PARENT, GUARDIAN, OR FOSTER PARENT(S), NO CONTRIBUTORY NEGLECT BY PARENT, GUARDIAN, OR FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16 determines or substantiates that abuse and/or neglect inflicted by someone other than the parent, guardian or foster parent(s) resulted in the child fatality, and the child resided with a parent, guardian, or foster care provider, and there is no determination of neglect

by the parent, guardian or foster care provider, the county child welfare agency shall release the following records.

.351 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the person who inflicted the abuse and/or neglect that resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (a) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.352 The county child welfare agency shall redact from any records released under Section 31-502.351, in addition to the redactions indicated in Section 31-502.4, any information that would identify the parent, guardian, or foster parent(s).

.36 ABUSE AND/OR NEGLECT IN NON-RESIDENTIAL CHILD CARE.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect occurring in a licensed family day care home as defined by Title 22 of the California Code of Regulations section 102352(f)(1), a licensed child care center as defined by Title 22 of the California Code of Regulations section 101152(c)(7), or a family day care home that is exempt from licensure pursuant to Health and Safety Code Section 1596.792, resulted in the child fatality, and the child resided with a parent, guardian, or foster care provider, the county child welfare agency shall release the following records.

HANDBOOK BEGINS HERE

Title 22 of the California Code of Regulations section 102352(f)(1) provides:

"Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.

Title 22 of the California Code of Regulations section 101152(c)(7) provides: "Child Care Center" means any child care facility of any capacity, other than a family child care home as defined in Section 102352f.(1), in which less than 24- hour per day nonmedical care and supervision are provided to children in a group setting.

Health and Safety Code Section 1596.792 provides in pertinent part:

- (a) Any family day care home providing care for the children of only one family in addition to the operator's own children.
- (b) Any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of the following conditions:
 - (1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible care giver with respect to all the children in the cooperative.
 - (2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.

(3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of that may not exceed the actual cost of the activity.

(4) No more than 12 children are receiving care in the same place at the same time.

(c) Any arrangement for the receiving and care of children by a relative.

(d) Any child day care program that operates only one day per week for no more than four hours on that one day.

HANDBOOK ENDS HERE

.361 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

(a) All previous referrals indicating abuse and/or neglect perpetrated by the person who inflicted the abuse and/or neglect that resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.

(b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code

Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

(c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

(d) Licensing records.

.362 If licensing/approval records pertaining to the non-residential care provider are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.361(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.363 In addition to the redactions indicated in Section 31-502.4, the county child welfare agency shall redact from any records released under Section 31-502.361 any information that would identify the parent, guardian, or foster parent(s), unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that abuse and/or neglect by the parent, guardian, or foster parent contributed to the circumstances that resulted in the child's fatality as described in section 31-502.13.

.37 ABUSE AND/OR NEGLECT BY AN UNIDENTIFIED INDIVIDUAL WHEN THE CHILD WAS LIVING WITH THE PARENT, GUARDIAN, OR FOSTER CARE PROVIDER

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect resulted in the child fatality, but has not determined who inflicted the abuse and/or neglect, the county child welfare agency shall release the following records.

.371 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals of abuse and/or neglect of the deceased child. Any information in these referrals that identify any child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E)(See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.372 In addition to the redactions indicated in Section 31-502.4, the county child welfare agency shall redact from any records released under Section 31-502.371 any information that would identify the parent, guardian, or foster parent(s), unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that abuse or neglect by the parent, guardian, or

foster parent contributed to the circumstances that resulted in the child's fatality.

.38 Upon receiving a public request for information pursuant to Sections 31-502.31 through 31-502.37 the county child welfare agency shall notify counsel for any child directly or indirectly related to the deceased child's case record.

.4 (Continued)

.43 If disclosure of information about a child, including the deceased child or any sibling of the deceased child, as listed in Sections ~~31-502.331(a)~~ 31-502.31 through ~~(g)~~ and Sections ~~31-502.41(a) through (k)~~ 31-502.37, 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.

.431 (Continued)

.46 When a public request is made for documents other than those listed in Sections ~~31-502.331(a)~~ 31-502.31 through ~~(g)~~ and Sections ~~31-502.341(a) through (t)~~ 31-502.37, the county child welfare agency shall only release this information upon an order from the juvenile court pursuant to Welfare and Institutions Code Section 827.

.47 (Continued)

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, 4903, and 10850.4, Welfare and Institutions Code; 42 U.S.C. 5106a(b)(2)(B)(X); *Butterfield v. Lightbourne* (Cal.Sup. Dec. 28, 2012, No 37-2011-00097858-CU-MC-CTL).