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ALL COUNTY LETTER (ACL) 17-27

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: **INVESTIGATING, ASSESSING, AND DOCUMENTING A NEW
REFERRAL OF CHILD ABUSE OR NEGLECT IN AN OPEN
INVESTIGATION OR CASE**

REFERENCES: PENAL CODE SECTION [11165](#); WELFARE AND INSTITUTIONS
CODE (WIC) SECTION [16501](#); WIC [16504](#); MANUAL OF
POLICIES AND PROCEDURES (MPP) [SECTION 31-100](#); MPP
[31-501.3](#) ; ACL [05-09](#); ACL [06-15](#); ACL [12-42](#); ACL [03-61](#); ACL [15-63](#); ACL [16-74](#)

The purpose of this letter is to clarify required county child welfare or probation actions when responding to a report of suspected abuse or neglect of a child who is already in an open child welfare or probation investigation, or an ongoing child welfare or probation case. This includes, but is not limited to, families participating in a Family Reunification, Voluntary/Informal Family Maintenance or Differential Response case plan. This letter also provides instruction on the use of the Structured Decision Making (SDM) tools to reassess a child's safety and potential risks when new allegations are reported, as well the proper documentation of subsequent allegations in the Child Welfare Services/Case Management System (CWS/CMS). It is expected that counties will incorporate the information found in this ACL into their existing county policies and procedures.

BACKGROUND

In April 2005, the California Department of Social Services (CDSS) released [ACL 05-09](#), which directed counties to respond to referrals on children in out-of-home care, including children in relative or Non-Relative Extended Family Member (NREFM) placements, applying the same Emergency Response (ER) Protocol used in any other referral. The letter described the distinction between a licensing investigation and a child welfare investigation, the proper documentation in CWS/CMS of an investigation in an out-of-home setting, and the importance of conducting a complete child welfare response regardless of whether a licensing agency is investigating the same allegation. The CDSS clarified in [ACL 06-15](#) that this directive applied to children on probation as well as those involved with CWS and offered guidelines on how to document an investigation assigned to probation in CWS/CMS.

The consistent response to all allegations is vital in ensuring the child's safety from all forms of abuse and neglect, some of which may only become apparent in the course of an in-home investigation or with consistent visitation. It is also critical that all allegations are appropriately documented to facilitate the provision of appropriate services in a case plan, should one be necessary, as well as to ensure consistent data reporting and accurate measures.

INVESTIGATING A NEW ALLEGATION IN AN OPEN CASE OR REFERRAL

County CWS agencies are reminded that all new allegations of abuse and neglect regarding any child in a home a case worker is investigating or supervising must be reported and responded to by completing the ER Protocol outlined in [MPP Section 31-105](#), or conducting an in-person investigation immediately or within ten calendar days as described in [Section 31-105](#) or [31-115](#). This includes allegations of abuse or neglect of children in voluntary or court ordered family maintenance, informal supervision, and family preservation plans, in addition to children in out-of-home care. To evaluate out a referral only because the child is already in an open case plan does not comport with federal and state requirements.

A new allegation on a child in an open case or referral shall be responded to with the same protocols as any other referral. The [MPP Section 31-101](#) requires the county to respond to all referrals for service alleging a child is endangered by abuse, neglect, or exploitation by either conducting an in-person investigation or completing the ER Protocol. The [MPP Section 31-101.2](#) specifically requires that the case worker responding to a referral must be skilled in ER. For this reason, and to avoid impacting an ongoing case worker's relationship with a family or caregiver, counties shall ensure that family maintenance, family reunification, licensing and adoptions workers are not tasked with responding to referrals and investigating allegations. If a child in an open

case plan is suspected to be the victim of abuse or neglect, the allegation shall be investigated by an ER social worker rather than the ongoing case worker. In counties that practice vertical case planning for some or all of their clients, best practice would indicate that a social worker separate from the case-carrying worker would investigate in order to have an unbiased, independent assessment of the allegation. Investigations should also include a comprehensive assessment for all forms of abuse or neglect of the child, and not focus solely on the original allegation or incident, in order to determine the potential for or existence of *any* condition(s) which may put the child at risk and in need of services and which would cause the child to be a person described in WIC Section 300(a)-(j), consistent with [MPP Section 31-125.1](#).

USE OF THE SDM® ASSESSMENT TOOLS FOR NEW ALLEGATIONS

Additional information received or observed by the case worker during the course of investigation or case supervision should be evaluated using the SDM® Safety and Risk Assessment tools.

SDM® Safety Assessment

The SDM® Safety Assessment is performed on all referrals that are assigned for an in-person response within two working days of the initial investigation. A new allegation on a child in an open case or referral triggers the need to conduct a new Safety Assessment to determine if the child can continue to remain safely in the home and if a Safety Plan is needed.

SDM® Risk Reassessment

SDM® has created a Risk Reassessment tool which is designed to assess if risk has been sufficiently reduced to allow a case to be closed or whether risk remains high and services should continue. The Family Risk Reassessment combines items from the original Risk Assessment with additional items that evaluate a family's progress toward case plan goals. The risk reassessment is completed when a case closure is being considered or any time there are new circumstances or new information that would affect risk. A new allegation of abuse or neglect is within the definition of "new circumstances or new information."

In situations where a new allegation arises when the family is not in an open case plan (i.e., an allegation arises in the course of the investigation), the case worker will ensure that this additional information is reflected in the Risk Assessment completed before closing a referral or promoting to a case.

SDM® Substitute Care Provider Safety Assessment

Regardless of the child's current placement, an assessment must be completed on all new allegations. To facilitate assessing children in out-of-home care, SDM® has a specific Substitute Care Provider (SCP) Safety Assessment, designed to reflect the specific needs and requirements placed on caretakers who are caring for children in out-of-home care. For example, while the standard Safety Assessment only describes physical discipline that resulted in or could easily result in injury as a Safety Threat, the SCP Assessment describes any corporal punishment as a Safety Threat, in reflection of the special requirements placed on out-of-home care providers. Similarly, while the standard Safety Assessment states that "the caregiver describes the child in negative terms or acts towards the child in negative ways that result in severe psychological/emotional harm," the SCP Safety Assessment describes a Safety Threat as the caregiver "routinely describes the child in negative terms or acts towards the child in negative ways," without the requirement that the child demonstrate psychological or emotional harm.

Per the SDM® Policy and Procedures Manual, the SCP Safety Assessment tool should be used on all investigations of alleged abuse or neglect by the substitute care provider, including approved relative and NREFM homes in addition to foster family homes and small family homes. Like the Safety Assessment, the SCP Safety Assessment should be completed within two working days of the first face-to-face contact with the alleged child victim. The SCP Assessment helps guide the decision to remove the child from the SCP's home, based on whether threats to safety are present in the household and whether interventions are available and appropriate to maintain placement. The SCP Safety Assessment should be regularly utilized in those counties where it is available.

DOCUMENTING A NEW ALLEGATION IN AN OPEN CASE OR REFERRAL

Allegations of abuse or neglect of any child must be documented in a new referral, in accordance with [WIC 16504\(a\)](#), [MPP 31-501.3](#), [ACL 03-61](#), and [ACL 05-09](#). To ensure accuracy of data, it is important that **all** allegations of abuse and neglect be entered into CWS/CMS and appropriately screened using the ER Protocol described in [MPP 31-105](#). The county must assess the allegation to determine if an in-person investigation is warranted and document the referral and investigation decision in the CWS/CMS.

[ACL 03-61](#), dated December 2, 2003 contained instructions for documentation of child abuse and neglect, including additional system functionality for documenting referrals on children in foster care. In accordance with [ACL 03-61](#), counties should only assign secondary or duplicate referrals when a new reporter reports abuse or neglect involving:

- The same child victim AND
- The same allegation AND
- The same incident

All other allegations should be entered in CWS/CMS as a new primary referral, with appropriate incident date and assessed for investigation.

ENTERING THE DATE AND FREQUENCY OF ABUSE/NEGLECT INCIDENTS IN THE CWS/CMS ALLEGATION NOTEBOOK

The federal Child and Family Service Review (CFSR) data measures include the measure “Maltreatment in Foster Care.” This indicator examines the total number of children in foster care in a given period, and calculates the “rate of victimization” by measuring substantiated child maltreatment referrals that occur during open placement episodes. Refer to [ACL 15-63](#) for detailed information on the most recent federal measures.

In order to ensure the accurate identification of the affected referrals, the “Occurrence Information” fields (i.e., date, frequency, and location of the abuse and/or neglect) must be entered into the CWS/CMS Allegation Notebook of the Referral folder (see instructions on next page). When these fields are left blank, the Maltreatment in Foster Care measure interprets the referral date itself as the abuse or neglect incident date. As the referral date does not often reflect the actual date that the abuse and/or neglect occurred, this practice can lead to inaccurate Maltreatment in Foster Care data for children placed in out-of-home care. For example, if a child recently placed in foster or relative care discloses a previously unknown incident of abuse/neglect by a parent that occurred prior to the removal date, the Maltreatment in Foster Care measure will count the abuse/neglect incident as having occurred *in out-of-home care* unless the correct “Occurrence Information” date is entered in the resulting referral. Accurate documentation in CWS/CMS will assist in decreasing the number of children inaccurately identified as being abused and/or neglected in out-of-home care.

In the case of Commercially Sexually Exploited Children (CSEC), counties are instructed to document each new incidence of exploitation using the “S-CSEC Referral” special project code. Refer to [ACL 16-74](#) for greater detail in documenting referrals involving CSEC.

Instructions for Entering “Occurrence Information” in CWS/CMS:

In the Referral Management section, on the “ID” page of the Allegation Notebook, for each allegation, enter the “Start Date” and “End Date,” “Number of Occurrences” (number and frequency) and the “Location of the Incident.” **Please note that the federal outcome measures only look at the information in these fields - entering**

this information in narrative form in other areas of CWS/CMS is not a substitute for these entries and will not be captured by the federal outcome measure Maltreatment in Foster Care.

The screenshot shows the CWS/CMS software interface. At the top is a menu bar with options: File, Edit, Search, Action, Associated, Attach, Attach, Window, Help, and Toolz. Below the menu bar is a toolbar with various icons. A red arrow points to the 'Open Existing Allegation(s)' button, which is labeled '1. Open Existing Allegation(s)'. Below the toolbar is a tabbed interface with 'ID' and 'Conclusion' tabs. The 'ID' tab is active, showing a form with several sections: 'People Involved' (Alleged Victim, Alleged Perpetrator, Abuse Category, Placement Facility Type), 'Perpetrator Type' (Perpetrator, Perpetrator-SCP/Res. Facility Staff, Non-Protecting Parent, Perpetrator Not Identified), 'Occurrence Information' (Start Date, End Date, Number of Occurrences, Location of Incident), 'Information Source' (Alleged By Reporter, Added By Investigator), and 'Perpetrator History' (Allegation Perpetrator History table). A red arrow points to the 'Occurrence Information' section, which is labeled '2. Enter Occurrence Information in each field.*'. The 'Perpetrator History' table has columns for 'Allegation', 'Perpetrator', 'Date', and 'Name'. The first row shows '1', '02/16/2013', and an empty name field.

If the exact date of an incident is unknown, an approximate date should be entered based on the information obtained during the hotline screening and/or investigation. For example, if a reporter indicates that an incident of abuse or neglect occurred “a couple of weeks ago,” the hotline screener will select a date two weeks prior to the date of the telephone call. An approximate date range should also be entered when multiple incidents occurred over time on unknown dates. For example, when only the year is known, enter start and end dates such as January 1, 2015 through December 31, 2015, and when only the month is known, enter start and end dates such as March 1, 2016 through March 31, 2016. In the event that the situation is believed to be ongoing until the present moment, use the date of the last known specific incident as the “End Date.” For example, if a reporter alleges that a parent routinely abuses drugs or alcohol in front of the children, the screener should ask the reporter when, to the best of their knowledge, was the last time this happened and enter that date as the end date. **Do not use the referral date unless the incident occurred on that date.**

County Policies and Procedures

Counties are instructed to review their Policies and Procedures and incorporate direction regarding investigating, assessing, and documenting allegations on open referrals or cases as needed. Counties are advised that updated links to county policies and procedures will be requested in the forthcoming revision of the Instructions Manual

for the California Children and Family Services Review (CFSR). At that time, the CDSS will review that counties have incorporated direction regarding the proper evaluation, investigation and documentation of referrals on a child in an open referral or case into their policies and procedures.

Questions regarding the directions given in this ACL should be directed to the Child Welfare Policy and Program Development Bureau at (916) 651-6160. Questions regarding the CFSR Measures should be directed to the Outcomes and Accountability Bureau at (916) 651-8099.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Child Protection and Family Services Division

c: CWDA
CPOC