



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

May 3, 2017

ALL COUNTY LETTER (ACL) NO. 17-28

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES
PROGRAM MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL ELIGIBILITY SUPERVISORS

SUBJECT: **TIMELY INVESTIGATIONS OF CHILD ABUSE AND NEGLECT;
CONSISTENT SOCIAL WORKER VISITS**

REFERENCE: PENAL CODE (PC) [111165.9](#); WELFARE AND INSTITUTIONS CODE (W&IC) SECTION [300](#); W&IC SECTION [16501](#); [ASSEMBLY BILL \(AB\) 2795 \(CHAPTER 332, STATUTES OF 2004\)](#); MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS [31-002\(e\)\(7\)](#), [31-101.1](#), [31-101.5](#), [31-105](#), [31-110.3](#), [31-125.2](#), [31-206.24](#), AND [31-320](#); ACL [05-07](#); ACL NO. [06-07](#); ACL NO. [16-84](#); ALL COUNTY INFORMATION NOTICE (ACIN) NO. [1-52-14](#)

The purpose of this ACL is to clarify when the timeframe for referral closure and case plan development is initiated, and to clarify the required contacts with children during an emergency response investigation and the initial case planning process.

Background

Anyone may report an incident of known or suspected child abuse or neglect. The report must be made to a County Welfare Department, County Probation Department (if designated by the county to receive mandated reports), or to a Police or Sheriff's Department, not including a school district police or security department pursuant to PC section [111165.9](#). When a referral is received, the county must respond if the referral alleges a child is endangered by abuse, neglect, or exploitation, as required by MPP

REASON FOR THIS TRANSMITTAL

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

section [31-101.1](#). The Emergency Response social worker must determine if an in-person investigation is required, in accordance with MPP section [31-105](#).

An emergency response “in-person investigation” is defined as a “face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by W&IC sections [300\(a\)](#) through (j)” (MPP section [31-002\[e\]\[7\]](#)). Counties are required to initiate such in-person investigations “immediately” or within ten calendar days, based upon the circumstances of the allegation, in accordance with W&IC section [16501\(f\)](#) and MPP section [31-110.3](#). When investigating a referral of alleged child abuse or neglect, social workers are required by state regulations to determine whether Child Welfare Services (CWS) are necessary or to close the referral/case “within 30 calendar days of the initial removal of the child or the in-person investigation, or by the date of the dispositional hearing, whichever comes first.” (MPP section [31-101.5](#)).

30-Day Timeframe Clarification

In order to safeguard the welfare of vulnerable children while giving CWS staff adequate time to thoroughly investigate allegations, assess safety and ensure, when necessary, adequate safety planning, county CWS agencies are instructed to begin the 30-day count from the date of initial removal of the child or the initial in-person investigation, but no later than ten days following the original report of suspected abuse or neglect.

This clarification is to ensure consistency between the existing requirements in state law that a completed in-person contact must occur immediately or within 10 calendar days, and the existing requirement in MPP section [31-101.5](#) that the social worker must determine within 30 days of the in-person investigation whether child welfare services are necessary or close the referral.

In accordance with these requirements, the 30-day timeframe for closure must begin no later than ten days after the date that the original report of alleged abuse or neglect is received (i.e., date of receipt of the Suspected Child Abuse Report or hotline call, whichever is first). If for any reason the county has not successfully initiated the in-person investigation within ten days of a report of alleged abuse or neglect, the 30-day referral closure timeframe will begin on the tenth day following the report of alleged abuse or neglect, including the date on which the referral was received. Therefore, the maximum time a referral can remain open is 40 calendar days from the date the original report is received.

There are two outcome measures that assist counties in tracking progress on completing social worker contacts in a timely fashion – *Time to Investigation (2B)* and *Time to Investigation – Completed Contacts (2D)*. *Time to Investigation (2B)* counts attempted contacts for purposes of timeliness. While this measure is designed to help social workers and supervisors better manage workload and supervise staff, it is important to emphasize that social workers must make every effort to successfully complete an in-person contact with all children alleged to be abused and at least one adult with knowledge of the abuse within the specified investigation timeframe. Social workers and social work supervisors can track their compliance with the statutory requirement to make face to face contact with the family and child using Outcome Measure *Time to Investigation – Completed Contacts (2D)*.

Social Worker Visits During the Investigation and Case Planning Process

When investigating a referral of child abuse or neglect, the county social worker must have in-person contact with all of the children alleged to have been abused, neglected or exploited, and with at least one adult who has information regarding the allegations as required by MPP section [31-125.2](#). Once a social worker has conducted an in-person investigation, determined that CWS are necessary and a case plan is in progress, the children must be visited three times within the first 30 days as required by MPP section [31-320.2](#). This includes the initial in-person investigation. If the case plan is completed within the first 21 calendar days after the initial removal of the child or in-person response, the social worker shall be permitted to visit a minimum of twice in the first 21 calendar days pursuant to MPP section [31-320.21](#).

The California Department of Social Services (CDSS) has previously clarified in ACL No. [06-07](#) that if the social worker elects to utilize the additional 30 days to complete the case plan in accordance with W&IC section [16501.1\(e\)](#), the social worker visitation requirements listed in MPP section [31-320](#) still apply. The social worker must visit the child a minimum of three times in the first 30 days and a minimum of one time in the next 30 days (and every month thereafter) to ensure the child's safety and well-being. As best practice, the social worker should space the visits at intervals that will best enable the social worker to ensure the child's continuing safety over the course of the investigation and case planning process.

If a social worker has not yet determined if a case plan is necessary, as a best practice, the social worker should conduct their investigation as though a case plan were in progress, visiting the child(ren) at least three times in 30 days. This practice will help the county avoid non-compliance with required case plan visitation should a case plan be necessary. In the event that a case plan is not necessary, this practice helps ensure child safety while the investigation is underway. If a social worker has determined that CWS are not necessary, then the referral should be closed promptly.

There is no regulatory or statutory justification for a referral to remain open for longer than 30 days from the date the county is required to initiate the in-person investigation. In the event that a referral is open longer than is permitted by regulations, counties must continue to ensure the safety of the children in an open referral via consistent visitation for the entire time the referral remains open. If a child has been determined to be safe, the referral should be closed promptly. If a child is not safe and services are required, then a written case plan should be opened and developed. If a situation is in the process of being stabilized, the social worker should take care to regularly visit the child to ensure that the appropriate services are being utilized and progress is being made before closing the referral. If a county has an open referral but does not plan to promote the referral to a case, visitation should occur as often as necessary to meet the family's needs. Any incidence of a child in an open referral who has not been visited in more than 30 days presents significant concerns and counties should take care to not allow any such situations to occur.

How to Address Families Who Cannot Be Located Promptly

The CDSS recognizes that counties are concerned that unduly rapid referral closure could result in children being left in unsafe situations. While child safety should always remain paramount, counties are reminded that the legal authority to investigate a family in their home relies on the need to assess a specific allegation, and that the more time that has passed; the less likely it is that such an assessment will be possible. To avoid investigations of a family on an outdated allegation and to ensure child safety, social workers should diligently attempt to make contact with the family as quickly as possible. To address the issue of closing a referral without making a completed contact, CDSS released ACIN No. [I-52-14](#), which offers best practices in locating families. The CDSS recommends that counties attempt at least three in person contacts, at different times of day and at different locations (home, school, work, etc.) before a referral is closed.

In the event that timely contact with a family is not successful, the county should still make every effort to close the referral in the designated time frame. However, child safety must always take precedence and if the county is unable to complete a thorough investigation in the timeframe allotted, as best practice, staff should take care to visit the child at least three times in the first 30 days of the investigation beginning with the date the child is seen and at least once every month thereafter until the determination of whether CWS are necessary is made and the referral is closed, consistent with MPP section [31-320](#).

60 Day Requirement for Case Plan Completion

Following Assembly Bill (AB) [2795](#) (Chapter 322, Statutes of 2004), counties have up to 60 days to complete a written case plan. While AB [2795](#) did not address referral closure, counties were directed in ACL No. [05-07](#) that they are still required to close a referral where no services are indicated in the 30-day timeframe stated above. In referrals where the services indicated will require more than 30 days to complete, the county must open a case plan. When it has been determined that services are necessary, counties will then have an additional 30 days (for a total of 60 days) to develop the case plan. The purpose for the extension is to enable social workers to engage the child's family in the case planning process and to solicit and integrate their input into the case plan, in order to create a stronger and more effective plan for family maintenance or family reunification. As directed in ACL No. [16-84](#), for a child in out-of-home care the case plan must be developed using the Child and Family Team model.

As with the 30-day investigation timeframe, the 60-day timeframe to complete a case plan begins on the date of the initial removal or in-person investigation, or on the tenth day after the referral, whichever comes first. Pursuant to W&IC section [16501.1\(e\)](#), "A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first." The in-person response required under W&IC section [16501\(f\)](#) must occur immediately or within a maximum of ten calendar days. Consistent with these requirements, the maximum time counties may take to complete a written case plan is 70 calendar days from the date original report of abuse or neglect is received.

If you have any questions, please contact the Child Welfare Policy and Program Development Bureau at (916) 651-6160.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

Attachment

References

MPP Section 31-002(e)(7)	“Emergency response in-person investigation” means a face to face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by WIC Sections 300(a) through (j).
MPP Section 31-101.5	Within 30 calendar days of the initial removal of the child or the in-person investigation, or by the date of the dispositional hearing, whichever comes first, the social worker shall: .51 Determine whether child welfare services are necessary and: .511 If child welfare services are necessary, complete a case plan and begin implementation of the case plan in accordance with the time frames and schedules specified in Chapter 31-200. .512 If child welfare services are unnecessary, close the referral/case, as appropriate.
MPP Section 31-110.3	If the social worker determines that an in-person investigation is necessary, the social worker shall make the in-person investigation immediately or within ten calendar days, as appropriate.
MPP Section 31-125.21	If as a result of the investigation the social worker determines that the referral is unfounded pursuant to Personal Computer Section 11165.12, the social worker shall document the determination in the case record.
MPP Section 31-125.22	If as a result of the investigation the social worker does not find the referral to be unfounded, the social worker shall: .221 Conduct an in-person investigation with: (a) All children present at the time of the initial in-person investigation. (b) All parents who have access to the child(ren) alleged to be at risk of abuse, neglect or exploitation. (1) A noncustodial parent shall be considered to have access if he/she has regular or frequent in-person contact with the child(ren). .222 Make necessary collateral contacts with persons having knowledge of the condition of the children.
MPP Section 31-206.24	The social worker shall document in the child’s case file the determination of whether it is in the best interest of the child to refer the child’s case to the local child support agency and the basis for this determination in accordance with MPP Section 31-503.
MPP Section 31-320.2	The social worker shall visit the child at least three times in the first 30 calendar days, including the initial in-person response.
MPP Section 31-320.3	The social worker shall visit each child with an approved case plan who remains in the home at least once each calendar month.
All County Letter 05-07:	“AB 2795 changes the time period for completing a written case plan from 30 days to up to 60 days.”
All County Letter 06-07	note that if the social worker/probation officer requires more than 30 days for completion of the case plan, the social worker/probation officer must visit each child at least once in the period subsequent to the initial 30 days and prior to completion of that plan (MPP Sections 31-320.3 and 31-320.41).