

October 8, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-98

This letter is to inform all county Child Welfare Services (CWS) agencies of the requirements for investigating and documenting child fatalities when there are no surviving children reported in the home, and how updates to the Structured Decision Making (SDM) hotline tool will help support county CWS agencies' practice.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

October 8, 2021

ALL COUNTY LETTER NO. 21-98

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

SUBJECT: INVESTIGATING REQUIREMENTS OF CHILD MALTREATMENT
RELATED FATALITIES WHEN NO OTHER CHILDREN ARE
REPORTED IN THE HOME

REFERENCE: [THE CHILD ABUSE PREVENTION AND TREATMENT ACT \(CAPTA\) \(42 U.S.C §5106A\)](#); [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 10850.4](#); [SENATE BILL \(SB\) 39 \(CHAPTER 468, STATUTES OF 2007\)](#); [MANUAL OF POLICIES AND PROCEDURES DIVISION 31-2125.2](#); [PENAL CODE SECTION 11174.34](#); [ALL COUNTY LETTER 17-85](#); [ALL COUNTY LETTER 20-142](#)

The purpose of this All County Letter (ACL) is to provide guidance on investigation requirements when receiving a referral of a child fatality that is suspected to be related to abuse and/or neglect when no other children are reported in the home, such as referrals where no surviving siblings are reported to the hotline. This ACL includes instructions for documenting these referrals in the Child Welfare Services Case Management System (CWS/CMS). This ACL also discusses changes made to the Structured Decision Making (SDM) hotline tool clarifying that these referrals should not be screened out.

BACKGROUND

The investigation and documentation of child maltreatment fatalities by county Child Welfare Services agencies is critical to verify there are no other children in the home, support appropriate reporting to the Child Abuse Central Index, and ensure accurate and sufficient information is documented regarding child maltreatment fatalities to meet existing state and federal requirements for public disclosure and reporting.

In California, federal and state laws govern the reporting and disclosure requirements related to child fatalities and near fatalities that are determined to be the result of abuse and/or neglect. The federal Child Welfare Policy Manual section 2.1A.4 clarifies the content of the “findings and information” that must be disclosed in child fatality and near fatality cases pursuant to the federal [Child Abuse Prevention and Treatment Act \(CAPTA\)](#).

States must develop procedures for the release of information including, but not limited to: the cause and circumstances of the fatality or near fatality, the age and gender of the child, information describing any previous reports of child abuse or neglect investigations that are pertinent to the abuse and/or neglect that led to the fatality or near fatality, the result of any such investigations, and the services provided and actions taken on behalf of the child that are pertinent to the abuse and/or neglect that led to the fatality or near fatality. [Senate Bill \(SB\) 39 \(Chaptered 2007\)](#), effective January 1, 2008, implements the disclosure of child fatality information in California. The SB 39 added Welfare and Institutions Code Section 10850.4 which requires county child welfare agencies to respond directly to public requests for information related to a child fatality that is the result of abuse or neglect. Each county welfare agency shall also notify the California Department of Social Services (CDSS) of every child fatality that occurred within its jurisdiction that was the result of child abuse and/or neglect. All California counties are required to document all child abuse or neglect fatalities within the CWS/CMS and notify the Department via the SOC 826 Child Fatality/Near Fatality County Statement of Findings and Information form.

INVESTIGATING CHILD FATALITIES WITH NO OTHER CHILDREN REPORTED IN THE HOME

CWS agencies are one of three entities that can determine if abuse or neglect led to a fatality. Such a determination can only be made by investigating and substantiating an allegation, when appropriate. While law enforcement may conduct its own criminal investigation and make a determination regarding abuse or neglect, it is imperative for CWS agencies to also conduct a child welfare investigation to verify there are no other children in the home, assess safety of other children who may be directly at risk from the suspected perpetrator, and appropriately document the child maltreatment fatality in the child welfare services record. The investigation activities and standards of proof for a law enforcement agency conducting a criminal investigation for the purposes of arrest and prosecution of a perpetrator may differ. While CWS agencies should coordinate and partner with local law enforcement agencies as much as possible, relying solely on law enforcement investigations of a child fatality suspected to be the result of abuse and/or neglect may not result in the same conclusion as a child welfare investigation.

The CWS investigation shall be conducted to:

- Verify that there are indeed no children remaining in the household. The initial referral may not provide all the most accurate information regarding the composition of the household, as this information may not be readily apparent to law enforcement responding to the emergency. County CWS agencies should conduct their own investigation to ensure that no other children live in the home and the perpetrator does not have access to other children whose safety may be directly at risk. This may include children of the perpetrator who reside with another caregiver, but to whom the perpetrator still has access or custody rights.
- Ensure circumstances of the fatality, as well as any allegations against the perpetrators are recorded in CWS/CMS. Information obtained from an investigation conducted by county CWS agencies of a child fatality and stored in CWS/CMS will strengthen data collection and reporting of child fatalities and improve future child welfare practices involving the investigations and prevention of child fatalities and near fatalities.
- Ensure perpetrators are reported to the Child Abuse Central Index (CACI). Only the CWS agency may submit CACI reports, thus if a county CWS agency is able to substantiate an allegation of abuse or severe neglect based upon its active investigation, the perpetrator will be reported.
- Assess whether referrals to community resources or voluntary services, such as grief counseling, may be appropriate for surviving family members.

Thus, in the case of a child fatality, where abuse and/or neglected is suspected, CWS agencies shall investigate to determine if abuse or neglect led or contributed to the child fatality. Such investigations will ensure that accurate records are maintained in the CWS/CMS to strengthen child fatality data collection to inform child welfare practices, as well as potentially strengthening future investigations involving the perpetrators and children.

FACE TO FACE CONTACT

While state regulations contained in the Child Welfare Services Manual of Policies and Procedures (MPP) Section 31-125.2 typically require the investigating social worker to have in-person contact with all children alleged to be abused, neglected, or exploited, CDSS does not expect a county social worker to make face-to-face contact with a deceased child. Social workers should document in the CWS/CMS contact note narrative that face-to-face contact with the child was unable to be made due to the child being deceased, in accordance with Figure 3 contained in the Attachment to this ACL.

CWS/CMS DOCUMENTATION

States are required to accurately compile child fatality data and to develop a statewide plan to prevent future child fatalities. To fulfill this objective, current gaps in child fatality

reporting, including the investigations process, must be addressed to ensure accuracy. To ensure accurate information is being collected, county CWS agencies shall investigate a report of a child fatality and document all information into CWS/CMS.

Death Circumstances

The circumstances of the child fatality, including the cause and manner of the death, should be recorded in the CWS/CMS. This information should be obtained during an investigation conducted by the county CWS agency, activities of which may include contacting the county coroner for coroners reports or autopsy reports. The cause and manner of death, as well as any other information relevant to the child fatality should be documented in the CWS/CMS Client Demographics tab.

Opening and Closing Referrals

CWS/CMS allows counties to associate a deceased child to an open referral, add and substantiate an allegation regarding a deceased child, and close a referral regarding a deceased child. Once a referral is closed, "Closed Case/Referral Update" privileges are needed to reopen a referral and add a deceased child in CWS/CMS. Please see the training guides entitled, "Referral Investigation and Closure and Reopening a Closed Referral Training Portal" on the CWS/CMS website or the Attachment below for more guidance.

Previously Closed and Evaluated Out Referrals

There may be instances in which law enforcement has asked the county CWS agency to postpone their own investigation until the law enforcement investigation has been concluded. Per ACL 17-85, the CWS agency may close the referral with a disposition of "inconclusive" and note that the social worker was unable to fully investigate due to a law enforcement investigation. Upon conclusion of the law enforcement investigation, additional information shared with county CWS agency may be utilized to open a new associated referral in order to conduct its own investigation, or the county may have enough additional information to update the disposition in the original referral, and must ensure appropriate documentation of the reasons for the change.

For previous referrals that were evaluated out, the county CWS agency may receive additional information regarding the referral after it has been closed. If counties receive new information regarding a previously evaluated out referral, it is recommended that the county open a new referral or a companion referral to document the new information and run it through the emergency response protocol to determine if the new information needs to be investigated. For more information regarding this guidance, counties are requested to contact the Critical Incident Oversight and Support Unit at CFSDCriticalIncidents@dss.ca.gov.

SDM HOTLINE TOOL CHANGE

Version 3.1 of SDM hotline tool has been updated to clarify that the “No Child Under 18 years old” criterion in the Preliminary Screening should not be used when a report alleges a victim child under 18, even if the child is deceased. This criterion only applies when a report involves a victim or individual at risk who is not a child and not subject to a CWS investigation. As stated in [ACL 20-142](#), counties must respond to all child fatalities that are suspected to be the result of abuse and/or neglect. During an in-person investigation, the emergency response social worker must verify the accuracy of the initial information regarding household composition and ensure the safety of other children to which the perpetrator may have access and pose a safety threat.

To alleviate this issue, the SDM hotline tool has been revised to remind county CWS agencies that the “No Children Under 18 years old” checkbox should not be used for child fatalities with no other children in the home. Counties may refer to ACL 20-142 for further instruction regarding SDM update. An SDM Safety and Risk assessment are not appropriate for these investigations, when it is confirmed there are no other children in the home

If CWS agencies have any questions or need further assistance regarding this ACL , please contact the Critical Incident Oversight and Support Unit at (916) 651-8100 or by sending an email to CFSDCriticalIncidents@dss.ca.gov. Agencies may also contact the Child Welfare Policy and Program Development Bureau at (916) 651-6160 or by sending an email to childprotection@dss.ca.gov.

Sincerely,

Original Document Signed By

Angie Schwartz, Deputy Director
Children and Family Services Division

Attachment

c: County Welfare Directors Association

ATTACHMENT

OPENING INVESTIGATION AND REFERRAL FOR CHILD FATALITY WHEN NO CHILDREN ARE REPORTED IN THE HOME

- Creation of Referral (Figure 1)
 - Referral is created.
 - Victim and perpetrator are added to the referral.
 - Allegation is selected.
 - Referral is assigned for investigation.

Client Services - [Referral [Mouse, Minnie]]

File Edit Search Action Associated Attach/Detach Window Help Tools

Summary ID Reporter Assignment Spec Proj

Identification and Common Address

Referral Identification

Date	Time	Referral Name
10/23/2018	02:32pm	Mouse, Minnie
Screener	Report Method	Primary Agency Responsible
Mclvain, Daniella	Telephone	County Welfare Department

Common Address

Street No.	Street Name	Phone	
1234	Union Lane	Phone	Ext
City	State	ZIP	ZIP Ext
Colton	California		
County	<input type="checkbox"/> Homeless	Location of Children	
San Bernardino			
Address Comment			

Screener Alerts

testing referral

Figure 1

- Add the Child's Date of Death (Figure 2)
 - Add the child's date of death to the child's Client Notebook

Client Services - Referral [Mouse, Minnie] - [Client [Sarah Mouse]]

File Edit Search Action Associated Attach/Detach Window Help Toolz

Summary ID Demog. Address Names Related Clients ID Num Juv Cr: # Search Log AFDC-FC Attorneys Service P

Demographics

Origin

Birth Country Immigration Status
Birth State Religion
Birth City Origin Country
Birth Place / Hospital Name ☐ Birth Place Verified

SIJS Application

Scheduled Interview Date
+ Packet Item Date
Packet Item Date

Near Fatality

+ Near Fatality Date
Near Fatality Date

Deceased

Date Death Circumstances Type
10/23/2018 Undetermined
☐ Date of Death Verified
Place of Death
Death Circumstances Comments
Client has been arrested for

Figure 2

- Creation of Contact Note (Figure 3)
 - Create a contact note with these requirements:
 - Contact Purpose: Investigate Referral
 - Method: In Person
 - Location: Home
 - Status: Attempted
 - Participant: Child Only
 - Narrative: Explanation about why contact note was created, and documentation that contact was not made due to the child being deceased.
 - Additional contacts can be added with parents/perpetrators as participants when face-to-face contacts are attempted &/or completed

Client Services - Referral [Mouse, Minnie] - [Contact [10/23/2018]]

File Edit Search Action Associated Attach/Detach Window Help Tools

Contact Associated Services Associated Visits

Contact Information

Staff Person: McIlvain, Daniella Start Date: 10/23/2018 Start Time: : am End Date: 10/23/2018 End Time: : am

Contact Purpose: Investigate Referral Method: In-Person Location: Home Status: Attempted

Participants

	Participants	
1	Mouse, Sarah	2

On Behalf of Child

	On Behalf of Child	
1	Mouse, Sarah	15

Contact Party Type

	Contact Party Type	
1	Staff Person/Child	

Case Management Services/

Case Management Services


☐ Wraparound ☐ Core Servi








Narrative








Figure 3

ENTERING AN ALLEGATION CONCLUSION FOR A CHILD FATALITY WHEN NO CHILDREN ARE REPORTED TO REMAIN IN THE HOME

- Allegation Conclusion (Figure 4)
 - After investigation is complete, social worker will select allegation conclusion for perpetrator and alleged victim.

 Client Services - Referral [Mouse, Minnie] - [Allegation [Mouse, Sarah (2)]]

ID Conclusion

Conclusion

Current Conclusion

People Involved

Alleged Victim:

Abuse Category:

Alleged Perpetrator:

Abuse Information

Abuse Subcategory

Conclusion Date

Allegation Conclusion

Entered in Error

Inconclusive

Substantiated

Unfounded

Unknown at Convers

Conclusion History

Figure 4

CLOSING INVESTIGATION AND REFERRAL FOR CHILD FATALITY WHEN NO CHILDREN ARE REPORTED TO REMAIN IN THE HOME

- Closing the Referral (Figure 5)
 - When closing the referral, choose one of the two available Closure Reasons (Child Dead Prior to Referral – or – Child Died During Investigation)

Client Disposition: Sarah Mouse

Disposition

Closure Reason Date: [Dropdown]

Closure Reason: [Dropdown Menu]

Decision Rationale: [Text Area]

Approval

Approval Status: Request Not Submitted

OK, Cancel, Approval..., Help

Figure 5