

December 21, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-102

The purpose of this All County Letter is to notify county child welfare services agencies of updates made to the Structured Decision Making Safety Assessment tool to ensure that accurate, consistent, and equitable processes are used to assess the safety of a child/youth when maltreatment is alleged to have occurred in a congregate care setting. These updates are being made to ensure that the Structured Decision Making Safety Assessment tool conforms with existing laws, policies, and guidance, and to promote increased child/youth safety throughout California.



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GAVIN NEWSOM
GOVERNOR

December 21, 2023

ALL COUNTY LETTER NO. 23-102

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

SUBJECT: UPDATES TO THE STRUCTURED DECISION MAKING SAFETY
ASSESSMENT TOOL REGARDING CHILDREN IN
CONGREGATE CARE SETTINGS

REFERENCE: [ALL COUNTY LETTER \(ACL\) NO. 05-09](#); [ACL NO. 17-85](#),
[ACL NO. 17-107](#), [ACL NO. 20-142](#), [ACL NO. 22-73](#),
[ACL NO. 23-46](#); [WELFARE AND INSTITUTIONS CODE \(WIC\)](#)
[SECTION 224.2](#), [WIC SECTION 361.31](#), [WIC SECTION](#)
[16501\(a\)\(4\)](#); [PENAL CODE 11165.5](#); [CHILD WELFARE](#)
[SERVICES MANUAL OF POLICIES AND PROCEDURE DIVISION](#)
[31-100 REGULATIONS](#)

The purpose of this All County Letter (ACL) is to notify county child welfare services (CWS) agencies of updates made to the Structured Decision Making (SDM®) Safety Assessment tool to ensure that accurate, consistent, and equitable processes are used to assess the safety of a child/youth when maltreatment is alleged to have occurred in a congregate care setting. These updates are being made to ensure that the SDM® Safety Assessment tool conforms with existing laws, policies, and guidance, and to promote increased child/youth safety throughout California. For the purposes of this ACL, child/youth includes a nonminor dependent.

BACKGROUND

County CWS agencies must respond to all referrals which allege that a child/youth is endangered by abuse, neglect, or exploitation by immediately initiating and completing the Emergency Response Protocol to determine whether an in-person investigation is required. ([Manual of Policies and Procedures sections 31-101.1 and 31-105.](#)) The

CWS agency is responsible for investigating the suspected abuse or neglect as necessary to protect and ensure the immediate safety of a child/youth, regardless of where the child/youth resides. The SDM® Safety Assessment was originally designed for use either in a parent/caregiver's household or for use in a substitute care provider home (SDM® Substitute Care Provider Safety Assessment) to determine if a child/youth in a home-based setting was in imminent danger of serious harm. If safety threats were identified, then the assessment was designed to help CWS agency workers determine if a protective intervention could be utilized that would allow the child/youth to stay in their home with a safety plan or if they needed to be removed and placed out of the home. However, the SDM® Safety Assessment was not set up to be used to assess the immediate safety of a child/youth residing in congregate care settings, therefore, leaving a gap in the safety assessment process. The SDM® Safety Assessment is being updated to align with [PC section 11165.5](#) which expands the definition of caregiver to include group home and Short-Term Residential Therapeutic Program (STRTP) licensees, administrators, and staff members. The update to the SDM® Safety Assessment will also ensure alignment with [MPP section 31-127.1.11](#) which states that a social worker must assess for, identify, and address any immediate safety threats prior to leaving the child/youth in their home or placement.

The [ACL No. 20-142](#) addressed this gap by clarifying that CWS agencies are responsible for responding to abuse and neglect concerns and assessing for the immediate safety of a child/youth residing in congregate care settings whenever an in-person response is required. Additionally, just as is required when completing the SDM® Safety Assessment in the child/youth's household, [ACL No. 20-142](#) also explains that in the case of an Indian child/youth, the social worker shall collaborate with the child/youth's Tribe to assess for safety, develop a safety plan when necessary, and determine if interventions and/or a placement change is required when assessing for safety in congregate care settings.

The California Department of Social Services (CDSS) has partnered with Evident Change to update the existing SDM® Safety Assessment for use in congregate care settings. This update aligns the SDM® Safety Assessment with existing state policy as well as the guidance outlined in [ACL No. 20-142](#), that requires CWS agencies to assess and investigate alleged child/youth maltreatment that occurs in placement, regardless of whether another agency, such as CDSS' Community Care Licensing (CCL), is investigating the same allegation. A congregate care setting can be defined as any facility outside of a home-based setting that is responsible for the care of a dependent child/youth or ward, and includes, but is not limited, to the following placement types:

- STRTPs; ([Health and Safety Code \(HSC\) section 1502\(a\)\(18\)](#))
- Group homes, including enhanced behavioral support homes and minor-parent programs; ([HSC sections 1502\(a\)\(13\)\(15\)](#))
- Transitional housing placement programs; ([HSC section 1502\(a\)\(12\)](#)) and
- Transitional and temporary shelter care facilities. ([HSC section 1502\(a\)\(11\)](#)).

Juvenile detention facilities, child/youth homeless prevention centers, psychiatric hospitals or care facilities and crisis nurseries are not included for the purposes of utilizing the SDM® Safety Assessment tools.

Previously, [ACL No. 05-09](#) clarified guidance for reporting and investigating abuse allegations regarding children/youth placed in out-of-home care, including cross-reporting responsibilities. Both CWS agencies and CCL have a responsibility to assess all incidents of alleged child/youth maltreatment occurring in congregate care settings. The CCL has an investigatory responsibility for serious incidents that are reported to CCL to determine if a licensing violation has occurred, where the CWS agency has the responsibility to respond to the child/youth maltreatment referral. Ideally, the CWS agency and CCL would conduct a joint investigation in these situations. For investigations involving an Indian child/youth, the county CWS agency shall also contact and coordinate with the child/youth's Tribe on the joint investigation to gather, assess, and share information.

SAFETY ASSESSMENT AND PRACTICE IN CONGREGATE CARE SETTINGS

The SDM® Safety Assessment has been updated for use in congregate care settings to assess the immediate safety of a child/youth residing in the facility when there is an allegation of abuse, neglect, or exploitation that warrants an in-person response. CWS agency workers should note that while this update to the safety assessment looks similar in structure to the previous safety assessments, there are significant differences in this assessment. Safety threat items have been modified based on research to ensure they are relevant for congregate care settings, and definitions have been created to match the changed items. Unlike the SDM® Safety Assessment for a child/youth residing within their household, the expanded version is a child/youth-based assessment, designed to assess each individual alleged child/youth victim instead of assessing for the safety of a household. Due to the size of some facilities, referrals may involve multiple children/youth. If there are allegations involving multiple children/youth at a single facility, then multiple safety assessments must be completed. Additionally, if during the investigation, it is discovered that other children/youth who were not part of the original report are suspected to have been abused or neglected, a call to the placing county's child protection hotline must be made.

The assessment includes prompts for CWS agency workers to inquire and consider whether there is reason to believe or reason to know that a child/youth is or may be an Indian child/youth and provides several examples of what information must be considered. ([Welfare and Institutions \(WIC\) Code section 224.2\(a\)](#).) In situations where there is reason to know or it is known children/youth have tribal membership or affiliation, the CWS agency is required to collaborate with the Tribe. In the case of an Indian child/youth, the child/youth's Tribe must be notified when there are allegations made of abuse or neglect against children/youth, including incidents occurring in congregate care settings, and should be a part of the fact finding and information

gathering throughout the investigation, and should be included in the decision-making process. ([MPP section 31-110.311](#).) The CWS agency worker shall engage and coordinate with the child/youth's Tribe regarding the information gathered as part of the safety assessment process, which includes inviting the Tribe to conduct a joint investigation. Contact with the Tribe should not delay a decision about the immediate safety of the child/youth. If the child/youth's Tribe is not able to be present during the in-person visit, the CWS agency worker, should, at minimum, share the safety assessment information and outcome and discuss all necessary interventions with the Tribe. Details of contact/attempted contact with the child/youth's Tribe, including the name, date, and summary of the information provided, and all efforts made to contact the Tribe, must be documented in the case record. Contact with the Tribe must continue through the remainder of the investigation. For more information on the requirements of inquiry and tribal engagement, please refer to [ACL No.'s 22-73](#) and [23-46](#).

Section 1: Child/youth Vulnerabilities

Like the safety assessment for family homes and the safety assessment for substitute care homes, the safety assessment for congregate care will begin with a section asking CWS agency workers to consider child/youth vulnerabilities. These are important to consider as there may be certain conditions within the facility that may increase the vulnerability of the child/youth to be harmed, however, a vulnerability in and of itself does not necessarily mean the child/youth is unsafe. A CWS agency worker may not be familiar with the facility, therefore, it is important to collaborate with facility staff and CCL who have a better understanding and knowledge of how the facility functions. This can also provide the CWS agency worker the opportunity to establish trusting relationships with facilities to better support any future investigations that may occur.

Section 2: Safety Threats

As part of the safety assessment process, the CWS agency worker must assess for any safety threats that may put a child/youth in imminent danger of serious harm. Safety threats in congregate care environments may look different than those identified within a child/youth's household or substitute care home. In congregate care settings, there may be incidents of peer-on-peer altercations, inappropriate staff conduct, or poor physical conditions of the facility, to name a few. While peer-on-peer incidents typically are not child/youth welfare related issues, if a child/youth is being harmed by another peer while residing in the facility, the CWS agency worker must consider the actions of the facility staff and what interventions they are taking to provide a safe environment for that child/youth.

Section 3: Protective Capacities

If one or more safety threats are selected, a protective capacities section will need to be completed to determine if the child/youth and/or the facility have sufficient capacity to

cope and respond to the safety threat(s). The intent of the SDM® Safety Assessment for use in congregate care settings is to ensure that a child/youth is safe while they are in care. For situations involving harm to the child/youth outside of the facility, such as an incident occurring while they were missing from care and then later returned to the facility, the CWS agency worker must consider what the facility and staff are doing to support the child/youth while in their care. In the case of an Indian child/youth, the county CWS agency should also notify and discuss these situations with the child/youth's Tribe. It is possible that an investigation could determine that the child/youth was in fact harmed outside of the facility but is otherwise safe and cared for while living in the facility. Situations such as these could result in a determination that the child/youth is safe, but a cross-report to law enforcement should be completed regarding the incident. By considering the information gathered from the referral and the investigation, including the CWS agency worker's and Tribe's (when an Indian child/youth is involved) observations, the CWS agency worker will make a determination if the child/youth is safe and can remain in the facility.

Section 4: Protective Interventions

If a safety threat has been identified, the CWS agency worker must determine whether the safety concerns can be mitigated with the development of a safety plan. In the case of an Indian child/youth, the child/youth's Tribe must also be contacted and collaborated with to determine next steps. Safety planning in congregate care settings requires the same level of rigor that safety planning in family-based settings requires. Similar to developing a safety plan within a household setting, the safety plan for incidents occurring in a congregate care setting should include the child/youth (if developmentally appropriate), the family (whenever feasible), in the case of an Indian child/youth, the child/youth's Tribe, and any other community service providers that can help and support the child/youth. Additionally, all parties must agree to the safety plan and be willing to play a role in it. Safety plans developed for children/youth residing in congregate care settings should also include facility staff. A child/youth's safety in congregate care settings can be linked in large part to the ability of the facility staff to be able to relate effectively to the child/youth and offer a supportive environment. Additionally, as explained in [ACL No. 17-107](#), best practice for safety plan development involves convening a Child and Family Team (CFT) meeting to bring together representatives from various supports to discuss and plan for the best outcomes for that child/youth. In fact, pursuant to [WIC section 16501\(a\)\(4\)](#), a CFT is required for all children/youth residing in group homes or STRTPs. Additionally, in the case of an Indian child/youth, the child/youth's Tribe should be a part of any family team meeting and part of the safety decision.

Section 5: Placement Change

If it is determined that a safety threat exists within the facility and the threat cannot be mitigated with development of a safety plan, the only protective intervention in this

scenario is a placement change. It is important to follow all placement preservation strategy requirements outlined in [WIC section 16010.7](#). A CFT meeting may be convened to identify and implement best practice strategies or conflict resolution strategies to support placement preservation at the first indication of placement disruption. In the case of an Indian child/youth, the Tribe should be included in these meetings, and information shared with the Tribe indicating that the child/youth's placement is at risk, so that the Tribe can assist with creating conflict resolution and placement preservation strategies prior to any placement changes.¹

Also, in the case of an Indian child/youth, each time a child/youth is moved from one placement to another, the placement requirements, including the placement preferences of [WIC section 361.31](#) must be met. The CWS agency should also use active efforts in collaborating with the child/youth's Tribe to identify appropriate placement options. Tribal engagement also ensures the placement preferences are applied in a manner consistent with the prevailing social and cultural standards of the Tribe, as required by [WIC section 361.31\(f\)](#).

With the help of the Tribe, active efforts can assist in locating a preferred placement for the Indian child/youth to find a culturally appropriate home. These efforts, including documenting all placement changes and communication with tribal representatives, to locate a culturally appropriate placement must be affirmative, active, thorough, and timely, in compliance with ICWA requirements and [WIC section 224.1](#).

Section 6: Other Actions

The last section of the SDM® Safety Assessment for use in congregate care settings contains several reminders for CWS agency workers of additional activities that may potentially be required during the safety assessment process. These activities may include reporting other child/youth residing in the facility who have abuse or neglect concerns to the child/youth protection hotline to the responsible county CWS agency that placed the child/youth in that facility. Other activities also include making necessary cross-reports to CCL or law enforcement if this has not already been completed.

DOCUMENTATION OF ALLEGED CHILD/YOUTH MALTREATMENT ALLEGATIONS

Accurate documentation in the Child Welfare Services Case Management System (CWS/CMS) of allegations in out-of-home care, including congregate care, is essential to ensure fidelity use of the SDM® Safety Assessment and to accurately report federal outcome measures related to recurrence of maltreatment and maltreatment in these settings. All reports of abuse or neglect in out-of-home settings must have a referral created within CWS/CMS, even in those counties where CCL does facility licensing.

¹ [All County Letter No. 22-100: Placement Preservation Strategy Frequently Asked Questions](#)

The referral must be created whether or not the specific identity of the perpetrator is known. The date of these referrals should be the date that the agency became aware of the incident – not the date that the reported incident occurred (the date the incident occurred may be recorded in the allegation notebook). For further guidance on documenting allegations regarding child/youth in out-of-home care settings, in addition to how to correctly enter the perpetrator who is not a parent/caregiver, please refer to [ACL No.'s 05-09](#) and [17-85](#). Additional documentation guides with screenshots related to capturing referral information and adding a perpetrator to the referral can also be found by accessing the [CWS/CMS Referral Screening](#) guide provided by the Central California Regional Training Academy (RTA).

The SDM® Safety Assessment for congregate care is now available on the [WebSDM](#) site. Users going to [WebSDM](#) and selecting a safety assessment will now be prompted to consider if the reported abuse or neglect is in a family home, a substitute care home or a congregate care setting. The corresponding safety assessment sections will then be selected.

TRAINING

The SDM® Policy and Procedures manual was updated to reflect the updates made to the SDM® Safety Assessment regarding assessing child/youth safety in congregate care settings. Handouts and materials that detail highlights of the change are available on the California [SDM Training Materials Website](#).

Evident Change has developed a series of trainings for the implementation of the safety assessment for congregate care. A series of microlearning videos will be available on the California [SDM Training Materials Website](#) and will include an overview and how to complete the congregate care safety assessment in WebSDM. Evident Change will host a series of six ninety-minute coaching calls to answer questions and discuss practice guidance, along with a space to discuss implementation issues and successes with their peers from other counties. Dates are to be determined. A one-day training has been created by Evident Change and this will be offered to trainers around the state including the RTA trainers. Counties should reach out to Evident Change to find out when these trainings will occur.

If you have any questions or need additional guidance regarding the information in this letter, contact the Family Centered Safety and Support Bureau at childprotection@dss.ca.gov.

If you have any questions around child welfare trainings or how to connect with RTA's, please contact the Training Support Unit at CWSTrainingQuestions@dss.ca.gov.

For assistance with any WebSDM related questions or issues, please contact Evident Change's Help Desk at support@evidentchange.org.
Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

cc: County Welfare Directors Association
Chief Probation Officers of California
All Federally Recognized Tribes