

February 13, 2025

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 25-15

The purpose of this All County Letter is to inform counties and all federally recognized Tribes in California of the release of revisions to the California Child Welfare Services Manual of Policies and Procedures, Division 31, Chapters 31-000 General Requirements and 31-100 Intake. These regulations apply to county child welfare services agencies and probation departments, and were effective upon their release on April 01, 2023.



JENNIFER TROIA
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
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February 13, 2025

ALL COUNTY LETTER NO. 25-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY BOARDS OF SUPERVISORS
ALL EMERGENCY RESPONSE PROGRAM STAFF
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS

SUBJECT: RELEASE OF REVISED CALIFORNIA MANUAL OF POLICIES AND
PROCEDURES, DIVISION 31 REGULATIONS

REFERENCE: [CALIFORNIA MANUAL OF POLICIES AND PROCEDURES,](#)
[DIVISION 31 REGULATIONS, CHAPTER 31-000 – GENERAL](#)
[REQUIREMENTS AND CHAPTER 31-100 – INTAKE;](#)
[ALL COUNTY LETTER \(ACL\) 05-09, ACL 06-15, ACL 17-27,](#)
[ACL 17-28, ACL 17-85, ACL 17-91, ACL 17-92, ACL 17-107,](#)
[ACL 20-38, ACL 20-142, ACL 23-46, ACL 23-64; AND ACL 24-18;](#)
[2016 BUREAU OF INDIAN AFFAIRS FINAL RULE;](#)
[ASSEMBLY BILL 3176 \(CHAPTER 833, STATUTES OF 2018\);](#)
[ASSEMBLY BILL 2944 \(CHAPTER 104, STATUTES OF 2020\);](#)
[INDIAN CHILD WELFARE ACT OF 1978-25 UNITED STATES](#)
[CODE SECTION 1901 ET SEQ.\);](#)
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 224.1,](#)
[WIC SECTION 224.2, AND WIC SECTION 224.3;](#)
[GOVERNMENT CODE SECTION 11340, ET SEQ.](#)

The purpose of this All County Letter (ACL) is to inform counties and all federally recognized Tribes in California of the release of revisions to the California Child Welfare Services Manual of Policies and Procedures (MPP), Division 31, Chapters 31-000 General Requirements and 31-100 Intake. These regulations apply to county child welfare services (CWS) agencies and probation departments and were effective upon their release on April 01, 2023.

BACKGROUND

The California Department of Social Services (CDSS) is committed to the safety and well-being of children before, during, and after a family may come to the attention of CWS agencies. Updates to Chapter 31-100 of the MPP incorporate safeguards to ensure a child is protected and the family is effectively served, beginning with the moment a possible child maltreatment report is received at the child protection hotline, through the investigation process, as well as during the transitional period where a child may have to be removed from their home and is waiting for a secure permanent placement. Chapters 31-000 and 31-100 also help ensure consistent application of California's Indian child welfare laws and the Indian Child Welfare Act (ICWA) of 1978 ([25 United States Code \(USC\) § 1901 et seq.](#)).

This revision of the MPP Division 31, Chapters 31-000 and 31-100 helps strengthen and clarify the emergency response program regulations, and helps California meet existing federal requirements described in the state's 2017 Child and Family Services Program Improvement Plan. Several technical amendments were made in order to strengthen regulations consistent with social/case worker practice and existing guidance issued in [ACL 05-09](#), [ACL 06-15](#), [ACL 17-27](#), [ACL 17-28](#), [ACL 17-85](#), [ACL 17-91](#), [ACL 17-92](#), [ACL 17-107](#), [ACL 20-38](#), and [ACL 20-142](#). Additionally, the revisions provide clarity and consistency of the child welfare regulations across the state.

As part of the state's program improvement plan (2017-2023) requirements, CDSS hosted workgroups with county stakeholders and facilitated consultation with Tribes. Several updates were made to bring Chapters 31-000 and 31-100 into compliance with the changes made to California Indian child welfare laws by [Assembly Bill \(AB\) 3176 \(Chapter 833, Statutes of 2018\)](#) for Indian children, and with the [2016 Bureau of Indian Affairs \(BIA\) Final Rule](#). These revisions resulted from government-to-government consultation and collaboration with Tribes and tribal representatives.

In addition to formal government-to-government consultation with federally recognized Tribes in California, CDSS obtained feedback from counties and stakeholders. In response to the feedback, CDSS provided revisions to the Tribes for their input before finalizing the proposed regulations.

CDSS published its Notice of Proposed Action on June 18, 2021, which received no public comments. CDSS submitted the regulations to the Office of Administrative Law (OAL) on September 2, 2022. OAL submitted their approval of the regulations to the Secretary of State on February 13, 2023, and the regulations became effective by operation of law on April 1, 2023.¹

¹ The Governor's emergency declaration on March 4, 2020, and subsequent executive orders related to the COVID-19 pandemic, effectively suspended the timeframes in the Administrative Procedure Act ([Government Code § 11340, et seq.](#)), causing delays in the finalization of the regulatory package.

This ACL announces the culmination of these efforts with the publication of the updated MPP Division 31 regulations, and highlights several of these revisions. This ACL does not provide extensive policy guidance related to the substantive changes to Welfare and Institutions Code (WIC) due to the passage of AB 3176. CDSS is releasing a series of ACLs to further provide guidance on all California Indian child welfare provisions, addressing the following:

- Inquiry/Further Inquiry/Reason to Believe/Reason to Know/Notice ([ACL 23-46](#))
- Emergency Removals/Emergency Placement/Placement Preferences ([ACL 23-64](#))
- Active Efforts ([ACL 24-18](#))
- Voluntary/Involuntary Proceedings ([ACL 25-03](#))
- Qualified Expert Witness – To be addressed in future ACL.
- Jurisdiction – To be addressed in future ACL.

To emphasize the importance of adherence to the [MPP Division 31 regulations](#) by counties, CDSS will also be releasing a subsequent ACL after the AB 3176 letter series is completed, which will provide an index to the ACLs with links to all of the updated provisions of the MPP's ICWA sections. CDSS encourages counties to address these regulations and the AB 3176 letter series with their county counsel and/or the district attorneys who handle their juvenile justice cases, to ensure implementation consistent with state law and policy.

GENERAL REQUIREMENTS

[MPP Section 31-001: General](#)

- Provisions were amended related to the applicability of ICWA to juvenile justice cases, to reflect the California Supreme Court holding in *In re W.B.* (2012) 55 Cal. 4th 30. ([MPP §§ 31-001.21-31-001.213](#)).

[MPP Section 31-002: Definitions](#)

- Several ICWA definitions were revised to make them consistent with updates to the WIC, as amended by [AB 3176](#) and the [BIA Final Rule](#). These revisions will improve understanding of the requirements to California Indian child welfare law and ICWA.
- Additionally, the definition of 'Household' was added to provide direction to child welfare workers when completing the emergency response protocol and investigations for children who live in multiple homes, have multiple caretakers, or may be in a situation where their primary caretakers are separated. This definition is consistent with the Structured Decision Making (SDM®) risk and safety assessment tools utilized by all 58 counties.

[MPP Section 31-010: Administrative Requirements for Emergency Response Services](#)

- Updated the existing requirement for counties to report data on emergency response referrals by removing the reference to an obsolete form and specifying this reporting is accomplished by entering all necessary information into the Child Welfare Services Case Management System, or any successor system.

GENERAL REQUIREMENTS FOR INTAKE

[MPP Section 31-101 and 31-105](#)

These sections incorporate existing guidance to update the requirements for the Emergency Response Protocol and emergency response services, including:

- Clarifying requirements to utilize a screening tool, currently the SDM® Hotline tool, approved by CDSS, to determine whether an in-person investigation is required. ([MPP § 31-105.2](#))
- Clarifying the process for documenting when duplicate referrals are received. ([MPP § 31-101.15](#))
- Incorporating existing emergency response requirements when the subject of a report of suspected child abuse or neglect is a child in an out of-home placement. ([MPP § 31-101.14](#))
- Clarifying the 30-day timeframe for the social worker to determine whether child welfare services beyond the investigation are necessary. ([MPP § 31-101.5](#))
- Specifying the 60-day timeframe for the social worker to complete the written case plan when child welfare services beyond the investigation are necessary. ([MPP § 31-101.511](#))
- Specifying the social worker may close a referral with supervisor approval when they are unable to locate a family and the process for documenting efforts to locate a family. ([MPP § 31-101.53](#))

The revisions to this section also integrate the requirement for the county CWS agencies and probation department's affirmative and continuing duty to inquire and document, beginning at the Hotline, and continuing to the in-person investigation, whether the child is or may be an Indian child. The revisions provide clarity on several areas, including but not limited to:

- Clarifying all persons, including extended family members, who must be questioned, and at what stage of contact, about whether there is reason to believe or know a child is an Indian child. ([MPP §§ 31-101.11 and 31-101.512](#))

- Clarifying the requirement to conduct further inquiry into the child's political relationship with a Tribe, whenever information is obtained that gives a reason to believe a child may be an Indian child as defined in [WIC section 224.2](#). ([MPP § 31-101.111](#))
- Including the requirement, where a CWS agency's and probation department's affirmative and continuing duty to inquire results in reason to know a child is an Indian child, the agency must proceed as if the child welfare intervention is an Indian child custody proceeding until and unless a court makes a finding based on evidence from inquiry, notice, and tribal responses that the child does not meet the definition of an Indian child contained in [WIC § 224.1](#) and ICWA. ([MPP § 31-101.11](#))
- Clarifying how information arising during inquiry can trigger the requirement to make active efforts prior to removing a child, except in the case of an emergency removal. ([MPP § 31-101.52](#))

The updated regulations emphasize that the earliest possible identification of children who are or may be an Indian child **and** contact with child's Tribe is critical, so that active efforts may be made before removal, as required by state and federal law. The regulations include inquiry requirements at each stage of the intake and investigation process, to reflect that thorough and proper inquiry is necessary before a child is removed from the custody of their parent(s), legal guardian, or Indian custodian, which data has shown results in better outcomes for Indian children. For detailed guidance on inquiry, reason to believe, reason to know, and notice, including documentation of the results of inquiry in the case management system, refer to [ACL 23-46](#).

INVESTIGATION REQUIREMENTS

[MPP Sections 31-110, 31-115, 31-120, and 31-125](#)

These sections provide clarification on requirements for determining and documenting, via use of the Emergency Response Protocol, whether or not an in-person investigation is necessary, including:

- Clarifying when the social worker shall conduct an in-person investigation, and what is required during the investigation, including inquiring about whether the child is or may be an Indian child. ([MPP § 31-110.3](#))
- Contacting the Tribe to obtain information or verification of a child's relationship to the Tribe, or to provide notice, when there is a reason to believe or reason to know that a child is an Indian child. ([MPP § 31-110.35](#))
- Specifying the requirement to document all referral information and decisions in the electronic and/or written case record.

- Specifying who must be seen during an in-person investigation and how often, including tribal representatives in the case of an Indian child.
([MPP §§ 31-125.221-31-125.222](#))

These sections also incorporate existing guidance for the investigation of referrals when a child is in out-of-home care, including:

- Requirements where a county has established protocols through a memorandum of understanding, between the CWS agency and the probation department, to investigate referrals of abuse and neglect of wards who are in foster care.
([MPP §§ Sections 31-110.611 through 31-110.614](#))
 - Under such protocols, the probation department must comply with all the requirements for investigation that apply to a child welfare investigation, including requirements related to children who are or may be Indian children.

The revisions incorporate existing requirements for the in-person immediate and 10-day response timeframes, including clarifying that:

- A social worker shall conduct an immediate in-person investigation whenever the social worker determines a child is at immediate risk of abuse, neglect, or exploitation. ([MPP § 31-115](#))
- A social worker shall conduct an in-person investigation within 10 days of the referral when the social worker determines from the Emergency Response Protocol or other information that an immediate investigation is not required.
([MPP § 31-120](#))

The revisions incorporate existing requirements for assessing safety and risk by:

- Specifying a safety assessment must be completed prior to leaving or returning a child to their home or placement during an investigation, utilizing an assessment tool approved by CDSS (currently the SDM®) safety assessment tool). This provides a record of the child's current living situation and assists social workers in determining the steps necessary to mitigate existing threats to child safety.
([MPP § 31-125.3](#))
- Providing instructions regarding the use of a safety plan to address safety threats in circumstances where the caregiver demonstrates protective capacity, and removal of the child is not necessary. ([MPP § 31-125.31](#))
- Specifying a risk assessment must be completed on all referrals of child maltreatment that are determined to be substantiated or inconclusive.
([MPP § 31-125.4](#))

The amendments to these sections provide several Indian child welfare requirements, due to the passage of [AB 3176](#), including but not limited to:

- Integrating inquiry/further inquiry/reason to believe throughout the investigation process. ([MPP § 31-110.35-31-110.353, 31-125.225](#))
- Providing clear direction on how to contact a child's Tribe or Tribes to obtain information or verification of the child's membership status or to provide notice. ([MPP § 31-125.73](#))
- Addressing processes for the emergency removal of an Indian child. ([MPP § 31-115.](#))
- If an emergency removal is necessary, the social worker must follow all investigation requirements in sections [31-115.3, 31-110.35, 31-125.225](#) and [31-125.7 through 31-125.8](#).
- Emphasizing the requirement to have early tribal engagement and engage in active efforts to provide services to the family as part of the investigation. ([MPP §§ 31-110, 31-120, and 31-125.226](#))
- Incorporating a jurisdictional screen so children subject to tribal jurisdiction are identified as soon as possible and transferred properly to the custody of their Tribe. ([MPP § 31-125.72](#))
- Clarifying when a safety plan involves a voluntary removal and sets forth requirements if the removal is or becomes involuntary.
- Clarifying how to complete the mandatory Judicial Council form, *Indian Child Inquiry Attachment* ([ICWA-010A](#)), and file it with the juvenile court with the juvenile dependency petition. ([MPP § 31-125.81](#))
- Clarifying the requirements to provide the mandatory Judicial Council form, *Parental Notification of Indian Status* ([ICWA-020](#)), to the parents, Indian custodian or legal guardian, explain the form to them, and inform them how to complete and file the form. ([MPP § 31-125.82](#))

Additional guidance regarding changes made to statute as a result of AB 3176 can be found in the following all county letters:

- Indian Child Welfare Act Inquiry, Reason to Believe, Reason to Know, and Notice Requirements ([ACL 23-46](#)).
- Safety Assessment, Emergency Removal, and Emergency Placement of Indian Children ([ACL 23-64](#)).

- Providing Active Efforts Where It Is Known, or There Is Reason to Know, A Child Is An Indian Child ([ACL 24-18](#)).
- Indian Child Welfare Act Voluntary Proceedings and Involuntary Proceedings Requirements ([ACL 25-03](#)).

SAFETY ASSESSMENT AND PLANNING

MPP SECTION 31-127

The [MPP Division 31-100 regulations](#) have a newly added section (31-127) on safety assessment and safety planning requirements, to clarify statewide requirements for the use of comprehensive safety assessments, in order to improve the quality of investigations and enhance services to families that help ensure the safety of children. This section incorporates the following requirements:

- A safety assessment must be completed during the initial emergency response in-person investigation, to determine whether safety threats are present and to determine if a child can be safely maintained in their home or placement.
- County social workers must identify and address any immediate safety threats prior to leaving a child in their home or placement. An immediate safety threat is defined as a specific family or placement situation that is imminent and likely to have immediate, severe effects on the child.
- When it is known or there is reason to know that a child is an Indian child, the social worker shall engage in active efforts and safety plans shall be developed in consultation with the Tribe and with considerations given to the prevailing social and cultural standards of the Indian child's Tribe. ([MPP § 31-127.2](#))
 - Policy guidance on how active efforts shall be made to maintain Indian children with their family is provided in the emergency removal [ACL 23-64](#), as well as the active efforts [ACL 24-18](#).

This section also incorporates existing guidance and requirements on safety plan development, documentation, and monitoring.

- Safety plans must be written documents signed by all individuals involved, and copies of the plan must be provided to the parent or caregiver and maintained in the case record.
- Safety plans shall consider the family's strengths, needs, and complicating factors that may impede the successful completion of the plan.

- Safety plans must describe the safety threat, reasons for creating the plan, specific actions that will be monitored by the social worker. In addition, safety plans must identify all individuals who will be involved in the safety plan, their roles and responsibilities, and the actions required of them, including the timeframe for completion, and any engagement in services is required of an individual.
- For safety plans involving an infant affected by substance abuse, safety plan monitoring by the social worker shall include verification that the family is participating in any treatment or services required under the plan.
- If the child is or may be an Indian child, the safety plan must be developed in partnership with the Tribe, and culturally appropriate services must be included in the safety plan.
- The social worker shall confer with an Indian child's Tribe to determine what, if any, culturally appropriate services are available through the Tribe or within the community. The social worker shall consider the use of tribal resources, Indian community service agencies, and/or ICWA program resources, to assist the family in addressing the identified safety threats.

REASON TO KNOW AND NOTICE

[MPP Section 31-131](#)

This section and accompanying subsections were added to incorporate guidance on when there is reason to know a child is an Indian child, and include directions on how to provide notice in cases where it is known, or where there is reason to know, that the child is an Indian child. The amendments are consistent with [WIC sections 224.2](#) and [224.3](#), with the passage of [AB 3176](#) in 2018. [ACL 23-46](#) was issued to provide guidance to counties around these amendments.

The [MPP section 31-131](#) outlines the requirements for seeking verification of a child's tribal membership/citizenship or eligibility for membership/citizenship, including:

- Seeking verification of a child's tribal membership/citizenship status or eligibility for membership/citizenship that is consistent with the amendments made to the WIC by [AB 3176](#). ([MPP § 31-131.1](#))
- Instructing social workers on facts that establish that there is reason to know a child is an Indian child. ([MPP § 31-131.21-31-131.27](#))
- Instructing social workers to apply California Indian child welfare standards when there is reason to know a child is or may be an Indian child, unless and until the juvenile court determines, based on evidence from inquiry, notice, and tribal

responses, that the child does not meet the definition of an Indian child contained in [WIC § 224.1](#) and ICWA.

EMERGENCY REMOVAL

[MPP Section 31-135](#)

This section was amended to bring the MPP into conformity with the changes to the law made by [AB 3176](#) and [BIA Final Rule](#), regarding Indian children as it relates to emergency removal of children and voluntary/involuntary removals.

- Clarifies that in order for a placement to be voluntary, the parent(s) or Indian custodian(s) must have the right to regain physical custody "upon demand" by verbal request to the social worker, without any delay, formalities or contingencies. ([MPP § 31-135.111.](#))
- Emphasizes early identification and engagement of a child's Tribe. ([MPP § 31-135.232](#))
- Specifies when a CWS agency determines that removal of an Indian child is necessary, social workers must document that active efforts were unsuccessful and the reasons why. ([MPP § 31-135.233](#)) This requirement is supported by all the preceding requirements for thorough inquiry at each stage of the intake and investigation process.

Policy guidance and best practice supports on emergency removals, emergency placements, and placement preferences can be found in [ACL 23-64](#).

QUALIFIED EXPERT WITNESS

[MPP Section 31-135](#)

This section also amends the requirements for a qualified expert witness (QEW), whose testimony is necessary for removal by the court, if it is known or there is reason to know the child is an Indian child. ([MPP § 31-135.421](#)) The amendments also include the characteristics that are most likely to meet the requirements for a QEW.

TRIBAL JURISDICTION – EXCLUSIVE AND TRANSFERS

[MPP Sections 31-135 and 31-136](#)

These sections provide clarity on the requirements to determine if a Tribe has exclusive jurisdiction over a child custody proceeding at the earliest possible time after first contact with the family, including:

- Increased clarity and guidance for instructions to notify an Indian child's Tribe in writing that the child has been taken into temporary custody, a petition to declare the child a dependent has been filed and that the county believes the child is a ward of the tribal court or subject to the Tribe's exclusive jurisdiction. ([MPP § 31-135.235](#))
- Instructions on how a county CWS agency must proceed upon receiving confirmation from a Tribe of exclusive jurisdiction over an Indian child. It directs the CWS agency to notify the court and all parties to the dependency proceeding and seek dismissal of the dependency petition. ([MPP § 31-135.237](#))
- Instructions on how to proceed once the juvenile court dismisses a dependency case based on the Tribe's exclusive jurisdiction. ([MPP § 31-135.238](#))
- Clarifies transfer procedures between a state court and a Tribe when the Tribe does not have exclusive jurisdiction. The amendments provide guidance on who may respond to a motion to transfer and how to assert a good cause exception in the juvenile court. ([MPP §§ 31-136.11 et seq.](#))
- Requires the county to consider the limits on what the court may find is good cause when deciding whether to oppose a motion to transfer.
- Sets forth standards for transferring physical custody of the child from the county to the Tribe when a tribal court grants a petition to transfer a child custody proceeding to the tribal court. ([MPP §§ 31-136.12, et seq.](#)) [ACL 24-39](#) was issued to provide guidance around these standards and legal requirements, which supersedes previous guidance/instructions on transfers.

All county CWS agencies and probation departments should review Chapters 31-000 and 31-100 of the MPP to ensure they are aware of all the revisions that went into effect on April 01, 2023. County CWS agencies and probation departments shall update their own policies and procedures as necessary for consistency with the updates to the MPP.

If you have any questions or need additional guidance regarding the information in this letter, contact the Safety and Early Intervention Bureau at (916) 651-6160 or at childprotection@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

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