
**CHILD WELFARE SERVICES PROGRAM
SPECIAL REQUIREMENTS**

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CHAPTER 31-500 SPECIAL REQUIREMENTS

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CHAPTER 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS 31-501

- .1 The county shall report by telephone, fax or electronic submission every known or suspected instance of child abuse and/or neglect as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(j).

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Penal Code Section 11165.6 defines child abuse or neglect to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. "Child abuse or neglect" does not include a mutual affray between minors. "Child abuse or neglect" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

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- .2 When the county receives a report of known or suspected child abuse and/or neglect that has allegedly occurred in a licensed facility, the county shall notify the licensing office with jurisdiction over the facility, as specified in Penal Code Sections 11166.1 and 11166.2.
- .3 When the county receives a report of known or suspected child "abuse or neglect in out-of-home care," including a child placed in the home of a relative or non-related extended family member, the county shall create a new referral.
- .31 The county shall respond to all referrals of "abuse or neglect in out-of-home care" in accordance with the provisions of Section 31-101.
- .32 A disposition of the investigation shall be recorded in the child's case record.
- .4 The county shall submit a report to the Department of Justice (DOJ) pursuant to Penal Code Section 11169 of every case it actively investigates of known or suspected child abuse that it has determined to be substantiated as defined in Penal Code Section 11165.2.
- .41 The county shall not submit a report to the DOJ for referrals it investigates and the only allegation substantiated is general neglect or the only incident is a positive toxicology screening at the time of delivery, as specified in Penal Code Sections 11165.2(b) and 11165.13.
- .42 The county shall not submit a report to the DOJ for referrals it investigates and that are determined to be not substantiated.

The county shall ensure that the report submitted to the DOJ is complete and is in conformity with the California Code of Regulations, Title 11.

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- .44 The county shall make information received from DOJ pursuant to Penal Code Section 11170(b)(1) available to the persons or agencies as specified in that section.

- .5 Within five (5) business days of the county submitting information to the DOJ to list an individual's name on the Child Abuse Central Index (CACI), the county shall provide to that individual written notification, which shall contain the following information and materials:
 - .51 The completed SOC 832, as found in Section 31-003(s)(2), notification that the county has completed an investigation of suspected child abuse and/or severe neglect, which the county has determined to be substantiated, and has submitted the individual's name to the DOJ for listing on the CACI.
 - .511 The completed SOC 832 shall include the victim's name, and a brief description of the alleged abuse and/or severe neglect, and the date and location where this occurred;
 - .52 The SOC 833, as found in Section 31-003(s)(3), information explaining the individual's right to request a grievance hearing, and the procedures for the hearing.
 - .53 The SOC 834, as found in Section 31-003(s)(4), a request for grievance hearing;
 - .531 A completed SOC 834 shall include the referral number, name of county, complete contact information, date of birth, reason for grievance, information regarding an attorney or representative for the individual if any, and the address where to submit the request for grievance hearing.

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- .54 The SOC 832, 833 and 834 shall be mailed to the last known address where the notice and request for grievance are most likely to be received by the individual.

- .6 An individual wishing to challenge his or her referral to the CACI may request a grievance hearing utilizing the procedures under Section 31-021. The county may initiate an internal review relating to the matter identified in the request prior to the hearing.

- .7 Where the county's substantiated finding for abuse and/or severe neglect is changed to a finding that is not substantiated as a result of the grievance hearing or internal review, or a judicial determination of factual innocence of all the investigated allegations that supported the county's decision to refer the individual's name to the DOJ for listing on CACI, the county shall within five business days submit to the DOJ a revised DOJ form BCIA 8583 containing the change in finding.

- .71 Where the county's substantiated finding for child abuse and/or severe neglect is changed to a finding that is not substantiated as a result of the grievance hearing, the county shall within five business days submit to the DOJ a revised Form BCIA 8583 containing the change in finding.

- .8 The county shall document the outcome of the grievance hearing and any change in the finding of an allegation, if any, within the child's case record.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896 and Sections 11165.12, 11165.5, 11165.6, 11166, 11166.1, 11166.2, 11166.3, 11169, and 11170(b)(1), Penal Code.

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31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502

- .1 When the county child welfare agency learns that a child fatality has occurred and has reasonable suspicion that the fatality was a result of abuse and/or neglect, the county child welfare agency shall generate a referral within the Child Welfare Services/Case Management system, and the county shall respond to the referral as described in Section 31-101.
- .11 The county child welfare agency may "learn" of the fatality in ways that may include, but not be limited to, a formal report, emergency response referral, a cross report from a law enforcement agency or a private party. Once this information is learned the standard condition of reasonable suspicion is applied.

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- .111 Penal Code Section 11166(a)(1) defines "reasonable suspicion" and states in pertinent part: "reasonable suspicion" for the purposes of this section means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

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- .12 Within five business days of the county child welfare agency receiving a public request for information concerning a child fatality, whether written, verbal, or via e-mail or facsimile, and the county child welfare agency has reasonable suspicion that the fatality was a result of abuse and/or neglect, the county child welfare agency shall release the information provided in Welfare and Institutions Code Section 10850.4(a)(1-4).
- .122 For cases in which a county's involvement with a child fatality is limited to the provision of medical services to the victim and/or the preparation and issuance of a coroner or medical examiner's report, and the abuse or neglect that resulted in the child's fatality occurred in a different county, the child welfare services agency in the county where the abuse and/or neglect occurred shall report on behalf of both counties.

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(Continued)**HANDBOOK BEGINS HERE**

Welfare and Institutions Code Section 10850.4(a)(1-4) provides:

- (1) The age and gender of the child.
- (2) The date of death.
- (3) Whether the child was in foster care or in the home of his or her parent or guardian at the time of death.
- (4) Whether an investigation is being conducted by a law enforcement agency or the county child welfare agency.

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.13 A child fatality shall be the result of abuse and/or neglect if any agency pursuant to Section 31-502.14 determines that abuse and/or neglect is either the sole cause of the child fatality, or is a material contributing factor in the child fatality. For purposes of this regulation, "abuse and/or neglect" has the same definition as set forth in section 11165.6 of the Penal Code.

.131 For the county child welfare agency to find that abuse and/or neglect was a material

contributing factor in a child fatality, it is not necessary that an agency described in 31-502.14 determine that the abuse or neglect was the sole cause of the fatality or that the child would have lived if the abuse and/or neglect did not occur. On the other hand, the fact that an agency described in 31-502.14 has determined that evidence of abuse and/or neglect was present is by itself an insufficient basis for the county child welfare agency to find that abuse and/or neglect was a material contributing factor in a child fatality. To meet the material contributing factor test, the county child welfare agency must be able to conclude that an agency described in 31-502.14 has determined that abuse and/or neglect was a factor in the child fatality that was more than inconsequential or incidental, which contributed to the cause

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
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Section 11165.6 of the Penal Code provides that abuse and/or neglect shall include, but not be limited to, inflicting physical injury or death by other than accidental means upon a child; failing to provide a child with adequate food, clothing, shelter, medical care, or supervision; willfully causing or permitting any child to suffer, or inflicting thereon, unjustifiable physical pain or mental suffering; and/or sexual abuse.

The Federal Child Abuse Prevention And Treatment Act at 42 U.S.C. 5106a(b)(2)(B)(X) provides the State plan under part B of title IV of the Social Security Act includes “an assurance in the form of a certification by the Governor of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a statewide program, relating to child abuse and neglect that includes... provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality . . .”.

HANDBOOK ENDS HERE

- .14 Pursuant to Welfare and Institutions Code § 10850.4(b)(1)-(3), for reporting and disclosure purposes, the county child welfare agency shall rely on a determination by a law enforcement agency and/or a coroner or medical examiner that abuse and/or neglect resulted in a child fatality as described in section 31-502.13, and/or that a county child welfare or probation agency has substantiated that abuse and/or neglect resulted in a child fatality as described in section 31-502.13.
 - .15 Where it is determined or substantiated by an agency identified in Section 31-502.14 that a child fatality occurred as a result of more than one cause, one of which was abuse and/or neglect, the county child welfare agency shall report and disclose child fatality information pursuant to Section 31-502.2 and Section 31-502.3.
 - .16 The county child welfare agency shall report and disclose child fatality information pursuant to Section 31-502.2 and section 31-502.3 if any of the agencies identified in Section 31-502.14 have made the determination that abuse and/or neglect resulted in a child fatality as described in section 31-502.13, even if another agency identified in Section 31-502.14 has determined otherwise.
- .2 The county child welfare agency shall submit a report to the Department, using the SOC 826 form, for each child fatality when, upon completion of a child abuse and/or neglect investigation, it has been determined that child abuse and/or neglect resulted in the child fatality pursuant to Section 31-502.13 through 31-502.16. The county child welfare agency shall report this information to the Department using the SOC 826 form. The report shall include the following information:
- .21 The age and gender of the child.
 - .22 The date of death.

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(Continued)

- .23 Residence of child at the time of death, and at the time that the abuse and/or neglect which resulted in the child's death as described in Section 31-502.13.
- .231 Foster care placement as defined by Section 31-002(f)(8).
- .232 Parent or Guardian as defined by Sections 31-002(g)(3) and (p)(1).
- (a) For purposes of Section 31-502, the term guardian shall also include an adult with whom the child resides and who functions as a putative parent or guardian for the child.
- .24 Whether an investigation is being conducted or has been conducted by a law enforcement agency and/or the county child welfare agency.
- .25 The agency that made the determination that the child fatality was the result of abuse and/or neglect pursuant to Sections 31-502.13 through 31-502.16.
- .26 For cases in which a county's involvement with a child fatality is limited to the provision of medical services to the victim and/or the preparation and issuance of a coroner or medical examiner's report, and the abuse or neglect that resulted in the child's fatality occurred in a different county, the child welfare services agency in the county where the abuse and/or neglect occurred shall report on behalf of both counties.
- .3 Sections 31-502.31 through 31-502.37 describe the circumstances in which the county child welfare agency has a duty to disclose child fatality information, as well as the information and records the county child welfare agency is required to disclose, when an agency, pursuant to Sections 31-502.13 through 31-502.16, makes the determination that abuse and/or neglect by a parent, guardian, foster parent(s) or other person resulted in the child fatality, when the child resided with his/her parent or guardian, or in foster care.
- .31 **ABUSE AND/OR NEGLECT BY A PARENT OR GUARDIAN WHEN THE CHILD WAS LIVING WITH THE PARENT OR GUARDIAN.**
- When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by the parent or guardian, as defined in Section 31-502.232 resulted in the child fatality, the county child welfare agency shall release the following records.

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(Continued)

- .311 To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:
- (a) All previous referrals indicating abuse and/or neglect perpetrated by the parent or guardian. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
 - (b) All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E). (See the following Handbook Section)
 - (c) All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

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Welfare and Institutions Code Section 10850.4(c)(2)(A-E) provides:

The emergency response referral information form and the emergency response notice of referral disposition form completed by the county child welfare agency relating to the abuse or neglect that caused the death of the child.

Any cross reports completed by the county child welfare agency to law enforcement relating to the deceased child.

All risk and safety assessments completed by the county child welfare services agency relating to the deceased child.

All health care records of the deceased child, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse or neglect.

Copies of police reports about the person against whom the child abuse or neglect was substantiated.

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- .32 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE PARENT OR GUARDIAN WHEN THE CHILD WAS LIVING WITH THE PARENT OR GUARDIAN, AND CONTRIBUTORY NEGLECT BY THE PARENT OR GUARDIAN.

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by someone other than the parent or guardian resulted in the child fatality and the child resided with his/her parent or guardian, as defined in Section 31-502.232, at the time the abuse and/or neglect occurred, and an agency identified in Section 31-502.14 has determined that neglect by the parent or guardian contributed to the circumstances that resulted in the child's fatality, the county child welfare agency shall release the following records.

- .321 Section 31-502.311 applies here.

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Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the parent or guardian and the person whose abuse and/or neglect resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E) (See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.311(c) applies here.

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Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

.33 ABUSE AND/OR NEGLECT BY A FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by the child's foster parent(s) resulted in the child fatality, and the child resided in foster care as defined by Section 31-002(f)(8), the county child welfare agency shall release the following records.

.331 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the foster parent(s). Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E) (See Handbook Section below MPP Section 31-502.311).

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- (c) All the documents specified in Welfare and Institutions Code Section 10850.4(c)(3)(A-C).

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Welfare and Institutions Code Section 10850.4(c)(3)(A-C) provides:

- (A) Records pertaining to the foster parents' initial licensing and renewals and type of license or licenses held, if in the case file.
- (B) All reported licensing violations, including notices of action, if in the case file.
- (C) Records of the training completed by the foster parents, if in the case file.

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- (d) Section 31-502.311(c) applies here.

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Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4).
(See Handbook Section below MPP Section 31-502.12)

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- (e) Records pertaining to the approval of the foster family home of the relative or non-related extended family member, including a caregiver assessment, and health and safety inspection of the home, if in the case record.
- .332 If licensing/approval records pertaining to the foster parent(s) are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.331(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.
- .333 The county child welfare agency shall redact from any records released under Section 31-502.331, in addition to the redactions indicated in Section 31-502.4, any information that would identify the child's parent or guardian, unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that the parent or guardian inflicted abuse and/or neglect that resulted in the child's death.

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- .34 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE FOSTER PARENT(S) WHEN THE CHILD WAS LIVING WITH THE FOSTER PARENT(S), AND CONTRIBUTORY NEGLECT BY FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect inflicted by someone other than the foster parent(s) resulted in the child fatality, and the child resided in foster care as defined by Section 31-002(f)(8) at the time the abuse and/or neglect occurred, and an agency identified in Section 31-502.14 has determined or substantiated that neglect by the foster parent(s) contributed to the circumstances that resulted in the child's fatality, the county child welfare agency shall release the following records.

.341 Section 31-502.311 applies here.

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Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the foster parent(s) and the person whose abuse or neglect resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code
Section 10850.4(c)(2)(A-E) (See Handbook Section below MPP Section 31-502.311).

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(c) Section 31-502.331(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.331(c) reads as follows:

All the documents specified in Welfare and Institutions Code
Section 10850.4(c)(3)(A-C) (See Handbook Section below MPP 31-502.331(c)).

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(d) Section 31-502.311(c) applies here.

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Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4).
(See Handbook Section below MPP 31-502.12)

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(e) Records pertaining to the approval of the foster family home of the relative or non-related extended family member, including a caregiver assessment, and health and safety inspection of the home, if in the case record.

.342 If licensing/approval records pertaining to the foster parent(s) are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.341(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.343 The county child welfare agency shall redact from any records released under Section 31-502.342, in addition to the redactions indicated in Section 31-502.4, any information that would identify the child's parent or guardian, unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that the parent or guardian inflicted abuse and/or neglect that materially contributed to the child's death.

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- .35 ABUSE AND/OR NEGLECT BY A PERSON OTHER THAN THE PARENT, GUARDIAN, OR FOSTER PARENT(S), NO CONTRIBUTORY NEGLECT BY PARENT, GUARDIAN, OR FOSTER PARENT(S).

When an agency, pursuant to Sections 31-502.13 through 31-502.16 determines or substantiates that abuse and/or neglect inflicted by someone other than the parent, guardian or foster parent(s) resulted in the child fatality, and the child resided with a parent, guardian, or foster care provider, and there is no determination of neglect by the parent, guardian or foster care provider, the county child welfare agency shall release the following records.

.351 Section 31-502.311 applies here.

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Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the person who inflicted the abuse and/or neglect that resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
- (b) Section 31-502.311(b) applies here.

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Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code
Section 10850.4(c)(2) (A-E) (See Handbook Section below MPP Section 31-502.311).

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(c) Section 31-502.311(c) applies here.

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Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4).
(See Handbook Section below MPP Section 31-502.12)

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.352 The county child welfare agency shall redact from any records released under Section 31-502.351, in addition to the redactions indicated in Section 31-502.4, any information that would identify the parent, guardian, or foster parent(s).

.36 **ABUSE AND/OR NEGLECT IN NON-RESIDENTIAL CHILD CARE.**

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect occurring in a licensed family day care home as defined by Title 22 of the California Code of Regulations section 102352(f)(1), a licensed child care center as defined by Title 22 of the California Code of Regulations section 101152(c)(7), or a family day care home that is exempt from licensure pursuant to Health and Safety Code Section 1596.792, resulted in the child fatality, and the child resided with a parent, guardian, or foster care provider, the county child welfare agency shall release the following records.

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Title 22 of the California Code of Regulations section 102352(f)(1) provides:

"Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.

Title 22 of the California Code of Regulations section 101152(c)(7) provides: "Child Care Center" means any child care facility of any capacity, other than a family child care home as defined in Section 102352f.(1), in which less than 24- hour per day nonmedical care and supervision are provided to children in a group setting.

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Health and Safety Code Section 1596.792 provides in pertinent part:

- (a) Any family day care home providing care for the children of only one family in addition to the operator's own children.
- (b) Any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of the following conditions:
 - (1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible care giver with respect to all the children in the cooperative.
 - (2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.
 - (3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of that may not exceed the actual cost of the activity.
 - (4) No more than 12 children are receiving care in the same place at the same time.
- (c) Any arrangement for the receiving and care of children by a relative.
- (d) Any child day care program that operates only one day per week for no more than four hours on that one day.

HANDBOOK ENDS HERE

.361 Section 31-502.311 applies here.

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Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

- (a) All previous referrals indicating abuse and/or neglect perpetrated by the person who inflicted the abuse and/or neglect that resulted in the child fatality. Any information in these referrals that identify a child victim other than the deceased child shall be redacted by the county child welfare agency.
 - (b) Section 31-502.311(b) applies here.
-

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code Section 10850.4(c)(2)(A-E) (See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

- (c) Section 31-502.311(c) applies here.
-

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

(d) Licensing records.

.362 If licensing/approval records pertaining to the non-residential care provider are not contained in the child's case record or maintained by the county child welfare agency, the county child welfare agency shall release the documents and information specified in Sections 31-502.361(a) through (e) that are available within the case record and shall refer the requesting party to the appropriate licensing/approval agency for additional information or documents. For licensing/approval files maintained by the county child welfare agency, the county child welfare agency shall forward that part of the request to the appropriate county custodian of records.

.363 In addition to the redactions indicated in Section 31-502.4, the county child welfare agency shall redact from any records released under Section 31-502.361 any information that would identify the parent, guardian, or foster parent(s), unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that abuse and/or neglect by the parent, guardian, or foster parent contributed to the circumstances that resulted in the child's fatality as described in section 31-502.13.

.37 ABUSE AND/OR NEGLECT BY AN UNIDENTIFIED INDIVIDUAL WHEN THE CHILD WAS LIVING WITH THE PARENT, GUARDIAN, OR FOSTER CARE PROVIDER

When an agency, pursuant to Sections 31-502.13 through 31-502.16, determines or substantiates that abuse and/or neglect resulted in the child fatality, but has not determined who inflicted the abuse and/or neglect, the county child welfare agency shall release the following records.

.371 Section 31-502.311 applies here.

HANDBOOK BEGINS HERE

Section 31-502.311 reads as follows:

To the extent that such records are in the possession of the county child welfare agency, only the following records, subject to redactions specified in Section 31-502.4, shall be released by the county child welfare agency within ten (10) business days of receiving a public request for such records or receipt of a determination by an agency pursuant to Sections 31-502.13 through 31-502.16, whichever is later:

HANDBOOK ENDS HERE

(a) All previous referrals of abuse and/or neglect of the deceased child. Any information in these referrals that identify any child victim other than the deceased child shall be redacted by the county child welfare agency.

(b) Section 31-502.311(b) applies here.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

HANDBOOK BEGINS HERE

Section 31-502.311(b) reads as follows:

All the documents specified in Welfare and Institutions Code
Section 10850.4(c)(2)(A-E) (See Handbook Section below MPP Section 31-502.311).

HANDBOOK ENDS HERE

(c) Section 31-502.311(c) applies here.

HANDBOOK BEGINS HERE

Section 31-502.311(c) reads as follows:

All information listed in Welfare and Institutions Code Section 10850.4(a)(1-4). (See Handbook
Section below MPP Section 31-502.12)

HANDBOOK ENDS HERE

- .372 In addition to the redactions indicated in Section 31-502.4, the county child welfare agency shall redact from any records released under Section 31-502.371 any information that would identify the parent, guardian, or foster parent(s), unless it was determined by an agency, pursuant to Sections 31-502.13 through 31-502.16, that abuse or neglect by the parent, guardian, or foster parent contributed to the circumstances that resulted in the child's fatality.
- .38 Upon receiving a public request for information pursuant to Sections 31-502.31 through 31-502.37 the county child welfare agency shall notify counsel for any child directly or indirectly related to the deceased child's case record.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

.4 The county shall redact information that is privileged, confidential, or not subject to disclosure prior to public release.

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.41 This section does not apply to those entitled to unredacted records; for example, Welfare and Institutions Code Section 4903 states that counties are required, in some circumstances, to release information without redactions to the protection and advocacy agency in California.

HANDBOOK ENDS HERE

.42 After consultation with the District Attorney, if the release of specific information would jeopardize a criminal investigation or proceeding, that information shall be redacted prior to release.

.43 If disclosure of information about a child, including the deceased child or any sibling of the deceased child, as listed in Section 31-502.31 through 31-502.37, may be detrimental to the well-being of another child, counsel for that child may petition the juvenile court to prevent the release of any document or part of a document requested pursuant to Welfare and Institutions Code Section 827.

.431 To comply with federal law, 42 USC 5106, the county shall release the SOC 826 form, whether or not a petition has been filed in the juvenile court.

.432 Only information or documents that may pose potential detriment to a child who is directly or indirectly connected to the case, as found by the juvenile court, shall be redacted.

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)

- .44 Information that shall be redacted includes:
 - .441 Names, except that the name of a county or state department or agency shall not be redacted.
 - .442 Addresses, except that the address of a county or state department or agency shall not be redacted.
 - .443 Telephone numbers, except that the public telephone number of a county or state department or agency shall not be redacted.
 - .444 Ethnicity.
 - .445 Religion.
 - .446 Social Security numbers or referral/case identifiers.
 - .447 Any other identifying information of any person or institution, other than the county or state department or agency information indicated in Sections 31-502.441, .442 and .443.
- .45 The county shall adhere to all laws that govern confidentiality of the release of information.

HANDBOOK BEGINS HERE

- .451 The following are examples of state laws and rules and are not intended to be an exhaustive list of such laws and rules.
 - (a) Family Code Sections 3041.5, 3111, and 7643
 - (1) Family Code Section 3041.5 provides for alcohol and drug testing in judicial proceedings concerning custody, visitation, and guardianship. The results of such tests are confidential and shall be redacted.
 - (2) Family Code Section 3111 provides for confidential child custody evaluation reports in cases of contested child custody and contested visitation rights. For example, one family member may object to visits from another family member. Documents from such cases are in the files of the Superior Court, or the Juvenile Court. If such evaluation reports are found in the case record, they shall be redacted.

HANDBOOK CONTINUES

31-502	CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS	31-502
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(Continued)

HANDBOOK CONTINUES

- (3) Family Code Section 7643 provides for confidentiality of court proceedings to establish the identity of a child's father. Records of such proceedings shall be redacted.

- (b) Health and Safety Code Section 1255.7 and 1522
 - (1) Health and Safety Code Section 1255.7 provides for "safe-surrender site" and for the confidentiality of any identifying information that pertains to a parent or individual who surrenders a child pursuant to this section. Any identifying information that pertains to a parent or an individual who surrenders a baby under this section is exempt from disclosure and, therefore, if this information is in the case record, this information shall be redacted.

 - (2) Health and Safety Code Section 1522 provides for a process to obtain fingerprints, the criminal history, and a criminal records clearance or criminal records exemptions for persons working with or in contact with clients in a community care facility, foster family home or certified family home of a licensed foster family agency. This statute also provides for the confidentiality and privacy of this information. If any of this information is found in the case record it shall be redacted.

- (c) Penal Code Sections 851.8, 11081, 11105, 11167.5, and 13300
 - (1) Penal Code Section 851.8 provides for the sealing and destruction of arrest records if a determination of factual innocence was made by the court. If the Child Welfare Agency still maintains such records in the case record those records shall be destroyed.

 - (2) Penal Code Section 11081 provides the general rule that there is no access to any criminal offender record information obtained from the Department of Justice unless otherwise authorized by law. This information shall be redacted if it is part of the case record.

 - (3) Penal Code Section 11105 provides that Child Welfare Agency may obtain summary criminal history information from the Department of Justice. This information shall be redacted if it is part of the case record.

HANDBOOK CONTINUES

31-502 CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS 31-502
(Continued)**HANDBOOK CONTINUES**

- (4) Penal Code Section 11167.5 provides that all reports of child abuse or neglect by mandated reporters shall be confidential and may be disclosed only to authorized persons or agencies. Reports of suspected child abuse or neglect may only be disclosed to authorized persons. Therefore, reports written pursuant to 11166, 11166.2, or authorized by 11166.05 may not be disclosed. Any information that may identify a mandated reporter that is maintained in the case record shall be redacted.
- (5) Penal Code Section 13300 allows several government agencies, including child welfare agencies, to obtain "local summary criminal history information," more commonly known as "rap sheets." Rap sheet information concerning the perpetrator(s) of neglect or abuse that has come from a local criminal justice agency shall be redacted. Rap sheet information concerning the criminal history of persons other than the perpetrator(s) of neglect or abuse shall be redacted. Information about the criminal history of the perpetrator(s) of neglect or abuse that has come from sources other than a "rap sheet," such as police reports, the individual concerned, family members, child welfare department personnel, or any other documents subject to disclosure pursuant to Welfare and Institutions Code Section 10850.4 shall not be redacted.
- (d) Welfare and Institutions Code Section 11478.1
- (1) Welfare and Institutions Code Section 11478.1 requires public agencies to maintain the confidentiality of information gathered for purposes of child and spousal support enforcement. (See 42 U.S.C., Chapter 7, Part D, Section 651.) Documents generated or acquired for purposes of child or spousal support enforcement, as well as information derived from such documents, shall be redacted. Information that could have been acquired for purposes of child or spousal support enforcement, but which actually was acquired through other channels (for example: mother tells Child Welfare Services caseworker how much father earns) shall not be redacted.

HANDBOOK ENDS HERE

- .46 When a public request is made for documents other than those listed in Section 31-502.31 through 31-502.37, the county shall only release this information upon an order from the juvenile court pursuant to Welfare and Institutions Code Section 827.

31-502	CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS	31-502
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(Continued)

- .47 All case records shall be retained as described in Sections 31-075.2 through .21. The county is not required to retain case record documents beyond any date otherwise required by law.
- .48 The county is not required to obtain documents that are not within the child's case record as defined in MPP Section 31-002(c)(5).

NOTE: Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Reference: Penal Code Sections 11165.12, 11166, and 11169; 42 USC 5106; 45 CFR 1340.15(b), and Sections 827, 4903, and 10850.4, Welfare and Institutions Code; 42 U.S.C. 5106a(b)(2)(B)(X); *Butterfield v. Lightbourne* (Cal.Sup. Dec. 28, 2012, No 37-2011-00097858-CU-MC-CTL).

31-503	CHILD SUPPORT REFERRAL REQUIREMENTS	31-503
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- .1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code section 11401, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.
 - .11 In making this determination, the social worker shall evaluate each case on an individual basis, considering the best interests of the child and the circumstances of the family, which may include, but not necessarily be limited to, employment status of the parent(s), housing status, impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, and connection with CalWORKs or other public assistance programs.
 - .111 If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS (continued)

31-503

- .112 If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:
- (a) The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.
- .113 If the child's case plan goal is legal guardianship with a relative and receipt of Kin-GAP is anticipated, the social worker shall consider, prior to termination of dependency or wardship, whether the payment of support by the parent will pose a barrier to a successful outcome of the permanent plan in that the payment of support will compromise:
- (a) The stability of the current placement with the proposed related guardian.
 - (b) The parent's ability to meet the needs of other children in the household who may be at risk of removal, if known.
- .2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.
- .21 Under the circumstances described in MPP sections 31-503.111 and 31-503.112, the social worker shall review this decision following each court hearing held under Welfare and Institutions Code section 361.5.
- .211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.
- .22 Under the circumstances described in MPP section 31-503.113, the social worker or other appropriate representative of the county child welfare department or the county probation department shall review this decision no less frequently than at each two-year reassessment of the Kin-GAP negotiated agreement pursuant to Welfare and Institutions Code sections 11364(b)(1) and 11387(b)(1).

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS (Continued) 31-503

- .221 If Kin-GAP benefits are terminated, and the social worker or other appropriate county worker also determines that it is no longer contrary to the child's best interest, the appropriate county worker shall refer the child's case to the local child support agency.
- .222 If at any time the social worker or other appropriate county worker determines that it is no longer contrary to the child's best interest, the appropriate county worker shall refer the child's case to the local child support agency.
- .3 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.
- .4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552, Family Code. Reference: Section 17552, Family Code.

31-505 OUT-OF-COUNTY PLACEMENTS 31-505

- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(f) and (g).

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- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

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- .12 Under such circumstances, the following requirements shall be met:

31-505 OUT-OF-COUNTY PLACEMENTS
(Continued)**31-505**

- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
- (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
- .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
- .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
- (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
- (i) These responsibilities include, but are not limited to, complying with monthly visitation requirements as specified in 31-320.
- (b) The receiving county shall provide quarterly written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates. The quarterly written reports shall also document all social worker visits conducted with the child.
- (c) The receiving county shall concur that the proposed placement meets the child's needs.
- (d) The sending county shall provide consultation and advice on the case, as needed.
- (e) The receiving county shall document all social worker visits with the child in the CWS/CMS system on a monthly basis.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)	31-510
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- .1 The Interstate Compact on the Placement of Children (ICPC) shall be applicable between member states under any of the following circumstances:
 - .11 Procedures for placements into boarding or foster family homes or a relative's home, including the home of a parent. When an agency or court in a member state, the sending agency, wishes to place a child, for whom it holds legal custody or placement responsibility, in another member state and in a:
 - .111 Boarding or foster family home.
 - .112 Relative's home, including the home of a parent.
 - .12 When an agency or court in a member state has placed a child in foster care or with a relative in a home within that state and intends to continue placement although the family may move, or has moved, to another member state.
 - .13 When an individual in a member state wishes to place a child who is in his custody in another member state in a:
 - .131 Foster family home.
 - .132 Group Home.
 - .133 Relative's home except as excluded under Article 8 of the Interstate Compact.
 - .134 Childcaring institution.
- .2 The ICPC shall not be applicable between member states under the following circumstances:
 - .21 When a potential foster family makes a routine inquiry or application to an agency in a member state other than the state of the family residence.
 - .211 When the state to which they apply wishes to have the home studied as a resource for additional children needing placement, the family shall be directed to apply through an agency in the state in which they reside.
 - .22 The ICPC shall not be applicable to any placement (sending or receiving) of an Indian child if the placement is made:
 - .221 between an Indian tribe and another Indian tribe; or
 - .222 between a county compact member and a Tribal court that is assuming jurisdiction of the Indian child's case.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .3 Except for children placed by a county social service agency or probation department in an out-of-state group home, the procedures for children leaving California shall be as follows:
 - .31 The California sending agency shall comply with the provisions of Family Code Sections 7900 through 7909.
 - .32 The California sending agency shall complete Sections I, II and III of Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
 - .321 Retain one copy in agency files.
 - .322 Forward four copies to the appropriate public authority in the receiving state, with two copies of applicable legal documents such as court orders; two copies of summaries of significant information on the child and the prospective foster or relative family; and two copies of a financial and medical services plan, including information on the eligibility of the child for federal Title IV-E assistance.

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- (a) ICPC suggested procedures specify that the receiving state's appropriate public authority should forward copies of the summaries and legal documents to the receiving agency, requiring recommendation on the suitability of the placement plan.
- .33 A home study shall be required for every proposed placement. The California sending agency shall not send a child out of state until it has received, from the appropriate public authority in the receiving state, an ICPC 100A (Rev. 10/91) approved in writing and a home study assessing the following:
 - .331 Amount of supervision available from the receiving agency.
 - .332 Ability of the community or area of proposed placement to meet any special needs of the child.
 - .333 Parental capabilities and problems if the plan involves movement as a family unit.
 - .334 Appropriate information concerning the family with whom placement is to be made.
- .34 ICPC suggested procedures specify that the receiving state's appropriate public authority will notify the California sending agency of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91), signing and forwarding two copies of the form with all additional forms and pertinent information to the California sending agency within 30 days from the date it was received in that state.

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31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .35 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .36 When the child is placed pursuant to receipt of written approval, the California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state.
- .37 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
- .38 To report change in placement status:
 - .381 The California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state under the following circumstances:
 - (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.
- .39 As specified in 31-075.3(b), the California sending agency shall document all visits in CWS/CMS reported and made to a California child by caseworkers in the receiving state performing visits pursuant to the ICPC.
- .4 Procedures for Out-of-State Group Home Placements and the ICPC. The ICPC shall be applicable between member states under any of the following circumstances:
 - .41 When an agency or court in a member state wishes to place a child, for whom it holds legal custody or placement responsibility in another member state, the California social service agency or probation department shall comply with the provisions of Family Code Sections 7900 through 7912 when placing a child out-of-state and in a:
 - .411 Group home.
 - .412 Childcaring institution.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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HANDBOOK BEGINS HERE

- .413 The multidisciplinary teams shall provide an assessment and placement recommendation pursuant to Family Code Sections 7911 and 7911.1 and further described in Section 31-066 of this manual.

- .414 The social worker/probation officer shall make a request to the multidisciplinary team only after in-state alternatives have been considered and are found not to meet the child's needs. The local agency shall document in the case plan the alternatives to out-of-state group home placement that were considered or used and the reasons why they were rejected or did not meet the best interests of the child.

HANDBOOK ENDS HERE

- .42 The social worker/probation officer shall petition the court for a placement order in concurrence with Welfare and Institutions Code Sections 361.2 and 727.1.

- .43 The California sending agency shall complete Sections I, II and III of the Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
 - .431 Retain one copy in agency files.

 - .432 Forward to the Interstate Compact Administrator, four copies of the Form ICPC 100A, with three copies of applicable court orders, the case plan, summaries of significant information on the child, the county multidisciplinary team placement recommendation, and the financial and medical services plan, including information of the eligibility of the child for federal Title IV-E assistance.

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- .433 The address for the ICPC Compact Administrator is the California Department of Social Services, Out-of-State Placement Policy Unit at: 744 P Street, M.S. 19-78, Sacramento, CA 95814.

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- .434 Any agreements entered into by the California sending agency and the receiving state agency regarding the provision of services and the respective responsibilities of each state agency shall be approved and signed by the sending and receiving state agencies prior to placement out-of-state in accordance with the Family Code.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- (a) When entering into agreements, the provisions of Family Code Section 7911.1(a) shall be met. These agreements shall specify the authority of CDSS to investigate any threat to the health and safety to a child placed in an out-of-state group home. Included is the authority to interview children or staff in private or review the child's file and the requirement that all complaints be reported to the California Compact Administrator.

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- .435 Placements into out-of-state group home facilities can only be made when the facility is certified pursuant to Family Code Sections 7911.1(c) and (i) which state, in part:
 - "(c) By August 18, 1999, CDSS shall certify that the out-of-state group home meets all licensure standards required of group homes operated in California."
 - "(i) Only an out-of-state group home authorized by the Compact Administrator to receive state funds for the placement by a county social services agency or probation department of any child in that out-of-state group home shall be eligible for public funds pending the department's certification."
- .436 Pursuant to Family Code Section 7912(b), the Compact Administrator may temporarily suspend any new placements in an out-of-state group home, or a period not to exceed 100 days, pending the completion of an investigation regarding a threat to the health and safety of California children in care.

HANDBOOK ENDS HERE

- .44 The California sending agency shall not send a child out-of-state until it has received approval from the California Interstate Compact Administrator and the receiving state ICPC Unit.
- .45 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .46 When the Form ICPC 100A (Rev. 10/91) is approved by the receiving state ICPC Administrator, the California sending agency arranges for the physical transfer of the child and, when placement is made, completes four copies of Form ICPC 100B (Rev. 10/91) Interstate Compact Report on Child's Placement Status, and forwards three copies to the CDSS Interstate Compact Administrator.
- .47 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .48 If the California sending agency is placing a child into another group home, out-of-state procedures in Section 31-510.4 are to be followed and Form ICPC 100B (Rev. 10/91) Interstate Compact Report on Child's Placement Status, completed and three copies forwarded to the CDSS Interstate Compact Administrator, reporting the change in placement.
- .49 As specified in 31-075(b), the California sending agency shall document in CWS/CMS all visits made to a child by the California agency to the out-of-state group home pursuant to Welfare and Institutions Code Section 16501.1(f)(4) and MPP 31-320.613.
- .5 Procedures for children entering California are as follows:
 - .51 The California receiving agency shall comply with the provisions of Family Code Sections 7900 through 7909.

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- .52 The ICPC suggested procedures require that the sending state's appropriate public authority forward to the California receiving agency:
 - .521 Four copies of the signed Form ICPC 100A (Rev. 10/91).
 - .522 Two copies of applicable legal documents such as court orders, and summaries of significant information on the child to be placed and the prospective foster or relative family.

HANDBOOK ENDS HERE

- .53 Upon receipt of a Form 100A (Rev. 10/91) from the sending state's appropriate authority, the California receiving agency shall complete a home study with a recommendation on the suitability of the placement plan. A home study shall be required for every proposed placement and shall be made to assess the following:
 - .531 Amount of supervision available from the California receiving agency.
 - .532 Ability of the community or area of proposed placement to meet any special needs of the child.
 - .533 Parental capabilities and problems if the plan involves movement as a family unit.
 - .534 Appropriate information concerning the family with whom placement is to be made.

31-510 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued) **31-510**

- .54 The California receiving agency shall notify the sending state's appropriate public authority of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91) and forwarding two copies of the form with all additional forms pertinent information to the sending state's appropriate public authority.
- .55 Prior to placement, the California receiving agency shall assure that a financial plan has been developed for the child, in cooperation with the sending agency. Upon agreement, the California receiving agency shall verify its acceptance of the plan, in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.

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- .56 When the child is placed:
- .561 ICPC suggested procedures require that:
- (a) The sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, forward copies to the sending state's appropriate public authority.
 - (b) The sending state's appropriate public authority shall sign and forward copies of the form to the DSS.

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- .57 The California receiving agency shall cooperate with the sending agency in ongoing case planning for the duration of placement.
- .58 If the social worker determines that it is too dangerous to maintain a dependent minor of the court of another state in the home in which he/she has been placed under the ICPC, the social worker shall:
- .581 Provide emergency shelter care services to the child.

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- .582 Notify the sending agency and the appropriate public authority in the sending state of the child's removal within 48 hours, excluding nonjudicial days, of its occurrence.
- .583 Assist the sending agency to resolve the placement issue.

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- .59 To report a change in placement status:
 - .591 ICPC suggested procedures require that the sending agency shall complete the "Interstate Compact Report on Child's Placement Status", Form ICPC 100B (Rev. 10/91), and forward copies to the California receiving agency under the following circumstances:
 - (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.
 - .592 The sending state's appropriate public authority shall forward copies of the ICPC 100B (Rev. 10/91) to the California local receiving agency.

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- .6 Jurisdiction over the placed child shall conform to the requirements of Family Code Section 7901, Article 5(a).

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.7 Visits

- .71 A visit is not a placement (see Family Code Section 7901, Article 2(d)) within the meaning of the Interstate Compact on the Placement of Children. Visits and placements shall be distinguished on the basis of purpose, duration and the intention of the person or agency with responsibility for planning for the children as to the child's place of abode.
- .72 The purpose of a visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
- .73 A visit for 24 hours or longer shall involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services shall not, of itself, alter the character of the stay as a visit.
- .74 If the child's stay is intended to be for no longer than 30 days and if the purpose is as described in Section 31-510.72, it will be presumed that the circumstances constitute a visit rather than a placement.

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- .75 A stay or proposed stay of longer than 30 days shall be considered a placement or proposed placement; except a stay that begins and ends within the child's vacation from school, as determined from the academic calendar of the school, may be considered a visit even if longer than thirty days. Such visits may not be extended beyond the school vacation period.
- .76 A visit shall not be extended or renewed beyond 30 days.
- .77 If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
- .78 If a request for a home study or agency supervision is made by the person or agency which sends or proposes to send a child on a visit, such request shall conclusively establish that the intent of the stay or proposed stay is a placement and not a visit.
- .8 Required forms include the following:
 - .81 Interstate Compact Placement Request, Form ICPC 100A (Rev. 10/91).
 - .82 Interstate Compact Report on Child's Placement Status, Form ICPC 100B (Rev. 10/91).
- .9 The California receiving agency shall be responsible for complying with the visit requirements as specified in applicable provisions of the ICPC for all out-of-state children placed in California pursuant to the ICPC.
 - .91 The California receiving agency shall provide the sending state with written supervision reports in compliance with the ICPC.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 7900, 7901, 7906, 7907.3, 7911, 7911.1 and 7912, Family Code; Sections 361.2, 361.21, 727.1, 16501.1 and 16516.5, Welfare and Institutions Code; and Association of Administrators of the Interstate Compact on the Placement of Children Regulation No. 11.

31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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- .1 The purpose of the Independent Living Program (ILP) is to provide program services and activities as described in the TILP to assist eligible youth to live independently.
- .2 The county social worker/probation officer shall determine ILP eligibility concurrently with the development of the initial TILP and redetermine ILP eligibility with each TILP update.
- .3 Youth shall be eligible for ILP services up to their 21st birthday provided one of the following criteria is met:
 - .31 Were/are in foster care at any time from their 16th to their 19th birthday. This does not include youth placed in detention facilities, locked facilities, forestry camps, training schools, facilities that are primarily for the detention of youth who are adjudicated delinquent, medical and psychiatric facilities, voluntary placements, wraparound program participants, youth placed pursuant to an individualized education program and guardianship placements in which the youth is not a dependent or ward of the court.
 - .311 If the youth qualifies for these services due to previous dependency, the social worker/probation officer will provide the information necessary to access these services.
 - .32 Were/are 16 years of age up to 18 years of age and in receipt of the Kinship Guardianship Assistance Payment Program (KinGap) assistance.
 - .33 Eligible youth younger than 16 years of age may participate in an ILP for younger youth if the county of jurisdiction has a county plan that includes such a program. Youth younger than 16 years of age placed outside their county of jurisdiction may participate in an ILP for younger youth only with prior approval of the county of jurisdiction. Participation in an ILP for younger youth prior to age 16 does not qualify a youth for ILP eligibility.
- .4 ILP participation is deferred only if the youth is physically or mentally unable to benefit from the ILP as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate in the ILP. If ILP participation is deferred, the social worker/probation officer on behalf of youth in foster care or the ILP coordinator on behalf of KinGap youth and other eligible youth shall document, in the TILP the reason(s) for the deferment. A redetermination of deferment shall be made at least every six months and documented in the TILP.
- .5 Eligibility for the ILP shall not be determined by outside agencies such as contractors or vendors.

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.51 Welfare and Institutions Code Section 16501(c) specifies:

“Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.”

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.6 County social workers/probation officers shall:

- .61 Ensure that foster care/probation youth are given appropriate information about and the opportunity to participate in the ILP.
- .62 Ensure that ILP participation is not used as a punishment or reward.
- .63 Use the TILP document available on the Child Welfare Services Case Management Services (CWS/CMS).
- .64 Work with foster care/probation youth to ensure that they have access to ILP core services as described in Section 31-525.8.
- .65 Collaborate with the youth, ILP Coordinators, care providers, and other service providers to ensure the development and implementation of TILP goals, services and activities, including addressing transportation needs. Counties shall encourage providers to participate in the development of the TILP.
- .66 Prior to the youth’s emancipation, ensure that ILP services are provided as identified in the TILP.
- .67 Defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program as determined by the youth’s primary care physician or health/mental health care professional or if the youth declines to participate. A redetermination of deferment shall be made at least every six months and be documented in the TILP.
- .68 Provide, as applicable, the necessary records, referrals and documentation to ensure that timely and appropriate ILP service provision has met the goals and services of the TILP as described in Section 31-236.
- .69 Ensure that when the social worker/probation officer feels that a dependent in a group home placement will not achieve permanency prior to their 18th birthday, a transitional independent living plan is initiated for the youth.

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- .7 County ILP Coordinators shall:
- .71 Ensure that every eligible youth participating in ILP up to age 21 has a TILP.
 - .72 Collaborate with the youth, social workers/probation officers, care providers and other service providers to ensure the provision of core services and activities so that the goals outlined in the youth's TILP are achieved.
 - .73 Ensure that participation in ILP is not used as a punishment or reward.
 - .74 Not duplicate or replace services that are available through other agencies and programs.
 - .75 Recruit, offer and provide individualized ILP services to eligible youth including emancipated youth, legally emancipated minors, and KinGap youth.
 - .76 Ensure that benefits, services and treatment are fair and equitable to all eligible youth.
 - .77 Utilize the Emancipated Youth Stipend to provide assistance to emancipated youth who are eligible for the ILP pursuant to Welfare and Institutions Code Section 10609.3.

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- .771 Welfare and Institutions Code Sections 10609.3(e)(1) and (2) state:
- "(1) Effective July 1, 2000, the department, in consultation with the Independent Living Program Strategic Planning Committee, shall develop and implement a stipend to supplement and not supplant the Independent Living Program. To qualify for this stipend, a youth shall be otherwise eligible for the Independent Living Program, have been emancipated from foster care to live on his or her own, and be approved by the county. The stipend may provide for, but not be limited to, assisting the youth with the following independent living needs:
 - (A) Bus passes.
 - (B) Housing rental deposits and fees.
 - (C) Housing utility deposits and fees.

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31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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- (D) Work-related equipment and supplies.
 - (E) Training-related equipment and supplies.
 - (F) Education-related equipment and supplies.”
- “(2) Notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the stipend program in paragraph (1), subject to the availability of funding provided in the annual Budget Act.”

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31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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(Continued)

- .8 Core services shall be provided based on identified individual needs and goals as documented in the TILP including, but not limited to:
 - .81 Education, including: skill development, assistance and referrals to obtain literacy skills, high school diploma/GED, post-secondary education experiential learning and computer skills;
 - .82 Career development, including: assistance and referral to obtain career exploration, work readiness and responsibility skills, employment development, employment experience, vocational training, apprenticeship opportunities, job placement and retention;
 - .83 Assistance and referral to promote health (including mental health) and safety skills including, but not limited to: substance abuse prevention, smoking cessation, pregnancy prevention, and nutrition education;
 - .84 Referral to available mentors and mentoring programs;
 - .85 Daily living skills, including: information on and experiences and training in financial management and budgeting; personal responsibility skills; self-advocacy; household management; consumer and resource use; survival skills; and obtaining vital records;
 - .86 Financial resources, including: information and referrals regarding financial assistance if applicable, including, but not limited to, incentives, stipends, savings and trust fund accounts, educational/vocational grants, CAL-Grants, Employment Development Departments, registered in One-Stop Career Centers, Workforce Investment Act funding and programs, other employment programs and other forms of public assistance including, but not limited to, CalWORKs, Food Stamps, and Medi-Cal; and
 - .87 Housing information, including: training and referrals about transitional housing programs; federal, state and local housing programs; and landlord/tenant issues.

NOTE: Authority Cited: Sections 10553, 10554, and 10609.4, Welfare and Institutions Code. Reference: Sections 358(b), 366 et seq., 391, 607.5, 706.6, 727.2, 727.3, 10553, 10554, 10609.3, 11375, 16500.1, 16501, 16501.1, 16501.5, and 18987.6, Welfare and Institutions Code; and 42 U.S.C. Sections 672, 675 and 677.

31-530 MINOR PARENT SERVICES (MPS)**31-530**

- .1 Referral of Minor Parent Pursuant to Welfare and Institutions Code Section 11254(b)(3).

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- .11 Referral of a Minor Parent specified in Welfare and Institutions Code Section 11254(b)(3) occurs when a minor parent applies for AFDC and alleges that their physical or emotional health or safety, or that of their child(ren) would be jeopardized if they lived in the same residence with their parent, legal guardian or other adult relative. AFDC county eligibility staff will not make a final determination about granting aid, except in cases where Immediate Need is requested, until a CWS social worker informs AFDC county eligibility staff whether the minor parent and his/her child(ren) can safely reside in the senior parent's, legal guardian's or other adult relative's home.

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- .12 Within 20 calendar days of receiving a referral pursuant to Welfare and Institutions Code Section 11254(b)(3), the CWS social worker shall complete an in-person investigation of the allegation to determine whether the physical or emotional health or safety of the minor parent or child(ren) would be jeopardized if they lived in the same residence with the minor parent's own parent, legal guardian or other adult relative.
- .13 If the referral is unfounded, the CWS social worker shall document the factors contributing to this determination, and shall complete and return the referral form to the county AFDC office.
- .14 If the referral is not unfounded, the CWS social worker shall document the factors contributing to this determination and shall complete and return the referral form to the county AFDC office and follow the procedures set forth in Section 31-530.2.
- .2 Referral of Minor Parent Determined to Meet Exemption Pursuant to Welfare and Institutions Code Section 11254(b). (Section 31-530.2 et seq. is to be implemented on June 1, 1997).

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- .21 Minor parent exemptions specified in Welfare and Institutions Code Sections 11254(b)(1) through (4) are:
- .211 Minor parent has no parent or legal guardian who is living or whose whereabouts are known.

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- .212 Minor parent has no parent or legal guardian who will allow the minor parent to live in his/her home.
- .213 The CWS social worker has determined that the physical or emotional health or safety of the minor or child(ren) would be jeopardized if the minor and child(ren) lived in the same residence with the minor's own parent, legal guardian or other adult relative.
- .214 Minor parent has lived apart from his/her parent(s) or legal guardian(s) for a period of at least one year before either the birth of any such child or the minor parent having made application for aid.

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- .22 Within 30 calendar days of receiving a referral on a minor parent meeting an exemption pursuant to Welfare and Institutions Code Section 11254(b), the CWS social worker shall:
 - .221 Complete an in-person assessment of the minor parent and his/her child(ren) to determine whether the minor parent and his/her child(ren) are capable of living independently.
- .23 Based on the findings of the in-person assessment, the CWS social worker shall either:
 - .231 Document the factors contributing to a determination that a minor parent is unable to live on his/her own.
 - (a) If the minor parent is unable to live on his/her own, the CWS social worker shall complete the investigation, assessment and case planning process described in Sections 31-125 through 31-325.

or

 - .232 Document the factors contributing to a determination that a minor parent is able to live on his/her own and develop a safety plan.

31-530	MINOR PARENT SERVICES (MPS) (Continued)	31-530
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.24 Except as provided in Section 31-530.3, counties must provide MPS, pursuant to Welfare and Institutions Code Section 16506(d), to minor parents and their children referred and who meet an exemption pursuant to Welfare and Institutions Code Section 11254(b), when a CWS social worker has determined the minor parent is able to live independently. Counties may contract with another county agency or non-county service provider to provide MPS.

.241 When a county chooses to contract for MPS, the contract must, at a minimum, specify the following:

- (a) How the services are to be provided;
- (b) The process by which minor parents will be referred for MPS;
- (c) The process for reporting to the county on the progress of families served;
- (d) The process for on-going assessments; and
- (e) The process for ensuring that visits and referrals will occur.

.3 MPS shall be terminated when:

.31 The minor parent turns 18 years old; or

.32 The minor refuses MPS.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11254, 16504, 16504(b), 16506, and 16506(d), Welfare and Institutions Code.