

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 25, 1993

ALL-COUNTY INFORMATION NOTICE NO. I-01-93

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SENATE BILL (SB) 2669

REASON FOR THIS TRANSMITTAL

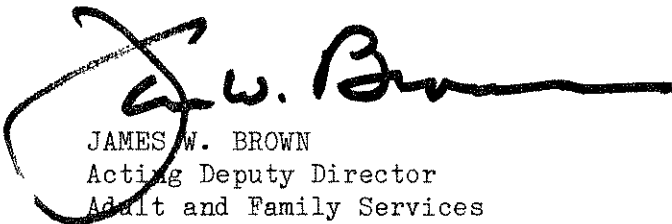
- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

As you may be aware, Senate Bill (SB) 2669 (Chapter 1603, Statutes of 1990) contained requirements in three general areas.

1. A mandate that the State Health and Welfare Agency develop and disseminate a Model Needs Assessment Protocol for pregnant and postpartum substance abusing women;
2. A mandate that each County develop and implement a local protocol; and
3. Changes in child abuse reporting requirements as follows: a) a positive toxicology screen at the time of delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect, and b) a report based on risk to the child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse shall be made only to County welfare departments and not to law enforcement agencies.

Information regarding SB 2669 and a copy of the Model Needs Assessment Protocol developed in accordance with number 1 above, was transmitted September 23, 1991 to you and a number of agencies impacted by its provisions. Subsequent to that time, numerous questions have been raised regarding changes made by this legislation. As several Counties do not recall receiving this information, we are providing an additional copy herein.

If you have questions regarding this legislation or the Model Needs Assessment Protocol, please contact Dick Kuest in the Office of Child Abuse Prevention at (916) 657-3532.



JAMES W. BROWN
Acting Deputy Director
Adult and Family Services

Enclosures

cc: County Welfare Directors Association

**HEALTH and WELFARE AGENCY**

OFFICE OF THE SECRETARY
1600 NINTH STREET, ROOM 460
Sacramento, California 95814

SEP 23 1991

All County Boards of Supervisors

Dear Chairperson:

Senate Bill (SB) 2669 (Chapter 1603, Statutes of 1990) added Division 9.7 to the Health and Safety Code mandating the State Health and Welfare Agency to develop and disseminate a Model Needs Assessment Protocol for pregnant and postpartum substance abusing women. In addition, it called upon each county to:

"...establish protocols between county health departments, county welfare departments, and all public and private hospitals in the county, regarding the application and use of an assessment of the needs of, and a referral for, a substance exposed infant to a county welfare department pursuant to Section 11165.13 of the Penal Code."

In order to carry out the mandate regarding local protocol development and implementation, we look to each County Board of Supervisors to take responsibility for bringing together the specified county organizations and assigning a local lead agency.

We are pleased to enclose the Model Needs Assessment Protocol document developed by an interagency committee composed of State Health and Welfare Agency Departments and community representatives. The document is intended to assist you in initiating your own local interagency protocol (and assessment tools) in compliance with the mandates of SB 2669. It may be helpful as an additional resource if you have already developed your own protocol. In addition, we are sending a copy of the document and this memorandum to interested organizations in your county. You may disseminate the Model Needs Assessment Protocol to others as appropriate.

While establishment of an interagency protocol in each county is mandated by law, application and use of the protocol and assessment tools we are providing you are not. The enclosed document is only a model. Given the differences among counties regarding procedures, availability of services and potential client populations, each county's needs assessment protocol will be unique.

In developing your local protocol it is critical to note that enactment of SB 2669 did not eliminate or supersede the responsibility of mandated reporters to report to Child Welfare Services when they reasonably suspect that an infant is at risk of child abuse or neglect. Penal Code Section 11165.13 states that "...a positive toxicology screen at the time of delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect". The statute does, however, mandate thorough assessment to determine whether other factors are present which place the infant at risk. Because such other threats to the child's well-being are commonly associated with maternal substance abuse, many such cases will necessitate a child abuse report. When this is the case, the law states that "...a report based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse shall be made only to county welfare departments and not to law enforcement agencies."

It is important to note that the mandates in the legislation are currently in effect. Without local protocols in place it will be difficult to ensure that assessments are completed both consistently and timely, and that families are appropriately served.

County needs assessment protocols and the systems developed to implement them must be consistent with all applicable federal and state laws and regulations. In particular, because of the complexity of the interface between California child abuse reporting requirements and the confidentiality mandates for drug and alcohol services, laws governing those issues merit close attention. California's Child Abuse and Neglect Reporting Act is found in Article 2.1, commencing with Section 11164, of Chapter 2 of Title 1 of Part 4 of the Penal Code. Federal confidentiality laws are more strict in this area than state confidentiality laws and, therefore, take precedence over the release of information regarding drug and alcohol services. Federal confidentiality regulations are found under 42 Code of Federal Regulations, Part 2, commencing with Section 2.1.

We hope you will view the development and implementation of your County's needs assessment protocol as an important step in addressing the serious health issue of perinatal substance abuse and as an opportunity to identify the service needs of this population.

Sincerely,



RUSSELL S. GOULD
Secretary

Enclosure

cc: All County Alcohol and Drug Administrators
All County Welfare Department Directors
All Regional Center Directors
All County Health Officers
All Maternal, Child and Adolescent Health Directors
All Comprehensive Perinatal Services Program Coordinators
All Public and Private Hospitals