



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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GOVERNOR

April 24, 2012

ALL COUNTY LETTER NO. 12-21

REASON FOR THIS TRANSMITTAL

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

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

SUBJECT: ASSEMBLY BILL 717, CHAPTER 468, STATUTES OF 2011
CHILD ABUSE CENTRAL INDEX

REFERENCE: PENAL CODE SECTIONS 11165.12, 11169, 11170; MANUAL OF
POLICIES AND PROCEDURES, DIVISION 31, SECTIONS 31-021,
31-501.

This All County Letter is to inform counties of the provisions of Assembly Bill (AB) 717, Chapter 468, Statutes of 2011. AB 717 made the following changes to the Child Abuse Central Index (CACI) reporting requirements, effective January 1, 2012:

- Police and sheriff departments no longer submit the Child Abuse Summary Report form (BCIA 8583) to the Department of Justice (DOJ);
- Eliminated the reporting of all inconclusive allegations to the DOJ for listing on the CACI. (Please note: all allegations must continue to be entered in the Child Welfare Services/Case Management System [CWS/CMS].);
- Removed all existing inconclusive reports from the CACI; and
- Removes an individual's name from the CACI when s/he reaches the age of 100 years.

In addition, this bill also affords individuals the due process right to challenge their substantiated listing on the CACI. The bill does not, however, specify any required procedures. The current grievance hearing procedure provided in the Manual of Policies and Procedures (MPP) 31-021 fully complies with due process requirements contained in the bill.

CACI Procedures

AB 717 specifies that any person listed on the CACI has the right to a due process hearing before the agency which requested the inclusion, unless: 1) a court hearing has determined that child abuse or neglect has occurred; or 2) a court hearing to determine whether child abuse or neglect has occurred is pending. These exceptions to granting due process are identical to existing California Department of Social Services (CDSS) regulations at MPP 31-021.30, so no change in procedures are expected in this area. In describing a person's right to due process when a court hearing is no longer pending, the bill does include similar but not identical language to MPP 31-021.311. The CDSS is determining whether a change in this provision is necessary to conform to the bill.

Regulation changes will be necessary to delete the DOJ referral and due process requirements for inconclusive reports. Due to the timelines required in the regulatory process, the CDSS anticipates that it will be several months before amended regulations are adopted. Therefore, effective January 1, 2012, counties are authorized to comply with MPP 31-501.4, 31-501.5, and 31-501.7 for substantiated reports only.

Workaround for Inconclusive Findings

The CWS/CMS generates the BCIA 8583 for every substantiated and inconclusive determination. Counties are now required to send the BCIA 8583 report to DOJ for substantiated determinations only. Because CWS/CMS automatically generates this form for inconclusive findings, users must now use a workaround method to enter referrals into the database. This manual process eliminates a costly update to modify the application.

In CWS/CMS, the existing functionality requires the creation of a cross report notebook for a referral in which an inconclusive allegation has been recorded. Without creating the cross report notebook, the user is unable to close the referral because they will have an outstanding reminder. The following provides "workaround" instructions to allow the referral to be closed without generating a BCIA 8583 for inconclusive reports.

- *If a referral has an inconclusive allegation (and no substantiated allegation):*

The user can simply create a cross report notebook for the "Child Abuse Form" and select the checkmark "Cross Report Not Sent." This manual procedure will satisfy the requirement for the cross report, and will allow the referral to close. There is no need to generate a BCIA 8583 report for the referral. If a BCIA 8583 report is unintentionally generated for an inconclusive allegation, the CWS/CMS user must destroy the report under normal county procedures.

- *If a referral has a substantiated allegation and an inconclusive allegation:*

It will be necessary to generate the required “substantiated” cross report and print the BCIA 8583 to be sent to DOJ. When the substantiated BCIA 8583 report is generated, it will display automated text in the comments section (that will list both substantiated and inconclusive allegations). The CWS/CMS user is required to manually delete the “inconclusive allegation” text in the BCIA 8583 report before it is sent to DOJ.

If the Notice of Child Abuse Central Index Listing Form (SOC 832), the Grievance Procedures for Challenging Reference to the Child Abuse Central Index Form (SOC 833), or the Request for Grievance Hearing Form (SOC 834) are unintentionally generated for an inconclusive allegation the CWS/CMS user must destroy the form(s) under normal county procedures.

CWS/CMS Release (R) 6.5 Changes

CWS/CMS R6.5 began production on February 18, 2012. It contains mapping changes for the current version of the BCIA 8583 report (Rev. 3/08), which is already in CWS/CMS. The changes to the mapping will provide for the following:

- *For an initial BCIA 8583 report:*

The CWS/CMS will generate one separate Microsoft Word document for each perpetrator in the referral that has substantiated or inconclusive reportable allegations. The end user does not have to print every form generated, and should not print the inconclusive BCIA 8583 reports.

- *For an amended BCIA 8583 report:*

The CWS/CMS will generate only one amended BCIA 8583 report at a time for a selected perpetrator.

If you have any questions regarding this letter, please contact the Child Welfare Policy and Program Development Bureau, at (916) 651-6160.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division