

DEPARTMENT OF SOCIAL SERVICES**ERRATA**

June 3, 2005

ALL COUNTY LETTER NO. 05-09E

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 CDSS LICENSING DISTRICT OFFICES
ALL CDSS ADOPTIONS DISTRICT OFFICES

SUBJECT: REPLACE ATTACHMENT II IN ALL COUNTY LETTER NO. 05-09
(REPORTING AND INVESTIGATING REQUIREMENTS FOR CHILD
ABUSE ALLEGATIONS REGARDING CHILDREN IN OUT-OF-HOME
PLACEMENTS)

The purpose of this Erratum is to provide the correct attachment in ACL No. 05-09, dated April 26, 2005 regarding the Department of Justice (DOJ) regulations concerning conflict of interest. The ACL referenced the California Code of Regulations Title 11, Section 930.54(b) through (d) as a reminder to county child welfare agencies of the applicability of the DOJ regulations. However, Attachment II was not the referenced regulation. Please replace Attachment II with the correct attachment.

We apologize for any inconvenience this may have caused. If you have questions or concerns, please contact the Permanency Policy Bureau at (916) 657-1858.

Sincerely,

Original Document Signed By

BARBARA EATON
Acting Deputy Director
Children and Family Services Division

Attachment

c: CWDA

ATTACHMENT II

CALIFORNIA CODE OF REGULATIONS

§930.54. Conflict of Interest

(a) Law enforcement, county probation, county welfare, and licensing agencies shall ensure that the investigation of child abuse in an out-of-home care facility is carried out in an unbiased and impartial manner.

(b) An individual child protective service worker or official who actually Places the alleged child abuse victim, or has a direct personal relationship with the facility, the suspected abuser, or the alleged child abuse victim, which creates a conflict of interest, shall not be involved in or responsible for any part of the investigation or assessment of child abuse in that facility.

(c) The child protective or licensing agency with primary jurisdiction over the case shall disqualify itself from conducting an investigation pursuant to these regulations whenever a conflict of interest exists between the agency and the suspected abuser, the facility, or the alleged victim.

(d) A conflict of interest exists under subsections (b), (c), or (e) of this section when the circumstances evidence a reasonable possibility that the agency, or the individual worker or official, may not exercise its/his/her investigative functions in an evenhanded manner. Factors to be considered in determining whether the entire agency should be disqualified from conducting the investigation as required by subsection (c), are the size of the agency, the number of investigating officials within the agency, and the nature of the relationship between the official and the suspected abuser, facility, or victim with whom the conflict exists. This last factor alone, is to be considered in determining whether an individual child protective service worker or official should be disqualified from being involved in, or responsible for, the investigation as required by subsection (b).