



CDSS

JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

March 19, 2009

ALL COUNTY LETTER NO. 09-02

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

SUBJECT: REGULATIONS IMPLEMENTING SENATE BILL 39 CHILD FATALITY DISCLOSURE AND REPORTING REQUIREMENTS

REFERENCE: CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA), AS AMENDED BY PUBLIC LAW 108-36, ENACTED JUNE 25, 2003, SECTION 106 (42 U.S.C. 5106), CALIFORNIA PUBLIC RECORDS ACT, PENAL CODE SECTION 11174.32-11174.35, WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 827, W&IC SECTION 10850.4, SENATE BILL (SB) 525 (CHAPTER 1012, STATUTES OF 1999), ASSEMBLY BILL (AB) 1151 (CHAPTER 847, STATUTES OF 2003, SB 39 (CHAPTER 468, STATUTES OF 2007)

The purpose of this All County Letter (ACL) is to inform county child welfare agencies (Child Welfare Services (CWS)/Probation) of new emergency regulations effective January 1, 2009. These regulations provide instruction for reporting and disclosure of information related to cases of child abuse and/or neglect that result in fatalities pursuant to the passage of SB 39. Information specified within the regulations is not retroactive for cases of child abuse and/or neglect that resulted in fatalities prior to January 1, 2008.

A revised *Child Fatality/Near Fatality County Statement of Findings and Information* form (SOC 826, rev. 11/08) was attached to the emergency regulations package. This version removed the requirement to redact the name of the county where the incident occurred. However, it was determined that further revisions were needed to include expanded information related to near fatalities resulting from child abuse and/or neglect. The most recent revision (SOC 826, rev. 01/09) was necessary in order to fulfill federal CAPTA reporting requirements. In order to provide clarification regarding the final determination of a child fatality (Part B), additional wording was added (“not determined to be” and “determined to be”) to make certain that all findings are captured on the form. In addition, the 01/09 version of the form now

includes additional information in Part C for near fatality reporting to include the findings (*crime, non-accidental, attempted suicide, undetermined and other*).

The revised SOC 826 (1/09) form must be used, from the date of this letter, for all fatalities that are suspected to be the result of abuse and/or neglect, fatalities that are determined to be the result of abuse and/or neglect, or near fatalities determined to be the result of abuse and/or neglect that occur on or after January 1, 2009. For reports of fatalities/near fatalities that occurred on or after January 1, 2009, but were made prior to the date of this letter, submissions made on SOC 826 forms that were effective and available at the time of submission **do not** need to be resubmitted on the revised SOC 826 (1/09).

Fatalities

For the reporting of information from the date of this ACL forward, counties must use the 01/09 version of the SOC 826 form (attached) for all original submissions or updates for **fatalities** regardless of when the fatality occurred (2007, 2008, etc.).

Near Fatalities

For the reporting of information from the date of this ACL forward, counties must use the 01/09 version of the SOC 826 form for all original submissions for **near fatalities determined to be the result of abuse and/or neglect**, regardless of when the near fatality occurred (2007, 2008, etc.). Reporting requirements for cases of child abuse and/or neglect resulting in a near fatality remain unchanged with the implementation of these emergency regulations. The California Department of Social Services (CDSS) will continue to disclose information related to near fatalities when a request is made pursuant to the Public Records Act. Please refer to ACL 08-13 for additional instruction on the reporting and disclosure requirements for near fatalities determined to be a result of abuse and/or neglect.

The emergency regulations related to child fatalities are posted for public comment on the CDSS intranet <http://www.dss.cahwnet.gov/ord/PG1873.htm>. The CDSS will review and respond to all public comments. In addition, a public hearing was held March 18, 2009. Beginning January 1, 2009, and during this time of review, the emergency regulations shall have full regulatory authority.

All County Letter No. 09-02
Page Three

Should you have any questions regarding this ACL or the posted emergency regulations, please contact the Child Welfare Policy Development and Support Unit, 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

Attachment

c: CWDA
Karuk Tribe
CPOC

**CHILD FATALITY/NEAR FATALITY
COUNTY STATEMENT OF FINDINGS AND INFORMATION****INSTRUCTIONS:**

For child fatality suspected to be as a result of abuse or neglect, complete part A and submit to the California Department of Social Services (CDSS) within 5 business days of learning of incident. Upon final determination of investigation of child fatality, complete parts A and B and *send update to the CDSS within 10 business days of notification of final determination from investigating agency.*

For child near fatality determined to be as a result of abuse or neglect, complete parts A and C and submit to the CDSS within *10 business days of notification of final determination from investigating agency.*

PART A - ALWAYS COMPLETE THIS INFORMATION FOR CDSS SUBMISSION.

Original Notification
Date form completed _____

Updated Notification
Date form updated _____

Note: Redact information in this box prior to the public release of this document.

CWS/CMS 19 DIGIT REFERRAL # OF CHILD VICTIM:

COUNTY CONTACT AND PHONE NUMBER (INDIVIDUAL THAT CDSS WOULD CONTACT FOR ADDITIONAL INFORMATION):

COUNTY WHERE INCIDENT OCCURRED:

CHILD'S AGE	CHILD'S GENDER: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE OF FATALITY/NEAR FATALITY (IF KNOWN):
-------------	--	--

RESIDENCE OF THE CHILD AT THE TIME OF THE FATALITY/NEAR FATALITY:

Home of parent/legal guardian Foster Care/Out-of-Home Care

INVESTIGATION CONDUCTED BY:

Law Enforcement CWS/Probation

PART B - CHILD FATALITY FINDINGS - CONCLUSION OF INVESTIGATING AGENCY

DETERMINATION MADE BY:

Coroner/Medical Examiner Law Enforcement CWS/Probation

Fatality **NOT** determined to be a result of child abuse/neglect. **IF CHECKED, STOP HERE**

Fatality determined to be a result of Abuse or Neglect

FINDING OF CHILD FATALITY DUE TO (CHECK ALL THAT APPLY):

Crime Suicide
 Non-Accidental Undetermined Other _____

PART C - CHILD NEAR FATALITY FINDINGS DETERMINED TO BE A RESULT OF ABUSE/NEGLECT

DETERMINATION MADE BY:

Physician Law Enforcement CWS/Probation

FINDING OF CHILD NEAR FATALITY DUE TO (CHECK ALL THAT APPLY):

Crime Non-Accidental Attempted Suicide Undetermined Other _____

DO NOT INCLUDE A NARRATIVE; CHECK THE APPROPRIATE BOXES ABOVE

**Please fax this form to: Children's Services Operations Bureau,
Attention: Bureau Chief at (916) 651-8144.**