ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL

Effective Date: March 27, 2012 **Number: A-0305**

Abuse Investigations—
Findings, Documentation, and Cross Reporting

Purpose

To provide guidelines to make dispositional findings, complete documentation, and cross report investigations of child abuse and/or neglect.

Approved

This revised policy was approved by Gary Taylor, Director of CFS, on March 27, 2012. *Signature on file*.

Most Recent Revision

This revision of the Policy and Procedure (P&P) incorporates:

- Use of a revised Investigation Narrative format
- Notification requirements to the Department of Justice (DOJ) only when the disposition of a referral is substantiated
- Notification requirements to the DOJ, District Attorney (DA), and law enforcement, when the disposition of a referral is modified

Background

After completion of a child abuse and/or neglect investigation (child abuse investigation), the assigned Senior Social Worker (SSW) will be responsible for determining the validity of the allegations, documenting the activities of the investigation, and cross reporting the results of the investigation to designated persons and agencies, as detailed in this policy.

Legal Mandates

Penal Code (PC) section (§) 288 defines lewd or lascivious acts to a child.

Penal Code §§ 11165.1 through 11165.6 define child abuse and neglect, including sexual abuse, severe neglect, willful harm/child endangerment, and unlawful corporal punishment.

Penal Code § 11165.12 defines the possible dispositions of a child abuse investigation.

Penal Code § 11166 provides guidelines for mandatory reporting and cross reporting of any known or suspected incident of child abuse and/or neglect.

Penal Code § 11166.3(a) details circumstances and timeframes under which Children and Family Services (CFS) must submit findings regarding a child abuse investigation to the DA.

Penal Code § 11167 details the content of a child abuse report, authorized disclosures of child abuse report information, and the confidentiality of the identity of the Reporting Party (RP).

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Penal Code § 11167.5 mandates that child abuse reports and related investigative reports remain confidential, and specifies the persons/agencies to whom such reports may be disclosed and/or cross reported.

Penal Code § 11169 details notification to the DOJ and any known or suspected perpetrator, following completion of a child abuse investigation.

Penal Code § 11170 details the Child Abuse Central Index (CACI) and the responsibility of CFS to notify any mandated reporter of the results of a child abuse investigation.

California Department of Social Services (CDSS) Manual of Policies and Procedures, Division 21, §§ 115 and 116 detail the responsibility of CFS to provide bilingual/interpretive services to non-English speaking clients and those with disabilities.

All County Information Notice (ACIN) No. I-02-08 provides that each case record document whether interpretive services were offered/provided, including when applicable, the nature of services provided and the name of the person providing the services.

Definitions

For legal definitions of child abuse and neglect, refer to CFS P&P Abuse Investigations—Practice Guidelines (A-0412).

POLICY

Findings

At the conclusion of every child abuse investigation, the assigned SSW will determine the appropriate finding for each allegation based on all of the factual evidence.

Findings regarding allegations of abuse and neglect will be made in accordance with the following legally mandated and defined dispositions, found in PC § 11165.12:

A. **Unfounded report** means a report which is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in PC § 11165.6.

B. **Inconclusive report** means a report which is determined by the investigator who conducted the investigation not to be unfounded, but in which the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in PC § 11165.6, has occurred.

C. **Substantiated report** means a report which is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in PC § 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect occurred. A substantiated report does not include a report where the investigator who conducted the investigation found the report to be false, inherently improbable, to involve accidental injury, or to not constitute child abuse or neglect as defined in PC § 11165.6.

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The assigned SSW will consult with a Senior Social Services Supervisor (SSSS) when the appropriate finding is in question.

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CWS/CMS Referral Documentation

The assigned SSW will ensure all referral documentation in the Child Welfare Services/Case Management System (CWS/CMS) is complete and accurate. The referral documentation will:

- Provide a thorough, objective, and factual summary of the course of a child abuse investigation
- Be consistent with information documented in CWS/CMS referral contact narratives
- Serve as a permanent record of CFS involvement in the investigation of alleged child abuse or neglect

A. **Investigation Narrative:**
The assigned SSW will complete the Investigation Narrative in CWS/CMS, pursuant to the guidelines and format detailed in Attachment 1—Investigation Narrative Format. In addition:

- The Investigation Narrative will be written in complete sentences and without abbreviations
- The Reporting Party (RP) will not be identified anywhere in the Investigation Narrative. (**Note:** In accordance with Penal Code § 11167, to ensure the identity of the RP is protected, the name and any information that may identify the RP will be redacted when incorporating the Screener Narrative and prior child abuse referrals into the Investigation Narrative)
- Professionals will be referred to by their full name and title
- The assigned SSW will refer to him or herself initially as “Senior Social Worker John or Julie Smith” and “Senior Social Worker Smith” thereafter
- The Investigation Narrative will be reviewed for accuracy in content, spelling, grammar, and punctuation prior to submission for SSSS approval

The Investigation Narrative may be used as background information for future investigations and may be incorporated as a part of a Detention Hearing Report (DHR) or Initial Petition Hearing Report if a child is placed into protective custody. Refer to CFS P&P Dependency Intake (A-0502) for court report documentation guidelines.

B. **Referral Contacts:**
The assigned SSW will enter all attempted and completed referral contacts into CWS/CMS.

All referral contacts will be entered into CWS/CMS as soon as possible and in the month that the contact occurred. In situations where a child’s health or safety is a concern, the contact will be entered immediately. For additional information regarding referral contacts, refer to CFS P&P Referral Compliance Contacts and Documentation (A-0415).

C. **Updated Demographic Information:**
The assigned SSW will review demographic information with clients and collateral contacts associated with the referral. Any updates to the demographic information will be provided to the Unit Clerk for input into CWS/CMS. This information may be provided anytime prior to closure of the referral. Demographic information may include, but is not limited to:

- Name
- Address/telephone number
- Date of Birth (DOB)
- School
- Screener alerts
- Ethnicity
- Sex
- Relationship to client
- Language needs
- Social Security number

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SSSS Responsibility

The approving SSSS will review and verify that all CWS/CMS documentation is accurate, complete, and current prior to closing the referral.

Note: When approving the Investigation Narrative, review the document in its entirety, including the Screener Narrative and Prior Child Abuse Referrals sections, to ensure no identifying information regarding the RP has been disclosed.

Cross Reporting—Disclosure of Investigation Results

Unless there is an exception per PC § 11167.5, child abuse investigation reports and results are strictly confidential. However, in some situations, the disclosure is either mandated or permitted. The assigned SSW (or Unit Clerk) will complete all necessary cross reports in CWS/CMS as indicated below. In the event cross reporting is completed by the Unit Clerk, the assigned SSW will be responsible for providing all information necessary to complete the cross report (e.g., reason suspected perpetrator was not contacted, etc.).

Note: Refer to CWS/CMS Data Entry Standards—Cross Reporting–Disclosure of Child Abuse Investigation Reports for instructions to complete cross reports to the DOJ, DA, and law enforcement in CWS/CMS.

A. **Mandated Disclosure to Department of Justice (DOJ):**
Pursuant to PC § 11169(a), when an allegation of child abuse or severe neglect is found to be substantiated, CFS must notify the DOJ of the outcome of the investigation by way of a *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*.

If multiple allegations are investigated and both substantiated and inconclusive findings are made, the inconclusive findings will not be included on the *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* submitted to the DOJ.

For further guidelines on completing the *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* including exceptions to the requirement above, refer to CFS P&P Child Abuse Summary Reports and Suspect Notification (A-0404).

A SSSS will review the *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* for content and accuracy prior to referral closure and return to the assigned SSW for modification, when necessary.

If the disposition of a referral is modified following an internal review and found not to be substantiated, the assigned social worker (or Unit Clerk) will notify the DOJ by way of an amended *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*. Refer to the “Disposition Changes” Policy section of CFS P&P Grievance Reviews for Child Abuse Central Index (CACI) Submissions (A-0301) for guidelines to provide follow-up notification to the DOJ following a grievance hearing.

B. **Perpetrator (Suspect):**
Pursuant to PC § 11169(c), when a *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* is forwarded to the DOJ as outlined above, CFS must also notify in writing the known or suspected perpetrator that he or she has been reported to CACI.

For direction on the suspect notification procedures, refer to the Procedure section of CFS P&P Child Abuse Summary Reports and Suspect Notification (A-0404) and the “General Guidelines” Policy section in CFS P&P Grievance Reviews for Child Abuse Central Index Submissions (A-0301).

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C. **District Attorney (DA):**
Pursuant to PC § 11166.3(a), CFS must submit in writing the findings of an investigation and the reasons for those findings to the DA on or before the completion of the child abuse investigation when the child is a victim of acts specified in PC § 288 (i.e., sexual abuse) and a WIC 300 petition is filed. CFS will utilize the *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* to cross report and will also send a copy of the Investigation Narrative to the DA, pursuant to PC § 11167.5.

Note: Pursuant to PC §§ 11167 and 11167.5, CFS is allowed to cross report the results of a child abuse investigation to the DA for possible criminal prosecution.

If the referral is Sensitive due to a client's association with the DA's Office (see CFS P&P Sensitive/Highly Sensitive Referrals and Cases [F-0107]), consult ER Clerical Supervisor to determine handling and transmission of the cross report.

If the disposition of a referral is modified following an internal review, and CFS is aware of an ongoing criminal investigation, the assigned SSW (or Unit Clerk) will notify the DA by way of an amended *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*. Follow-up notification will be documented in the Investigation Narrative. Refer to the "Disposition Changes" Policy section of CFS P&P Grievance Reviews for Child Abuse Central Index (CACI) Submissions (A-0301) for guidelines to provide follow-up notification to the DA following a grievance hearing.

D. **Law Enforcement:**
Pursuant to PC §§ 11167(b) and 11167.5, CFS is allowed to cross report the results of a child abuse investigation to law enforcement for additional criminal assessment, if deemed necessary. Given this discretionary authority, CFS policy requires staff to cross report substantiated allegations of child abuse or severe neglect to the appropriate law enforcement agency, by way of a *Child Abuse or Severe Neglect Indexing Form (BCIA 8583).*

Pursuant to PC § 11167.5, upon request CFS staff may also send a copy of the Investigation Narrative to the appropriate law enforcement agency.

If the referral is Sensitive due to a client's association with law enforcement (see CFS P&P Sensitive/Highly Sensitive Referrals and Cases [F-0107]), consult ER Clerical Supervisor to determine handling and transmission of the cross report.

If the disposition of a referral is modified following an internal review, and CFS is aware of an ongoing criminal investigation, the assigned SSW (or Unit Clerk) will notify the appropriate law enforcement agency by way of an amended *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*. Follow-up notification will be documented in the Investigation Narrative. Refer to the "Disposition Changes" Policy section of CFS P&P Grievance Reviews for Child Abuse Central Index (CACI) Submissions (A-0301) for guidelines to provide follow-up notification to law enforcement following a grievance hearing.

E. **Mandated Reporters**
Pursuant to PC § 11170(b)2, when a CAR report has been made by a mandated reporter, upon completion of the investigation or after a finding has been made, the assigned SSW must notify the mandated reporter of the results of the investigation and any action taken on behalf of the child or family. (Refer to CWS/CMS Data Entry Standards—Cross Reporting–Disclosure of Child Abuse Investigation Reports for instructions on completing CWS/CMS cross reports to mandated reporters.)

F. **Additional Cross Reports**
When conducting an investigation of a child in out-of-home care, additional cross reports may be necessary. Refer to CFS P&Ps Abuse Investigations—Orangewood Children's Home (A-0103) and Abuse Investigations—Foster Care (A-0101) for further direction.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- Attachment 1—Investigation Narrative Format
- CWS/CMS Data Entry Standards—Cross Reporting–Disclosure of Child Abuse Investigation Reports

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Abuse Investigations—Protective Interventions (A-0414)
- CFS P&P Abuse Investigations—Practice Guidelines (A-0412)
- CFS P&P Abuse Investigations—Orangewood Children's Home (A-0103)
- CFS P&P Abuse Investigations—Foster Care (A-0101)
- CFS P&P Referral Compliance Contacts and Documentation (A-0415)
- CFS P&P Grievance Reviews for Child Abuse Central Index Submissions (A-0301)
- CFS P&P Child Abuse Summary Reports and Suspect Notification (A-0404)
- CFS P&P Dependency Intake (A-0502)
- CFS P&P Structured Decision Making (D-0311)

REQUIRED FORMS

Online Forms

Users accessing this document by computer may create a direct connection to the following required forms by clicking on them.

Form Name	Form Number
Orange County Children and Family Services Safety Plan	F063-25-453
Orange County Children and Family Services Safety Plan (Spanish)	F063-25-453SP
Orange County Children and Family Services Safety Plan (Vietnamese)	F063-25-453VN
Certification of Confidentiality—Non-SSA Interpreter	F063-02-217
Certification of Confidentiality—Non-SSA Interpreter (Spanish)	F063-02-217Sp

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Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
Child Abuse or Severe Neglect Indexing Form	BCIA 8583

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Notice of Child Abuse Central Index Listing	SOC 832
Grievance Procedures for Challenging Reference to the Child Abuse Central Index	SOC 833
Grievance Procedures for Challenging Reference to the Child Abuse Central Index (Spanish)	SOC 833 Sp
Request for Grievance Hearing	SOC 834

Brochures

Brochures that should be distributed in conjunction with this procedure include:

Brochure Name	Brochure Number
Your Rights Under California Welfare Programs	PUB13
Information About Medi-Cal	F063-19-947

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