

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 03: Initial Response/Detention

Item 018: Sexually Active Teens Protocol for Non-Dependents

Suggested changes send to: [DCFS Quality Assurance](#)

Issued: September 10, 2010

References: California Penal Codes (PC288, PC261.5, PC288a, PC289) Structured Decision Making Policies and Procedures, CDSS MPP, Child Welfare Services, Division 31-100 through 31-135

Replaces Issue: February 27, 2004

Policy

The Department of Social Services (DSS), through its Child Welfare Services will receive, document and assess reports of minors involved in **voluntary** or **consensual** sexual activity who may be at risk of abuse, neglect, or exploitation.

Purpose

This protocol will identify which reports require documentation only, and which require an in-person response. It will also identify the circumstances in which cross reports to law enforcement are required.

Definitions

Primary Minor: the minor on whose behalf the referral is being made.

Partner, Secondary Minor, or Perpetrator: Other participant(s) in the sexual activity with the primary minor.

Procedure

Receiving the Report and Creating the Referral

Referrals will be generated on all reports of sexual activity involving minors under the age of fourteen. The referral will be assigned as a crisis (two-hour response) or non-crisis (ten day response) according to Structure Decision Making (SDM) guidelines. Upon assignment the assigned Social Work Supervisor or Crisis Board Supervisor will determine if the referral requires an in-person response, or can be evaluated out.

When the report is received by social work staff in the DSS Child Welfare Careline, or by stand-by social worker after hours, the worker is to:

- Generate a referral according to PPG 3-3-1. Obtain as much information as possible from the reporting party, including but not limited to: names, ages, and addresses of those persons engaging in sexual activity, the nature of any relationship between them, whether there is a pregnancy or a child as a result, whether the sexual activity was consensual or voluntary, and whether the parent(s) or guardian(s) of those involved are aware of and/or approve of the relationship.

- Search available databases such as CalWIN to further identify the parties and confirm information provided. When appropriate, a second referral may be generated on behalf of a secondary minor.
- The allegations in these referrals will be for General Neglect against the custodial parent or guardian. If the alleged perpetrator or partner is a member of the household – or was at the time of the incident – an allegation of Sexual Abuse should be added. Sexual Abuse allegations should not be added for partners or perpetrators who were never members of the household. Follow Structured Decision Making (SDM) guidelines to determine the correct response time.

In-person social worker response **is** required for the following circumstances:

- Reports of minors living together with no parent or guardian in the home.
- When the “primary minor” is under age sixteen and the sexual partner is twenty-one years or older.
- A referral will be generated and an immediate in-person response will be required on all allegations of sexual “abuse” if any of the following apply:
 - Perpetrator is a member of the household
 - Perpetrator continues to have access to the child
 - It is alleged the parent has not been protective
 - There are evidentiary considerations that warrant an immediate response

The response time will be dependent on the perpetrator’s access to the minor as well as any other safety factors and in accordance with SDM guidelines.

In-person social worker response is **not** required for the following circumstances:

- Reports of voluntary sexual activity with partners age 14-17 and there are no other allegations of abuse, neglect or exploitation. (Document and cross report to the appropriate law enforcement agency)
- Reports of minors between the ages of 16 and 17 living with partners 18 to 20 years of age in the home of a parent or guardian and there are no other concerns or reports of abuse, neglect or exploitation and the minor’s parent/guardian is aware of the living arrangement and has given consent. (Document and cross report to the appropriate law enforcement agency)
- Reports of minors 14-17 living together in the home of a parent or guardian and there are no other concerns or reports of abuse, neglect or exploitation and the parent or guardian of the primary and secondary minor have consented to the living arrangement.
- Reports of sexual abuse of any minor if the perpetrator was not a member of the household, no longer has access to the child and law enforcement has been notified. (Verify that Law Enforcement has been contacted prior to evaluating out).

Referrals will be generated on all reports of sexual activity involving minors under the age of fourteen. The referral will be assigned as a crisis (two-hour response) or non-crisis (ten day response) according to SDM guidelines. Upon assignment the assigned SWS or Crisis Board Supervisor will determine if the referral requires an in-person response, or can be evaluated out.

Investigation

The investigating social worker will contact the primary minor (the ‘victim’ as identified in the referral) and the custodial parent or guardian within the designated time frame to determine if the allegations are substantiated and to assess the minor’s safety and welfare. (See PPG 3-3-8).

Appropriate services must be offered as needs are identified. Resource lists should also be provided for additional services available within the community.

When appropriate, an Imminent Risk Team Decision Making (TDM) meeting or a staffing should be held to complete the assessment, identify services and case management responsibilities, and to determine if Juvenile Court involvement or ongoing DSS Child Welfare case management services are needed to ensure the minor’s safety and well being.

A Protective Hold must be sought when a minor is found to be at imminent risk due to neglect, abuse or the parent’s failure to protect. This must be followed by a staffing or TDM, per policy and procedures.

Cross Reporting to Law Enforcement

Cross reports must be made after the DSS investigation and assessment have been completed. Cross reporting to law enforcement is not required if law enforcement was actively involved in the DSS investigation, or if the referral was generated as a result of a cross report from law enforcement.

Referrals that are evaluated out (i.e. perpetrator was not a member of the household, has no access to the minor, and parents are protective), but include circumstances requiring a cross report, should be reported to law enforcement by the Screener (Careline or Standby Social Worker).

All allegations of forced or coerced sexual activity always require investigation by law enforcement. If the perpetrator is a parent, step-parent, relative, or a member of the household, Child Welfare will investigate in collaboration with the appropriate law enforcement agency. Cross reports must be made after the DSS investigation and assessment have been completed.

The following circumstances require cross reports to the appropriate law enforcement agency (determined by location of occurrence) per California Penal Codes.

- Report of sexual abuse involving a child age fourteen or younger as defined by [PC288].
- Any sexual activity involving a minor under eighteen years of age [PC261.5].
- Any sexual activity involving a minor when it is specifically known to have included oral copulation [PC288a].
- Any “forcible acts” which include any sexual act accomplished against the victim’s will by means of force, violence, duress, menace, fear of immediate bodily injury or threat to retaliate against the victim or any other person. This also includes any act of sexual penetration at a time when the victim is incapable of giving legal consent due to mental disorder or developmental or physical disability, or when the victim is prevented from resisting by any intoxicating or controlled substance. The age of the perpetrator is not a consideration [PC289].

Generating cross reports from CWS/CMS

Do **not** use the cross report available through the “Create New Cross Report” icon. This report does not provide sufficient space for narrative information.

- In the open referral, go to the File Menu and select “Print Report.”
- Select “Suspected Child Abuse Report.”
- When the form begins to generate in Microsoft Word, a window will appear entitled, “Referral Incident Information (SS8572).” Use the provided fields to type a summary of allegations, investigation findings, and the disposition. Include the name, relationship, address and phone number of the original Reporting Party. Identify the perpetrator with as much information as possible.
- The name and phone number of the social worker who generates this report should appear in the Reporting Party section.
- Review the report for accuracy, print copies for each recipient and the case file. Sign the reports in the space indicated for the Reporting Party.
- Retain one copy for the case file and place the other(s) in the designated space for cross reports which are regularly mailed by clerical staff.

This process should not be confused with Child Abuse Central Index (CACI) reporting form (SS8583).