

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 01: Director's Policies

Item 009: Child Fatality/Near Fatality Investigations

Suggested changes send to: [DSS PSOA](#) Mailbox

Issued: **May 1, 2017**

References: SB [39](#); [ACL 08-13](#), [ACL 12-20](#), [ACL 15-81](#), [ACL 16-109](#); Child Abuse Prevention and Treatment Act ([CAPTA](#)); Child Death Checklist; Child Welfare Manual of Policies and Procedures [Section 31-502](#); CDSS Child Fatality [website](#); [WIC 10850.45 \(1\)\(4\)\(A\)](#)

Revisions in Red

Replaces Issue: **November 6, 2015**

[Child Protection Hotline Social Worker Responsibilities](#) / [ER SW Responsibilities](#) / [Death of a Dependent Child](#) / [DIU SW Responsibilities](#) / [Child/Youth's SW Responsibilities](#) / [SWS Responsibilities](#) / [PM Responsibilities](#) / [CQI Support Responsibilities](#) / [Director/Child Welfare Deputy Director Responsibilities](#) / [Child Death Checklist](#)

Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

Policy

The Department of Social Services (DSS) will follow a standardized process for addressing the legal, ethical and emotional issues inherent in situations in which the department has received a report that a child's death **or near fatality** has occurred.

Purpose

To guide DSS staff on the standardized process and procedure of investigating child deaths **and near fatalities** where there is an open child welfare case, including Voluntary Family Maintenance (VFM), and/or new referral investigation.

Near Fatality Definition

Pursuant to 42 U.S.C. 5106a (b)(4)(A): "the term 'near fatality' means an act that, as certified by a physician, places the child in serious or critical condition." A nurse, hospital employee or other person cannot make this certification; although they may confirm or provide documentation that a physician has done so.

Procedure

Child **Fatality/Near Fatality** (New Referral or VFM)

Initial reporting requirements to be completed within 30 minutes of knowledge by the first DSS Child Welfare staff member in receipt of the information:

- Advise appropriate staff of the child death or **near fatality** by emailing “DSS Child Welfare CIR” with information known about the death;
- Notify Child Welfare Mental Health of the incident by email at “CWS MH Referrals” and obtain contact information for designated staff that may be available to assist; and
- Notify the Child Focus Team (CFT) by email at “CWS Child Focus Team”.

Child Protection Hotline (CPH) Social Worker (SW) Responsibilities

Child death and **near fatality** referrals are to be completed in accordance with PPG 03-03-001 “Child Protection Hotline”.

- **If the CPH SW communicates with the physician directly, either verbally or in writing, the social worker shall confirm the child’s condition and document the date of the conversation, email, or other communication.**
- **If the social worker communicates with a nurse, hospital social worker or other hospital staff member, the social worker shall inquire as to the child’s condition as it is noted in the child’s medical chart or electronic medical record. The social worker shall inquire as to the name of the physician who noted the child’s condition and the date the condition was diagnosed and document this information.**

The referral shall be generated as a crisis response and must be assigned to an Emergency Response (ER) SW.

Referrals regarding the death or **near fatality** of a child in an open child welfare case will be assigned to a SW in the Dependent Investigations Unit (DIU). All children in the home, including the deceased child, will be entered into the CWS/CMS client and allegation notebooks. The Allegation Notebook for each child, including the deceased child, shall list the appropriate allegation(s) and alleged perpetrator(s). In regards to the deceased **or seriously or critically injured child**, one or more of the following allegations is required when the cause and manner of death **or serious or critical injury** is unknown and/or there is suspicion the child’s death **or serious or critical injury** was a result of abuse or neglect:

- Severe Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Abuse

Note: The allegation type for the deceased child should never be General Neglect.

The allegation type for any other children residing in the home shall be one or more of the following based on the information provided by the reporting party at the time of the report:

- At Risk, Sibling Abused
- Severe Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- General neglect

ER SW Responsibilities

- Investigate referral in accordance with DSS PPG 03-03-008 “Assessment in Investigation of Abuse/Neglect Reports”.
- For a near fatality, if the CPH SW communicated with an individual other than the certifying physician, and the information regarding the child’s condition is not documented in the child’s medical or electronic medical record, the SW shall communicate with the physician directly or request that the nurse, hospital, or staff member provide documentation of the child’s condition.
- Ensure that all children in the home, including the deceased or seriously or critically injured child, have been entered in the CWS/CMS client notebook.
- Ensure that the referral allegation(s) in regards to the deceased or seriously or critically injured child is one or more of the following:
 - Severe Neglect
 - Physical Abuse
 - Emotional Abuse
 - Sexual Abuse
- Ensure that any new allegations of abuse or neglect discovered during the course of the investigation have been added to the Allegation Notebook in CWS/CMS.
- Ensure that any clients who were initially omitted from the referral have been added to the Client Notebook in CWS/CMS and that the Allegation Notebook in CWS/CMS has been updated when appropriate.
- All siblings who may need to be removed are to be medically cleared prior to placement. Non-verbal children to have full examination (i.e. Kempe or x-ray).
- Advise appropriate staff of the child death or seriously or critically injured child by emailing “DSS Child Welfare CIR” with information known about the death.
- Updated emails to be completed and provided to all involved parties as new information is obtained.
- Critical Incident Report to be emailed to “DSS Child Welfare CIR” once the situation has stabilized.
- Obtain law enforcement reports, if applicable.
- Obtain medical records, if applicable.
- Obtain Coroner’s report, when available.

- For a deceased child or a seriously or critically injured child, complete the demographics page in CWS/CMS to reflect the death **or near fatality** of the child. For instructions on how to complete this, refer to the link [ACL 08-13](#) page 6 “CWS/CMS Documentation Requirements”.
- **For a seriously or critically injured child, information as to the child’s condition shall be documented in CWS/CMS in the delivered services log and the child’s Health Passport in the hospitalization tab. For instructions on how to complete this, refer to link ACL 16-109, pages 5 and 6, “Certifying and Recording the Child’s Condition in Child Welfare Services/Case Management System (CWS/CMS)”.**
- Assist with obtaining any needed immediate and ongoing mental health care for family members, care providers, and minors witnessing and/or living in the residence where the incident occurred.
- Consult with Child Welfare Mental Health at “[CWS MH Referrals](#)” to offer the parent and/or care provider supportive services to address the issues of grief and loss.

Fatality/Near Fatality of a Dependent Child (DIU Investigations)

DIU investigations include investigations completed on behalf of dependents in on-going case management task areas including Family Reunification, Permanent Planned Living Arrangement, and Assessment/Adoptions.

Notification

Initial reporting requirements will be completed within 30 minutes of knowledge by the first DSS Child Welfare staff member in receipt of the information and shall include the following:

- Advise appropriate staff of the child death or seriously or critically injured dependent child by emailing “[DSS Child Welfare CIR](#)” with information known about the death or near fatality.
- Notify Child Welfare Mental Health of the incident by email at “[CWS MH Referrals](#)” and obtain contact information for mental health staff that may be available to assist to speaking to any staff, family members or care providers.
- Notify the CFT by email at “[CWS Child Focus Team](#)”.
- Notify the child’s placement authority: Community Care Licensing for Foster Family Agency and Group Home placements; or the Fresno County DSS **Resource Family Approval (RFA)** Division Program Manager (PM) and Supervisor for Fresno County approved homes.
- The DIU SW shall notify the following parties as soon as the information is available:
 - Assigned SW for the deceased **or seriously or critically injured** minor and any siblings
 - Law enforcement as appropriate
 - Biological parents and any siblings
 - Care providers
- The following parties are to be notified by the DIU Social Work Supervisor (SWS), PM or designee:

- DSS case managers and/or probation officers of any other dependents/wards in the placement home
- Mental health service providers, via the Child Welfare Mental Health team
- County Counsel, who will in turn notify the Judge and the other attorneys
- The DIU SW shall request that the educational liaisons notify the child's school.

DIU SW **Investigation** Responsibilities

- Investigate referral in accordance with DSS PPG 03-03-009, "Referrals on Dependent Minors".
- SW to ensure that the deceased **or seriously or critically injured** child is included in the client notebook section of CWS/CMS (blue section).
- Ensure that all children in the home, including the deceased **or seriously or critically injured** child, have been entered in the CWS/CMS client notebook.
- Ensure that the referral allegation(s) in regards to the deceased child is one or more of the following:
 - Severe Neglect
 - Physical Abuse
 - Emotional Abuse
 - Sexual Abuse
- Ensure that any new allegations of abuse or neglect discovered during the course of the investigation have been added to the Allegation Notebook in CWS/CMS.
- Ensure that any clients who were initially omitted from the referral have been added to the Client Notebook in CWS/CMS and that the Allegation Notebook in CWS/CMS has been updated when appropriate.
- **Information as to the child's condition shall be documented in CWS/CMS in the delivered services log and the child's Health Passport in the hospitalization tab. For instructions on how to complete this, refer to link ACL 16-109, pages 5 and 6, "Certifying and Recording the Child's Condition in Child Welfare Services/Case Management System (CWS/CMS)".**
- All children who may need to be removed from the care provider's home are to be medically cleared prior to placement. Non-verbal children to have a full examination (i.e. Kempe or x-ray).
- Consult with Eligibility Worker (EW) to obtain procedural information and offer assistance with funeral and other related matters. For additional information and guidance please refer to PPG 03-02-023, "Funeral Expenses-Special Need Payment".
- Advise appropriate staff of the child death **or serious or critical injury** by emailing "DSS Child Welfare CIR" with information known about the death or **serious or critical injury**.
- Updated emails to be completed as new information is obtained and provided to all involved parties.
- Critical Incident Report to be emailed to "DSS Child Welfare CIR" once the situation has stabilized.
- Minor's belongings returned to family.

- Notify the placement authority (i.e. Community Care Licensing, Fresno County Licensing) if applicable.
- Obtain law enforcement reports if applicable.
- Obtain medical records if applicable.
- Obtain Coroner's report when available.

Child/Youth's SW Responsibilities

- Provide direction regarding obtaining any information not located in the physical or electronic case files.
- If comfortable, assist the DIU SW as needed.
- Assistance with obtaining any needed immediate and ongoing mental health care for family members, care providers, and minors witnessing and/or living in the residence where the incident occurred.
- Consult with Child Welfare Mental Health at "CWS MH Referrals" to offer the parent and/or care provider supportive services to address the issues of grief and loss.
- If needed, schedule a staffing to gather information and coordinate agency response with involved parties.
- Complete the demographics page in CWS/CMS to reflect the death or near fatality of the child. Refer to ACL 08-13 for direction of completion.
- Notify the EW and complete the SOC 158A.
- Obtain written verification from the Coroner's Office (559) 600-3400, of the child's death i.e. death certificate or written letter. File a JV-180 requesting the juvenile court to vacate any future court dates and formally request to terminate dependency, if applicable.

SWS Responsibilities

- Affected staff to be assessed for a personal debriefing by their PM.
- Ensure the Child Death Checklist has been reviewed with the SW and the designated responsibilities have been completed.

PM Responsibilities

- The PM of the deceased minor's ongoing case manager shall complete the Non-Employee Incident Report, (PSD-RM 301) and submit to Risk Management as soon as possible, but no later than 48 hours after notification of the incident.
- Offer Employee Assistance Program if appropriate.
- Schedule a meeting within 48 hours to review the Child Death Check List (see below). Persons who may be invited to the meeting include the DIU SW and Supervisor, dependent's SW and SWS, CQI Support SW and SWS, SW's of siblings, CFT SWS and representative(s) from mental health.
- ER PM to review the referral investigation prior to closure to ensure ER SW's investigation/assessment supports the disposition conclusion(s).

CQI Support Responsibilities

CQI Support staff shall complete an investigation on all child deaths **and near fatalities** involving children and families with prior or current Child Welfare referral or case history. CQI Support tasks shall include:

- Review all case and referral history for the minor, beginning with available information regarding the death **or near fatality**.
- **For child near fatalities, ensure that the documentation indicates that a physician has certified that the child was in critical or serious condition and either a law enforcement investigation has concluded that child abuse or neglect occurred; or the DSS has substantiated the child abuse or neglect.**
- Child Death briefing, with no case identifiers, to be provided to the DSS Director for submittal to the County Administrative Office (CAO), Board of Supervisors (BOS) and Oversight Committee Chairman with 48 hours of notification of incident.
- State of California Department of Social Services (CDSS), Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826) to be faxed to CDSS within 10 business days of final determination from investigating agency.
- Provide clarification of protocol and regulations as needed.
- Conduct interviews as appropriate to obtain any additional information needed.
- Identify potentially impacted staff within the department and advise PMs and SWSs as to who may need to be assessed for supportive services.
- Establish an electronic file with information regarding all investigations, documentation, and reporting completed.
- For fatalities and near fatalities of dependent youth, within approximately 10 working day, an initial case review shall be completed and submitted to DSS Administration.
- Additional review as needed or requested by DSS Administration.
- Respond to requests for public disclosure of the child death in accordance with **WIC 10850.4**.
- **Respond to requests for public disclosure of the child near fatality caused by abuse or neglect in accordance with WIC 10850.45.**

DSS Director/ Child Welfare Deputy Director Responsibilities

- Verbal notification to CAO within 24 hours.
- Written Child Death Briefing to CAO, BOS and Oversight committee chairman within 48 hours of notification.
- Determine if a Child Death Roundtable is needed.
 - If a Roundtable is needed, determine who will coordinate and facilitate the Roundtable.
 - The Child Death Roundtable participants shall include the Director, Child Welfare Deputy Director, CQI Support, Program Manager, Supervisor, Case Manager, DIU SWS and SW, and other pertinent DSS staff.
 - The Roundtable format to include, but is not limited to the following:

- Introduction and purpose of meeting. Overview of the case and timeline of events.
- Presentation of systemic concerns already identified
- Discussion about practice, process, and lessons learned.
- Development of recommendations for system improvement.
- Status of current investigation
- Clarification of next steps

Child Death Checklist

	Task	Date Completed	Staff Responsible
1.	Notify SWS, PM, CQI Support, Child Focus Team, the child's placement authority: Community Care Licensing (CCL) or Fresno County Licensing and Administration of incident within 30 minutes		First SW aware
2.	Contact the Careline to generate a "crisis" referral for DIU of all minors involved or in placement		First SW aware
3.	Contact case managers/probation officers of all minors involved or in placement and siblings of deceased child		DIU SWS
4.	Contact Law Enforcement as appropriate		DIU SW
5.	Contact Biological Parents/Care providers as soon as possible		DIU SW
6.	Notify placement authority if applicable		DIU SW
7.	Notify County Counsel, who in turn will notify the Judge and other attorneys		DIU SWS
8.	Notify minor's MH providers		Child's SW
9.	Notify minor's school		Educational Liaisons
10.	Contact CW MH to request assistance for any staff, family member, and care provider needing consultation.		Child's SW
11.	Notify CAO within 24 hours		Director/DD
12.	Email, provide updates, and send Critical Incident Report to " DSS Child Welfare CIR ".		DIU SW
13.	Notify Risk Management within 48 hours		Child's PM
14.	CDSS Child Death Notification within 10 days of final determination		CQI Support
15.	Child Death Briefing Report to Administration		CQI Support
16.	Child Death Briefing Report to CAO/FCSOC Chair within 48 hours		Director/DD
17.	Initial case review within 10 days if possible		CQI Support
18.	Consult with EW for funeral arrangements		DIU SW
19.	Notification of staff via chain of command if appropriate		Director/DD
20.	Assist in identifying staff for MH debriefing services		CQI Support
21.	Assess staff for MH debriefing/diffusing services and/or administrative leave		All involved SWS/PM
22.	Obtain all necessary reports i.e., coroner, medical, law enforcement, etc.		DIU SW
23.	Offer parent/care provider/family members and children in placement supportive services-consult with PHN & CW MH		Child's SW
24.	Return minor's belongings to family		DIU SW
25.	Complete demographics page in CWS/CMS		Child's SW
26.	Notify the EW and complete the SOC 158 A		Child's SW

27.	Obtain Death Certificate or letter from Coroner's office and file JV-180 to vacate future hearings and dismiss dependency		Child's SW
28.	Determine if Roundtable needs to be arranged		Director/DD
29.	Review the referral investigation prior to closure		ER PM