

DSS Policy and Procedure Guide

Division 3: Child Welfare

Chapter 3: Initial Response/Detention

Item 33: DOJ/CACI Reporting

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

Issued: January 20, 2017

References: [All County Letter No. 07-53](#); [All County Letter No. 10-52](#)

Revisions in Red

All County Notices No. [I-21-08](#) and [I-22-08](#);

Replaces Issue: November 4, 2011

[All County Fiscal Letter No. 07/08-47](#)

[CACI Grievance Hearing PPG](#)

Penal Code Sections 11165.12, 11165.6, 11169

Title 11 CCR § 901

[Guide to Reporting Child Abuse to the CA Department of Justice](#); [Department of Justice Regulations for Child Abuse Reports Recordkeeping](#)

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

Department of Social Services (DSS) Child Welfare staff will submit the names of perpetrators from “substantiated” referrals of abuse and/or severe neglect to the California Department of Justice’s (DOJ) Child Abuse Central Index (CACI). Staff will further inform those persons that their name has been submitted for listing on the CACI, and provide them with information on the process to grieve/contest the listing.

Purpose

To ensure that all perpetrators from “substantiated” referrals of abuse and/or severe neglect are reported to the CACI. This policy also outlines specific requirements as outlined in All County Letter (ACL) #07-53, in regards to the *Gomez v. Saenz* lawsuit. Pursuant to the lawsuit, all Child Welfare departments in California have agreed to notify individuals of their listing on the CACI, give individuals the right to grieve the listing, and provide grievance hearings for those who challenge the listing.

Definition

According to Penal Code Section [11165.12](#):

An “**unfounded**” report is defined as a report that 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 Penal Code Section [11165.6](#).

A “**substantiated**” report is defined as a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Penal Code Section 11165.6, based upon

evidence that makes it more likely than not that child abuse or neglect, as defined, occurred. A substantiated report shall not include a report where the investigator who conducted the investigation found the report to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect as defined in Penal Code Section 11165.6.

An **“inconclusive”** report is defined as a report that is determined by the investigator, who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Penal Code Section 11165.6, has occurred.

An **“Active Investigation”** per DOJ regulations Title 11 California Administrative Code, section 901(a) means the activities of an agency in response to a report of known or suspected child abuse. For purposes of reporting information to the CACI, the **“activities” shall include, at a minimum: assessing the nature and seriousness of the known or suspected abuse;** conducting interview of the victim(s) and any known suspect (s) and witness (es) when appropriate and available; gathering and preserving evidence: determining whether the incident is substantiated, inconclusive, or unfounded; and preparing a report that will be retained in the files of the investigating agency.

Procedure

Submitting Names to the Department of Justice

When a **Social Worker (SW)** is closing out a referral in which they have determined that the “allegation conclusion” to the reported allegation of abuse (physical, sexual, or emotional) or severe neglect is “substantiated” and there has been an “active investigation” as defined in Title 11 of the California Administrative Code, Sec. 901, the **SW** shall submit the name of the alleged perpetrator(s) to the Department of Justice (DOJ) to be listed on the Child Abuse Central Index (CACI) listing.

If the suspect’s whereabouts are known and law enforcement has not asked the DSS to not notify the suspect, the **SW** must interview the suspect prior to submitting the suspect’s name to the DOJ CACI.” In this instance, law enforcement’s interview of the suspect **cannot** be used in lieu of the social worker making contact with the suspect and conducting their own interview.

If the suspect’s whereabouts are unknown and the SW was unable to locate the suspect, the SW may still submit the name of the alleged perpetrator(s) to the Department of Justice (DOJ) to be listed on the CACI listing. If the suspect was interviewed by law enforcement prior to becoming whereabouts unknown, the SW may use law enforcement’s interview of the suspect in lieu of conducting their own interview.

If law enforcement has asked the SW to not interview the suspect prior to them interviewing the suspect, the SW must consult with their Social Work Supervisor (SWS). The SW, SWS and law enforcement must discuss timeframes in order to ascertain when the SW can interview the suspect. It is not recommended to close the referral without making diligent efforts to interview the suspect. In this instance, the social worker cannot use law enforcement’s interview of the suspect in lieu of conducting their own interview.

To submit the name to DOJ, the **SW** shall complete the Child Abuse Form (BCIA 8583), located in the “green” section of CWS/CMS. Prior to generating the Child Abuse Form, the **SW will ensure** that the date of birth (DOB) and social security number (SSN) of the alleged perpetrator(s) are documented in

the respective client notebook. Any BCIA 8583 form without a DOB and/or SSN will be rejected by DOJ.

If the suspect was not contacted and the **SW** is reporting the suspect to the DOJ CACI, the **SW** will narrate in CMS/CWS and indicate in the comment field of the Child Abuse Form (BCIA 8583) that the **SW** was either unable to locate the suspect or that another agency (i.e. law enforcement) requested that the **SW** not **interview** the suspect. **The efforts the SW made to discuss timeframes for law enforcement removing this obstacle should be described.**

Once the BCIA 8583 form is generated and printed, a copy needs to be saved and imported to CWS/CMS. To import the form, the **SW** will do a “Save As” and save the form to their folder on drive C, import the form to CWS/CMS under the “green” section and name it “BCIA 8583.”

Notice of CACI Listing and Request for Grievance Hearing

Pursuant to *Gomez v. Saenz* lawsuit, when submitting a person’s name for listing on the CACI, the Department is required to provide the person (by mail) with three forms – the completed Notice of Child Abuse Central Index Listing ([SOC 832](#)), the Request for Grievance Hearing ([SOC 834](#)), and the Grievance Procedures for Challenging Reference to the Child Abuse Central Index ([SOC 833](#)). The **SW** is to narrate in CMS as a written contact the date the notice was turned in to the OA **and shall enter that information on the referral ID page under “CACI Notice to Perpetrator.”** Hard copies of the forms will be filed in the case.

The Notice of Child Abuse Central Index Listing form (SOC 832) needs to be completed by the **SW**. The form needs to include the alleged victim’s name, the date(s) and location(s) of the alleged abuse or neglect, and the specific act(s) of abuse or neglect.

On the Request for Grievance Hearing form (SOC 834) the **SW** shall enter the 19 digit referral number on the upper left hand corner and enter “Fresno” under “County of” on the upper right hand corner. If the person whose name has been submitted to the CACI listing wishes to request a Grievance Hearing, they must complete and return the SOC 834 form to the Department within 30 days of notice. If the person requests assistance in completing the form, the Department is to provide assistance. All requests for grievances will be received and reviewed by Child Welfare Quality Assurance.

A packet containing a formatted cover letter with the person’s name and address along with the Notice of Child Abuse Central Index Listing (SOC832), the Grievance Procedures for Challenging Reference to the CACI (SOC 833), and Request for Grievance Hearing (SOC 834) attached to the BCIA 8583 **is to be completed** and submitted to the designated OA for **mailing**. The designated OA **will** mail or fax form BCIA 8583 to the DOJ. Forms SOC 832, 833 and 834 **will** be mailed to the alleged perpetrator.

If contact was made, but the alleged perpetrator(s) subsequently relocated and the current address is unknown and the **SW** lost contact with the person, the CACI notice is to be sent to the last known address. If the alleged perpetrator(s) is incarcerated, the notice is to be sent to the appropriate facility P.O. Box for inmates.

If a Standby **SW** decides a referral for abuse or severe neglect is “substantiated” and does not pass it on to day **Emergency Response (ER)**, the Standby **SW** will complete the BCIA 8583, Notice of Child Abuse Central Index Listing (SOC 832), the Request for Grievance Hearing (SOC 834), and the Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833). If the referral is passed on to day ER, then the day ER **SW** will complete the forms.

Logging and Mailing Forms

The designated Office Assistant (OA) will separate the BCIA 8583 form, log it and then the OA will FAX the form to DOJ at (916) 227-4094, or mail it to:

Department of Justice
4949 Broadway, Room B216
Sacramento, CA 95820

The OA will place the Cover Letter, Notice of Child Abuse Central Index Listing (SOC 832), Request for Grievance Hearing (SOC 834), and the Grievance Procedures (SOC 833) in a window envelope with the cover letter address showing, and place the letter in the outgoing mail basket. The OA will log the date the notice was mailed to the alleged perpetrator.

Grievance Hearing

The procedure for grievance hearings will be handled by DSS Child Welfare Continuous Quality Improvement (CQI) Support unit. (Please see PPG 03-11-007, Grievance Hearings for Child Abuse Central Index Name Listing).

The complainant and their representative are allowed to request witnesses to speak at the grievance hearing. The complainant and the Department are required to make their witness lists known to each other at least 10 business days prior to the grievance hearing. Witness(es) for the Department will, at minimum, include the SW(s) who responded to the referral (when they are still employed by the county). Workload demands will not excuse the SW from attending the Grievance Hearing.

If there is a change to the previous finding of “substantiated” as a result of a CACI Grievance Request, CQI staff will make the change on CWS/CMS and contact DOJ to advise of the change. If the change in the finding is at the request of the ER SWS or Program Manager (PM), as a result of their own review of the referral subsequent to the BCIA 8583 form being submitted to DOJ, the ER SW is responsible for updating the change on CWS/CMS, and timely notification to Child Welfare Quality Assurance of the change. Quality Assurance staff will advise DOJ of the change.

Time Studies

All activities associated with the *Gomez v. Saenz* lawsuit are to be coded as 7071 for SW staff and A66 for support staff beginning in May 2008.

Time Sheet

Overtime project code is GOM for all staff. This code is to be entered in the first box of the time sheet under “Project.” Project code 30 goes in the second box.