
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: July 17, 2006
Revised: September 23, 2009

Number: A-0103

Abuse Investigations—Orangewood Children’s Home

Purpose	To provide guidelines for assigning and investigating allegations of child abuse and neglect and/or licensing complaints at Orangewood Children’s Home (OCH) against OCH staff.
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Approved	This policy was approved by Mike Ryan, Director of CFS, on September 23, 2009. Signature on file.
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Background	<p>The California Code of Regulations (CCR) specifies that counties having Voluntary Inter-Agency Investigation Teams will have the discretion to follow the procedures and standards for assessment and investigation of child abuse which have been agreed upon by the agencies involved to investigate suspected child abuse in out-of-home care facilities.</p> <p>A Voluntary Inter-Agency Investigation Team was established in Orange County to coordinate investigation of child abuse and neglect allegations at OCH. The team consists of representatives from the Orange County Sheriff’s Department (OCSD), Community Care Licensing (CCL), and Orange County Children and Family Services (CFS). The purpose of the team is to share information, coordinate investigations, and ensure that investigations are completed in an unbiased and impartial manner.</p>
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Legal Mandates	<ul style="list-style-type: none">• Penal Code sections 11165.5, 11166.1, 11166.1(b)• California Code of Regulations, Title 11, Division 1, Chapter 9, Article 3, Sections 930 through 930.54• All County Letter 05-09E
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Definitions

None.

POLICY

**Investigations
at OCH****Abuse and Neglect Allegations**

Allegations of child abuse and/or neglect at OCH will be investigated by representatives of the OCSD unless law enforcement declines involvement in the investigation. In that case, a Senior Social Services Supervisor (SSSS) from the CFS Emergency Response (ER) program or designee will be identified to complete the child abuse/neglect portion of the investigation. CCL will be notified of the child abuse/neglect investigation, including the name and phone number of the investigating SSSS.

Abuse and neglect investigations at OCH completed by CFS staff will be conducted in accordance with mandated laws and regulations and will follow the guidelines as set forth in CFS Policy & Procedure (P&P) [Abuse Investigations—Practice Guidelines \(A-0412\)](#).

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

Licensing Complaints

Allegations that do not meet the legal definition of abuse or neglect may be investigated as licensing complaints (also known as Quality of Care issues).

Complaints regarding children at OCH will be investigated by a representative of CCL, in conjunction with the ER SSSS or designee assigned to the referral, if requested by CCL.

Per the [CCL Evaluator's Manual 3-2010](#), a complaint is an allegation that any Department of Social Services (DSS) licensing regulation or law has been violated. Complaints may include concerns related to:

- Personal rights violations
- Lack of supervision
- Corporal punishment
- Physical plant issues
- Food/clothing/shelter issues

Confidentiality Child abuse reports that allege abuse or neglect to a child at OCH by a staff member will be processed as sensitive (“Z”) referrals. Refer to CFS P&P [Sensitive/Highly Sensitive Referrals and Cases \(F-0107\)](#) for further information on this topic.

Mandated laws and regulations regarding confidentiality of child abuse reports and investigations will be followed at all times.

Conflict of Interest Any staff person who placed, is currently working with the alleged victim, or has a direct personal relationship with the alleged victim, the alleged perpetrator, or OCH, which creates a conflict of interest, will not be involved in or responsible for any part of the investigation or assessment of child abuse, neglect, or complaint at OCH. This includes, but is not limited to:

- Assigned Senior Social Worker (SSW)
- SSW’s SSSS
- OCH staff

Initial Notification

- A. **OCSD**
Law enforcement will be notified of child abuse reports only.
- B. **CFS Staff**
All appropriate authorities, including the Child Abuse Registry (CAR) PM, OCH PM, OCH Deputy Director, assigned SSW, and SSSS, will be informed of the child abuse report and/or complaint to ensure the immediate safety and well-being of the alleged victim and other children at OCH. Prompt notification also ensures that timely and protective measures are taken to guard against future incidents of abuse at OCH.
- C. **CCL**
When CAR receives a report of child abuse or neglect at OCH, CCL, as the licensing agency with jurisdiction over OCH, will be notified within 24 hours. CAR will provide CCL with a copy of the referral facesheet, screener narrative, CFS contact person when applicable, and any other pertinent materials.
- D. **Attorneys**
When a child abuse report is taken alleging abuse or neglect to a child at OCH, and the child is represented by an attorney in Juvenile Dependency Court, a copy of the redacted child abuse report will be provided to the attorney representing the child within 36 hours of taking the report. Upon request by the

attorney, additional information will be redacted and provided by the investigating SSSS within 30 days of the request.

E. **Parents**

When a report is taken alleging abuse or neglect to a child at OCH who is not a dependent of the Juvenile Court, and the report is not initially determined to be unfounded, the assigned SSW will notify the child's parent(s) or guardian that an investigation is being conducted. The parent(s) or guardian will be notified as soon as is reasonably practical.

When the alleged victim is a dependent of the Juvenile Court, the assigned SSW will determine, in consultation with the assigned SSW's SSSS or designee, how and when to inform the child's parent(s) or guardian of the alleged abuse or neglect.

Teaming

All agencies involved in the investigation of child abuse or neglect at OCH will, to the extent authorized by law, share all relevant evidence.

Investigations of suspected child abuse or neglect at OCH will be carried out in a timely, complete, and coordinated manner among OCSD, CCL, and CFS.

When possible, alleged victim and perpetrator interviews will be conducted jointly between the investigating agencies.

**Staff
Reassignment**

When an allegation of abuse or neglect is made against a staff person at OCH and the referral is assigned as a child abuse investigation, the OCH PM will ensure that the employee is temporarily reassigned to a position that does not involve contact with children, pending the outcome of the investigation.

When the child abuse report is investigated as a licensing complaint, the employee may be temporarily reassigned pending the outcome of the investigation, depending on the nature of the complaint and the assessed risk to the alleged victim and other children at OCH.

In both circumstances, CCL may further require that the employee be removed from OCH during the investigation.

Documentation

All required ER documentation will be completed according to program protocol, including all contacts and the reasons for disposition. Refer to [CWS/CMS Data Entry Standards](#)

[SCP/Residential Facility Staff](#) for additional guidelines related to documentation.

Follow-up Reporting Requirements

When a child abuse report is determined to be substantiated or inconclusive, the investigating SSSS will notify the following agencies and individuals of the results of the investigation and any action taken:

- Department of Justice (DOJ)
- District Attorney's Office
- CCL
- Mandated Reporter
- OCH PM
- OCH Deputy Director
- Assigned SSW and SSSS
- Child's parents

When a child abuse report is determined to be unfounded, the investigating SSSS will inform DOJ, law enforcement, and CCL of the disposition **if the agency has already been notified of the investigation**. Additionally, all CFS staff notified of the investigation will be informed of the disposition.

Obtaining Follow-Up Reports

When CFS is not involved in the abuse or complaint investigation, an OCH SSSS designated by the OCH PM will be responsible for contacting the law enforcement or CCL representative who conducted the investigation to obtain a copy of their report. The OCH SSSS will ensure that the report is filed with the original hard copy referral.

Record Retention

All documents related to the initial child abuse and/or complaint report and the investigation will remain in a locked file cabinet in CAR/ER storage designated for confidential information.

The OCH PM will maintain appropriate records of the investigation outcome in a locked file cabinet for future HR purposes.

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.

- [CWS/CMS Data Entry Standards—SCP/Residential Facility Staff](#)

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

- [CCL Evaluator Manual](#)
- CFS P&P [Abuse Investigation—Practice Guidelines \(A-0412\)](#)
- CFS P&P [Sensitive/Highly Sensitive Referrals and Cases \(F-0107\)](#)

Other Sources Other printed references include the following:

None.

REQUIRED FORMS

Online Forms Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
CFS CWS/CMS Sensitive Case Privilege/Case Request	F063-28-390
Child Abuse Report	F063-04-49A

Hard Copy Forms Required forms listed below must be completed in hard copy (including multi-copy NCR forms), and must be obtained in the CFS forms rooms. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

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
None.	

Brochures Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURE

Required Actions— Child Abuse and Neglect	The following required actions must be completed when CAR receives a report alleging child abuse or neglect by a staff person at OCH, and the report <u>meets the legal definition of abuse or neglect</u> . For reports that do not meet the legal definition, follow one of the alternative procedures below.	
Staff Responsible	Step	Required Action
CAR SSW	<ol style="list-style-type: none"> 1. 2. 	<ol style="list-style-type: none"> 1. Obtain information from Reporting Party (RP). Identify as a sensitive referral. Determine that referral meets the legal definition of child abuse or neglect. 2. <ol style="list-style-type: none"> a. Complete <i>Child Abuse Report Facesheet (F063-04-49A)</i>, screener narrative word document, SDM hotline assessment tool, and determined response form. <p>Note: If alleged victim child has not previously been involved in a sensitive referral, complete <i>CFS CWS/CMS Sensitive Case Privilege/Case Request (F063-28-390)</i>.</p> b. Cross report to CCL by phone. c. Notify assigned SSW and SSW’s SSSS of report by voicemail without disclosing the identity of the alleged perpetrator. d. Place documentation noted in Step 2a above in manila envelope and give to designated ER Office Supervisor for processing.
ER Office Supervisor/ Designee	<ol style="list-style-type: none"> 3. 4. 5. 	<ol style="list-style-type: none"> 3. Designate as sensitive referral. Enter data into CWS/CMS and SDM hotline tools, per standard processing procedure for sensitive referrals. 4. Make copy of referral and file in locked cabinet in designated CAR/ER storage for tracking purposes. 5. Notify CAR SSSS of data entry completion and provide hard copy of original referral.

CAR SSSS

6. Notify CAR PM of referral.
7. If in concurrence with response determination made by CAR SSW:
 - a. Approve referral.
 - b. Contact OCSD Watch Commander at (714) 628-7170.
 - If OCSD does not accept the report for investigation:
 - Document name of law enforcement representative, date, and response denial on facesheet and in CWS/CMS
 - Contact designated ER SSSS/designee to notify of referral and provide hard copy
 - If OCSD accepts the report for investigation:
 - Evaluate the referral out (as XPL) to law enforcement
 - FAX copy of referral to OCSD to location directed by the Watch Commander
 - Complete steps 7c, 7d, 8, 9, 15,16 and 17
 - c. Fax copy of referral to CCL at (714) 703-2868. Provide DR# when applicable, name of contact person, and phone number.
 - d. Password protect copy of screener narrative. Email password protected copy of screener narrative to County Counsel Secretary for distribution to child's attorney, as necessary, per Initial Notification policy section above. Send second email with password to open screener narrative to County Counsel Secretary.

Note: County Counsel Secretary will give to designated County Counsel for redaction and provide redacted copy of screener narrative to child's attorney.

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| CAR PM | 8. | Contact OCH PM and OCH Deputy Director to notify of allegation and identify which agency will complete the investigation. |
| OCH PM | 9. | Re-assign staff member pending outcome of investigation. |
| ER SSSS/
designee | 10. | Advise ER SSSS/designee's PM of referral assignment. |
| | 11. | Conduct child abuse and/or neglect investigation per Division 31 regulations and CFS P&P Abuse Investigations—Practice Guidelines (A-0412) . |
| | 12. | Document all contacts and findings in CWS/CMS and complete cross reports per Follow-up Reporting Requirements policy section above. |
| | 13. | Advise ER PM, OCH PM, and OCH Deputy Director of investigation outcome. |
| | 14. | Give hard copy of original referral and investigation documentation to ER Office Supervisor to be filed in locked file cabinet. |
| OCH PM | 15. | Identify OCH SSSS to contact law enforcement and/or CCL representative to obtain copy of report, if necessary. |
| | 16. | Ensure that record of investigation outcome is placed in locked file cabinet per Record Retention policy section above. |
| OCH SSSS | 17. | Obtain police/CCL report and ensure storage with hard copy of original referral in locked file cabinet. |
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Required Actions— Licensing Complaints	The following required actions must be completed when CAR receives a report alleging child abuse or neglect by a staff person at OCH, and the report <u>does not meet the legal definition of abuse or neglect, but is identified as a licensing complaint.</u>	
<u>Staff Responsible</u>	<u>Step</u>	<u>Required Action</u>
CAR SSW	1.	Obtain information from Reporting Party (RP). Identify as a sensitive referral. Determine that referral does not meet the legal definition for child abuse or neglect but is a licensing complaint.
	2.	<p>a. Complete Child Abuse Report facesheet marked “Information Only,” narrative word document (later entered into the Screener Alert section), SDM hotline assessment tool, and determined response form. Attach “Quality of Care” half sheet.</p> <p>Note: If child has not previously been involved in a sensitive referral, complete appropriate form as referenced above.</p> <p>b. Cross report to CCL by phone.</p> <p>c. Notify assigned SSW and SSW’s SSSS of report by voicemail without disclosing the identity of the alleged perpetrator.</p> <p>d. Place documentation noted above in manila envelope and give to ER Office Supervisor for CWS/CMS input.</p>
ER Office Supervisor/ Designee	3.	Designate as sensitive referral. Enter data into CWS/CMS and SDM hotline tools, per standard processing procedure for sensitive referrals.
	4.	Make copy and file in locked cabinet in designated CAR/ER storage for tracking purposes.
	5.	Notify CAR SSSS of data entry completion and provide hard copy of original complaint.
CAR SSSS	6.	Notify CAR PM of complaint.

- 7. Notify investigating ER SSSS of licensing complaint and provide copy of facesheet and narrative.
- 8. If in concurrence with response determination made by CAR SSW, approve complaint.
- 9. Fax copy of complaint to CCL at (714) 703-2868. Provide DR# when applicable, name of contact person, and phone number.
- CAR PM** 10. Contact OCH PM and OCH Deputy Director to notify of complaint and identify the investigator.
- OCH PM** 11. Re-assign staff member pending outcome of investigation, depending on the nature of the complaint.
- ER SSSS/ Designee** 12. Consult with CCL on complaint. Determine whether ER SSSS/designee will assist with investigation.

Note: CCL representative will be the lead investigator in all complaint investigations and will complete all documentation.
- 13. Advise ER PM, OCH PM, and OCH Deputy Director of investigation outcome.
- OCH PM** 14. Identify OCH SSSS to contact CCL investigator to obtain copy of report(s), if not already provided.
- 15. Ensure that record of investigation outcome is placed in locked file cabinet per Record Retention policy section above.
- OCH SSSS** 16. Obtain CCL report and ensure storage with hard copy of original referral in locked file cabinet.

Required Actions—No Abuse, Neglect, or Licensing Complaint

The following **required actions** must be completed when CAR receives a report alleging child abuse or neglect by a staff person at OCH, and the report does not meet the legal definition of abuse or neglect, but is identified as a licensing complaint.

Staff Responsible	Step	Required Action
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| CAR SSW | 1. | Obtain information from Reporting Party (RP). Identify as a sensitive referral. Determine that referral does not |
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meet the legal definition of child abuse or neglect and is not a licensing complaint.

a. If a mandated RP:

- Inform of option of “Information Only” report
- If RP requests that report be made, follow licensing complaint procedure above through step 6
- Cross report by telephone to CCL. No written cross reports necessary
- Give paperwork to ER Office Supervisor for CWS/CMS input and storage in locked cabinet

b. If a non-mandated RP:

- Explain that the information provided does not meet the legal definition of abuse, neglect or licensing complaint
- Direct RP to contact assigned SSW for further assistance
- No documentation necessary