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

Effective Date: November 9, 2000
Current Revision Date: February 2, 2017

Number: A-0404

Child Abuse or Severe Neglect Indexing Form and Suspect Notification

Purpose To provide guidelines for notifying the Department of Justice (DOJ) of child abuse and severe neglect reports and suspect notification.

Approved This policy was approved by Nathan Nishimoto, Interim CFS Director, on February 2, 2017. *Signature on file.*

Most Recent Revision This revision of the Policy and Procedure (P&P) reflects legislative changes implemented through the passage of Assembly Bill (AB) 717 (2011) and includes:

- Revised reporting requirements specifying only substantiated reports of child abuse or severe neglect are submitted to DOJ
 - New guidelines regarding submission of *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* which replaces use of *Child Abuse Summary Report (SS 8583)*
 - Revised definition of “active investigation”
 - Definition of substantiated, inconclusive and unfounded report
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Background The DOJ maintains child abuse and neglect reports in the Child Abuse Central Index (CACI) for use by law enforcement, probation, child welfare, and other agencies responsible for ensuring the safety of children.

Child welfare agencies, as specified in Penal Code (PC) Section (§) 11169(a), are mandated to submit a *Child Abuse or Severe*

Neglect Indexing Form (BCIA 8583) to the DOJ for substantiated allegations of child abuse or severe neglect, for entry into the CACI. Concurrently, written notification must be provided to the suspect advising that he or she will be listed on the CACI.

Inconclusive allegations of child abuse or severe neglect are no longer reportable to the DOJ, pursuant to the passing of AB 717 (2011). AB 717 also mandated the following:

- Reports previously submitted to the DOJ that are not substantiated, will be removed from the CACI database
- Police and sheriff departments will no longer forward reports of child abuse or severe neglect to the CACI
- Persons listed on the CACI have a right to an agency hearing that meets due process requirements to challenge the CACI listing
- An agency hearing may be denied under circumstances specified in PC § 11169
- Persons who have reached 100 years of age will be removed from the CACI

Pursuant to the passing of AB 1707 (2012), minors who are listed once in the CACI, with no subsequent listings, will be removed from the CACI 10 years from the date of the incident.

Refer to CFS P&P [Child Abuse Central Index \(CACI\) Grievance Reviews \(A-0301\)](#) for further information regarding Grievance Review hearings.

Definitions

For purposes of this P&P, the following apply:

Active Investigation: Refers to the activities of Children and Family Services (CFS) in response to a report of known or suspected child abuse. For purposes of reporting information to the CACI, the activities include, but are not limited to:

- Assessing the nature and seriousness of the known or suspected abuse
- Conducting interviews with the victim(s) and any known suspect(s) and witness(es), when appropriate and/or available
- Gathering and preserving evidence
- Determining whether the incident is substantiated, inconclusive, or unfounded
- Preparing a report that will be retained in the Permanent

Record. Refer to CFS P&P [Record Retention \(E-0111\)](#) for further information on retention of records

Substantiated Report: Pursuant to PC § 11165.12(b), refers to a report that 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, as defined, occurred. This does not include a report where the investigator who conducted the investigation found the report to be false, inherently improbable, to involve an accidental injury, or to not constitute child abuse or neglect as defined in PC § 11165.6.

Inconclusive Report: Pursuant to PC § 11165.12(c), refers to 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.

Unfounded Report: Pursuant to PC § 11165.12(a), refers to 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.

POLICY

DOJ Reporting Requirements

A. **Submission of *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*:**

Pursuant to PC § 11169(a), CFS clerical staff will submit a report to the DOJ using *BCIA 8583* once CFS has completed an active investigation and any of the following allegations, as defined in the Child Abuse and Neglect Reporting Act (CANRA), are substantiated:

- Sexual abuse (includes sexual assault, sexual exploitation, commercial sexual exploitation)
- Physical abuse
- Emotional abuse
- Severe neglect (does not include general neglect)

Refer to the Policy section “BCIA 8583 Submission and Suspect Notification Guidelines” for further guidelines on miscellaneous circumstances requiring submission of a *BCIA 8583* to the DOJ.

B. **Exemptions to Submission of *BCIA 8583*:**

Pursuant to PC § 11169(a), clerical staff will not submit *BCIA 8583* for:

- Unfounded allegations
- Inconclusive allegations
- Any general neglect allegation, regardless of findings

For further information on investigation findings, refer to CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#).

Suspect Notification Requirements

Pursuant to PC § 11169(c), clerical staff will notify the suspect in writing of the *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* submission and that he or she will be listed on the CACI.

In accordance with the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Division 31-021, clerical staff will notify the suspect **within five business days** of submitting the *BCIA 8583*, by sending each of the following State of California (SOC) forms to the suspect’s last known address:

- *Notice of Child Abuse Central Index Listing (SOC 832)*
- *Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833)*
- *Request for Grievance Hearing (SOC 834)*

Refer to Policy section “BCIA 8583 Submission and Suspect Notification Guidelines” for further suspect notification guidelines on miscellaneous circumstances requiring suspect notification.

CFS Staff Responsibilities

A. The investigating Senior Social Worker (SSW) (e.g., Emergency Response [ER] SSW, Differential Response [DR] SSW, etc.) is responsible for the following:

- Generating a *Notice of Child Abuse Central Index Listing (SOC 832)* in the Child Welfare Services/Case Management System (CWS/CMS) as outlined in [CWS/CMS Data Entry Standards—Suspect Notification on Child Abuse Referrals](#)

- Modifying the original Investigation Narrative and corresponding CWS/CMS entry, if a discrepancy is identified

B. Clerical staff are responsible for the following:

- Generating a *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* in CWS/CMS and verifying the information corresponds with the Investigation Narrative and CWS/CMS information
- If a discrepancy is identified, returning the *BCIA 8583*, *SOC 832*, and the Investigation Narrative to the assigned SSW or to the Senior Social Services Supervisor (SSSS) if the SSW is not available for modification
- Mailing the *BCIA 8583* to the DOJ
- Printing the *SOC 832*, generating and printing the *Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833)* and the *Request for Grievance Hearing (SOC 834)*, and mailing all documents to suspect's last known address

C. The investigating SSW's SSSS or designee is responsible for reviewing the following for consistency and accuracy:

- Investigation Narrative
- *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*
- *Notice of Child Abuse Central Index Listing (SOC 832)*

Refer to [Attachment 1—BCIA 8583 Submission and Suspect Notification Guidelines](#) for suggested procedural guidelines on CFS staff responsibilities.

**BCIA 8583
Submission
and Suspect
Notification
Guidelines**

A. **Referral with Multiple Suspects:**

If a referral has multiple suspects, clerical staff will complete the following:

- Submit one *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* to the DOJ for each suspect
- Mail all of the following forms to each suspect's last known address:

- *Notice of Child Abuse Central Index Listing (SOC 832)*
- *Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833)*
- *Request for Grievance Hearing (SOC 834)*

B. Unable to Interview Suspect:

If the SSW is unable to interview the suspect, (e.g., unable to make contact despite diligent attempts, suspect refuses interview or declines interview upon legal counsel advice), clerical staff will submit a *BCIA 8583* to the DOJ and mail *SOC 832*, *SOC 833*, and *SOC 834* to the suspect's last known address, if available.

C. Law Enforcement Directs CFS not to Contact Suspect:

When CFS has information about a possible location for the suspect, but law enforcement has directed CFS not to contact the suspect due to possible interference with a criminal investigation, clerical staff will submit a *BCIA 8583* to the DOJ. Suspect notification will be completed **within five days**, as outlined in CDSS MPP Division 31-021. If law enforcement has not provided authorization to contact the suspect within the five-day timeframe, the investigating SSW will consult with the SSSS to determine follow-up actions.

D. Suspect is incarcerated:

If the suspect is incarcerated, clerical staff will:

1. Submit a *BCIA 8583* to the DOJ and indicate the name and address of the facility.
2. Mail *SOC 832*, *SOC 833*, and *SOC 834* to the facility where the suspect is incarcerated or to the suspect's last known address, depending upon which location the notification is deemed to more likely reach the suspect.

E. Unknown Suspect:

Clerical staff will submit a *BCIA 8583* to the DOJ and indicate that the suspect is unknown. If information regarding the suspect's identity and contact information becomes known, clerical staff will submit a supplemental *BCIA 8583* advising the DOJ of the additional information and will mail *SOC 832*, *SOC 833*, and *SOC 834* to the suspect's last known address.

- F. **Deceased Suspect:**
Clerical staff will submit a *BCIA 8583* to the DOJ and indicate that the suspect is deceased, but will **not** mail SOC 832, SOC 833, and SOC 834 to the suspect's last known address.
- G. **Children with Positive Toxicology Screens:**
If an allegation of severe neglect is substantiated, CFS will submit a *BCIA 8583* form for children with positive toxicology screens, per standard procedure, and mail SOC 832, SOC 833, and SOC 834 to the mother's last known address. CFS will not submit a *BCIA 8583* if an allegation of **general** neglect is substantiated.

Disposition Changes

In accordance with DOJ submission guidelines, clerical staff will provide notification to the DOJ of changes to a previously submitted report, using a new *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* and attaching a copy of the original *BCIA 8583*, when any of the following circumstances apply:

- Pursuant to PC § 11169(a), an allegation finding of substantiated is changed to inconclusive or unfounded
- Supplementary information has been received (e.g., original allegation of physical abuse subsequently results in child's death, etc.)
- Corrections are required to the original report
- Underlying investigation file is no longer available

Pursuant to CDSS MPP Division 31-501.7, notification will be submitted to the DOJ **within five business days** of the changes.

For instruction on modifying the disposition of a closed referral in CWS/CMS and notifying the DOJ of the change, refer to [CWS/CMS Data Entry Standards—Grievance Request for Closed Referrals](#). For instruction on modifying the disposition of a referral in CWS/CMS that has been promoted to a case and notifying the DOJ of the change, refer to [CWS/CMS Data Entry Standards—Grievance Requests with a Change in Allegation Conclusion on Referrals with a Disposition of Open New Case](#)

Accuracy

Per PC §11170(a), CFS is responsible for the accuracy, completeness, and retention of *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* forms submitted to the DOJ.

Record Retention

Pursuant to PC § 11169(i), child welfare agencies will retain ER investigation reports that result in submission of a *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)* for the same period of time that the information is maintained on the CACI or longer.

CFS policy exceeds the minimum statutory retention time period specified above and requires clerical staff to maintain the following ER records indefinitely:

- *Child Abuse or Severe Neglect Indexing Form (BCIA 8583)*
- *BCIA 8583* amendments, when applicable
- *Notice of Child Abuse Central Index Listing (SOC 832)*
- *Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833)*
- *Request for Grievance Hearing (SOC 834)*

Refer to CFS P&P [Record Retention \(E-0111\)](#) for further information regarding the retention of records.

Note: Records of the SOC 832, SOC 833, and SOC 834 will be retained in English and the language provided to the suspect, when applicable.

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—BCIA 8583 Submission and Suspect Notification Guidelines](#)
 - [CWS/CMS Data Entry Standards—Grievance Request for Closed Referrals](#)
 - [CWS/CMS Data Entry Standards—Grievance Requests with a Change in Allegation Conclusion on Referrals with a Disposition of Open New Case](#)
 - [CWS/CMS Data Entry Standards—Suspect Notification on Child Abuse Referrals](#)
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Hyperlinks

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

- CFS P&P [Grievance Reviews for Child Abuse Central Index \(CACI\) Submissions \(A-0301\)](#)
- CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#)
- CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#)
- CFS P&P [Record Retention \(E-0111\)](#)

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

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
None.		

Hard Copy Forms

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

	Form Name	Form Number
None.		

CWS/CMS Forms

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

	Form Name	Form Number
	Child Abuse or Severe Neglect Indexing Form	BCIA 8583
	Notice of Child Abuse Central Index Listing	SOC 832
	Request for Grievance Hearing	SOC 834

Brochures Brochures to distribute in conjunction with this policy may include:

Brochure Name

Brochure Number

None.

LEGAL MANDATES

[Penal Code \(PC\) Section \(§\) 11164](#) *et seq.*, also known as the Child Abuse and Neglect Reporting Act (CANRA), provides definitions of sexual abuse, sexual assault, sexual exploitation, commercial sexual exploitation, neglect (including severe neglect and general neglect), willful harming or injuring of a child or the endangering of the person or health of a child, unlawful corporal punishment or injury, and abuse or neglect in out-of-home care.

[PC § 11165.6](#) provides the definition of “child abuse or neglect.”

[PC § 11165.12](#) provides the definition of a substantiated, inconclusive, and unfounded report.

[PC § 11169\(a\)](#) directs child welfare agencies to submit written notification to the Department of Justice (DOJ) when an active investigation of child abuse or severe neglect has been conducted and substantiated.

[PC § 11169\(c\)](#) directs child welfare agencies, at the same time notice is provided to the DOJ, to also provide written notice to the known or suspected perpetrator that he or she has been reported to the DOJ for inclusion in the Child Abuse Central Index (CACI).

[PC § 11169\(i\)](#) mandates child welfare agencies retain child abuse or neglect investigation reports that result in a report filed with the DOJ for the same period of time that the information is required to be maintained on the CACI or longer.

[PC § 11170\(a\)](#) specifies child welfare agencies are responsible for the accuracy, completeness and retention of reports submitted to DOJ.

[California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\) Division 31-021](#) mandates that within 5 business days of submitting a substantiated report of child abuse or severe neglect to the DOJ, CFS must notify the suspect in writing of the report and inclusion of his or her name on the CACI. State of California (SOC) forms required for noticing the suspect are also specified.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

March 2, 2007

April 24, 2008