

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

Effective Date: July 17, 2006
Revision Date: January 31, 2024

Number: A-0103

**Abuse Investigations— Orangewood Children and Family
Center Employee Investigations**

Purpose	To provide guidelines for assigning and investigating allegations of child abuse and neglect and/or licensing complaints at Orangewood Children and Family Center (OCFC) involving OCFC employees and Children and Family Services (CFS) staff working in the capacity as OCFC employees.
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Approved	This policy was approved by Jyothi Atluri, Director of CFS. Signature on file.
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Most Recent Revision	<p>This revision of the Policy & Procedure (P&P) includes:</p> <ul style="list-style-type: none">• Clarification on procedures for notification of child abuse reports and/or licensing complaints received on behalf of a child placed at OCFC involving an OCFC employee.• Procedural updates regarding program responsibilities.
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Background	<p>The California Code of Regulations (CCR) specifies that counties with Voluntary Inter-Agency Investigation Teams will have the discretion to follow the agreed upon procedures and standards for assessment and investigation of child abuse in out-of-home care facilities.</p>
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A Voluntary Inter-Agency Investigation Team was established in Orange County to coordinate investigation of child abuse and neglect allegations at OCFC. 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 support an unbiased and impartial investigation.

Definitions	For purposes of this P&P, the following apply:
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Abuse and Neglect Allegations ([Penal Code \[PEN\] Section § 11165.3](#)): A situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care of custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.

Evaluate Out (E/O) Report: Report taken at the Child Abuse Hotline when the information provided by the Reporting Party (RP) meets the legal definition of child abuse or neglect, however, an in-person response by CFS is not warranted. An E/O report may be cross-reported to another agency that has jurisdiction to investigate (e.g. law enforcement or CCL). E/O reports are also used to document a report from a mandated reporter that has already been or is currently being investigated.

Licensing Complaint: An allegation when a Department of Social Services (DSS) licensing regulation, state or federal law, has been violated, per the [CCL Evaluator's Manual 3-2010](#) and does not meet the legal definition of abuse or neglect. Complaints may include concerns related to:

- Personal Rights Violations
- Lack of Supervision
- Corporal Punishment
- Physical Building Issues
- Food/Clothing/Child Care Facility Issues

Note: May also be referred to as a **Quality of Care Issue**.

Licensing Complaint Investigator: A Senior Social Services Supervisor (SSSS) with investigation skills, having current or past Emergency Response (ER) experience, who investigates OCFC licensing complaints. Assignment to be determined by OCFC Program Manager (PM) and Deputy Director (DD), in consultation with ER PM.

POLICY

Investigations at OCFC

- A. **Child Abuse and Neglect Allegations**
Allegations of child abuse and/or neglect at OCFC will generally be investigated by representatives of the Orange County

Sheriff's Department (OCSD). OCSD may decline involvement in the investigation, or request CFS investigate concurrently. In these cases, a SSSS from the CFS ER program, or designee, will be assigned to investigate.

CCL will be notified of any child abuse, neglect or exploitation allegation irrespective of OCSD involvement. CCL will be provided the name and phone number of the investigating ER SSSS or designee if one has been assigned.

B. Assignment of ER SSSS Investigator

CFS investigations will be conducted by a SSSS who is skilled in ER investigations, in accordance with mandated laws and regulations, following the guidelines as set forth in CFS Policy & Procedure (P&P) [Abuse Investigations—Practice Guidelines \(A-0412\)](#).

Note: Refer to “The OCFC Licensing Complaint Investigation” section below, for additional investigative resources available at OCFC.

C. Licensing Complaints

Allegations that do not meet the legal definitions of abuse or neglect may be investigated as licensing complaints.

Complaints regarding children at OCFC will generally be investigated by a representative of CCL.

Note: In the event CCL declines to investigate a licensing complaint CFS may, if deemed appropriate, assign a Licensing Complaint Investigator to investigate the complaint.

D. Assignment of Licensing Complaint Investigator

If CCL determines it will not investigate a licensing complaint, the OCFC PM or designee, in consultation with the Deputy Director (DD) may request a Licensing Complaint Investigator be assigned to conduct an agency investigation.

Refer to policy section ‘Licensing Complaint Investigation’ for guidance regarding responsibilities of the Licensing Complaint Investigator.

If determined appropriate, the OCFC PM will consult with the ER PM to coordinate assignment.

Conflicts of Interest

The investigating ER SSSS/designee or Licensing Complaint Investigator will not be any staff person who is currently working with the alleged victim, has a direct personal relationship with the alleged victim, the alleged perpetrator, or any involvement which may create a conflict of interest. This includes, but is not limited to:

- Case-Carrying Senior Social Worker
- ASW's SSSS
- OCFC staff

Confidentiality

Child abuse reports that allege abuse or neglect to a child at OCFC by a staff member will be processed as highly sensitive ("Z") referrals. Refer to CFS P&P [Sensitive/Highly Sensitive Referrals and Cases \(F-0107\)](#) for further guidance.

Laws and regulations regarding confidentiality of child abuse reports and investigations will be followed.

Required Notifications and Timeframes

To address the immediate safety and well-being of the alleged victim and other children at OCFC, prompt notification of child abuse reports and licensing complaints will be provided to all persons, departments and agencies involved as follows:

A. **OCSD**

Law enforcement will be notified of child abuse reports. Pursuant to [PEN § 11166\(j\)\(1\)](#), OCSD will be notified immediately, or as soon as practicably possible.

B. **CFS Staff**

CFS staff will be informed of child abuse reports and/or licensing complaints immediately, or as soon as practicably possible including:

1. Child Abuse Hotline PM
2. OCFC PM
3. OCFC Deputy Director (DD)
4. Case-Carrying SSW and SSSS

C. **CCL**

When the Child Abuse Hotline receives a report of child abuse or neglect, or a licensing complaint at OCFC, CCL will be notified within 24 hours.

D. **County Counsel**

When a child abuse report or licensing complaint is taken for a child at OCFC, County Counsel will be notified within 24 hours.

E. **Child's Attorney**

When a child abuse report or licensing complaint is taken for a child at OCFC, and the child is represented by an attorney in Juvenile Dependency Court, the child's attorney will be notified as soon as practicable.

Note: Additional information requested by the child's attorney will be provided within 30 days of the request.

F. **Parents/Legal Guardian:**

When a child abuse referral or licensing complaint is taken for a child at OCFC who is not a dependent of the Juvenile Court, and the report is not initially determined to be unfounded, the child's parent(s) or guardian will be notified of the investigation by the Case-Carrying SSW. The method for notification (e.g. mail, email, in-person or telephone) will be determined on a case-by-case basis. The parent(s) or guardian will be notified as soon as reasonably practical.

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

For procedural guidance on staff responsibilities for notification of child abuse and/or licensing complaints refer to the policy section 'Program Responsibilities' below.

**Program
Responsibilities**

Upon receipt of a child abuse report or licensing complaint on behalf of a child at OCFC involving an OCFC employee, complete the following:

A. **Child Abuse Hotline SSW**

1. Obtain information from the RP to determine whether the referral meets the legal definition of child abuse, neglect or exploitation. For further information regarding guidelines for assessing child abuse and neglect allegations refer to CFS P&P [Child Abuse Registry \(CAR\)](#) (M-0109).
2. Consult with the Child Abuse Hotline SSSS regarding disposition of the report.
3. Report disposition:

- a. Reports determined to meet the legal definition of child abuse, neglect or exploitation enter an E/O to law enforcement in CWS/CMS.
- b. Reports that do not meet the legal definition of abuse or neglect:
 - Enter an E/O to CCL in CWS/CMS.
 - Complete a Quality of Care Information Report.
 - Forward the Quality of Care Information Report to CCL.

Note: If OCSD declines to respond or requests a joint investigation with CFS, the referral will be accepted, and an ER SSSS will investigate. Refer to “Licensing Complaint Investigation” section for further guidance.

4. Identify referral as *highly sensitive*. Refer to CFS P&P [Sensitive/Highly Sensitive Referrals and Cases \(F-0107\)](#) for further guidance.
5. Notify the child’s Case-Carrying SSW, SSSS and PM of child abuse referral or licensing complaint by email, providing notification as follows:
 - a. E/O reports via the Emergency Response Referral Document (ERRD).
 - b. Screener Narrative for reports assigned to ER SSSS or Licensing Complaint Investigators.
6. Complete an SSA Special Incident Report (SIR) and provide to SSSS for approval and processing. For further guidance on completion of the SSA SIR, refer to SSA Administrative P&P [Special Incident Report \(F 13\)](#).

B. Child Abuse Hotline SSSS

1. Consult with Child Abuse Hotline PM to determine if the report is a child abuse referral or a licensing complaint.
2. For child abuse referrals only (not licensing complaints), contact OCSD Watch Commander:
 - a. If OCSD accepts the report for investigation, request a secure fax number from the Watch Commander, and

send the ERRD form to OCSD via the number provided.

- b. If OCSD does not accept the report for investigation, document name of law enforcement representative, date, and reason for denial in CWS/CMS on the IN-ERR form when completing the Child Abuse Hotline referral.
 - c. If OCSD requests a joint investigation with CFS, notify the Child Abuse Hotline PM to coordinate ER SSSS/designee assignment.
 - d. Notify the assigned ER SSSS/ designee of the referral by sending the screener narrative by email.
3. For reports of child abuse, neglect or exploitation and licensing complaints, complete the following:
- a. Cross-report to CCL within 24 hours by providing an encrypted email of the ERRD CWS/CMS form to letusno@dss.ca.gov.

Note: For confidentiality purposes, Personal Identifying information (PII) (e.g. client name) will not be included on the 'Subject' line of the email.

- b. Notify the Case-Carrying SSW, SSSS and PM by providing an email of the ERRD CWS/CMS form or Screener Narrative as appropriate.
- c. Complete a SSA SIR per SSA Administrative P&P [Special Incident Report \(F 13\)](#) and submit the SIR to the PM for review, approval and distribution.

C. **Child Abuse Hotline PM**

- 1. Review and approve the SSA SIRs.
- 2. E-mail the approved SSA SIR to the: 'SIR-CFS-Client Incident' distribution list, the County Counsel Law Office Supervisor and Supervising County Counsel.
- 3. E-mail the approved SSA SIR to the Law Office of Harold La Flamme via secure communication (e.g. encrypted email).

Note: For confidentiality purposes, Personal Identifying information (PII) (e.g. client name) will not be included on the 'Subject' line of the email.

4. Contact the ER PM to request assignment of the referral when appropriate. See policy sections 'Assignment of Child Abuse and Neglect Allegations' and 'Assignment of Licensing Complaint Investigator' for further guidance.

D. **ER PM**

1. When it has been determined that a Licensing Complaint Investigator or ER SSSS Investigator is appropriate, advise ER SSSS of child abuse referral assignment. See policy sections 'Assignment of Child Abuse and Neglect Allegations' and 'Assignment of Licensing Complaint Investigator' for further guidance.

E. **Investigating ER SSSS**

1. Conduct child abuse investigation per CFS P&P [Abuse Investigations – Practice Guidelines \(A-0412\)](#).

Note: For additional child abuse investigation resources, refer to the "OCFC Licensing Complaint Investigation" section.

2. Complete cross-reports and advisements per the 'Follow-up Reporting Requirements: Child Abuse Reports' section below.

F. **Case-Carrying SSW**

1. When information related to child abuse or licensing complaints involving OCFC staff is received, consult with the SSSS and County Counsel to assess whether the incident constitutes a "significant development" and will be reported to the Court. Consult upon receipt of information that includes but may not be limited to:
 - Initial notification of the child abuse report assigned for CFS investigation.
 - Initial notification of child abuse reports Evaluated Out to OCSD/Law Enforcement for investigation.
 - Initial report determined to be licensing complaints and cross-reported to CCL for investigation.
 - Subsequent information related to a child abuse or licensing complaint investigation.

G. **Licensing Complaint Investigator**

1. Conduct the investigation per policy section “The OCFC Investigation Licensing Complaint Investigation.”
2. Document the licensing complaint investigation in the [OCFC Employee Investigation Report \(F063-25-859\)](#).
3. Submit the [OCFC Employee Investigation Report \(F063-25-859\)](#) to the Licensing Complaint Investigator’s supervisor for approval.

H. **OCFC PM**

1. Review, approve and distribute OCFC SIRs per SSA Administrative P&P [Special Incident Report \(F 13\)](#).
2. Notify HR of child abuse allegations or licensing complaints as reasonably practical.
3. Provide a copy of the [OCFC Employee Investigation Report \(F063-25-859\)](#) to the following, if requested:
 - HR
 - CCL

Refer to policy section “Collaboration with Human Resources (HR),” “Administrative Investigations” and “Administrative Investigations Outcomes” for further information.

Submission of SIRs

Completion of both the OCFC SIR and the SSA SIR is required.

For further guidance on completion of the SSA SIR, refer to SSA Administrative P&P [Special Incident Report \(F 13\)](#).

A. **OCFC SIR**

Allegations of abuse, neglect or exploitation or licensing complaints against OCFC employees involving child(ren) at OCFC are reported to CDSS and CCL using a distinct OCFC SIR form.

1. The OCFC employee most knowledgeable of the incident will complete and document the incident in the OCFC SIR within 24 hours of the incident.
2. The OCFC SIR will be submitted to the employee’s immediate supervisor for approval.

3. If the employee is unable to complete the report and the supervisor/manager is aware of the incident that requires reporting, the supervisor/manager will complete the OCFC SIR to the best of their knowledge.

B. **SSA SIR**

The Child Abuse Hotline SSW will complete the SSA SIR and submit to SSSS, and the Hotline PM. The Hotline PM or designee will approve and distribute the SSA SIR per SSA Administrative P&P [Special Incident Report \(F 13\)](#) and CFS policy section 'Program Responsibilities' for further information.

**Employee
Reassignment**

- A. When an allegation of abuse or neglect is made against an OCFC employee and the referral is assigned as a child abuse investigation, the OCFC PM will arrange for the employee to be temporarily reassigned to a position that does not involve contact with children, pending the outcome of the investigation.

The employee's supervisor or designee will provide a brief and general rationale for the temporary reassignment, which does not compromise the investigation, with the following suggested language:

"We've received an allegation which warrants an investigation. While the investigation is under way, it is necessary to temporarily assign you other duties."

- B. 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 OCFC. The decision to temporarily reassign will be made by OCFC management.

CCL will not require, nor dictate, the removal of an employee, unless the Caregiver Background Check Bureau revokes the employee's clearance.

**OCFC
Licensing
Complaint
Investigation**

- A. When conducting the OCFC Licensing Complaint Investigation, the Licensing Complaint Investigator will complete the following, as applicable:
- Interview the victim child(ren)
 - Interview witnesses
 - Contact collaterals

- Review Special Incident Reports (SIRs) involving the child.
- Review the OCFC Cottage Logbook to determine which staff worked in the cottage during the alleged incident, review the shift summary notes, and review the child's comings and goings to and from the OCFC facility as documented in the OCFC Cottage Logbook.
- Speak with the Courtesy Desk staff to obtain a list of staff who responded to calls for assistance at the time of the alleged incident.
- Review the Group Counselor Nights Compilation Log.
- Review the Clinical Evaluation Guidance Unit (CEGU). Logbook for dates in which a clinician arrived to see a child.
- Review the child's phone list to see who the child spoke with and when.
- Review files in the "closed files" room located at OCFC if the child is no longer at OCFC.
- Speak with the OCFC PMII or Duty Officer to assist in gathering any other needed information.

B. Upon the conclusion of the investigation, the Licensing Complaint Investigator will complete and submit the [OCFC Employee Investigation Report \(F063-25-859\)](#), to the OCFC PM or designee.

The report shall include the following:

1. A summary of the incident
2. Persons interviewed
3. Employee/witness statements
4. A conclusion with rationale

Note: This form is not to be completed for a child abuse investigation.

For information regarding assignment of a Licensing Complaint Investigator, refer to policy section 'Investigations at OCFC.'

Collaboration with HR

The OCFC PM or designee may consider contacting HR if the child abuse allegations or licensing complaint involve employee misconduct. HR will determine, in consultation with the OCFC PM or designee, if an administrative investigation is warranted. If an administrative investigation is needed, HR may ask the investigating SSSS for additional information regarding the licensing complaint investigation.

Administrative Investigation

The OCFC PM or designee, in collaboration with the HR analyst, may schedule a formal Administrative Investigation.

The OCFC PM or designee will inform the employee of any formal administrative investigation meeting, letting the employee know they are permitted to have union representation, Orange County Employee's Association (OCEA), at the meeting. If the employee chooses to have union representation present, the administrative investigation meeting will be scheduled to allow for the union representative to attend

Note: An Administrative Investigation is typically conducted for Child Abuse Reports/Licensing Complaints involving allegations of employee misconduct. Refer to the Memorandum of Understanding (MOU) Disciplinary Action, for further guidance.

Administrative Investigation Outcome

In the event of an Administrative Investigation, the OCFC PM will coordinate with HR and follow progressive discipline protocols. The Licensing Complaint Investigator may be contacted if additional information is needed.

Based upon the findings in the investigation, the OCFC PM, in consultation with HR, will determine whether or not the employee is permitted to return to work with youth at OCFC.

Documentation: Child Abuse Reports

All required ER documentation, for child abuse reports, will be completed according to program protocol, including all contacts and the reasons for disposition. Refer to [CWS/CMS Data Entry Standards – Allegation of Abuse by SCP/Residential Facility Staff \(N0112\)](#) for further guidance.

Documentation: Licensing Complaints

All required documentation of licensing complaints will be completed, including contacts and reasons for conclusion. For further guidance, refer to Policy section "Record Retention".

Follow-up Reporting Requirements: Child Abuse Reports

When a child abuse report, excluding allegations of general neglect, is determined to be substantiated, the investigating SSSS will submit a Child Abuse or Severe Neglect Indexing Form (BCIA 8583) to the Department of Justice (DOJ) for entry into the Child Abuse Central Index (CACI).

Concurrently, written notification will be provided to the employee advising that they will be listed on the CACI.

Further, the investigating ER SSSS will notify the following agencies and individuals of the results of the investigation and any action taken:

- District Attorney's Office
- Law Enforcement/OCSD
- CCL
- Mandated Reporter
- OCFC PM
- OCFC DD
- Case-Carrying SSW and SSSS
- Child's parents
- All CFS staff notified of the investigation

**Obtaining
Outside Agency
Reports**

When an agency outside of CFS conducts their own investigation (such as law enforcement, CCL, etc.), an OCFC supervisor or staff designated by the OCFC PM or designee will be responsible for contacting the law enforcement or CCL representative who conducted the investigation to obtain a copy of their report. The OCFC supervisor or staff 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 licensing complaint report and the investigation will remain in a locked file cabinet in Child Abuse Hotline/ER storage designated for confidential information. Refer to CFS P&P [Record Retention \(E-0111\)](#) for further guidance.

The OCFC 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—Allegation of Abuse by SCP/Residential Facility Staff \(N0112\)](#)

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 \(F-0107\)](#)
- CFS P&P [Record Retention \(E-0111\)](#)

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
OCFC Employee Investigation Report	F063-25-859

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.	

LEGAL MANDATES

[Penal Code \(PEN\) Sections \(§§\) \(11165 - 11174.3\)](#) constitute the Child Abuse and Neglect Reporting Act (CANRA) which is intended to protect children from abuse and neglect.

[California Code of Regulations, Title 11, Division 1, Chapter 9, Article 3, Sections § 930.10 through 930.70](#) provides guidelines to ensure investigations of child abuse in out-of-home care facilities are carried out in a timely, complete, and coordinated manner, with duties and responsibilities, investigative procedures and notification and follow-up responsibilities outlined.

[California Department of Social Services \(CDSS\) All County Letter \(ACL\) 05-09](#) provides guidance to ensure that the investigation of child abuse in the out-of-home care facility is carried out in an unbiased and impartial manner.

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:

July 17, 2006
September 23, 2009
November 18, 2021