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

Effective Date: May 14, 2004
Revised: November 27, 2007
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Number: A-0411

Newborns and Children Previously Unknown to CFS with Dependent Siblings

Purpose To provide guidelines for assessing safety, risk of harm, and intervention needs for a newborn or child previously unknown to Children and Family Services (CFS) with current or former dependent siblings.

Approved This policy was approved by Anne Bloxom, Director of CFS, on March 27, 2017.

Most Recent Revision This revision of the Policy and Procedure (P&P):

- Incorporates guidelines for obtaining a warrant
- Clarifies that the provisions of this P&P also pertain to a newborn or a child previously unknown to CFS whose sibling is a current or former dependent

Background When a newborn or a child previously unknown to CFS whose sibling is a current or former dependent, comes to the attention of the agency, an assessment is completed to determine if safety concerns exist and if intervention services are needed. If the child cannot remain safely in the home, Welfare and Institutions Code (WIC) Section (§) 300(j) provides jurisdiction for protective custody.

In the case of *In re Dorothy I. (1984)*, case law provides that the state may intervene to protect a minor when the minor's sibling has been mistreated.

In the case of *In re I.J. (2013)*, a father sexually abused a female child, and the Court held that such severe sexual abuse is sufficient to support dependency jurisdiction over all siblings

regardless of gender. WIC § 300 (j) applies if (1) the child's sibling has been abused or neglected as defined in subdivision (a),(b),(d),(e), or (i), and (2) there is a substantial risk that the child will be abused or neglected as defined in those subdivisions.

Definitions

For the purpose of this Policy, the following definition applies:

Investigating Senior Social Worker (SSW): Refers to the Emergency Response (ER) SSW, Differential Response (DR) SSW, or other designated SSW assigned to investigate the referral.

POLICY

**Reporting
Responsibilities**

Pursuant to the Child Abuse and Neglect Reporting Act (CANRA), CFS staff are mandated reporters of known or suspected child abuse and neglect. As mandated reporters, staff will contact the Child Abuse Registry (CAR) regarding a newborn or a child previously unknown to CFS whose sibling is a current or former dependent, when any of the following apply:

- Abuse or neglect to the newborn or the child previously unknown to CFS has occurred or is suspected
- There is a substantial risk of detriment to return the dependent sibling home due to a lack of progress by the parent/guardian in resolving the reasons for dependency
- Family Reunification (FR) services have been terminated and a WIC § 366.26 Selection and Implementation hearing has been calendared
- The Court has ordered a permanent plan on behalf of the dependent sibling and the sibling remains placed in out-of-home care due to the parent/guardian's inability to resolve the reasons for dependency
- A Subsequent Petition has been filed regarding the dependent sibling, pursuant to WIC § 342
- A Supplemental Petition has been filed regarding the dependent sibling, pursuant to WIC § 387

**Child Abuse
Registry
(CAR)**

CAR staff will accept reports of suspected child abuse and neglect involving a newborn or child previously unknown to CFS whose sibling is a current or former dependent.

Upon receiving a child abuse report the CAR Senior Social Worker (SSW) will:

- A. Complete the initial intake and evaluation of risk screening as outlined in CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#).
- B. Search the Child Welfare Services/Case Management System (CWS/CMS) to determine if prior dependencies exist.
- C. Consult with the dependent sibling's assigned case carrying SSW, when available, to obtain information regarding the parent/guardian's case plan progress and current case status. Refer to "Continuity of Services" Policy section below for further information.

**Emergency
Response
Investigation**

The investigating SSW assigned to a referral regarding a newborn or a child previously unknown to CFS whose sibling is a current or former dependent will, pursuant to California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Division 31-125, determine the potential for or the existence of any conditions which place the child at risk of harm and in need of services and which would cause the child to be a person described by WIC § 300(j).

When the referral is received, the investigating SSW will:

- A. Investigate the referral as outlined in CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#).
- B. Complete a safety and risk assessment as outlined in CFS P&P [Structured Decision Making \(D-0311\)](#) to determine if protective services are needed to ensure the safety of the child.
- C. In accordance with WIC § 300(j), review the dependent sibling's case and consider the following additional factors when assessing the need for protective intervention:
 - Nature and circumstances surrounding the abuse and/or neglect of the sibling
 - Age and gender of the child
 - Mental condition of the parent/guardian
 - Whether a substantial risk of detriment to return the dependent sibling to the parent/guardian exists at this time
 - Parent/guardian's progress or lack of progress in resolving the issues leading to the sibling's dependency

- D. Work collaboratively with the dependent sibling's SSW to facilitate continuity of services. Refer to "Continuity of Services" Policy section for further information.
- E. Consult with the investigating SSW's Senior Social Services Supervisor (SSSS) regarding implementation of protective interventions.

Refer to CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#) and the "Protective Interventions" Policy section for further information on implementing intervention services.

Protective Interventions

Upon completing the referral investigation, the investigating SSW will determine whether it is necessary to implement protective interventions to ensure the physical and emotional well-being of the child, in accordance with CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#).

A. Alternatives to Juvenile Court Intervention:

Pursuant to WIC § 306(b), prior to taking a child into protective custody the investigating SSW will consider whether the child can safely remain in the home. If a determination is made to implement alternatives to Juvenile Court intervention, the investigating SSW will document the following in the Investigation Narrative:

1. Factors that distinguish the low level of risk to the newborn or the child previously unknown to CFS in contrast to the existence of any high level of risk to the dependent sibling.
2. Completion of a Safety Plan, as applicable. Refer to CFS P&P [Structured Decision Making \(D-0311\)](#) for direction on completing a Safety Plan.
3. Available services and resources currently being utilized by the family.
4. Whether the family is being referred to the Voluntary Family Services (VFS) program. Refer to CFS P&P [Voluntary Family Services \(VFS\) and Informal Supervision \(M-0106\)](#) for further information regarding the provision of VFS.
5. Consultation with the investigating SSW's SSSS regarding implementation of alternative interventions.
6. Program Manager (PM) approval obtained to implement alternative interventions.

B. Juvenile Court Intervention:

Pursuant to WIC § 300(j), a child is within the jurisdiction of the Juvenile Court when the child's sibling has been abused or neglected and there is a substantial risk that the child will also be abused or neglected.

The investigating SSW will file either a custody or non-custody petition if a determination is made to take the newborn or the child previously unknown to CFS into protective custody:

1. Custody Petition: A custody petition will be filed if the newborn or the child previously unknown to CFS **is in immediate danger** of abuse and/or neglect due to evidence of mistreatment documented regarding the dependent sibling.
2. Non-Custody Petition: A non-custody petition will be filed if the newborn or child previously unknown to CFS **is not currently in immediate danger, but needs protection** of the Court due to a demonstrable history of abuse and/or neglect of the dependent sibling.

The investigating SSW will obtain Program Manager approval prior to filing a non-custody petition and document the approval in the Investigation Narrative.

For guidelines on filing a petition, refer to CFS P&P [Dependency Intake \(A-0502\)](#).

Refer to CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#) for further information on types of protective interventions.

Warrants

During the course of the referral investigation, if a determination is made to place the newborn or child previously unknown to CFS into protective custody, the investigating SSW will determine if a warrant is required, pursuant to CFS P&P [Warrants \(G-0901\)](#).

Continuity of Services

The investigating SSW and dependent sibling's SSW will maintain regular and timely communication to facilitate comprehensive assessments, continuity of services to the family, and to provide consistent and thorough recommendations to Juvenile Court.

The dependent sibling's SSW will provide the CAR and/or investigating SSW with current and complete information regarding risk factors and circumstances leading to the dependent sibling's placement in out-of-home care.

When the CAR and/or investigating SSW is unable to make contact with the dependent sibling's SSW to obtain information necessary to conduct the ER investigation, the CAR and/or investigating SSW will consult the SSSS of the dependent sibling's SSW or another SSSS in the same program.

The dependent sibling's SSW may team with the investigating SSW to assess safety factors, as needed.

Documentation For guidelines on documentation of ER investigations, refer to CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#).

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.

None.

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 [Abuse Investigations—Practice Guidelines \(A-0412\)](#)
 - CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#)
 - CFS P&P [Dependency Intake \(A-0502\)](#)
 - CFS P&P [Structured Decision Making \(D-0311\)](#)
 - CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#)
 - CFS P&P [Warrants \(G-0901\)](#)
 - CFS P&P [Voluntary Family Services \(VFS\) and Informal Supervision \(M-0106\)](#)
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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
SDM Safety Plan (English)	F063-25-453
SDM Safety Plan (Spanish)	F063-25-453Sp
SDM Safety Plan (Vietnamese)	F063-25-453VN

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
None.	

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

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Welfare and Institutions Code \(WIC\) Section \(§\) 300](#) describes the circumstances under which a child comes within the jurisdiction of the Juvenile Court and may be adjudged as a dependent of the Court.

[WIC § 300\(j\)](#) specifies that a child whose sibling has been abused or neglected, and there is a substantial risk that the child will be abused or neglected, is within the jurisdiction of the Juvenile Court which may adjudge the child to be a dependent of the Court.

[WIC § 306\(b\)](#), specifies that before taking a child into custody, a social worker will consider whether the child can remain safely in his or her residence and describes factors to be considered.

[WIC § 342](#) outlines the conditions under which a Subsequent Petition is filed.

[WIC § 387](#) outlines the conditions under which a Supplemental Petition is filed.

[WIC § 366.26](#) outlines procedures for conducting a WIC § 366.26 Selection and Implementation hearing.

[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 § 11165.9](#) mandates that designated agencies accept reports of suspected child abuse and neglect received by mandated and non-mandated reporters and requires that the designated agency maintain a record of reports received.

[California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\), Division 31-125](#) provides guidelines for investigating allegations of child abuse and neglect.

In re I.J. (2013) 56 Cal. 4th 766, 744, a father sexually abused a female child, and the Supreme Court of California held that such severe sexual abuse is sufficient to support dependency jurisdiction over all siblings regardless of gender.

In re Dorothy I. (1984) 162 Cal. App. 3d 1154, 1157 [209 Cal.Rptr. 5,6], case law provides that the state may intervene to protect a minor when the minor's sibling has been mistreated.