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

Effective Date: March 27, 2001
Current Revision Date: October 31, 2017

Number: A-0204

Child Fatalities and Near Fatalities

Purpose To provide guidelines for responding to child fatality or near fatality reports.

Approved This policy was approved by Anne Bloxom, Director of CFS, on October 31, 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) 1625 and includes the following:

- Revised definition of child near fatality
- Revised Child Abuse Registry (CAR) and Emergency Response (ER) responsibilities
- Updated reporting requirements for public disclosure of child fatalities and near fatalities
- Guidelines on use of new reporting form *Child Near Fatality County Report of Services Provided and Actions Taken (SOC 826A)*
- Discontinued use of Attachment 2—Public Release of Information Checklist (QST Only), which is rendered obsolete
- Revised *Child Fatality Juvenile Court Case Records Request (F063-25-602)* form

Background In an effort to expedite the release of information pertaining to child fatalities and near fatalities suspected of resulting from child abuse or neglect, the California Senate chaptered Senate Bill (SB) 39 that became effective on January 1, 2008. The bill modified Welfare and Institutions Code (WIC) Sections (§§) 827 and 10850.4 to

allow the limited release of information in cases of a child fatality or near fatality due to suspected child abuse or neglect without petition to the Juvenile Court.

The California Department of Social Services (CDSS) developed regulations to reflect these changes through issuance of All County Letters (ACLs) and All County Information Notice (ACINs) which provide specific timelines and guidance as to the release of information related to child fatalities and near fatalities determined to be due to child abuse or neglect. ACIN I-85-10 provides clarification on reporting and disclosure responsibilities. ACL 10-06 provides guidelines for submission of revised *Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826)* effective August of 2009. ACIN I-09-11 describes CDSS's online access for information regarding California's child fatalities and near fatalities resulting from abuse and/or neglect. The website provides data, resources, and reporting and disclosure requirements for California counties and the public.

The California Superior Court, in *Butterfield vs. Lightbourne* (2012), found CDSS Manual of Policies and Procedures (MPP) Division 31 §§ 502.33–35 to be inconsistent with the intent of SB 39 and WIC § 10850.4. The Court determined these regulations contained ambiguous terminology that lead to inconsistencies in reporting.

In response to the Court decision, the CDSS repealed and rewrote MPP Division 31 § 502.33–35 to meet statutory requirements for public disclosure of child fatality information. Existing language was replaced to address a broader range of scenarios encountered by county Child Welfare Services (CWS) agencies, including abuse/neglect inflicted by a parent, guardian, foster care provider, other known individual, non-residential child care, or unidentified individual.

Assembly Bill (AB) 1625 (2016) amended WIC § 10850.45 to include guidelines, effective January 1, 2017, for disclosure of information, upon request, of child near fatalities determined to be the result of abuse or neglect. The bill also defined a child “near fatality” and amended WIC § 10850.4 to direct child welfare agencies to release, within specific timeframes, child fatality information not otherwise disclosed pursuant to existing mandates.

Definitions

Child Fatality: A childhood fatality wherein there is a reasonable suspicion, based upon facts presented, that the death is due to child abuse or neglect.

Determination of Abuse or Neglect (Child Fatalities): Pursuant to WIC § 10850.4, abuse or neglect is determined to have led to a child's death if one or more of the following conditions are met:

- A county child welfare agency determines the abuse or neglect was substantiated
- A law enforcement investigation concludes that abuse or neglect occurred
- A coroner or medical examiner concludes that the child who died had suffered abuse or neglect

Note: Pursuant to CDSS MPP Division 31 § 502.13, a child fatality will be the result of abuse/neglect if any agency indicated above determines that abuse/neglect is either the sole cause of the child fatality, or is a material contributing factor in the child fatality.

Material Contributing Factor: Pursuant to CDSS MPP Division 31 § 502.131, abuse or neglect that contributed to the death of the child, which was more than inconsequential or incidental. When assessing whether abuse/neglect was a material contributing factor in a child fatality, it is not necessary to determine that abuse or neglect was the sole cause of the fatality.

Chain of Command: An employee's respective direct supervisor, program manager (PM), Deputy Director (DD), and Division Director.

Child Near Fatality: Pursuant to 42 United States Code (U.S.C.) 5106a (b)(4), an act, as certified by a physician, that places the child in serious or critical condition.

Note: Effective January 1, 2017, the above definition replaces the definition of "near fatality" found in ACL 08-13. There is no longer a time limit on how long the child must be in serious or critical condition for disclosure and reporting purposes.

Determination of Abuse or Neglect (Child Near Fatalities): Pursuant to WIC § 10850.45, abuse or neglect is deemed to have resulted in a child's near fatality if either of the following conditions are met:

- A law enforcement investigation concludes that child abuse or neglect occurred
- A county child welfare agency determines the abuse or neglect was substantiated

Pursuant to WIC § 10850.45, the definition of “child abuse or neglect” and “abuse or neglect” does not include near fatalities caused by the following persons, unless neglect by a parent, guardian, or foster care provider contributed to the circumstances of the near fatality:

- An alleged perpetrator who was unknown to the child or family prior to the abuse that caused the near fatality
- A minor, unless acting in the role of a caregiver, who is alleged to have caused the near fatality

Reasonable Suspicion: Pursuant to Penal Code (PC) Section (§)11166 (a)(1), when it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. Reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any reasonable suspicion is sufficient.

POLICY

CAR Responsibilities

CAR staff will respond to reports of child fatalities and near fatalities as follows:

A. **Taking Reports:**

CAR staff will accept reports of child fatalities and near fatalities, including:

- Child fatality reports suspected of being due to child abuse or neglect
- Near fatality reports suspected of being due to child abuse or neglect
- Child fatality or near fatality reports that are the result of accident or natural cause, as determined by law enforcement, Coroner, or a physician’s report

Fatalities: CAR staff will obtain and document the following information from the reporting party, if available:

- Fatality date
- Circumstances of fatality

- Information on surviving siblings or other children who may be at risk
- History of child welfare services
- Cause of death

Near Fatalities: CAR staff will obtain and document the following information from the reporting party, if available:

- Medical condition of the child (e.g., serious, critical, etc.)
- Name of the physician certifying the child is in serious or critical condition and date of certification
- Date of conversation with physician, nurse, hospital social worker, or other medical professional, as applicable, regarding child's medical condition
- Circumstances of near fatality
- Information on siblings or other children who may be at risk
- History of child welfare services

Note: As outlined in ACL 16-109, certification that the near fatality victim is in serious or critical condition must be made by a physician.

Pursuant to CDSS Division 31 § 502.1, CAR staff will create a referral in the Child Welfare Services/Case Management System (CWS/CMS) for all child fatality or near fatality reports suspected of being due to abuse or neglect.

Refer to CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#) for further information on taking reports and for guidance on documenting reports that do not require an investigation by CFS.

Refer to [Attachment 2—Guidelines for Child Fatality and Near Fatality Reports](#) for guidelines on documenting child fatality and near fatality information in CWS/CMS.

B. **Disposition of Referral:**

1. Accept for Investigation by CFS: Fatalities and near fatalities due to suspected child abuse or neglect will be assigned for investigation if any of the following apply:

- There is a sibling or another child in the victim's home who has been abused or neglected or is at risk of abuse or neglect
- Current open investigation on another referral
- Current open case (e.g., Voluntary Family Services [VFS], Family Reunification [FR], Family Maintenance [FM], etc.)

Note: Pursuant to CDSS MPP Division 31-105, the SSW will take history of child abuse, neglect or exploitation into consideration when determining the disposition of a referral (e.g., previous ER investigation, dependency case, or VFS case, etc.).

2. No Investigation by CFS: The following fatality and near fatality reports will not require an in-person response by CFS and will be assigned a referral disposition as follows:

- Fatalities due to suspected child abuse or neglect where there are no siblings, other children in the home, or contact with other children, will be evaluated out with appropriate cross reports (e.g., law enforcement)
- Child fatalities and near fatalities that are a result of an accident or natural causes as determined by law enforcement, Coroner, or a physician's report will be documented as Information Only (I/O)

If requested by law enforcement, an ER Senior Social Worker (SSW) may be assigned to provide courtesy assistance to the responding officer. The assigned SSW will provide support and appropriate resources and referrals to the family of the deceased child.

Note: Consult a CAR Senior Social Services Supervisor (SSSS) Officer of the Day (OD) on requests by law enforcement for courtesy assistance by CFS, when there are no siblings.

C. **Response Time:**

Fatalities or near fatalities assigned for investigation will be opened as an Immediate Response ("I") referral unless SSSS or designated PM approval is obtained to open the

referral as an Overnight Delay Immediate (ODI) or 10-day response.

D. Reporting Requirements:

1. Within **one hour** of receiving a report, including weekends, after hours, and holidays, the following will be completed for **all** fatalities or near fatalities due to suspected child abuse or neglect:
 - a. Cross-report to local law enforcement (unless already reported).
 - b. Notification to CFS/Social Services Agency (SSA) chain of command.
 - c. Notification to assigned SSW, SSSS, and PM (on all open referrals or cases).

Note: Refer to SSA Administrative P&P [Client Death/Serious Incident Notification Dependent Children and Voluntary Supervision Cases \(D9\)](#) for additional information.

2. Within **three hours** of receiving a report, including weekends, after-hours, and holidays, an initial *Special Incident Report (SIR) (F063-03-48)* will be completed. If the report involves an open referral or case, the assigned SSW will complete the *SIR (F063-03-48)*. Refer to SSA Administrative P&P [Special Incident Report \(F 13\)](#) for additional information. Immediately send the *SIR (F063-03-48)* to the established SSA/CFS chain of command.

If unable to complete the *SIR (F063-03-48)* within three hours due to situational circumstances, the assigned SSW will notify the CAR SSSS OD by email and telephone. The CAR SSSS OD will notify the CAR PM and CAR DD of the delay, in person, by telephone, or by email. If the CAR DD is unavailable, all DDs will be notified. The assigned SSW will complete the *SIR (F063-03-48)* as soon as possible and submit per existing protocol.

Refer to [Attachment 1—Child Fatalities/Near Fatalities Checklist](#) and [Attachment 2—Guidelines for Child Fatality and Near](#)

[Fatality Reports for SSWs](#) for further information on responding to child fatalities and near fatalities.

ER Investigation

The ER SSW will complete the following in the investigation of a referral involving a child fatality or near fatality:

A. **Investigation:**

Investigate the referral following guidelines set forth in CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#).

Refer to CFS P&P [Abuse Investigations—Open Cases \(A-0402\)](#) for investigating referrals on open cases.

Refer to CFS P&P [Medical Assessment and Consultation \(MAC\) \(A-0418\)](#) for investigating referrals involving the MAC protocol.

B. **Documentation:**

The ER SSW will document child fatalities and near fatalities in CWS/CMS as follows:

1. **Fatalities:**

Document in CWS/CMS, the date of the child's death and the circumstances surrounding the death, per [CWS/CMS Data Entry Standards—Child Fatalities](#).

Note: Attach and create the child's client notebook and add the allegation before entering the child death information. This allows for the client disposition to be entered for the deceased child.

2. **Near Fatalities:**

Pursuant to ACL 16-109, verify that a physician has certified the child's medical condition as serious or critical. Document in CWS/CMS the following information, per [CWS/CMS Data Entry Standards—Child Near Fatalities](#):

- Medical condition of the child (e.g., serious, critical, etc.)
- Name of the physician certifying the child is in serious or critical condition and date of certification
- Date of conversation with physician, nurse, hospital social worker, or other medical professional, as applicable, regarding child's

- medical condition
- Circumstances of near fatality

Note: As outlined in ACL 16-109, certification that the near fatality victim is in serious or critical condition must be made by a physician.

Refer to CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#) for further information regarding documentation of investigation findings.

Referrals involving the death of a child will remain open until the following is received and included in the permanent record:

- Medical records pertaining to the child death
- Law enforcement reports
- *Coroner's Identification of the Cause and Manner of Death report, unless* it is known or anticipated that the information contained in the report will not have an impact on the allegation disposition

If a referral remains open, the ER SSW will ensure the Investigation Narrative is up-to-date, mandatory in-person visits have been completed, contacts have been entered into CWS/CMS, child fatality/near fatality information has been updated and documented, and the Structured Decision Making (SDM) Safety Assessment has been completed.

For additional information on completing mandatory in-person visits if a referral remains open, refer to the “Frequency of Child Contacts” Policy section of CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#).

For additional information on documentation of referral compliance contacts, refer to CFS P&P [Referral Compliance Contacts and Documentation \(A-0415\)](#).

For additional information on the utilization of SDM, refer to CFS P&P [Structured Decision Making \(D-0311\)](#).

For further guidelines on ER’s responsibilities for responding to child fatalities and near fatalities, refer to [Attachment 1—Child Fatalities/Near Fatalities Checklist for SSWs](#) and [Attachment 2—Guidelines for Child Fatality and Near Fatality Reports](#).

Open Case Or Referral

The assigned SSW (open case) or ER SSW (open referral) will complete the following in response to a child fatality or near fatality due to suspected child abuse or neglect, in situations where:

- An open referral or case was not originally reported to CAR as a child fatality or near fatality, however during the course of the investigation a child fatality or near fatality occurs

–Or–

- An open referral or case was assessed by CAR as a child near fatality requiring investigation and the child subsequently dies during the course of the ER investigation or during the time the case is open

A. **Reporting Requirements:**

Within **one hour** of receiving a report, including weekends, after-hours and holidays, **all** fatalities or near fatalities due to suspected child abuse or neglect will be reported to:

- Local law enforcement (unless already reported)
- CFS/SSA chain of command
- CAR (unless already reported)

Within **three hours** of receiving a report, including weekends, after-hours, and holidays, an initial *SIR (F063-03-48)* will be completed. Immediately send the *SIR (F063-03-48)* to the established CFS/SSA chain of command.

Note: If unable to complete the *SIR (F063-03-48)* within three hours due to situational circumstances, the assigned SSW will notify the designated SSSS by email and telephone of the delay. The designated SSSS will notify the appropriate PMs and DDs of the delay, in person, by telephone or by email. If the program DD is not available, all DDs will be notified. The assigned SSW will complete the *SIR (F063-03-48)* as soon as possible and submit per existing protocol.

B. **Documentation:**

The ER SSW will document child fatality and near fatality information in CWS/CMS as outlined above in Step B of the “ER Investigation” Policy section.

For additional information on documentation of referral compliance contacts, refer to CFS P&P [Referral Compliance Contacts and Documentation \(A-0415\)](#).

C. Follow-Up Reports:

Within **one** business day:

1. Notify the following applicable parties by telephone and in writing, when appropriate:
 - Parent(s) and concerned relatives
 - Supervising County Counsel for Juvenile Division
 - Resource Family Approval (RFA) staff
 - Kin and Foster Care Liaison
 - Community Care Licensing (CCL) Orange County (OC) Liaison

2. Complete an Ex Parte report for the Juvenile Court on open cases or cases where a petition has been filed.

For additional information on filing the Ex Parte report, refer to the “Case Closure Activities” section of [Attachment 2—Guidelines for Child Fatality and Near Fatality Reports](#).

D. Case Closure:

In accordance with CDSS MPP Division 31-090.27, the effective date of case closure will be no later than 30 days from the date the SSW is informed of the child’s death.

Prior to case closure the assigned SSW will:

1. Pending the Juvenile Court’s termination of dependency, verify contacts have been entered into CWS/CMS, and for dependency cases where there are surviving siblings in the home, complete the SDM Safety Assessment.

2. Provide case management and services to the parents and siblings or caregivers, as necessary and applicable.

For additional guidelines regarding closure of dependency and non-dependency cases, refer to CFS P&P [Case Closure \(E-0106\)](#).

For additional information on the utilization of SDM, refer to CFS P&P [Structured Decision Making \(D-0311\)](#).

Note: For open cases or referrals, the Quality Support Team (QST) designee will forward a copy of the *Coroner's Identification of the Cause and Manner of Death* report to the appropriate PM, SSSS, and assigned SSW.

Refer to [Attachment 2—Guidelines for Child Fatality and Near Fatality Reports](#) and [Attachment 1—Child Fatalities/Near Fatalities Checklist for SSWs](#) for further guidelines on responding to child fatalities and near fatalities for open cases/referrals and for case closure activities.

Closed Case or Referral

When a fatality or near fatality due to suspected child abuse or neglect of a child previously supervised by CFS is reported to a CFS program other than CAR, CFS staff receiving the report will complete the activities outlined below.

A. Reporting Requirements:

Within **one hour** of receiving a report, including weekends, after-hours and holidays, report the fatality or near fatality to:

- Local law enforcement (unless already reported)
- CAR
- The CFS/SSA chain of command

B. Follow-Up Reports:

Complete the initial *SIR (F063-03-48)* report within one business day.

Refer to [Attachment 2—Guidelines for Child Fatality and Near Fatality Reports](#) and [Attachment 1—Child Fatalities/Near Fatalities Checklist for SSWs](#), for further guidelines on reporting requirements.

Note: For child fatalities on closed cases or referrals, the QST designee will search CWS/CMS for the closed case or referral, go to the Client Management section, and in the Demographics page, enter the Coroner's findings as provided in the *Coroner's Identification of the Cause and Manner of Death* report.

C. **Fatality Records and Determination:**

If CFS staff receive determination of a child fatality on a closed referral or case:

1. Forward Coroner and law enforcement reports to closed files.
2. CFS staff with appropriate privilege will update CWS/CMS documentation (i.e., fatality circumstances and comments) according to procedure outlined in [CWS/CMS Data Entry Standards—Child Fatalities](#).

QST staff will update CWS/CMS documentation for near fatalities according to procedure outlined in [CWS/CMS Data Entry Standards—Child Near Fatalities](#).

Victim Assistance

As appropriate, the assigned SSW will arrange for assistance and support for the child’s family and/or relatives. CFS P&P [Foster Care Rates \(H-0112\)](#) details funding which may be available for burial expenses for child fatalities. SSA General Relief Manual [GR 80.4.c: Grants and Services](#) provides information on applying for a county burial or cremation. Refer to the “Fatality Resources” in the References section below for additional information.

Staff Support

The SSSS will assist the assigned SSW in addressing child fatalities and near fatalities. In consultation with the PM, consider:

- Relieving the assigned SSW of other casework duties
- Referring the staff member to the Employee Assistance Program (EAP), as needed

Refer to [CFS Resources](#), [Traumatic Event Response Guidelines](#) for additional information and guidance.

POLICY (SSA/CFS ADMINISTRATION)

Administrative Reports

A. **County Responsible for Reporting to CDSS:**

As it relates to a child fatality or near fatality determined to be due to child abuse or neglect:

1. Pursuant to ACL 08-13, if there is no open CWS/CMS referral or case, the county where the incident resulting in the fatality or near fatality occurred has the reporting responsibility.
2. If there is an open CWS/CMS referral or case, the county that currently has the open referral or case has the reporting responsibility, regardless of where the fatality or near fatality occurred.
3. Pursuant to CDSS MPP Division 31 § 502.122, if a county's involvement with the child fatality was limited to the provision of medical services to the victim child and/or the preparation and issuance of a coroner or medical examiner's report, the agency in the county where the abuse or neglect occurred will report on behalf of both counties.

B. QST Report to CDSS:

QST staff will complete the *Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826)* for each child fatality and near fatality **determined** to be a result of abuse and/or neglect. The form will be submitted to CDSS within **10 business days** of notification of final determination from the investigating agency. In addition:

1. The QST designee will confirm that program staff has completed the CWS/CMS entry of the following information, as applicable:
 - a. Child Fatality:
 - Date of death
 - Circumstances surrounding the death
 - b. Child Near Fatality:
 - Medical condition of the child (e.g., serious, critical, etc.)
 - Name of the physician who certified the child's condition as critical or serious
 - Date the child was certified by the physician
 - Date of the conversation with physician or hospital staff (e.g., nurse, hospital social worker) who provided the information
 - Circumstances of near fatality

Note: As outlined in ACL 16-109, certification that the near fatality victim is in serious or critical condition must be made by a physician.

If the data was not entered, the QST designee will enter the data and notify the SSW and SSSS.

2. The QST PM and CFS Director, or their designees will review and approve the *Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826)*.
3. The QST designee will route the approved *Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826)* via facsimile to CDSS.

C. **CFS Director Report to Juvenile Justice Commission (JJC) and Juvenile Court:**

1. Provide verbal notification to the following parties within **24 hours** of a **reported** child fatality or near fatality occurring on an open case:
 - Administrative Officer of the JJC
 - Presiding Judge of the Juvenile Court
 - SSA Director

Refer to SSA Administrative P&P [Client Death/Serious Incident Notification Dependent Children and Voluntary Supervision Cases \(D9\)](#) for additional notification information.

2. Follow-up with a brief summary report on the child fatality or near fatality compiled by the assigned PM, based on information (to be) contained in the *SIR (F063-03-48)*. Provide this report to the Presiding Judge of the Juvenile Court.

D. **SSA Director Reporting Responsibilities:**

Inform the following parties, in writing, of a child fatality or near fatality occurring on an open case:

- The Clerk of the Board of Supervisors (BOS)
- County Chief Executive Officer (CEO)
- Deputy County Executive Officer
- County Risk Management
- All BOS members

Public Release of Information

CFS staff will not release child fatality/near fatality information or case records. If a request is received for public disclosure, CFS staff will follow the guidelines below:

A. Media Inquiries Related to Fatalities/Near Fatalities:

1. Refer media to the SSA Public Information Officer (PIO) (see SSA Administrative P&P [Media Responses and Publicity Requests \[D 3\]](#)).
2. Report inquiries to:
 - CFS Division Director
 - CFS Deputy Directors
 - County Counsel
 - QST PM
 - SSSS and PM

B. Child Fatality Record Request:

1. CFS staff who receive a request for public release of information or records will **immediately** forward the request to the QST PM.
2. Upon receiving a request for public release of information the QST PM will notify the CFS Director.
3. Pursuant to WIC § 10850.4, the QST PM or designee will, after consultation with County Counsel, release the information outlined in **Step A** of [Attachment 4—Child Fatality Public Disclosure Guidelines](#), **within five business days** of learning that a child fatality has occurred and there is a reasonable suspicion the fatality was caused by abuse or neglect.

4. Pursuant to WIC § 10850.4, the QST PM or designee will, after consultation with County Counsel, release the information outlined in **Step B** of [Attachment 4—Child Fatality Public Disclosure Guidelines](#), **within 10 business days** of the request or the disposition of the investigation, whichever is later.
5. In accordance with ACL 16-109, the QST PM or designee will, **within 10 business days** after releasing the documents outlined in **Step B** of [Attachment 4—Child Fatality Public Disclosure Guidelines](#), provide a description of services rendered and actions taken that have not otherwise been disclosed in prior documents. The information will be released **no later than 20 business days** after the date the information is requested or the disposition of the investigation, whichever is later.

As needed, the QST PM or designee will contact the assigned SSW and SSSS for required information. The assigned SSW and SSSS will provide the information within the timeline requested by QST.

In the case of a child fatality in out-of-home placement, the name, date of birth, and date of death of the child must be released, if requested, in accordance with the Public Records Act (Government Code § 6252.6).

6. If a request is received for documents from a deceased child's juvenile case file, the CFS Custodian of Records will:
 - a. Consult the-QST PM.
 - b. Consult County Counsel, as needed, for questions or issues pertaining to notifying counsel of a request for juvenile case files.
 - c. Pursuant to MPP 31-502.38, immediately notify and provide a copy of the request to counsel representing any child directly or indirectly connected to the juvenile case file.

The Child Fatality/Near Fatality Juvenile Court Case Records Request (F063-25-602) will be

used to facsimile notification to the appropriate attorneys.

Note: Any requested public release of information **not** specified in [Attachment 4—Child Fatality Public Disclosure Guidelines](#) requires an 827 Petition to be filed with the Court for a decision on whether the information may be released.

C. **Child Near Fatality Record Request:**

1. CFS staff who receive a request for public release of information or records will immediately forward the request to the QST PM.
2. Upon receiving a request for public release of information the QST PM will notify the CFS Director.
3. Pursuant to WIC § 10850.45, upon request, the QST PM or designee will, **within 10 business days** of learning that a child near fatality was **determined** to have been caused by abuse or neglect, release the information outlined in **Step A** of [Attachment 3—Child Near Fatality Public Disclosure Guidelines](#).
4. Pursuant to WIC § 10850.45, the QST PM or designee will, **within 20 calendar days** of receiving a request for public disclosure or the disposition of the investigation, whichever is later,:
 - a. Use *Child Near Fatality County Report of Services Provided and Actions Taken (SOC 826A)* to complete a written report containing the information outlined in **Step B** of [Attachment 3—Child Near Fatality Public Disclosure Guidelines](#) for submission to CDSS.
 - b. Submit SOC 826A and any supporting documents to CDSS via electronic file uploaded to CWS/CMS.
 - c. Notify CDSS immediately via email at CIReporting@dss.ca.gov that a SOC 826A has been uploaded to CWS/CMS. Include the referral number of the child near fatality incident in the email.

Note: The SOC 826A does not replace the SOC 826. As referenced in the Policy section “QST Report to CDSS”, the SOC 826 must be submitted **within 10 calendar days** to notify CDSS of the child near fatality.

5. The QST PM or designee will, **within 30 calendar days** of either the request for public disclosure or the disposition of the investigation, whichever is later, release the information outlined in **Step C** of [Attachment 3—Child Near Fatality Public Disclosure Guidelines](#).

As needed, the QST PM or designee will contact the assigned SSW and SSSS for required information for a public disclosure. The assigned SSW and SSSS will provide the information within the timeline requested by QST.

6. If a request is received for documents from a child near fatality juvenile case file, the CFS Custodian of Records will:
 - a. Consult with the QST PM.
 - b. Consult County Counsel, as needed, for questions or issues pertaining to notifying counsel of a request for juvenile case files.
 - c. Pursuant to WIC § 10850.45, immediately notify and provide a copy of the request to counsel representing any child directly or indirectly connected to the juvenile case file.

The *Child Fatality/Near Fatality Juvenile Court Case Records Request (F063-25-602)* will be used to facsimile notification to the appropriate attorneys.

Note: Any requested public release of information **not** specified in [Attachment 3—Child Near Fatality Public Disclosure Guidelines](#) requires an 827 Petition to be filed with the Court for a decision on whether the information may be released.

D. **Redaction Prior to Release of Documents:**

Pursuant to WIC §§ 10850.4 and 10850.45, prior to public release of child fatality and near fatality information, documents are subject to redaction of the following information:

1. Identifying information as follows:
 - Names (unless in out-of-home care and/or specifically requested)
 - Addresses
 - Telephone numbers
 - Ethnicity
 - Religion
 - Social Security numbers
 - Referral or case numbers
 - Identifying information of any person or institution, other than the county or CDSS, as described in [Attachment 3—Child Near Fatality Public Disclosure Guidelines](#) or [Attachment 4—Child Fatality Public Disclosure Guidelines](#)

Note: Names, addresses, and telephone numbers of a county or state department or agency will not be redacted.

2. Any information that is privileged, confidential, or not subject to disclosure pursuant to any other state or federal law.
3. For child near fatalities:
 - Health care records related to the child or family
 - Information that is not relevant to the child near fatality as outlined in ACIN 1-08-17 and ACL 16-109
 - Information regarding any adult whose activities are not part of an event or do not have a material bearing on the circumstances that led to the near fatality
4. Any information that will jeopardize a criminal investigation or proceeding, per consult with the District Attorney (DA).

Pursuant to ACIN I-85-10, prior to consultation with the District Attorney, County Counsel will provide the DA with a copy of the child's record, redacted of all information outlined in Step 1–3 above.

The DA may only object to specific case record information that would jeopardize their investigation of the child fatality or near fatality. Therefore, County Counsel will provide the DA with sufficient information regarding documents SSA intends to release.

E. **Board of Supervisor Inquiries:**

Pursuant to WIC § 16502.5, the BOS may receive and review redacted records in the custody of the Juvenile Court or other involved county agencies relating to a child who has died and who had previously come to the attention of, or was under the supervision of, CFS. The following conditions apply to BOS access to records:

1. The BOS may only receive and review the information in closed session. An individual board member may not be the sole recipient of the information requested for review. The information or records obtained will be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.
2. The BOS or its members or staff may not disclose or release information obtained pursuant to WIC § 16502.5(a), unless otherwise permitted by state law, and are bound by all state and federal confidentiality laws.

F. **CDSS Inquiries:**

1. CFS staff will forward CDSS inquiries regarding child fatalities/near fatalities to the QST PM.
2. The QST PM and the CFS Director will coordinate and provide CFS responses to CDSS.

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—Child Fatalities](#)
 - [CWS/CMS Data Entry Standards—Near Fatalities](#)
 - [Attachment 1—Child Fatalities/Near Fatalities Checklist for SSWs](#)
 - [Attachment 2—Guidelines for Child Fatality and Near Fatality Reports](#)
 - [Attachment 3—Child Near Fatality Public Disclosure Guidelines](#)
 - [Attachment 4—Child Fatality Public Disclosure Guidelines](#)
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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 [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#)
- CFS P&P [Abuse Investigations—Foster Care \(A-0101\)](#)
- CFS P&P [Abuse Investigations—Open Cases \(A-0402\)](#)
- CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#)
- CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#)
- CFS P&P [Medical Assessment and Consultation \(MAC\) \(A-0418\)](#)
- CFS P&P [Case Closure \(E-0106\)](#)
- CFS P&P [Foster Care Rates \(H-0112\)](#)
- CFS P&P [Placement Change Notification \(K-0209\)](#)
- CFS P&P [Referral Compliance Contacts and Documentation \(A-0415\)](#)
- CFS P&P [Sensitive/Highly Sensitive Referrals/Cases \(F-0107\)](#)
- [CFS Resources/Traumatic Event Response Guidelines](#)
- SSA Administrative P&P [Client Death/Serious Incident Notification Dependent Children and Voluntary Supervision Cases \(D 9\)](#)
- SSA Administrative P&P [Media Responses and Publicity Requests \(D3\)](#)
- SSA Administrative P&P [Special Incident Report \(F 13\)](#)

Fatality Resources

- SSA General Relief Manual [GR 80.1: Grants and Services](#)
 - Grief Support Packet (support groups and articles on grief and bereavement) (access on the CFS N: drive under CFS Staff/Grief Support Groups – OC)
 - [Orange County Cemetery District](#) (burial resources)
 - [Orange County Coroner's Office](#) (contact information to obtain Autopsy Report, Fatality Certificate)
 - [Orange County Superior Court](#) (contact information on designated District Attorney for criminal case; enter case name)
 - [Social Service Agency General Relief](#) (contact information to apply for funds for indigent cremation or burial)
 - [The Memory Jar Company](#) (provides information on funeral planning, grief resources, and creating memorials for the deceased)
 - [The Unforgettables Foundation](#) (provides burial assistance for children to low-income families in Orange, Riverside, and San Bernardino Counties)
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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
Child Fatality/Near Fatality County Statement of Findings And Information	SOC 826
Child Near Fatality County Report of Services Provided and Actions Taken	SOC 826A
Child Fatality/Near Fatality Juvenile Court Case Records Request	F063-25-602
Special Incident Report	F063-03-48

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
Emergency Response Referral Information	IN-ERREFR
Emergency Response Notice of Referral Disposition	IN-MNRPTR

Brochures

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Welfare and Institutions Code § 300](#) provides guidelines under which a child is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court.

[Welfare and Institutions Code § 827](#) outlines criteria under which case file records may be viewed and restrictions to viewing case file records.

[Welfare and Institutions Code § 10850.4](#) outlines child welfare agency procedures for reporting and releasing information regarding child fatalities.

[Welfare and Institutions Code § 10850.45](#) outlines child welfare agency procedures for reporting and releasing information regarding child near fatalities.

[Welfare and Institutions Code § 16502.5](#) states a county board of supervisors may receive and review records in the custody of the juvenile court or any other involved county agencies relating to a child who has died and who had previously come to the attention, or was under the supervision of the county child welfare agency.

[Penal Code § 11164–11165.9](#) defines who is a mandated reporter, outlines reporting responsibilities, and provides definition for “child abuse and neglect.”

[Penal Code § 11166](#) provides definition of “reasonable suspicion”.

[Penal Code § 11167.5](#) states that child abuse or neglect investigations filed with the Department of Justice are confidential and may only be disclosed as provided by law.

[Penal Code § 11174.35](#) outlines responsibilities of the California Department of Social Services in identifying child death cases that were, or should have been reported by child protection service agencies.

[Penal Code § 11174.34](#) provides direction for the coordination and integration of state and local efforts to address fatal child abuse or neglect, and to create a body of information to prevent child deaths.

[Government Code § 6252.6](#) mandates the disclosure of the name, date of birth, and date of death of a foster child who is a minor.

[42 United States Code \(U.S.C.\) 5106a](#) provides the definition of child near fatality.

[California Rules of Court, Rule 5.553](#) prescribes actions to be taken by the Court when juvenile case files records of a deceased child are sought by a member of the public or the County Board of Supervisors.

[Title 22, Division 6, Chapter 1, Article 6 § 80061](#) outlines licensee reporting responsibilities when a client dies.

[CDSS Policy and Procedures Manual, Division 31 § 101.1](#) mandates child welfare agencies to respond to all referrals for service which allege a child is endangered by abuse, neglect, or exploitation.

[CDSS Policy and Procedures Manual, Division 31 § 086.27](#) mandates that the effective date of closure of family maintenance services cases to be no later than 30 days from the date the social worker is informed of the child's death.

[CDSS Policy and Procedures Manual, Division 31 § 088.28](#) mandates the effective date of closure of family reunification services cases to be no later than 30 days from the date the social worker is informed of the child's death.

[CDSS Policy and Procedures Manual, Division 31 § 090.27](#) mandates that the effective date of closure of permanent placement services cases to be no later than 30 days from the date the social worker is informed of the child's death.

[CDSS Policy and Procedures Manual, Division 11 § 11-420.2, Allowance for Funeral Expenses](#) provides guidelines for reimbursing foster parents for funeral expenses for a child receiving foster care at the time of the child's death.

[CDSS Policy and Procedures Manual, Division 31 § 502](#) provides guidelines for child fatality reporting, disclosure requirements, and redaction of privileged and confidential information.

[Orange County Juvenile Court Miscellaneous Order 528.7](#), Authorization for Inspection of Records by the Juvenile Justice Commission (JJC).

Orange County Juvenile Court Miscellaneous Order 536.2, Authorization for the sharing of information by members of the Orange County Child Death Review Team.

Orange County Juvenile Court Miscellaneous Order 540.1, Releasing the date of birth and date of death of a minor foster child.

Orange County Board of Supervisor Resolution No. 77-1297.

[All County Letter 09-02](#) outlines regulations implementing SB39 disclosure and reporting requirements.

[All County Letter 08-13](#) outlines changes for reporting and public release of records in cases of child fatality and near fatality due to child abuse or neglect.

[All County Letter 06-24](#) requires that states must provide relevant case specific information not only on child fatalities where there is reasonable suspicion of abuse or neglect but also on near fatalities.

[All County Letter 14-01](#) outlines the process for recording child fatalities.

[All County Letter 10-06](#) clarifies previous emergency regulations regarding the reporting and disclosure of child fatalities and near fatalities.

[All County Letter 12-20](#) outlines changes to CDSS MPP Division 31 regulations regarding redaction of information prior to public release of records.

[All County Letter 15-81](#) provides guidance for implementation of the revised CDSS MPP Division 31 regulations pertaining to public disclosure of child fatality information and clarifies timeframes for reporting child fatalities to CDSS.

[All County Letter 16-109](#) provides guidelines for implementing the provisions of Assembly Bill (AB) 1625 regarding public disclosure of child fatalities and child near fatalities determined to be the result of abuse or neglect.

[All County Information Notice I-85-10](#) clarifies reporting and disclosure responsibilities specific to child fatalities and near fatalities determined to be due to child abuse or neglect.

[All County Information Notice I-08-17](#) provides examples of relevant and not relevant documentation for public disclosure of child near fatalities pursuant to WIC § 10850.45.

[All County Information Notice I-09-11](#) provides information regarding online access for data, resources, and reporting and disclosure requirements as they relate to child fatalities and near fatalities resulting from abuse and/or neglect.

[Butterfield vs. Lightbourne \(2012\)](#): The California Superior Court found that CDSS MPP Division 31 § 31-502.33–35 was inconsistent with the intent of SB 39 and with WIC § 10850.4.

REVISION HISTORY

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

December 14, 2006
July 29, 2009
March 25, 2010
March 2, 2011
February 17, 2012
August 8, 2016