



Human Services Department
COUNTY OF SONOMA



#1865

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The Honorable Allan D. Hardcastle,
Presiding Judge
Superior Court State of California
600 Administration Drive
Santa Rosa CA 95403

GRAND JURY

Subject: Response –Grand Jury Report on Application of the Child Abuse Central Index

Dear Judge Hardcastle,

Attached is my response to the Grand Jury investigation of the Human Services Department, Family, Youth and Children's Division. The Grand Jury investigated the use of the Child Abuse Central Index which is administered by the State Department of Justice. The grand jury requested responses only to their recommendations not their findings. For convenience each recommendation is listed prior to the response.

If you have any questions please feel free to contact me.

Sincerely,

Dianne M. Edwards
Director

DME:cb

Cc: Sonoma County Board of Supervisors
Mike Chrystal, County Administrator
Eve Lewis, County Clerk
Denise Gordon, Court Administrator
Carol Bauer, Division Director, FYC



**RESPONSE TO THE 2004 GRAND JURY REPORT
APPLICATION OF THE CHILD ABUSE CENTRAL INDEX**

All of the recommendations for this investigation are located on **page 19** of the Final Grand Jury Report.

R1—Sonoma County CPS should carefully review the “inconclusive” category and provide input and make recommendations to the Department of Justice as to whether that category shall remain in any amendments to the statutory scheme.

Response to R1—The recommendation has already been implemented. The division reviewed the use of inconclusive and provided input through the County Welfare Directors Association.

The Child Abuse Central Index was recently the subject of a review by the Child Abuse and Neglect Reporting Act Task Force. The Task Force issued their report in the spring of 2004. The County Welfare Directors Association was represented on the task force and represented county interests during this process. Although the report contains a number of recommendations it does not recommend deletion or change to the inconclusive category. The report does note there are a number of issues in CACI that are already being litigated including whether or not there is a violation of due process. The department is tracking these potential changes and is committed to being in compliance with the regulations if and when they are changed.

R2—Until the law (PC 11165.6 & 11165.12) is changed, CPS should provide grounds for the listing to allow the person listed to prepare an appeal if they chose.

Response to R2—The recommendation will not be implemented, as it is not warranted. State regulations require that we notify the individual that their name has been submitted to CACI and the category, inconclusive or substantiated, under which the report was generated. The notice also lists the type of abuse, (physical emotional, or sexual), as well as instructions on how to file for a review of the submission. CPS follows the existing state policies when a party requests a review. The review process includes analysis of the case documentation, case notes and any other information pertinent to the decision making process. Requests for reviews are assigned to the Social Services Supervisors assigned to the CPS reporting line. This supervisor has no responsibility for investigations and has no staff involved in the process of determining whether a referral to CACI is required. At this time, the State regulations do not provide for an outside appeal process.

It also should be noted that a social work supervisor reviews all cases and approves the disposition of the case when the referral is closed. This includes a review of the basis for the determination of whether the allegations of abuse/neglect are unfounded, inconclusive or substantiated and whether a notification to the CACI is required. If the supervisor believes the grounds listed are not correct they discuss this with the social worker prior to approving the closure and submit a correction to CACI if warranted.

R3—Persons deemed to be such a danger to children that they are going to be listed in the CACI based upon an *inconclusive report*, should be notified, to the extent allowed by law, and given the opportunity to respond to CPS, prior to the name being released to the state Department of Justice.

Response to R3—The recommendation will not be implemented as is not warranted. The recommendation appears to be inconsistent with current law, which does not allow holding notice to DOJ pending notification to the party being reported. If the State regulations regarding reporting inconclusive cases to the CACI are modified to allow counties to hold notification pending a review, we will change our process to comply with any changes in the law.

The Child Abuse and Neglect Reporting Act Task Force recently reviewed the operations of the CACI. In the report the Task Force did not accept the proposal of withholding a suspect listing from the Index pending review or adjudication.