

COUNTY OF HUMBOLDT
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILD WELFARE SERVICES

POLICY & PROCEDURE

POLICY NUMBER: CWS 10-93	POLICY TITLE: CHILD FATALITY & NEAR FATALITY REPORTING AND CASE REVIEW	EFFECTIVE DATE: 08/03/2021
PROGRAM: Emergency Response CQI	REVISION DATES: 07/14/2021; 1/24/22	APPROVED BY CWS DIRECTOR: Amanda Winstead
		REFERENCES: ACL 15-11, SB 93, Core Practice Model Guide, ACL 21-98

OVERVIEW

This policy outlines the procedures for the Child Welfare Services (CWS) response to a report received regarding a child fatality or near fatality suspected to be a result of abuse or neglect. The below policy describes the technical aspect only and cannot capture the true impact the loss of a child brings to the families, Tribes, staff and community.

POLICY

It is the policy of CWS to report child fatalities and near fatalities to the California Department of Social Services as required, and make all required cross-reports to Tribes, Law Enforcement and responsible licensing agencies. It is also the policy of CWS to facilitate staff support opportunities in response to a child fatality/near fatality and to conduct case reviews on any child fatalities determined to be the result of child abuse or neglect, when there is current or prior CWS involvement. The purpose of the case review is to identify system concerns and inform continuous quality improvement activities to promote increasingly safe outcomes for children. It is CWS policy to provide voluntary space for staff to allow for processing, grieving and debriefing after a child fatality/near fatality.

DEFINITIONS

1. "Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.
2. "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

PROCEDURE

3. Notification to Tribes

- 3.1. When CWS takes a report regarding a fatality or near fatality of a child that is or may be eligible or enrolled in a federally recognized Tribe, CWS verifies eligibility/enrollment with the Tribe/s.
- 3.2. Once eligibility/enrollment is verified:

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3.2.1. CWS cross reports immediately (within one hour). If this timeframe cannot be met for reasons outside of the Agency’s control, CWS contacts the Tribe-as soon as practicably possible (no later than 24 hours or by 9:00 am the following business day), whichever comes first using the Tribes’ preferred method(s), pursuant to CWS Cross Reporting P&P 18-02.

3.2.2. The CWS Director or their designee directly contacts the Tribal Social Services Director of the child’s Tribe no later than 24 hours or by 9:00 am the following business day, whichever comes first.

4. Cross Reporting

4.1. When CWS takes a report regarding an allegation of physical, sexual, emotional abuse, severe neglect or exploitation, including reports that involve a child fatality or near fatality, the screening social worker immediately cross-reports to Law Enforcement (LE) and the District Attorney’s office using the Electronic Cross-reporting system, pursuant to CWS Cross Reporting P&P 18-02.

4.2. When CWS takes a report regarding a fatality or near fatality of a child that is in the care of a licensed substitute care provider, CWS cross reports to the responsible licensing agency of the care provider pursuant to the CWS Cross Reporting P&P 18-02.

4.3. When CWS takes a report regarding a fatality or near fatality of a child that resides outside the County’s geographic jurisdiction, the screening social worker immediately cross-reports to the child’s County of residence.

4.3.1. If the child’s County of residence is not known at the time of report, CWS (actively pursues this information including the utilization of internal database resources to identify prior addresses) cross-reports immediately as this information becomes available.

5. Intra-Departmental Reporting

5.1. Upon receiving a report of a fatality or near fatality of any child that is suspected of being caused by child abuse or neglect, notification through the chain of command is made using the order listed below. Notification to the DHHS Director is made no later than within 24 hours or by 9:00 am the following business day, whichever comes first.

5.1.1. The order of notification is as follows: the person taking the referral reports to his/her immediate supervisor; who in turn reports to the Emergency Response (ER) Program Manager (PM) and ER Analyst. The CWS ER PM in turn reports to a CWS Deputy Director; who in turn reports to the CWS Director, who in turn reports to the DHHS Director. If one of the above is not available at the time of the referral, report is made to the next one in the chain.

5.1.2. If the fatality or near fatality involves a child that is or may be eligible or enrolled in a federally recognized Humboldt County Tribe, the ER PM notifies the Indian Child Welfare Act (ICWA) PM. If the fatality or near fatality involves a child that is or may be eligible or enrolled in a federal recognized Humboldt County Tribe the (ICWA) PM immediately, upon receiving this

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information, contacts the CWS Director/Manager/Tribal Representative of the identified Tribe to inform/collaborate and identify next steps.

5.1.3. The ER Analyst completes an Incident Report and routes the incident report following the DHHS Incident Reporting Policy and Procedure (ES230).

6. Staff Support

6.1. If the child was in an open case or referral at the time of the fatality, a CWS Deputy Director or their designee requests support services for staff from County Behavioral Health.

7. External Reporting

7.1. California Department of Social Services (CDSS)

7.1.1. If the fatality/near fatality is determined to be the result of abuse and/or neglect, the ER Analyst completes the CDSS Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826), unless another designee is determined by the ER PM, through consultation with the Social Worker Supervisor (SWS). The completed form must be reviewed by the ER PM or CWS Deputy Director prior to submitting.

7.1.1.1. Upon final review by the SWS's PM or CWS Deputy Director, the CWS Analyst sends the SOC 826 to the CDSS Children's Services operations Bureau (CSOB) according to the instructions on the form within ten (10) days of when CWS is informed of the determination.

7.2. Attorney General/Compliance Monitor

7.2.1. During any period where Humboldt County CWS is subject to Attorney General monitoring, Humboldt County CWS adheres to the following:

7.2.1.1. Upon taking a report involving the fatality or near fatality of any child where the fatality/near fatality is suspected of being caused by child abuse or neglect and there is current or prior CWS involvement, including reports that were evaluated out, the CWS Deputy Director provides written notification to the third-party compliance monitor and to the Attorney General Stipulated Judgement within five (5) days. This does not include child fatalities or near fatalities that are reported to CWS with no allegations that the fatality/near fatality was caused by abuse or neglect.

7.2.1.2. The CWS Deputy Director forwards the notification to the third-party compliance monitor and to County Counsel who forwards the notification directly to the Office of the Attorney General.

7.2.2. Upon final determination that a fatality or near fatality was the result of abuse and/or neglect, the CWS Deputy Director provides written notification to the third-party compliance monitors and to the Attorney General Stipulated Judgement within ten (10) days of the final determination.

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7.2.2.1. The CWS Deputy Director forwards the notification to the third-party compliance monitor and to County Counsel who forwards the notification directly to the Office of the Attorney General.

7.2.3. The report from a Child Fatality Case Review is provided to the third-party compliance monitor within ten (10) days of the report being finalized.

7.2.3.1. The CWS Deputy Director forwards the Case Review report to County Counsel who forwards the report directly to the Office of the Attorney General.

7.2.4. All communications by the CWS Deputy Director include a carbon copy (cc) to the CWS Director, DHHS Director and Tribal CWS Directors when applicable.

8. CWS In-Person Response

8.1. Upon taking a report involving the fatality or near fatality of any child where the fatality is suspected of being caused by child abuse or neglect, CWS assigns the report for an in-person immediate response.

8.1.1. An investigation is still required even if there are no other children in the home (ACL 21-98).

8.2. If the child fatality or near fatality is a result of an accident or natural causes as determined by law enforcement, Coroner, or a physician's report, and the report includes no allegations of abuse or neglect, CWS documents as Information Only.

8.2.1. CWS notifies the Tribe if the fatality or near fatality is the result of an accident and the child has been identified as a member or eligible for membership with a Humboldt County Tribe.

9. Public Record Request

9.1. Upon public request the agency is required to release a limited amount of information concerning the fatality/near fatality that is suspected to be the result of abuse and/or neglect within five (5) business days of the request. The releasable information includes:

9.1.1. The age and gender of the child

9.1.2. The date of the fatality

9.1.3. Whether the child was in foster care or in the home of his/her parent/guardian at the time of the fatality

9.1.4. Whether an investigation is being conducted by law enforcement or CWS/Probation

9.2. If the fatality/near fatality is determined to be a result of abuse and/or neglect, the agency is required to release additional information upon request. The additional information required for release is listed in Welfare and Institutions Code section 10850.4, subdivision (c) and shall be released to the public within ten (10) business days of the request or the disposition of the investigation, whichever is later.

9.2.1. CWS will not release information to the public prior to the Tribes having notified the Tribal Community through the Tribes internal process, when the child is identified as a Tribal member or

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eligible for membership but not to exceed ten (10) business days of the request or the disposition of the investigation, whichever comes first.

- 9.2.2. Efforts to gather the information for release and any communication with the requesting party will be coordinated with the designated Public Education Officer and County Counsel.

10. Case Review

- 10.1. Upon the final determination that a fatality/near fatality was the result of abuse/neglect, and the child or involved caregivers have current or prior CWS involvement, CWS initiates a case review of CWS involvement, including reports received that were evaluated out.
- 10.2. The CWS Continuous Quality Improvement (CQI) program is responsible for coordinating the Case Review.
 - 10.2.1. The CWS CQI Deputy Director may consult with the CWS Director and DHHS Director and Tribal CWS Director when applicable to determine the staff person to be assigned to complete the Case Review.
 - 10.2.2. The CWS CQI Deputy Director may consult with the CWS Director and DHHS Director and Tribal CWS Director when applicable to determine whether to contract externally for the Case Review.
 - 10.2.3. Staff who have worked directly with the child will not be assigned Case Review activities.
- 10.3. The Case Review process includes the completion of Structured Decision Making (SDM) referral and case reading tools. SDM referral and case reading tools are completed for all reports and/or ongoing services within five (5) years prior to the fatality/near fatality.
 - 10.3.1. SDM Critical Case Review Checklist for Referrals are completed for all investigations conducted within five (5) years prior to the fatality/near fatality.
 - 10.3.2. SDM Critical Case Review Checklist for Cases are completed for all cases open within five (5) years prior to the fatality/near fatality.
 - 10.3.3. Additional review tools may be used in the case review process.
- 10.4. The designated Case Reviewer compiles a report detailing their review process, as well as findings and recommendations from the case review, and includes all completed tools as attachments.
 - 10.4.1. The Case Review Report is submitted to the CWS Deputy Director who in turn submits the report to the CWS Director and the DHHS Director
 - 10.4.2. If the child is or may be eligible or enrolled in a federally recognized Humboldt County Tribe, the CWS Director or their designee submits the report to the Tribe within ten (10) days of the report being finalized.
 - 10.4.3. Data from the completed case review and the SOC 826 is logged in a CQI database for the purpose of aggregating and analyzing the data to identify system gaps and track change over time.

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10.5. The CQI program produces an annual report summarizing the data analysis and provides these reports to the CWS Director and the DHHS Director.

11. Confidentiality/Sensitive Case

11.1. Confidentiality shall be maintained at all times and only staff with an identified business need shall discuss any information related to the fatality or near fatality.

11.2. If it is known that the fatality or near fatality involves a DHHS CWS employee or intern, a CWS Employee Relation, a CWS Associate, a Humboldt County elected official, an individual considered a high profile or of special interest to the media, or when specified by the CWS Director, the involved client(s) are labeled as “sensitive” in CWS/CMS, pursuant to the Child Welfare Sensitive Referrals and Cases (15-27) P&P.

11.3. Family Relations include spouses, domestic partners, family members, close friends, children, associates, etc.If the fatality or near fatality becomes high-profile (for example, covered extensively in the media), the CWS Director may direct staff to label the involved client(s) as sensitive in CWS/CMS.

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