



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

April 8, 2016

ALL COUNTY INFORMATION NOTICE NO. I-21-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS
ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: COMMERCIALY SEXUALLY EXPLOITED CHILDREN (CSEC)
300(b)(2) AND CHILD ABUSE CENTRAL INDEX (CACI)

REFERENCES: SENATE BILL (SB) 855, CHAPTER 29, STATUTES OF 2014;
PENAL CODE SECTIONS 11165.2, 11165.6, 11169(a), WELFARE
AND INSTITUTIONS CODE SECTION 300(b), AND MANUAL OF
POLICIES AND PROCEDURES, DIVISION 31, SECTION 31-
002(c)(9) AND (n)(1)

At the request of counties, this All County Information Notice (ACIN) is being released to clarify that a parent or guardian’s name is not referred to the Child Abuse Central Index (CACI) in cases involving commercially sexually exploited children when the only substantiated allegation regarding the parent or guardian is “general neglect.”

Specifically:

During the investigation and filing of a case involving a child who has been commercially sexually exploited, county social workers should examine the facts and circumstances of each individual case to determine the applicable allegation(s) of child abuse or neglect, as defined by Penal Code Section 11165.6 and Manual of Policies and Procedures, Division 31, Section 31-002(c)(9) and (n)(1), that will be substantiated, and to appropriately identify the perpetrator in each allegation of abuse/neglect.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

When filing a petition to bring a commercially sexually exploited child within the jurisdiction of the juvenile court pursuant to Welfare and Institutions Code (WIC) Section 300, social workers should work closely with their county counsel to determine whether the most appropriate petition to file is under WIC Section 300(b) or another subdivision of WIC 300.

In cases where the parent is not the exploiter of the child and the only allegation substantiated regarding the parent is “general neglect,” as defined in Penal Code Section 11165.2(b), the substantiated report of “general neglect” is not referred to the CACI pursuant to Penal Code Section 11169(a).

- Penal Code Section 11165.2: As used in this article, “neglect” means the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare. The term includes both acts and omissions on the part of the responsible person.
 - (a) “Severe neglect” means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. “Severe neglect” also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.
 - (b) “General neglect” means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.
- Penal Code Section 11169: An agency specified in Section 11165.9 shall forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined to be substantiated, other than cases coming within subdivision (b) of Section 11165.2. An agency shall not forward a report to the Department of Justice unless it has conducted an active investigation and determined that the report is substantiated, as defined in Section 11165.12.

All County Information Notice No. I-21-16
Page Three

If you have any additional questions, please call the Child Welfare Policy and Program Development Bureau at (916) 651-6160, or email the Child Trafficking Response Unit at CSECProgram@dss.ca.gov.

Sincerely,

Original Document Signed By:

KEVIN GAINES, Chief
Child Protection and Family Support Branch

c: CWDA