

CDSS POLICY INTERPRETATION AND CWS/CMS FUNCTIONALITY REGARDING CASE PROMOTION AND ALLEGATION CONCLUSION

Policy Interpretation (CDSS communication to CRC, 2016):

1. CDSS advises there is no regulatory or statutory requirement that prohibits opening a services case following an investigation that results in an unfounded or inconclusive allegation conclusion.
2. Division 31 regulations (Section 31-201.12) do not specifically require a substantiated allegation when considering a case plan goal.
3. Welfare and Institutions Code (WIC) 16506(b) reads that Family Maintenance services may be provided to "Families whose child is in potential danger of abuse, neglect or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's home only with the provision of services."
4. WIC 301 states: "In any case in which a social worker, after investigation of an application for petition or other investigation he or she is authorized to make, determines that a child is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the social worker may, in lieu of filing a petition . . . and with consent of the child's parent or guardian, undertake a program of supervision of the child. If a program of supervision is undertaken, the social worker shall attempt to ameliorate the situation that bring the child within, or creates a probability that the child will be within, the jurisdiction of Section 300."

CWS/CMS Functionality Reinforced Beliefs About Need for Substantiated Allegation

5. All-County Letter 07-52 notes that the SDM® safety and risk assessments can help counties to determine which cases may need such services and provides the background for how CWS/CMS functionality evolved over time related to this issue.
 - Between 1997 and 2007, it was not possible to open a case without a substantiated allegation in CWS/CMS.

- In 2007, as a fiscally efficient work-around to CWS/CMS, the allegation of "substantial risk" was added to allow opening of a voluntary services case for households without a substantiated allegation.
- In 2010, CWS/CMS was again modified to allow opening of a case regardless of referral disposition, and the allegation of substantial risk was removed. "Family services" was added as an intervention reason.