

**DEPARTMENT OF JUSTICE REGULATIONS
FOR CHILD ABUSE OR SEVERE NEGLECT REPORTS RECORDKEEPING INDEXING**

**ARTICLE 1: ~~REPORT OF CHILD ABUSE~~ ADMINISTRATION OF THE CHILD ABUSE
CENTRAL INDEX**

Section 900. Scope.

The Automated Child Abuse System (ACAS) is the centralized system for collecting reports of suspected child abuse and severe neglect pursuant to Penal Code section 11170. The ACAS is maintained by DOJ as a statewide reference file.

These regulations relate to the policies and practices of DOJ with regard to its Standard Reporting Form; its review and verification procedures for reports submitted; its notification procedures in response to reports and its procedures for processing reports submitted by reporting agencies with different investigative determinations; the scope of information released in response to valid inquiries; procedures for confirmation and notification regarding ACAS inquiries for peace officer pre-employment, TrustLine Registry, child care licensing and employment, and adoption and placement of children; and inquiries received from private citizens regarding their own record. These regulations also identify how DOJ tracks inquiries and responses thus creating an audit trail of all inquiries resulting in possible matches, and set forth procedures for record sealing orders received from the courts.

The regulations in this article are enacted pursuant to Penal Code sections 11169 and 11170 and set forth the procedures used by the California Department of Justice (DOJ) to administer the Child Abuse Central Index (CACI). The CACI is created pursuant to the Child Abuse and Neglect Reporting Act (CANRA). (Penal Code section 11164 et seq.)

CANRA requires that instances of suspected child abuse or neglect be investigated by county welfare departments or local law enforcement agencies. When an agency conducting an abuse or neglect investigation determines that the allegations of abuse or severe neglect are either substantiated or inconclusive, as defined by CANRA, the agency must submit, pursuant to Penal Code section 11169(a), a report in writing to the DOJ indicating the agency's finding of possible child abuse or severe neglect. The DOJ is required to prepare a form to be used by the investigating agency to report its finding of substantiated or inconclusive child abuse or severe neglect to the DOJ. The CACI contains the information submitted to the DOJ by the investigating agencies on the Child Abuse or Severe Neglect Indexing Form (BCIA 8583).

The submitting investigating agencies are solely responsible for the accuracy and completeness of the information required on the BCIA 8583. The DOJ is responsible for ensuring that the CACI accurately reflects the information the DOJ receives on the reporting form from the submitting agency. The information in CACI is confidential and shall only be provided to entities authorized to receive it pursuant to Penal Code sections 11167.5, 11170 and 11170.5 or any other provision of law.

These regulations broadly describe how CACI information is collected and disseminated, and

include the BCIA 8583 that the investigating county welfare departments and local law enforcement agencies must use to report its finding of substantiated or inconclusive child abuse or severe neglect.

NOTE: Authority cited: Penal Code ~~§~~section 11170(a)(1), Penal Code. Reference: Sections 11165.9, 11169, 11170, Penal Code.

Section 901. Definitions. Form Required for Submitting Report of Suspected Child Abuse or Severe Neglect.

(a) ~~“Active Investigation” means the activities of an agency in response to a report of known or suspected child abuse. For purposes of reporting information to the Child Abuse Central Index, the activities shall include, at a minimum: assessing the nature and seriousness of the known or suspected abuse; conducting interviews of the victim(s) and any known suspect(s) and witness(es) when appropriate and/or available; gathering and preserving evidence; determining whether the incident is substantiated, inconclusive, or unfounded; and preparing a report that will be retained in the files of the investigating agency.~~

(b) ~~“Audit Trail” is the method used by DOJ to track inquiries to ACAS to determine the requestor and the response provided. (See § 910)~~

(c) ~~“Automated Child Abuse System” (ACAS) means the current system used by DOJ to electronically store reports of child abuse submitted by investigating agencies. ACAS is also known as the Index and the Child Abuse Central Index. Child Abuse Central Index and the Index are the same terms as used in Penal Code section 11170.~~

(d) ~~“Child” is the same term as defined in Penal Code section 11165.~~

(e) ~~“Child Abuse” is the same term as defined in Penal Code section 11165.6.~~

(f) ~~“Confirmation” is the DOJ process of contacting the agency that submitted the report to confirm that the underlying investigative report is still available and is not unfounded. (See § 908)~~

(g) ~~“DOJ” means the Department of Justice.~~

(h) ~~“General Neglect” is the same term as used in Penal Code section 11165.2.~~

(i) ~~“Inconclusive Report” is the same term as defined in Penal Code section 11165.12(e). This category was originally termed “unsubstantiated report” and was renamed by Chapter 842 of the Statutes of 1997, effective January 1, 1998.~~

(j) ~~“Investigative Report” or “Underlying Investigative Report” means original and supplemental investigative documents developed by an agency during an investigation of a child abuse incident and that resulted in a report to DOJ.~~

~~(k) "Possible Match" means DOJ staff has checked a specific name as the result of an inquiry and has, based on the name and other items of personal description (date of birth, social security number, driver's license number, or address), matched that name to an existing report(s) in ACAS. The match is considered possible because it has not been confirmed absolutely with positive matching processes such as a fingerprint comparison.~~

~~(l) "Report" means an entry in ACAS reporting the investigation of a suspected incident of child abuse or severe neglect. All mandatory information as specified in regulation § 903 must be included for the report to be entered into ACAS. (See § 903)~~

~~(m) "Severe Neglect" is the same term as used in Penal Code section 11165.2.~~

~~(n) "Submitting Agency" means the agency that forwarded the completed summary report on which an ACAS entry is based.~~

~~(o) "Substantiated Report" is the same term as defined in Penal Code section 11165.12(b).~~

~~(p) "Suspect" means a person who has been designated as a suspect in an agency's child abuse investigation and subsequently reported as such to DOJ.~~

~~(q) "Unfounded" is the same term as defined in Penal Code section 11165.12(a). Unfounded reports are not forwarded to DOJ for inclusion in the ACAS.~~

~~(r) "Unsubstantiated" means a report that is determined by a child abuse investigator not to be unfounded, but in which the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect has occurred. (This category was renamed "inconclusive" by Chapter 842 of the Statutes of 1997, effective January 1, 1998.)~~

~~(s) "Verification" means the process DOJ uses to insure that the data entered into ACAS is accurately entered into ACAS. (See § 904)~~

~~(t) "Victim" means a person who has been designated as a victim in a child abuse investigative report and subsequently reported as such to DOJ.~~

(a) Agencies required to report instances of known or suspected child abuse or severe neglect for inclusion in CACI pursuant to Penal Code 11169 shall make their report of known or suspected abuse or severe neglect on the BCIA 8583. In the event the DOJ issues a subsequent form different from the one provided in these regulations, the submitting agencies must obtain and use the most recent version of the BCIA 8583 when submitting their report to the DOJ. All information on the BCIA 8583 must be fully and accurately completed by the submitting agency.

(b) The following BCIA 8583 shall be used for submitting reports of child abuse or severe neglect the DOJ:

*** REVISED 8583 ***

CHILD ABUSE OR SEVERE NEGLECT INDEXING FORM

Entire Form To be Completed by Submitting Child Protective Agency
 Pursuant to Penal Code section 11169

FOR DOJ RCN USE ONLY

- INITIAL REPORT
 AMENDED REPORT (attach copy of original 8583 and complete Sections A, C and all other applicable fields)

A. SUBMITTING AGENCY

1. SUBMITTING AGENCY: (Enter complete name and agency type, i.e. Police, Sheriff, Welfare, Probation)		2. AGENCY REPORT NO./CASE NAME:	
3. AGENCY ADDRESS: Street	City	Zip Code	4. NAME OF INVESTIGATING PARTY:
			5. AGENCY TELEPHONE: ()

B. INCIDENT INFORMATION

1. DATE OF REPORT:	2. DETERMINATION MADE: (check only one box) <input type="checkbox"/> SUBSTANTIATED (Penal Code section 11165.12(b)) <input type="checkbox"/> INCONCLUSIVE (Penal Code section 11165.12(c))		
3. DATE OF INCIDENT:	4. TYPE OF ABUSE: (check one or more) <input type="checkbox"/> PHYSICAL INJURY <input type="checkbox"/> MENTAL / EMOTIONAL SUFFERING <input type="checkbox"/> SEXUAL ABUSE, ASSAULT, EXPLOITATION <input type="checkbox"/> SEVERE NEGLECT <input type="checkbox"/> WILLFUL HARMING / ENDANGERMENT <input type="checkbox"/> UNLAWFUL CORPORAL PUNISHMENT OR INJURY		

C. AMENDED REPORT INFORMATION

Original Agency Report No/Case Name: _____ Date of Incident: _____ Type of Abuse: _____

CHANGED TO INCONCLUSIVE ADDED ADDITIONAL INFORMATION
 CHANGED TO SUBSTANTIATED CORRECTED REPORT INFORMATION
 NOW UNFOUNDED UNDERLYING INVESTIGATIVE FILE NO LONGER AVAILABLE

Comment: _____

D. PARTIES

VICTIMS	1. NAME Last First Middle AKA DOB APPROX. AGE: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *
	DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN IS VICTIM DEVELOPMENTALLY DISABLED (4512(A) W&I)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
	2. NAME Last First Middle AKA DOB APPROX. AGE: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *
SUSPECTS	1. NAME Last First Middle AKA DOB APPROX. AGE: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *
	ADDRESS: Street City Zip Code HGT WGT EYES HAIR SOCIAL SECURITY NUMBER: DRIVER'S LICENCE NUMBER:
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> PARENT/STEPPARENT <input type="checkbox"/> SIBLING <input type="checkbox"/> OTHER RELATIVE <input type="checkbox"/> FRIEND / ACQUAINTANCE <input type="checkbox"/> STRANGER
OTHER	2. NAME Last First Middle AKA DOB APPROX. AGE: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *
	ADDRESS: Street City Zip Code HGT WGT EYES HAIR SOCIAL SECURITY NUMBER: DRIVER'S LICENCE NUMBER:
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> PARENT/STEPPARENT <input type="checkbox"/> SIBLING <input type="checkbox"/> OTHER RELATIVE <input type="checkbox"/> FRIEND / ACQUAINTANCE <input type="checkbox"/> STRANGER
	3. NAME Last First Middle AKA DOB APPROX. AGE: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *
4. NAME Last First Middle AKA DOB APPROX. AGE: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	

* RACE CODES: W-White, B-Black, H-Hispanic, I-American Indian, F-Filipino, P-Pacific Islander, C-Chinese, J-Japanese, A-Other Asian, Z-Asian Indian, D-Cambodian, G-Guamanian, U-Hawaiian, K-Korean, L-Laotian, S-Samoan, V-Vietnamese, O-Other, X-Unknown

USE ADDITIONAL SHEET(S) IF NECESSARY CHECK HERE IF ADDITIONAL SHEET(S) IS ATTACHED.

*** Revised 8583 Instruction Page ***

DEPARTMENT OF JUSTICE (DOJ)
CHILD ABUSE OR SEVERE NEGLECT INDEXING FORM (BCIA 8583)
GUIDELINES FOR USE AND COMPLETION

(For specific legal requirements regarding reporting abuse or severe neglect, refer to California Penal Code sections 11164 through 11174.3.)

REPORTING CHILD ABUSE OR SEVERE NEGLECT TO DOJ

An agency subject to the requirements of Penal Code sections 11165.9 and 11169(a) must report to the DOJ every incident of suspected child abuse or severe neglect for which it conducts an investigation and for which it determines that the allegations of abuse or severe neglect are either substantiated or inconclusive. The agency must report on the Child Abuse or Severe Neglect Indexing Form (BCIA 8583) indicating the agency's finding of possible child abuse or severe neglect.

Submit the completed BCIA 8583 to the DOJ as soon as possible after completion of the investigation because the information may contribute to the success of another investigation. It is essential that the information on the form be complete, accurate and timely to provide the maximum benefit in protecting children and identifying instances of suspected abuse or severe neglect.

WHAT INCIDENTS MUST BE REPORTED

Abuse of a minor child, i.e., a person under the age of 18 years, involving any one of the below abuse types: (Refer to Penal Code sections 11165.1 through 11165.6 for definitions.)

- Physical injury
- Mental/emotional suffering
- Sexual (abuse, assault and exploitation)
Severe neglect
- Willful harming/endangerment
- Unlawful corporal punishment/injury
- Death

GENERAL INSTRUCTIONS

- Indicate whether you are submitting an INITIAL REPORT or an AMENDED REPORT by checking the appropriate box at the top of the form.
- All information blocks contained on the BCIA 8583 should be completed by the submitting child protective agency. If information is not available, indicate "UNK" in the applicable field.
- Section B, block 2. DETERMINATION MADE.
SUBSTANTIATED Defined by Penal Code section 11165.12(b) to mean circumstances where the evidence makes it more likely than not that child abuse or neglect, as defined, occurred.
INCONCLUSIVE Defined by Penal Code section 11165.12(c) to mean circumstances where child abuse or neglect are determined not to be unfounded, as defined, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined, has occurred.
- Section C, AMENDED REPORT INFORMATION Only use this section to update information previously submitted on BCIA 8583. Attach a copy of the original BCIA 8583 and complete Sections A, C, and all other applicable fields.
CHANGED TO INCONCLUSIVE A previously submitted BCIA 8583 indicated as SUBSTANTIATED is being reclassified to INCONCLUSIVE.
CHANGED TO SUBSTANTIATED A previously submitted BCIA 8583 indicated as INCONCLUSIVE is being reclassified to SUBSTANTIATED.
NOW UNFOUNDED A previously submitted BCIA 8583 indicated as SUBSTANTIATED or INCONCLUSIVE is being reclassified to UNFOUNDED.
ADDED ADDITIONAL INFORMATION Supplementary information is being provided for a previously submitted BCIA 8583. (Cases in which subsequent child death has resulted must be reported.)
CORRECTED REPORT INFORMATION Check this box to indicate that information submitted on an initial BCIA 8583 is being corrected.
UNDERLYING INVESTIGATIVE FILE NO LONGER AVAILABLE Check this area if your agency no longer retains the underlying investigative file that supports a previously submitted BCIA 8583.
COMMENT Use this area only if you are reporting amended information that relates to one victim or suspect there is a need to clarify which victim or suspect the amended information applies to when the initial report contained multiple victims and/or suspects.

WHERE TO SEND THE FORM (For DOJ Reporting Only)

Department of Justice
Bureau of Criminal Information and Analysis
P.O. Box 903387
Sacramento, CA 94203-3870
ATTENTION: Child Protection Program
Telephone: (916) 227-3285
Web Page: www.ag.ca.gov/childabuse

(revised 030708.doc)

NOTE: Authority cited: Penal Code Section 11170(a)(1), Penal Code. Reference: Sections 11165, 11165.2, 11165.6, 11165.9, 11165.12(a), 11165.12(b), 11165.12(c), 11169 and 11170(a), Penal Code; and Section 1596.60, Health and Safety Code. Reference: Penal Code sections 11169(a) and 11170(a)(1).

Section 902. Purpose of ACAS. Responsibilities of Agencies Submitting Reporting Form.

The purpose of ACAS is to serve as the index of investigated reports of suspected child abuse and severe neglect maintained by DOJ pursuant to Penal Code section 11170(a). The ACAS consists only of those reports of child abuse and severe neglect that meet the criteria specified in the Child Abuse and Neglect Reporting Act (Penal Code section 11164, et seq.) and that are complete as specified by these regulations. The ACAS is a reference file and is used to refer authorized individuals or entities to the underlying child abuse investigative report maintained at the reporting agency. It is the responsibility of authorized individuals or entities to obtain and review the underlying investigative report and make their own assessment of the merits of the child abuse report. They shall not act solely upon ACAS information.

(a) In order to fully meet its obligations under CANRA, an agency required to report instances of known or suspected child abuse or severe neglect must complete all of the information on the BCIA 8583. Only information from a fully completed BCIA 8583 will be entered into the CACI. Incomplete forms will be returned to the submitting agency and the agency must resubmit a completed form to fulfill its reporting responsibilities under CANRA and Penal Code section 11169(a). Penal Code section 11170(a)(2) provides that the submitting agency is responsible for the accuracy and completeness of the report required by CANRA and states that the DOJ is only responsible for ensuring that the CACI accurately reflects the report it receives from the submitting agency. Accordingly, the DOJ presumes that the information provided by the submitting agency on the BCIA 8583 is accurate. The DOJ does not conduct an investigation to verify the accuracy of the information submitted nor does it investigate the quality or accuracy of the abuse or severe neglect investigation conducted by the submitting agency.

(b) A submitting agency must immediately notify the DOJ of any changes to information previously provided on a BCIA 8583 by submitting an amended BCIA 8583. An instance when an amended BCIA 8583 is required includes, but is not limited to, a circumstance where the submitting agency changes a prior finding of substantiated or inconclusive abuse or severe neglect to one of unfounded. Conversely, if an original finding of an unfounded allegation of abuse or severe neglect is later reclassified as inconclusive or substantiated, the investigating agency must submit a BCIA 8583 to meet its reporting obligations under CANRA.

(c) A primary purpose of CACI is to permit authorized entities to locate prior reports detailing investigations of known or suspected child abuse or severe neglect. The submitting agency must permanently retain investigative reports for which it has submitted a BCIA 8583, or earlier version of this form, if the investigative report substantiated allegations of abuse or severe neglect. If the investigative report was inconclusive about the existence of child abuse or severe neglect, the report must be retained for ten years unless there is an investigation of subsequent allegations of child abuse

or severe neglect against the same child or by the same suspect(s) which determines the allegations are not unfounded. If the investigation of subsequent allegations is inconclusive, the original investigative report and the subsequent investigative report must be retained for ten years after filing the BCIA 8583 for the subsequent instance of abuse or severe neglect with DOJ. When the subsequent investigation determines that the subsequent allegations of abuse or severe neglect are substantiated, all prior remaining investigative reports involving the same victims or suspects must be retained permanently.

(d) If a submitting agency has lost, destroyed or otherwise no longer retains the investigatory file(s) for a prior report of substantiated or inconclusive abuse or severe neglect that caused a person to be listed on CACI, the submitting agency shall immediately notify the DOJ of the loss, destruction or non-retention of the investigatory file by filing an amended BCIA 8583 indicating that the investigatory file is no longer retained. The DOJ will remove from CACI the names of individuals for whom the submitting agency has lost, destroyed or no longer retains the investigatory file(s) that caused the agency to report the person for inclusion on CACI.

NOTE: Authority cited: Penal Code Section 11170(a)(1), Penal Code. Reference: Sections 11165.9, 11169, 11170(a)(1) and (2), Penal Code. Reference: Penal Code sections 11169(a), 11169(c), 11170(a)(1), 11170(a)(2), and 11170(a)(3).

Section 903. Standard Reporting Form for Reports of Child Abuse Maintained in ACAS. Entities Authorized to Access CACI Information May Not Make Determinations Based Solely on the CACI Listing.

~~(a) The “Child Abuse Summary Report” Form SS 8583 is the standard reporting form required to report investigative summaries of suspected incidents of child abuse and severe neglect to ACAS. Reporting agencies shall submit Form SS 8583 to DOJ after an active investigation has been conducted and the incident has been determined not to be unfounded. Reporting agencies must obtain and use the most recent version of the SS 8583 when submitting the report to DOJ. The most recent version of the SS 8583 must be the basis for any report in an automated format submitted to DOJ.~~

~~(1) If a report is submitted on a form pre-dating the current SS 8583, and DOJ receives an inquiry that requires a confirmation of the report, the information on the report originally submitted must comply with the reporting requirements of the current Form SS 8583. (See § 908)~~

~~(2) All information items on the standard report Form SS 8583 should be completed by the investigating agency. Certain information items on the SS 8583 must be completed by the investigating agency in order for it to be considered a “retainable report” by DOJ and entered into ACAS. Reports without these items will be returned to the contributor. These information items are:~~

~~(A) The complete name of the investigating agency and type of agency.~~

- (B) ~~The agency's report number or case name.~~
- (C) ~~The action taken by the investigating agency.~~
- (D) ~~The specific type of abuse.~~
- (E) ~~The victim(s) name, birth date or approximate age, and gender.~~
- (F) ~~Either the suspect(s) name or the notation "unknown," birth date or approximate age, and gender.~~
- (G) ~~Verification (yes, no) that an active investigation was conducted and that the victim(s) were contacted. Verification (yes, no, no suspect) that suspect(s) were contacted and verification (yes, no, no witness) that witness(es) were contacted. An explanation is required if contacts were not made.~~
- (H) ~~Verification (yes, no) that the suspect was given written notice that his/her name will be placed in the Child Abuse Central Index per PC 11169(b). An explanation is required if no written notice was given.~~

~~(b) The following form shall be the standard reporting form for submitting summary reports of child abuse and severe neglect to DOJ:~~

~~*A primary purpose of CACI is to permit authorized entities to locate prior reports detailing investigations of known or suspected child abuse or severe neglect. An entity receiving information from CACI is responsible for reviewing the underlying investigative file(s) from the agency submitting the CACI report and making an independent assessment regarding the merits of the investigating agency's finding of substantiated or inconclusive child abuse or severe neglect. Penal Code section 11170(b)(9)(A) provides that an entity receiving CACI information is responsible for obtaining the original investigative report from the reporting agency, and for drawing independent conclusions regarding the quality of the evidence disclosed, and its sufficiency for making decisions regarding investigation, prosecution, employment, licensing, adoption or placement of a child. An entity receiving CACI information shall not act solely upon CACI information or the fact that an individual is listed on CACI to grant or deny any benefit or right.*~~

~~NOTE: Authority cited: Penal Code §section 11170(a)(1), 11170(b)(9)(A), and 11170(e)(2). Penal Code. Reference: Penal Code §sections 11165.6, 11165.9, 11165.12, 11166(h) & (i), 11168, 11169(a), 11169(b) and 11170(a)(1), Penal Code. 11167.5, 11169(a), 11170(b)(9)(A), 11170(c) and 11170(e)(2).~~

~~**Section 904. DOJ Review and Verification of Submitted Summary Reports. DOJ Notification When a Submitting Agency Provides Names Identified in Existing CACI Entries.**~~

~~All submissions received by DOJ staff are reviewed to determine that they meet the definition of a~~

report in these regulations. DOJ staff verifies only that the information entered into ACAS is consistent with the information as reported by the investigating agency. The DOJ presumes that the substance of the information provided is accurate and does not conduct a separate investigation to verify the accuracy of the investigation conducted by the submitting agency.

(a) When the DOJ receives a completed BCIA 8583 identifying the name of a suspect or victim that results in a possible match with names contained in the CACI, the DOJ will notify the submitting agency in writing of the prior report in CACI which has the same possible suspect or victim match. The notification will include the name of the prior submitting agency, the submitting agency's report number for the prior report, the date of the report and the determination made by that agency as to whether the allegation of abuse or severe neglect was inconclusive or substantiated. The DOJ will also provide notification and the above information to prosecutors who request notification of subsequent CACI entries regarding victims or suspects identified in prior investigative reports entered in CACI.

(b) If a new report contains a suspect match with a prior report of inconclusive abuse or severe neglect, the DOJ will notify in writing the agency submitting the prior report that it must retain its investigatory file(s) for the inconclusive finding of abuse or severe neglect for at least ten (10) years from the date the new report is entered into CACI.

(c) The notifications set forth in subdivisions (a) and (b) will be made even if the agency submitting the new report is the same agency that submitted the prior report.

NOTE: Authority cited: Penal Code Section 11170(a)(1), ~~Penal Code~~. Reference: Penal Code Sections ~~11165.9, 11169, and 11170(a)(2)~~, Penal Code. 11169(c), 11170(b)(1)-(10), 11170(c), 11170(d), and 11170(e).

Section 905. DOJ Procedures for Notification When ACAS Shows Information Relevant to a Newly Received Report. Releasing CACI Information in Response to Inquiries From Authorized Entities.

When DOJ receives a child abuse summary report containing the name of a victim or suspect that results in a possible match to a prior report in ACAS, DOJ will do the following:

(a) Notify the reporting agency of a prior report in ACAS in which there is a possible victim or suspect match. The notification will include the following information on the prior report in the Index: the name of the reporting agency; the report number; and the date of the report.

(b) Notify any agency that submitted a prior report in ACAS that DOJ has received a new report containing a possible victim or suspect match to the report submitted previously by that agency.

(c) If the new report contains a suspect match to a prior report, notify the agency submitting the prior report that if its report was either unsubstantiated or inconclusive, it must be retained for at least ten (10) years from the date of the new report to DOJ.

(d) The notifications set forth in (a) through (c) will be made even if the agency submitting the new report is the same agency that submitted the prior report.

(e) All notifications will be made as soon as possible, but not later than three (3) working days after the new report is entered into ACAS.

The information contained in CACI is confidential and will only be disclosed to those individuals or entities authorized by law to receive it, including but not limited to:

(a) An agency conducting an investigation of child abuse or severe neglect, or a district attorney making a request, will be provided CACI information pertaining to the specific individual(s) being investigated. An agency conducting an ongoing investigation of known or suspected child abuse or severe neglect may request, and shall be provided, CACI information regarding prior investigations by the same or other agencies before completing its current ongoing investigation and submitting the BCIA 8583 required for its current ongoing investigation. Requests must be submitted on a form prescribed by the DOJ. Forms can be found on the California Law Enforcement Website (CLEW) or upon request to the DOJ.

(b) Authorized persons or entities making inquiries for purposes such as employment, licensing, adoption or child placement will be provided CACI information pertaining to the suspect only. Information will include the name of the submitting agency, the submitting agency's report number and the date of the report. Requests must be submitted via live scan or on a form prescribed by the DOJ. The form is available from the DOJ website or upon request to the DOJ.

NOTE: Authority cited: Penal Code Section 11170(a)(1), ~~Penal Code~~. Reference: Penal Code Sections 11165.9, 11169, 11170(a)(3) and 11170(b)(1), ~~Penal Code~~. 11167, 11167.5, 11169, 11170(b)(1)-(10), 11170(c), 11170(d), 11170(e), and 11170.5.

Section 906. DOJ Procedures for Processing Reports Submitted by Agencies with Different Investigative Determinations. Disclosure of CACI Information To Members of the Public.

When DOJ receives separate reports from different agencies on the same incident of child abuse and severe neglect with different investigative determinations, DOJ will make a notation in ACAS of the different determinations. The agencies reporting the incidents will be notified in writing of the different determinations.

(a) When a notarized Child Abuse Central Index Self Inquiry Request form satisfying Penal Code section 11170(f)(1) (available from the DOJ website or upon request from the DOJ) is received from a member of the public to determine if he or she is listed in CACI, and the inquiry results in a possible match to a suspect or victim listed in CACI, the DOJ will:

(1) notify the person in writing that he/she is listed in CACI as a suspect or victim and provide

the name of the submitting agency, the report number for the submitting agency's investigative file and the date of the report. The DOJ will also notify the person of disseminations of his/her CACI information conducted for both investigative and applicant purposes. The notification will include the date of the dissemination, the agency to which the record was disseminated, and the purpose of the dissemination. The DOJ will automatically provide a copy of the personal information maintained in the CACI relating to the requesting party for his or her examination.

(b) When a notarized written request is received by DOJ (see Penal Code section 11170(g)) from a person listed in the CACI only as a victim of child abuse or neglect who wishes to be removed from CACI, and that person is 18 years of age or older, the DOJ will also:

(1) remove the person's name, address, social security number and date of birth (and any other descriptive information about the person) from the CACI. The DOJ will also notify the person in writing that his/her name and descriptor information have been removed from the CACI.

(c) A person may inspect, review, dispute, amend and correct information contained in CACI as specified in the Information Practices Act of 1977. However, the decision whether to list a person in CACI rests solely with the submitting agency and any challenges regarding placing a person on CACI must be filed with the submitting agency.

NOTE: Authority cited: Penal Code §section 11170(a)(1), ~~Penal Code~~. Reference: Penal Code §sections ~~11165.9 and 11170(a)(2), Penal Code~~. 11170(f) and 11170(g). Civil Code section sections 1798.25, 1798.32, 1798.33, 1978.34, and 1978.35.

~~Section 907. ACAS Information Released in Response to Inquiries.~~

~~The information contained in the reports in ACAS is confidential, and is disclosed by DOJ staff only to those individuals and entities who are authorized by Penal Code sections 11170 and 11170.5 and any other provisions of law. These include:~~

~~(a) An agency conducting an active investigation of child abuse, or a district attorney who makes a request, will be provided all information in ACAS pertaining to the specific individual(s) being investigated. An agency conducting an active investigation of child abuse may request, and be provided, ACAS information prior to completion of the investigation and submission of the report required by Penal Code section 11169, if the information is needed for purposes of the current investigation. Such requests for information will receive a response from DOJ within one working day of receipt.~~

~~(b) Persons or entities who are making inquiries for purposes of pre-employment background investigations for peace officers, child care licensing or employment, adoption, or child placement will be provided suspect information. No information on victims will be provided. If there are multiple possible matches, only the possible name match that is closest to that of the inquiry will be provided. After matching the suspect's name, other items of personal description will be used to determine the~~

closest possible match.

(c) Prior to July 1, 1998, persons or entities who made inquiries for TrustLine Registry purposes pursuant to Education Code section 8172 were provided only suspect information from substantiated reports in the Index regarding the person who is the subject of the inquiry. Since July 1, 1998, when the administrative authority for TrustLine transferred to DSS, suspect information from all reports (substantiated and inconclusive) in the Index is provided to DSS regarding the person who is the subject of the inquiry, pursuant to Health and Safety Code section 1596.877. If there are multiple possible matches, only the possible name match that is closest to that of the inquiry will be provided. After matching the suspect's name, other items of personal description will be used to determine the closest possible match. No information on victims will be provided.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.9, 11167.5, 11169, 11170, 11170.5 and 11174, Penal Code; Sections 1522.1, 1596.60 and 1596.877, Health and Safety Code.

~~Section 908. Procedure for Confirmation of ACAS Information for Purposes of Peace Officer Employment, TrustLine Registry, Child Care Licensing or Employment, Adoption or Placement of Children, and for When a Private Citizen Inquires About His/Her Own Record.~~

(a) ~~When an inquiry is received for non-criminal investigations, including but not limited to pre-employment checks for peace officers, TrustLine Registry, child care licensing or employment, adoption placement of children (with the exception of temporary placement of children in emergency situations), or when a written and notarized request [see Penal Code section 11170(e)] is received from a private citizen to determine if he or she is listed in ACAS, and the inquiry results in a possible match to a suspect in ACAS, DOJ staff will make written contact with the agency that submitted the report to confirm that the underlying investigative report is still available, that the report submitted to DOJ meets current statutory and regulatory requirements for retention and dissemination, and that the report has not been determined to be unfounded.~~

~~(1) In the case of an inquiry for purposes of a non-criminal investigation, if the agency confirms that the underlying investigative report is still available, that the report submitted to DOJ meets current statutory and regulatory requirements for retention and dissemination, and that the report has not been determined to be unfounded, DOJ staff will release the information to the requesting agency.~~

~~(A) If the submitting agency advises DOJ that the underlying investigative report is no longer available, or that the report submitted to DOJ does not meet current statutory and regulatory requirements for retention and dissemination, or that the report has been determined to be unfounded, or if the submitting agency does not respond to the written notification within thirty days, DOJ staff will advise the requesting agency that there is no match to any report on file. DOJ will immediately delete the ACAS entry and destroy the associated paper records.~~

~~(2) In the case of a citizen inquiry, if the agency confirms that the underlying investigative report is still available, that the report submitted to DOJ meets current statutory and regulatory requirements for retention and dissemination, and that the report has not been determined to be unfounded, DOJ staff will notify the citizen in writing that he/she is listed in ACAS as a suspect or victim and provide the name of the submitting agency, the report number, and the date of the report. DOJ staff will also notify the citizen of all non-criminal investigation disseminations of his/her record including the date of the dissemination, the agency to which the record was disseminated, and the purpose of the dissemination of his/her record.~~

~~(A) If the submitting agency advises DOJ that the underlying investigative report is no longer available, or that the report submitted to DOJ does not meet current statutory and regulatory requirements for retention and dissemination, or that the report has been determined to be unfounded, DOJ staff will advise the citizen of that fact in writing. The citizen will also be advised that DOJ will immediately delete the report from ACAS, and after thirty days will destroy the associated paper records. DOJ will immediately delete the ACAS entry and in thirty days, destroy the associated paper records.~~

~~(B) If the submitting agency cannot confirm the availability of the underlying investigative report, or that the report submitted to DOJ meets current statutory and regulatory requirements for retention and dissemination, or that the report has not been determined to be unfounded, or if the submitting agency does not respond to the written notification within thirty days, DOJ staff will advise the citizen in writing:~~

~~(1) that ACAS does have an entry, the name of the reporting agency, the report number, and the date of the report;~~

~~(2) that DOJ has contacted the reporting agency, but the agency has not or cannot confirm the availability of the underlying investigative report, that the report submitted to DOJ meets current statutory and regulatory requirements for retention and dissemination, and that the report has not been determined to be unfounded;~~

~~(3) that the citizen should contact the reporting agency directly if further information is needed; and~~

~~(4) that DOJ will immediately delete the entry in ACAS and after thirty days will destroy the associated paper records. DOJ, in accord, will immediately delete the ACAS entry and in thirty days destroy the associated paper records.~~

~~(b) The following form letter will be used to request confirmation of information in the ACAS:~~

~~NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.11, 11167.5(b)(11), 11170(e), 11170.5, and 11170.6, Penal Code; and Section 1798.25, Civil Code.~~

~~Section 909. Notification in Response to Inquiries to ACAS Pertaining to Peace Officer Employment, TrustLine Registry, Child Care Licensing and Employment, Adoptions and Placement of Children.~~

~~Whenever a possible name match with a suspect is made on an ACAS report in response to inquiries for non-criminal investigations, including but not limited to pre-employment checks for peace officers, TrustLine Registry, child care licensing or employment, and adoptions or the placement of children (with the exception of temporary placement of children in emergency situations) and DOJ staff has confirmed that the underlying investigative report is still available, that the report submitted to DOJ meets current statutory and regulatory requirements for retention and dissemination, and that the report has not been determined to be unfounded, DOJ will release the possible match information to the inquiring agency. Concurrent with the release to the inquiring agency, DOJ staff will send notification to the individual whose name constitutes the possible match. This notice will advise the individual that the information was provided to the inquiring agency and will include the name of the reporting agency, the date of the report, and the report number.~~

~~NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11170(b)(5), and 11170(c) Penal Code.~~

~~Section 910. Audit Trail of Information Released from ACAS.~~

~~DOJ staff will maintain a record of all inquiries that result in a possible name match to a report maintained in ACAS. This record will include the response given. This record will establish the ACAS audit trail. A citizen making an inquiry regarding his/her own record will be informed of all non-criminal investigation disseminations of his/her record including the date of the dissemination, the agency submitting the request, and the purpose of the dissemination.~~

~~NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Section 11170(a), Penal Code; and Section 1798.25, Civil Code.~~

~~Section 911. Processing of Record Sealing Orders.~~

~~When orders are received from courts ordering the sealing of juvenile records per Welfare and Institutions Code sections 389 and 781, and/or for the sealing of adult records per Penal Code section 851.8, and there is a possible match to a juvenile or adult record in ACAS, the sealing order will be processed consistent with the advice provided by legal counsel.~~

~~NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 389 and 781, Welfare and Institutions Code; and Section 851.8, Penal Code.~~