

DEPARTMENT OF JUSTICE REGULATIONS

TEXT OF MODIFIED REGULATIONS

The Department of Justice (DOJ) has illustrated changes to the original text in the following manner: regulation language originally proposed is underlined; deletions from the language originally proposed are shown in strikeout using a “_”, and additions to the language originally proposed are double-underlined.

Section 900. (Paragraph 2)

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 not unfounded as 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 whether the agency's finding is inconclusive or substantiated as these terms are defined by CANRA of possible child abuse or severe neglect. (Penal Code section 11169(a)). The DOJ is required to prepare a form to be used by the investigating agency to report its finding to the DOJ that allegations of child abuse or severe neglect are not unfounded ~~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).

Section 901

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 child abuse or severe neglect are not unfounded ~~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

Child Abuse or Severe Neglect Indexing Form

BCIA 8583(Rev. 3/08)

FOR DOJ RCN USE ONLY

CHILD ABUSE OR SEVERE NEGLECT INDEXING FORM

Entire Form To be Completed by Submitting Child Protective Agency

Pursuant to Penal Code section 11169

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. The finding that allegations of child abuse or severe neglect are not unfounded is: DETERMINATION MADE: (check only one box)

SUBSTANTIATED (Penal Code section 11165.12(b)) INCONCLUSIVE (Penal Code section 11165.12(c))

3. DATE OF INCIDENT:

4. TYPE OF ABUSE: (check one or more)

PHYSICAL INJURY MENTAL / EMOTIONAL SUFFERING SEXUAL ABUSE, ASSAULT, EXPLOITATION

SEVERE NEGLECT WILLFUL HARMING / ENDANGERMENT 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	D O B	APPROX. AGE:	<input type="checkbox"/> MALE	R A C E	*
						<input type="checkbox"/> FEMALE		

DID VICTIM'S INJURIES RESULT IN DEATH?	IS VICTIM DEVELOPMENTALLY DISABLED (4512(A) W&I)?
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

2. NAME Last	First	Middle	AKA	D O B	APPROX. AGE:	<input type="checkbox"/> MALE	R A C E	*
						<input type="checkbox"/> FEMALE		

DID VICTIM'S INJURIES RESULT IN DEATH?	IS VICTIM DEVELOPMENTALLY DISABLED (4512(A) W&I)?
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

3. NAME Last	First	Middle	AKA	D O B	APPROX. AGE:	<input type="checkbox"/> MALE	R A C E	*
						<input type="checkbox"/> FEMALE		

DID VICTIM'S INJURIES RESULT IN DEATH?	IS VICTIM DEVELOPMENTALLY DISABLED (4512(A) W&I)?
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

SUSPECTS

1. NAME Last	First	Middle	AKA	D O B	APPROX. AGE:	<input type="checkbox"/> MALE	R A C E	*
						<input type="checkbox"/> FEMALE		

ADDRESS:	Street	City	Zip Code	HGT	WGT	EYES	HAIR	SOCIAL SECURITY NUMBER:	DRIVER'S LICENSE NUMBER:

RELATIONSHIP TO VICTIM: PARENT/STEPPARENT SIBLING OTHER RELATIVE FRIEND / ACQUAINTANCE STRANGER

2. NAME Last	First	Middle	AKA	D O B	APPROX. AGE:	<input type="checkbox"/> MALE	R A C E	*
						<input type="checkbox"/> FEMALE		

ADDRESS:	Street	City	Zip Code	HGT	WGT	EYES	HAIR	SOCIAL SECURITY NUMBER:	DRIVER'S LICENSE NUMBER:

RELATIONSHIP TO VICTIM: PARENT/STEPPARENT SIBLING OTHER RELATIVE FRIEND / ACQUAINTANCE STRANGER

OTHER	1. NAME Last	First	Middle	D O B	APPROX. AGE:	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	R A C E	*
	2. NAME Last	First	Middle	D O B	APPROX. AGE:	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	R A C E	*
	3. NAME Last	First	Middle	D O B	APPROX. AGE:	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	R A C E	*
	4. NAME Last	First	Middle	D O B	APPROX. AGE:	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	R A C E	*

* 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.

Section 902. (b), (c), (d)

(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 Instances when an amended BCIA 8583 is required includes, but is not limited to, a circumstance where the submitting agency, acting pursuant to a court order or otherwise, 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 thereof, if the investigative report substantiated allegations of abuse or severe neglect unless the agency, acting pursuant to court order or otherwise, determines that the allegations investigated are unfounded. 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 or pursuant to court order has sealed the ~~the~~ investigatory file(s) report(s) for a prior report of substantiated or inconclusive abuse or severe neglect that caused a person to be listed that are indexed on CACI, the submitting agency shall immediately notify the DOJ of the loss, destruction sealing, or non-retention of the investigatory file report by filing an amended BCIA 8583 indicating that the investigatory file report is no longer retained. The DOJ will remove from CACI the names of individuals identified in the ~~for whom the submitting agency has lost, destroyed sealed or no longer retained~~ the investigatory file(s) report(s) that caused the agency to report the person for inclusion on indexed in CACI.

Section 903.

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 report(s). ~~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.