ASSESSMENTS OF NEWBORN CHILDREN | FILING A CAR | CONTINUITY OF SERVICES | STRUCTURED DECISION MAKING (SDM) | JUVENILE COURT INTERVENTION | ALTERNATIVES TO JUVENILE COURT | DOCUMENTATION | HYPERLINKS | OTHER SOURCES | ONLINE FORMS | HARD COPY FORMS | CWS/CMS FORMS | BROCHURES

ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: May 14, 2004 Number: A-0411 Revised: November 27, 2007

Newborn Children With Dependent Siblings

Purpose

To provide guidelines for assessing safety and risk to newborn children of families with dependent siblings and determining appropriate protective interventions to ensure safety of the newborn child.

Note: This Policy and Procedure (P&P) also applies to situations in which information about a child who is not newborn but who has a dependent sibling becomes known for the first time. The term "newborn" is used throughout this P&P to include both newborn children and children who have just become known to Children and Family Services (CFS).

Approved

This policy was originally approved by Michael Riley, Ph.D., Director of CFS, on May 14, 2004. The revised policy was approved by Mike Ryan, Director of CFS, on November 27, 2007. *Signature on file*.

Background

This policy provides information for assessing safety and risk to newborn siblings of current dependent children. It applies to cases in which the existing dependents are in Family Reunification (FR) or when FR services to the parent(s) or guardian(s) have been terminated and there is a substantial risk of detriment to return the current dependent to the parent/guardian at the time of the newborn's birth.

Legal Mandates

Welfare and Institutions Code (WIC) Section 300

WIC Section 342 WIC Section 387 WIC Section 366.26

WIC 300(j)

WIC 300(j) describes the circumstances under which a child may come under the jurisdiction of the Juvenile Court due to abuse and/or neglect of a sibling. The child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The Court will consider:

- Circumstances surrounding the abuse and/or neglect of the sibling
- Nature of the abuse and/or neglect of the sibling
- · Age and gender of each child
- Mental condition of the parent/guardian
- Any other factors the Court considers probative in determining whether there is a substantial risk to the newborn

Case Law

Case law provides guidance regarding Juvenile Court intervention for newborn children with dependent siblings:

- The state may intervene to protect a child when the child's sibling has been mistreated even though no proof directly establishes mistreatment of the subject of the petition. [In re Dorothy I. (1984) 162 Cal. App.3d 1154, 1157, citing In re Edward C. (1981) 126 Cal. App.3d 193]
- In *In re Michael S.*, the Court of Appeal affirmed the Juvenile Court order taking jurisdiction over a baby boy where two female siblings were sexually assaulted by their father and their mother failed to take steps to protect them [In re Michael S. (1981) 127 CalApp.3d 348, 357-359]. The trial court reasoned, and the Court of Appeal concurred, that the potential danger to the baby boy existed as soon as he was born and that the evidence was sufficient to show that the conditions that led to the original finding that the home was unfit had not been alleviated. [Also see, In re Lisa D. (1978) 81 Cal.App.3d 192; In re Biggs (1971) 17 Cal.App.3d 337; In re Jeannie Q. (1963) 32 Cal.App.3d 288]

POLICY

Assessments of With Dependent **Siblings**

When assessing the safety and risk of child abuse and/or neglect to a newborn **Newborn Children** child with a dependent sibling, the first priority is child safety. If the safety assessment for the dependent sibling has determined that child can not safely remain in the home, a thorough safety assessment will be promptly conducted for all newborn children.

Filing a CAR

A Child Abuse Report (CAR) will be filed and an Emergency Response (ER) investigation initiated on a newborn child of a dependent sibling when:

- There are allegations of known or suspected abuse or neglect to the newborn child, and/or
- There is a dependent sibling in out-of-home placement and there is a substantial risk of detriment to return that child to a parent/guardian at the time of the newborn's birth

For example, a CAR will be initiated on a newborn child when:

- There is a substantial risk of detriment to return the dependent sibling home at this time due to a lack of progress by the parent/guardian in resolving the reasons for dependency and continuing FR services are necessary
- FR services have been terminated and WIC § 366.26 hearing has been calendared, or the dependent sibling is already in a court- ordered permanent plan placed out of the home due to the parent/guardian's inability to resolve the issues for the underlying dependency
- A subsequent petition has been filed alleging new or additional safety concerns regarding the dependent sibling, pursuant to WIC § 342
- A supplemental petition has been filed pursuant to WIC § 387 because the prior disposition was ineffective, as in the case of failed Family Maintenance (FM) services

Continuity of Services

The ER and dependent sibling's social workers will maintain regular and timely communication to ensure continuity of assessments and services to families and to provide clear, consistent, and thorough recommendations to Juvenile Court.

The dependent sibling's social worker will provide the CAR and ER social workers with current and complete information regarding risk factors and circumstances leading to the dependent sibling's placement in out-of-home care.

When the CAR or ER social worker is unable to make immediate contact with the dependent sibling's social worker to obtain information necessary to conduct the ER investigation, the CAR or ER social worker will contact the dependent sibling's Senior Social Services Supervisor (SSSS) or another SSSS in the same program.

When in the best interest of the case, the dependent sibling's social worker will team with the ER social worker to assess the safety of the newborn child.

Structured Decision Making (SDM)

CAR and ER social workers are to follow the guidelines set forth in Children and Family Services (CFS) P&P Structured Decision Making (D-0311) when evaluating Response Priority, Safety Assessment, and Risk Assessment.

Safety and risk assessments for the newborn child will address all of the following:

- Allegation(s) of abuse and/or neglect to the newborn child
- Circumstances surrounding the abuse and/or neglect of the sibling
- Nature of the abuse and/or neglect of the sibling
- · Age and gender of each child
- Mental condition of the parent/guardian
- Reason(s) there is substantial risk of detriment to return the dependent sibling to the parent/guardian at this time
- Parent/guardian's progress or lack of progress in resolving the issues leading to dependency
- Services, resources, or support currently available to assist the parent/guardian

Juvenile Court Intervention

When substantial risk of detriment of return to a parent/guardian exists for the dependent sibling, the ER social worker will file either a custody or a non-custody petition with the Juvenile Court on behalf of the newborn, as there is a presumption that some level of risk exists for the newborn child.

Custody Petitions

The ER social worker will file a custody petition if the newborn **is in immediate danger** of abuse and/or neglect due to evidence of mistreatment documented regarding the dependent sibling.

Non-Custody Petitions

The ER social worker will file a non-custody petition if the newborn **is not currently in immediate danger but needs protection** of the Court due to a demonstrable history of abuse and/or neglect of the dependent sibling.

Note: The ER social worker will obtain and document Program Manager (PM) approval prior to filing a non-custody petition or implementing all other alternatives to Juvenile Court intervention. The ER social worker will document the PM approval in the investigative narrative.

For further information on types of protective interventions, refer to CFS P&P Abuse Investigations–Protective Interventions (A-0414). For direction on filing a petition, refer to CFS P&P Dependency Intake (A-0502).

Alternatives to Juvenile Court Intervention

If upon completion of the ER investigation and review of all the relevant information from the dependent sibling's case, the ER social worker determines alternative interventions and services could be effective in protecting the newborn child without Juvenile Court intervention, the ER social worker will:

- Document all factors that distinguish the low level of risk to the newborn in contrast to the high level of risk to the dependent sibling
- Describe any Safety Plan for the newborn [refer to CFS P&P Structured Decision Making (D-0311) for direction on this process]
- Detail all the available services and resources currently being utilized by the family
- Indicate whether the family is being referred to the Voluntary Family Services (VFS) program
- · Consult with a supervisor to discuss decision

Documentation

For direction on documentation of ER investigations, refer to CFS P&P Abuse Investigations–Findings, Documentation, and Cross Reporting (A-0305).

REFERENCES

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

CFS P&P Abuse Investigations-Practice Guidelines (A-0412)

CFS P&P Abuse Investigations-Protective Interventions (A-0414)

CFS P&P Dependency Intake (A-0502)

CFS P&P Structured Decision Making (D-0311)

CFS P&P Abuse Investigations–Findings, Documentation, and Cross Reporting (A-0305)

Other Sources

Other printed references include the following:

None.

REQUIRED FORMS

Online Forms

Required forms that may be printed out and completed, or completed online, are listed below and may be accessed by clicking on the link provided.

Form Name Form Number

None.

Hard Copy Forms Forms that must be completed in hard copy (including multi-copy NCR forms) are listed below. For reference purposes only, links are provided to view these hard copy forms, where available.

Form Name	Form Number
SDM Safety Plan (English)	F063-25-453
SDM Safety Plan (Spanish)	F063-25-453Sp
SDM Safety Plan (Vietnamese)	F063-25-453Vn

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. *For reference* purposes only, links are provided to view these CWS/CMS forms, where available.

Form Name Form Number

None.

Brochures Brochures to distribute in conjunction with this procedure include:

> **Brochure Name Brochure Number**

None.