



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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Month XX, 20XX

ALL COUNTY INFORMATION NOTICE
(ACIN) NO. XX-XX

REASON FOR THIS TRANSMITTAL

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

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: **COMMERCIALLY 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
& INSTITUTIONS CODE SECTION 300(b), AND MANUAL OF
POLICIES AND PROCEDURES, DIVISION 31, SECTION 31-
002(c)(9) AND (n)(1)

The purpose of this All County Information Notice (ACIN) is to clarify for counties that CACI reports are not generated when the only substantiated allegation against a parent 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 what 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), should be substantiated, and who should be appropriately named as the perpetrator of the abuse/neglect. When filing a petition to bring a commercially sexually exploited child within the jurisdiction of the juvenile court pursuant to Welfare & Institutions Code Section 300, social workers should work closely with their county counsel to determine whether the most appropriate petition to file is under WIC 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 Child Abuse Central Index (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.

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 CSECPprogram@dss.ca.gov.