

Processing DOJ Form BCIA 8583

(Revised 8/28/20)

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Forms

The following forms are referenced in this file:

- SOC 832 Notice of Child Abuse Central Index Listing (English - CWS/CMS Template); [Spanish](#) and [Chinese](#)
- SOC 833 Grievance Procedures for Challenging Reference to the CACI (CWS/CMS Template)
- SOC 834 Request for Grievance Hearing (CWS/CMS Template)
- BCIA 8583 Child Abuse or Severe Neglect Indexing Form (CWS/CMS Template)

Reporting to DOJ/CACI (SS 8583 Form)

The Child Abuse Unit of the State Department of Justice (DOJ) maintains a central database of all substantiated reports of child abuse. This database is called the Child Abuse Central Index (CACI). The DOJ enters data into CACI based on what a SW reports via the BCIA 8583 form (a CWS/CMS template). This form is generated at the closing of a referral in CWS/CMS.

The CACI database is used by DOJ to complete clearances for Resource Family Approval, Community Care Licensing, adoption applicants, and SWs.

Because this information is available to SWs and may assist in a future investigation, **it is imperative that the BCIA 8583 be completed accurately, forwarded promptly, and updated when new information becomes available.** Accuracy is important so that the individuals are not erroneously entered in the system.

Notifying the Suspect

Within five (5) business days of the County reporting a suspect to the CACI (by submitting the SS8583), the SW will mail the following to that person:

Form	Purpose
Notice of Child Abuse Central Index Listing (SOC 832)	Informs the individual that his/her name has been sent to the CACI. This form must include a brief description of the allegation.
Grievance Procedures for Challenging Reference to the CACI (SOC 833)	Provides the suspected abuser with the state guidelines and the ability to contest their CACI listing.
Request for Grievance Hearing (SOC 834)	

These SOC forms are CWS/CMS County specific templates. **All three forms must be mailed to the suspect.**

CWS/CMS contains the English SOC 832. The CWS forms intranet contains the SOC 832 in Spanish. The SOC 832 in Chinese can be found on the CDSS website. When Spanish or Chinese forms are completed the SW must:

- Manually enter the referral number, client name(s) and allegation information
- Import the completed form into CWS/CMS.

If the suspect's address is unknown, staff will make a reasonable effort to obtain the current address and document those efforts in CWS/CMS. If staff cannot obtain the current address, staff will send the notice to the suspect's last known address, if available.

See CACI Grievance Procedures for additional information.

**Inspection and
Release of CWS
Records**

If the confirmed suspect(person listed on CACI) wants a **copy** of any CWS records, the below policy will be followed:

If the suspect is...	the SW will...
A legal/biological parent or legal guardian to the victim	Provide redacted copies of the CWS record per Discovery - Requesting Photocopies .
All other suspects	Refer the client to the 827 process as they will need an 827 order from the Juvenile Court in order to get copies of any CWS records (See 827 - Petition for Disclosure of Juvenile Case File). SW may provide the 827 petition instruction packet.

Determining Report Conclusions

The Penal Code defines allegation conclusions and can be accessed online by searching for Penal Code section 11165.12. Staff should use the following definitions in making a decision about their findings at the conclusion of their investigation.

Term	Definition	As Defined in Law
Unfounded	A “unfounded report” means a report that is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6.	PC 11165.12 (a)
Inconclusive	An “inconclusive report” means a report that is determined by the investigator, who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.	PC 11165.12 (c)
Substantiated	A “substantiated report” means a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred.	PC 11165.12 (b)

See ER - Investigations for more allegation conclusion information.

Submitting the BCIA 8583 to DOJ

When the SW has completed an investigation and the allegations are determined to be substantiated, the SW will submit a BCIA 8583 form to the DOJ.

Investigation

CWS staff will continue to use best practice in investigating child abuse reports. This includes interviewing the alleged victim and alleged suspect or documenting attempts to do so. Attempts include:

- a phone call and message left,
- an attempted in home visit and,
- writing a letter to the alleged suspect to the current or last known address.

If the suspect is unknown, the SW must document this information.

Investigation (cont.)

If the SW is unable to interview the alleged suspect, the reason why must be clearly documented in the CWS/CMS Investigative Narrative. If the suspect is not interviewed, the SS8583 must still be submitted.

The SW will not rely, solely, on police reports, medical report or collateral information. The SW must conduct his/her own investigation and document the findings as per policy ER - Investigations .

CWS/CMS Steps to Complete the BCIA 8583

After the SW investigates a child abuse report and determines that the allegation is substantiated the BCIA8583 form is generated in CWS/CMS in order to report this information to DOJ.

Prior to generating the BCIA8583:

- At least one contact must have a status of attempted or completed and at least one allegation must be concluded.
- Complete the **Cross Report Notebook** in Referral Management.
 - Click on the **Create New Cross Report** button (+) below the **Cross Report Notebook** icon.
 - Complete the **ID page**.
 - Select the **Child Abuse Investigation Report** from the Cross Report Type drop-down list.
 - Click on the appropriate **checkbox** in the Sent To frame.
 - Select the agencies you are notifying from the various (atty., law enforcement, etc.) drop-down lists. **NOTE: DO NOT** select Electronic Report as the Cross-Report Type.

To generate and complete the BCIA 8583 in CWS/CMS:

- Select **File** from the menu bar.
 - Select **Print Report** from the drop-down menu.
 - Select **Child Abuse Investigation Report (BCIA8583)** from the Report Name list.
 - Click **Print Preview**
 - Select the **referral** you are working on from the Select This Referral list in the Select Folder dialog box and click **OK**.
 - Select the out of home care boxes if applicable and select the victim and suspects you are reporting and click **OK**
 - Complete the **Child Abuse Investigation Report (BCIA8583)** dialog box. Complete all areas of the dialog box (**Active Investigation conducted, Witness, Victim, Suspect contacted**). Highlight the names of the suspects contacted. When completing the section "**Suspect given written notice per PC 11169(B)**," enter **Yes** (if applicable) and the date the SOC forms (832, 833 and 834) were sent to the suspect.
 - Note: "Section B. Incident Information" on the BCIA 8583 needs two dates. The "Date or Report" is the date that the BCIA is being sent to DOJ: it is not the date of the hotline report. The "Date of Incident" is the date of the alleged abuse or neglect. The "Date of Report" must be a date subsequent to the "Date of Incident."
 - Click **OK**.
 - Review the generated document. If there are DOBs that are unknown type in an approximate age and indicate/write out "approximate age;" Review and ensure that the **correct** victims/suspect/others are listed.
 - Print the report and mail, or forward to clerical, for mailing to the appropriate parties.
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What to Report

The following substantiated allegations must be reported to DOJ:

- Physical abuse
- Sexual abuse / Sexual exploitation
- Mental/Emotional abuse
- Severe neglect

The Child Abuse and Neglect Reporting Act, California Penal Code sections 11165.1 to 11165.4 contain the legal definitions of the various types of abuse. These codes may be accessed online.

What Not to Report

The following incidents are **not** to be reported to CACI:

- Unfounded Allegations
- Inconclusive Allegations
- Substantial Risk
- General Neglect
- Consensual sexual acts between teenagers 14 years and older
- Consensual sexual acts between a teenager 16 years and older, and an adult up to age 20, (if the adult is 21 years or older an BCIA8583 *must* be sent. Sexual conduct, deemed to be voluntary (i.e. sexual exploration, sexual play), between children 13 years and younger, and of a similar age (within 4 years of each other)
- Accidental injuries
- Fetal abuse (should the investigation support substantiation of severe neglect after the birth a report will be generated)
- Mutual fights between children, sibling rivalry
- Reasonable force by public school employees to stop violent disturbance or to exercise physical control
- Child stealing with no evidence of child abuse
- Reports from adults stating that they were abused or molested as children, unless suspect has access to children and there is reason to believe the children may be at risk
- Suspected parent/teen conflict where there is no injury
NOTE: If physical abuse is substantiated, then the notice to CACI must be sent.
- Reports of abuse in another state
- Reports of abuse in another country
- Reports that have no identified suspect
- Reports that are EO'd and sent to collaborative SWs for provision of services
- Reports that are about the same incident when there is more than one referral for that same incident

NOTE: If an incident is **not** being reported to DOJ, do not generate a BCIA 8583 in CWS/CMS.

Change of Conclusion

After the original BCIA 8583 has been processed, any new information and/or change of allegation conclusion must be submitted to DOJ. If appropriate, the SW will change the allegation conclusion in CWS/CMS and submit changes as follows:

If the change is...	Then...
the report proves to be "unfounded"	<ul style="list-style-type: none">• generate the BCIA 8583• go to Line 10 under supplemental information• check "unfounded" and• circle unfounded in red on the hard copy• attach a copy of the original BCIA 8583• mail BCIA 8583 or send the BCIA8583 to assigned clerical for mailing to the appropriate parties
different demographic data (e.g., name, spelling, ages, dates)	<ul style="list-style-type: none">• generate the BCIA8583• correct the new BCIA8583 and on the hard copy circle in red the new information• Attach a copy of the original BCIA8583 mail BCIA8583 or send BCIA8583 to assigned clerical for mailing to: BCIA Child Abuse Central Index PO BOX 9033387 Sacramento, CA 94203
a BCIA8583 was not submitted because the original allegation was not reportable and new information is reportable	<ul style="list-style-type: none">• generate and complete the BCIA 8583• mail the BCIA8583 or send the BCIA 8583 to assigned clerical for mailing to the appropriate parties

New Referral on Open Cases

When a new referral is received on an open case, the BCIA 8583 must be completed if the new allegation is investigated and meets the DOJ reporting criteria stated above.

Minor Suspects of Abuse

A minor identified as the suspect of sexual or physical abuse can be sent to the DOJ and listed on the CACI.

Physical abuse by a minor is reported when it is deemed assaultive behavior.

The SW will need to determine if substantiated sexual abuse is involuntary or if the act is voluntary sexual contact.

If...	Then...
the act was deemed voluntary (i.e. sexual exploration or consensual)	Do not send an BCIA 8583 to the DOJ
the act was deemed involuntary	<ul style="list-style-type: none">• Submit the BCIA8583 to the DOJ• Indicate “involuntary” in the comment field in Section C, Amended Report Information• Mail the SOC 832, 833 and 834 forms to the minor suspect’s parents c/o: the minor suspect’s name

NOTE: Penal Code 11169 and 11170 requires the names of minor suspects to be removed from the CACI 10 years after the date of the incident (that resulted in their listing), if the person listed on the CACI was under the age of 18 at the time of the incident and there have been no subsequent reports to CACI. The DOJ handles the removal per ACL 12-73.

Minor Victims of Abuse

If a person is listed in the CACI, only as a victim of child abuse or neglect, and that person is 18 years of age or older, that person may have his or her name removed from the index by making a written request to the Department of Justice. The request will be notarized and include the person's name, address, social security number, and date of birth.

Go to the State of California Department of Justice website:
<https://oag.ca.gov/childabuse/selfinquiry>

SET Alignment

This policy supports the Agency’s practice in SET [Value 5](#) to establish and maintain a strong working relationship with the legal system.
