

CALIFORNIA DEPARTMENT OF JUSTICE
DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
CHILD PROTECTION PROGRAM
P.O. BOX 903387
SACRAMENTO, CA 94203-3870

TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 9. REPORT OF CHILD ABUSE
ARTICLE 1. ADMINISTRATION OF THE CHILD ABUSE CENTRAL INDEX

Section 900. Scope

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 not unfounded as defined by CANRA, the agency must submit, a report in writing to the DOJ indicating whether the agency's finding is inconclusive or substantiated as these terms are defined by CANRA (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. 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: Section 11170(a)(1).

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

(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. 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 to the DOJ:

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. 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. The finding that allegations of child abuse or severe neglect are not unfounded is. 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

[Print Form](#)

[Reset Form](#)

To be completed by Submitting Child Protective Agency pursuant to Penal Code section 11169

INITIAL REPORT

AMENDED REPORT (attach copy of original BCIA 8583. Complete sections A, C, and all other applicable fields)

A. SUBMITTING AGENCY	SUBMITTING AGENCY (Enter complete name and check type)		<input type="checkbox"/> POLICE	<input type="checkbox"/> WELFARE	AGENCY REPORT NUMBER/CASE NAME	
	AGENCY ADDRESS Street		<input type="checkbox"/> SHERIFF	<input type="checkbox"/> PROBATION	City	State Zip Code
	NAME OF SUBMITTING PARTY		TITLE		AGENCY TELEPHONE	

B. INCIDENT INFORMATION	DATE OF REPORT	The finding that allegations of child abuse or severe neglect are not unfounded is: (Check only one box)				
	DATE OF INCIDENT	<input type="checkbox"/> SUBSTANTIATED (Penal Code section 11165.12(b)) <input type="checkbox"/> INCONCLUSIVE (Penal Code section 11165.102(e))				
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 Number/Case Name: _____ Date of Incident: _____ Type of Abuse: _____
	<input type="checkbox"/> CHANGED TO INCONCLUSIVE <input type="checkbox"/> ADDED ADDITIONAL INFORMATION <input type="checkbox"/> CHANGED TO SUBSTANTIATED <input type="checkbox"/> CORRECTED REPORT INFORMATION <input type="checkbox"/> NOW UNFOUNDED <input type="checkbox"/> UNDERLYING INVESTIGATIVE FILE NO LONGER AVAILABLE
Comment:	

VICTIM(S)	NAME: Last First Middle	AKA	DOB	Approx. AGE	<input type="checkbox"/> MALE	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				
	NAME: Last First Middle	AKA	DOB	Approx. AGE	<input type="checkbox"/> MALE	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				
D. INVOLVED PARTIES SUSPECT(S)	NAME: Last First Middle	AKA	DOB	Approx. AGE	<input type="checkbox"/> MALE	RACE *	
	ADDRESS Street City State Zip Code		HGT	WGT	EYES	HAIR	SOCIAL SECURITY NUMBER DRIVER'S LICENSE NUMBER
	RELATIONSHIP TO VICTIM: <input type="checkbox"/> PARENT/STEPPARENT <input type="checkbox"/> SIBLING <input type="checkbox"/> OTHER RELATIVE <input type="checkbox"/> FRIEND/AQUAINTANCE <input type="checkbox"/> STRANGER						
	NAME: Last First Middle	AKA	DOB	Approx. AGE	<input type="checkbox"/> MALE	RACE *	
OTHER	NAME: Last First Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE	RACE *		
	NAME: Last First Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE	RACE *		
	NAME: Last First Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE	RACE *		
	NAME: Last First Middle	DOB	Approx. AGE	<input type="checkbox"/> MALE	RACE *		

<p>* RACE CODES:</p> <p>W - White D - Cambodian B - Black G - Guamanian H - Hispanic U - Hawaiian I - American Indian K - Korean F - Filipino L - Laotian P - Pacific Islander S - Samoan C - Chinese V - Vietnamese J - Japanese O - Other A - Other Asian X - Unknown Z - Asian Indian</p>	<p><input type="checkbox"/> CHECK HERE IF ADDITIONAL SHEET(S) ATTACHED</p>	FOR DOJ USE ONLY

NOTE: Authority cited: Penal Code section 11170(a)(1). Reference: Penal Code sections 11169(a) and 11170(a)(1).

Section 902. Responsibilities of Agencies Submitting Reporting Form

(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. 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 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 investigatory report(s) for a prior report that are indexed on CACI, the submitting agency shall immediately notify the DOJ of the loss, destruction sealing, or non-retention of the investigatory report by filing an amended BCIA 8583 indicating that the investigatory report is no longer retained. The DOJ will remove from CACI the names of

individuals identified in the lost, destroyed sealed or no longer retained investigatory report(s) indexed in CACI.

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

Section 903. Entities Authorized to Access CACI Information May Not Make Determinations Based Solely on the CACI Listing.

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) 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). Reference: Penal Code 11167.5, 11169(a), 11170(b)(9)(A), 11170(c) and 11170(e)(2).

Section 904. DOJ Notification When a Submitting Agency Provides Names Identified in Existing CACI Entries

(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). Reference: Penal Code-sections 11169(c), 11170(b)(1)-(10), 11170(c), 11170(d), and 11170(e).

Section 905. Releasing CACI Information in Response to Inquiries From Authorized Entities.

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 Facsimile Inquiry For Child Abuse Central Index (CACI) Check BCIA 4084 (Rev. 3/09) form. 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 Facsimile Inquiry For Child Abuse Central Index (CACI) Check BCIA 4084 (Rev.3/09) form. The form is available from the DOJ website or upon request to the DOJ.

NOTE: Authority cited: Penal Code section 11170(a)(1). Reference: Penal Code-sections 11167, 11167.5, 11169, 11170(b)(1)-(10), 11170(c), 11170(d), 11170(e), and 11170.5.

Section 906. Disclosure of CACI Information To Members of the Public

(a) When a notarized Child Abuse Central Index Self Inquiry Request (Rev. 09/09) 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). Reference: Penal Code sections 11170(f) and 11170(g). Civil Code sections 1798.25, 1798.32, 1798.33, 1798.34, and 1798.35.