

CALIFORNIA DEPARTMENT OF JUSTICE

**TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 9. REPORT OF CHILD ABUSE**

NOTICE OF PROPOSED RULEMAKING

Notice published January 24, 2025

The Department of Justice (DOJ) proposes to amend sections 900, 901, 902, 903, 904, 905, and 906 of title 11, division 1, chapter 9 of the California Code of Regulations (CCR) concerning the administration of the Child Abuse Central Index.

PUBLIC HEARING

DOJ has not scheduled a public hearing on this proposed regulatory action. However, DOJ will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **March 11, 2025** at **5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice
California Justice Information Services Division
Attn: Shelley Klinefelter
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 210-2195
shelley.klinefelter@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Sections 11167, 11167.5, 11169, 11170 and 11170.5, Penal Code
Reference: Sections 11165.12, 11167, 11167.5, 11169, 11170 and 11170.5, Penal Code; and Sections 1798.25, 1798.32, 1798.33, 1798.34 and 1798.35, Civil Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Existing law, Penal Code section 11170, subdivision (a)(1) of the Child Abuse and Neglect Reporting Act (CANRA), requires DOJ to maintain an index of all local agency reports of child abuse and severe neglect submitted pursuant to Penal Code section 11169. DOJ currently maintains the Child Abuse Central Index (CACI) to carry out the statute. DOJ may adopt rules governing recordkeeping and reporting of child abuse.

The Department of Justice (DOJ) proposes to amend sections 900, 901, 902, 903, 904, 905, and 906 of title 11, division 1, chapter 9 of the California Code of Regulations (CCR), to adhere to changes to the Child Abuse Neglect and Reporting Act (CANRA). Any change to the CANRA directly impacts DOJ's administration of the Child Abuse Central Index (CACI).

Effective January 1, 2012, Assembly Bill (AB) 717, Chapter 468, Statutes of 2011, amended the CANRA by limiting agencies authorized to submit CACI reports to county child welfare and probation departments. The chaptered legislation also limited the abuse determination maintained in the CACI to substantiated reports and required the removal of any person listed in the CACI who has reached 100 years of age.

Effective January 1, 2013, AB 1707, Chapter 848, Statutes of 2012, further amended the CANRA to require, ten years from the incident date resulting in the CACI listing, the removal of any person who was listed in the CACI prior to reaching 18 years of age, if the person is listed only once with no subsequent listings.

The applicable sections of the CCR have not yet been updated to reflect these statutory changes. The proposed rulemaking serves to formally codify the requirements that DOJ already implements as required by CANRA.

Additionally, the Department of Social Services has asked DOJ to provide guidance to the reporting agencies regarding the fields that must be filled out in order to deem a Child Abuse or Severe Neglect Indexing Form, BCIA 8583 (Rev. 06/2024), complete.

Effect of the Proposed Rulemaking:

The proposed rulemaking will accomplish the following functions:

- Update existing regulations to conform to current statutory requirements.
- Clarify the types of reports that are included in the CACI.
- Clarify the correct process for reporting cases to be included in the CACI.
- Clarify the procedure for requesting and releasing CACI information.
- Adopt a \$15 fee for certain out-of-state requests for CACI information.

Anticipated Benefits of the Proposed Regulations:

The proposed rulemaking action helps protect children by clarifying the procedures and requirements for the reports and information contained within the CACI in light of statutory changes since the regulations were last amended, thus providing the public a general understanding of the statutorily required roles and responsibilities of those agencies involved in investigating allegations of child abuse or severe neglect, submitting reports to the CACI, and disclosing CACI information. The proposed rulemaking serves to formally codify the requirements that DOJ has already been implementing.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The proposed amendments to the regulation are consistent and compatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, DOJ has concluded that these are the only regulations that concern the CACI.

Forms Incorporated by Reference:

1. Child Abuse or Severe Neglect Indexing Form, BCIA 8583, Rev. 06/2024, (see section 900)-ADOPT
2. Child Abuse or Severe Neglect Indexing Form, BCIA 8583, Rev. 3/08, (see section 900)-REPEAL
3. Request for Child Abuse Central Index (CACI) Search, BCIA 4084, Rev. 06/2024, (see subdivision (a) of section 905)-ADOPT
4. Facsimile Inquiry for Child Abuse Central Index (CACI) Check, BCIA 4084, Rev. 3/09, (see section 905)-REPEAL
5. Child Abuse Central Index (CACI) Inquiry Request for Out-Of-State Foster Care & Adoption Agencies, BCIA 4057, Rev. 06/2024, (see subdivision (b) of section 905)-ADOPT
6. Child Abuse Central Index (CACI) Self Inquiry Request, BCIA 4056, Rev. 11/2024, (see subdivision (a) of section 906)-ADOPT
7. Child Abuse Central Index Self Inquiry Request, BCIA 4056, Rev. 09/09, (see subdivision (a) of section 906)-REPEAL

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

DOJ's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: DOJ anticipates revenue of approximately \$97,500 annually from a \$15 fee charged for out-of-state agency requests for CACI checks. DOJ's plans to absorb the estimated annual costs of approximately \$184,753 for processing and responding to these requests.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on representative person or business: DOJ is not aware of any cost impacts that a representative private person or business in California would necessarily incur in reasonable compliance with the proposed action. Out-of-state entities requesting CACI information will be subject to a \$15 fee per request to reimburse DOJ for costs of producing the information.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: DOJ has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment:

DOJ concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

DOJ also concludes that:

(1) The proposal will benefit the health and welfare of California residents by improving the reliability of CACI background checks. When submitting agencies follow the proposal and fill out the BCIA 8583 accurately and completely, these reports can then be entered in the CACI and used in CACI background check responses to ensure that individuals who were suspected of child abuse and severe neglect are not placed in positions to serve vulnerable populations. Additionally, the proposal will benefit the health and welfare of California residents whose information is required to be purged from the CACI.

- (2) The proposal will not benefit worker safety.
- (3) The proposal will not benefit the state's environment.

Business report requirement: None.

Small business determination: DOJ has determined that this proposed action does not affect small businesses because the proposed amendments affect only those individuals listed in the CACI as a result of the reporting requirements in Penal Code section 11169.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ must determine that no reasonable alternative considered by DOJ or that has otherwise been identified and brought to the attention of DOJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

DOJ has determined that the proposed regulations are the most effective way to conform the procedures and requirements for the reports and information contained within the CACI to statutory changes since the regulation were last amended, thus providing the public a general understanding of the statutorily required roles and responsibilities of those agencies involved in investigating allegations of child abuse or severe neglect, submitting reports to the CACI, and disclosing CACI information.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice
California Justice Information Services Division
Attn: Shelley Klinefelter
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 210-2195
shelley.klinefelter@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Department of Justice
California Justice Information Services Division
Attn: Gavino Valdez
P.O. Box 903387
Sacramento, CA 94203-3870
(916) 210-2823
gavino.valdez@doj.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. Interested parties are advised to call DOJ for an appointment. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on DOJ’s website at <https://oag.ca.gov/bcia/regulations>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After DOJ analyzes all timely and relevant comments received during the 45-day public comment period, DOJ will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If DOJ makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DOJ adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. DOJ will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on DOJ’s website at <https://oag.ca.gov/regulations>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on DOJ’s website at <https://oag.ca.gov/regulations>.