

SONOMA COUNTY PROBATION DEPARTMENT JUVENILE PROBATION POLICIES & PROCEDURES			
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3.4 PLACEMENT FATALITY/NEAR FATALITY

POLICY STATEMENT

The purpose of this policy is to provide guidelines and direction to Probation staff regarding fatalities or near-fatalities of wards with an active placement order. This policy is also relevant to wards with an active placement order and an active warrant.

It is the policy of the Sonoma County Probation Department to promptly report child fatalities and near fatalities to the Human Services Department as outlined in the Procedures section of this document, when Probation Staff has knowledge of or has observed or reasonably suspects that child abuse and/or neglect was a material contributing factor (a factor that is more than consequential or incidental) in a child fatality or near fatality. A “reasonable suspicion” occurs when it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position to suspect child abuse or neglect.

As mandated reporters, staff must report all child fatalities, serious injury, and/or physical or sexual abuse or neglect (including the willful harming or endangerment) of delinquent children in out-of-home care and any known circumstances surrounding the death, injury, or abuse immediately to the appropriate agency within timelines set forth in section 10850.4(j) of the Welfare and Institutions Code and Section 11166 of the Penal Code and other legal authorities referenced at the end of this policy. Appropriate agencies may include, but are not limited to: Human Services Department; Community Care Licensing; Interstate-Compact; California Department of Social Services (CDSS); the District Attorney’s Office; and law enforcement. In addition, line staff shall report this information to his/her supervisor, or in the absence of the supervisor, any available supervisor, or the Division Director. The information shall be communicated up the chain of command to the Chief as appropriate.

In notifying persons that a child fatality or near-fatality has occurred, it is the policy of the Probation Department to show as much sensitivity and compassion as possible. For those close to a situation, including probation officers, consideration will be given to the time, place, and manner in which the information is delivered, and immediate support will be offered. For Probation staff this may include, but is not limited to, the CIR team and/or EAP, Communication between workers, supervisors, and management shall address providing support to caregivers,

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family members, and affected staff. Generally, it is the supervisor's responsibility to inform his/her staff of any incidents that will have an impact on the unit or the division. Basic information about the death of a child should be shared with the worker's unit as appropriate given other staff may need to assist in tasks associated with the death and will need to be sensitive to the needs of their co-worker(s).

The decision as to whether or not the situation should be shared division or department-wide will take into consideration how others will be affected by the incident. Media coverage, workload issues, as well as privacy issues are all factors to consider. If the incident is one that will receive media attention, it may be appropriate to inform workers throughout the department.

All media inquiries related to a child fatality/near fatality, shall be handled by the Chief or his/her designee. It should be noted that it is the responsibility of CDSS, not the County, to disclose information regarding near fatalities.

It is further the policy of the Sonoma County Probation Department to generate an Incident Report whenever information is received that a child fatality or near fatality has occurred and that abuse and/or neglect was a material contributing factor (as defined above under Policy Statement) to the fatality or near fatality. Staff shall document the events in Jrs.net. ([SS 8572 form](#))

ADMINISTRATION:

The Juvenile Division Director, or designee, shall be responsible for the implementation and oversight of this policy.

GENERAL DEFINITIONS

The following terms are associated with this policy:

1. Child Near-Fatalities:

Child Near-Fatalities: "a severe childhood injury or condition caused by abuse or neglect which results in the child receiving critical care for at least 24 hours following the child's admission to critical care unit(s)" (ACL 16-109).

PROCEDURES

- I. Child fatality/near fatality in placement or for a child with an active placement order and an active warrant.

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A. Probation Officer Responsibilities:

1. Immediately advise supervisor or available supervisor of a child's fatality/near fatality.
2. Ensure case notes are current and complete in CWS/CMS and Jrs.net.
3. If there is reasonable suspicion that abuse and/or neglect was a material contributing factor in the child fatality, a timely referral is required to the Human Services Department with as much information as possible.
4. Determine if the family/caregiver has been notified of the fatality/near fatality. In most instances, the family will be notified by group home staff, law enforcement, or other involved parties. If it is determined that the family/caregiver has not been notified, consult with the supervisor or division director to develop a plan to inform the parents, caregivers and/or family members of the fatality/near fatality. While face-to-face contact is generally preferred, there may be circumstances that make that difficult or not the most supportive plan.

Note: The Law Enforcement Chaplain is often available to provide grief counseling /support for family members or caregivers.

If the child's parents/legal guardians reside a great distance away (outside Sonoma County), request that local law enforcement make an immediate and in-person fatality/near fatality notification. If parents' whereabouts are unknown, send a certified letter to their last known address requesting the parent contact the Probation Officer immediately.

5. Notify the child's attorney of child's fatality/near fatality.
6. Refer public or media inquiries to the Chief or his/her designee.
7. Adhere to agency policies regarding privacy of information and confidentiality.
8. Arrange for receipt of death certificate and forward to the Court.

B. Supervisor Responsibilities:

1. Timely notify the Chief of the situation through the chain of command, giving as much detail as available, including support that may be needed for staff involved.
2. Meet with Division Director and others as determined by Division Director to develop a plan of action.
3. Ensure follow through on the plan of action, keeping the Division Director and Chief informed of progress and new information via the chain of command.
4. Determine if the child fatality/near fatality is reportable to Human Services Department and/or CDSS, Community Care Licensing, Interstate Compact and/or law enforcement. Ensure that any required notifications are completed within required timeframes. (see section

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1085.4(j) of the Welfare and Institutions Code and Section 11166 of the Penal Code, and refer to All County Letter 16-109)

5. When it is determined or suspected that child abuse and/or neglect was a material contributing factor in the child fatality/near fatality, timely contact the Human Services Department within the jurisdiction where the fatality/near fatality occurred, and ensure that the Child Fatality/Near Fatality County Statement of Findings and Information (SOC 826) form was completed by the Human Services Department pursuant to WIC Section 10850.4(j).
6. Assess the level of support needed by involved staff and provide information regarding the county's Employee Assistance Program (EAP), the Peer Support Team, and any other applicable services an employee may need.
7. Work with the Administrative Services Officer I if the situation warrants consideration of leave time for staff.
8. Review case to determine quality of services provided and be prepared to share results of that review with the Division Director and/or other management as requested.

C. Division Director Responsibilities:

1. It is the responsibility of the Division Director or designee to gather information quickly and communicate with the Chief through the chain of command and other appropriate county personnel as directed. (i.e. Risk Management, County Counsel), etc.).
2. Immediately convene a meeting to develop a plan of action.
3. Assign tasks and track progress on action items.
4. Notify County Counsel of child's fatality/near fatality.
5. Notify the Court of child's fatality/near fatality.
6. Ensure that staff support is provided as outlined above in section B 6.
7. All public and media requests shall be handled by the Chief or his/her designee.
8. Following resolution of the immediate crisis, convene an internal debriefing to review probation's involvement and identify any systems issues, and/or training issues, associated with how the case was handled.

II. Dual Status Youth and Dependents of the Court:

If the child was/is a dual status dependent child in a Human Services placement at the time of fatality/near fatality, the Human Services

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Department shall be the agency responsible to handle the matter. The Probation Department will assist the Human Services Department as requested and appropriate circumstances arise.

III. AB12 Youth:

AB12 youth, being over the age of 18, are not subject to child abuse laws and therefore the aforementioned abuse notification requirements do not apply. In the event of a fatality/near fatality for an AB 12 youth, the probation officer shall adhere to the applicable aforementioned notification procedures to the Chief through the chain of command. In most cases, the department will in turn follow the procedures outlined in the Critical Incident Policy. (see policy reference below)

IV. Wards of the Court/Probationers within the Community:

Youth declared wards in the home of their parents and probationers in the community (DEOJ, 725(a)WIC, 654.2 WIC) do not fall under the category of "wards with an active placement order" and therefore many of the procedures listed above may not apply should a fatality/near fatality occur. Staff is urged to apply appropriate and applicable procedures listed above when dealing with the fatality or near fatality of a ward/probationer within the community, and consult with their supervisor (and/or County Counsel) in the event of any questions concerning reporting obligations in such situations.

APPROVED BY:

DAVID KOCH
Chief Probation Officer

REFERENCES

MPP Division 31-502
ACLs 08-13, 09-02, 10-06, 12-20, 15-81, 16-109
ACINs 1-85-10, 1-09-11, 1-45-12

Effective: 01/24/2017

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WIC 10850.4(j)

SB39

Penal Code sections 11164 et. seq. Child Abuse Prevention and Treatment Act
(42 USC Section 5101 and 5116 et seq.)

Critical Incident Policy

FORMS

SOC 826, Child Fatality/Near Fatality County Statement of Findings and
Information.

Incident Report Form

SS 8572 ([SCARS form](#))

ATTACHMENTS:

Attachment A:

JRS.NET, CWS/CMS PROCEDURES/DATA ENTRY RELATED TO
PLACEMENT FATALITY/NEAR FATALITY