

**45-DAY PUBLIC COMMENTS AND DEPARTMENT OF JUSTICE RESPONSES**

Section/Topic	Comment Number(s)	Summarized Comment	Department of Justice Response
§ 902, subdivision (a)	1.01	If an agency submits an amended report but does not have a copy of the original report, will the Department of Justice (DOJ) still accept it if all other required information is provided?	DOJ will remove the requirement to attach the original report to amended reports. The proposed text in subdivision (a)(1)(i)C.1. and BCIA 8583 will be updated accordingly, and a new field will be added on the BCIA 8583 to indicate when the original report was submitted.
§ 902, subdivision (b)	1.02, 2.02	It is recommended that counties be allowed to designate a Point of Contact (POC) for returned BCIA 8583 forms and that DOJ provide the POC with the corrected form along with the rejection letter listing the missing information and explanation.	DOJ will update the proposed text to specify that rejection letters will be sent to the POC designated by the submitting agency and listed on the BCIA 8583.
§ 902, subdivision (f)	1.03	Is there a specific effective date for the requirement in subdivision (f) to notify DOJ and amend the BCIA 8583 when an investigatory report is lost, destroyed, sealed, or no longer retained?	This requirement to notify DOJ immediately upon the loss, destruction, sealing or non-retention of an investigatory report in subdivision (f) has been in effect since January 5, 2010. The proposed changes to this provision are non-substantive.
General Recommendation	2.01	It is recommended that DOJ clarify the terms “abuse” and “severe neglect” throughout the document by specifying “child abuse” where applicable, such as on page 7 of the Text of Proposed Regulations.	DOJ will adopt this recommendation and update the proposed text to clarify the terms “abuse” and “severe neglect” by specifying “child abuse” where applicable.

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<p>§ 902, subdivision (a), BCIA 8583</p>	<p>2.03</p>	<p>The “approximate age” box in the suspect section of the BCIA 8583 may cause confusion regarding whether the age refers to the time of the incident or when the form is completed. Since the date of birth is required, this field may be unnecessary and could be removed.</p>	<p>DOJ will adopt this recommendation and remove the approximate age field from the Victim and Suspect sections. The proposed text in subdivision (a)(1)(ii)B and (iii)B and BCIA 8583 will be updated accordingly.</p>
<p>§ 901. Form Required for Submitting Report of Known or Suspected Child Abuse or Severe Neglect</p>	<p>3.01</p>	<p>The California Department of Social Services (CDSS) recommends clarifying when agencies are required to report by referencing California Penal Code section 11169 and specifying which agencies may submit reports to DOJ for entry into the Child Abuse Central Index (CACI). Additionally, CDSS suggests citing the definitions of abuse and severe neglect from Penal Code sections 11165.1, 11165.2, subdivision (a), 11165.3, 11165.4, and 11165.5, and referencing the “active investigation” requirement in Penal Code section 11169, subdivision (a).</p> <p>CDSS notes that legislative changes, including the suspension of the ICAN reporting mandate and removal of local law enforcement reporting requirements, impact which agencies must submit CACI reports. Given these changes, CDSS proposes alternative language to ensure the regulation accurately reflects current reporting responsibilities.</p>	<p>DOJ will adopt the proposed alternative language to clarify reporting requirements, reference relevant Penal Code sections, and reflect legislative changes affecting agency reporting to the CACI.</p>

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<p>§ 901. Form Required for Submitting Report of Known or Suspected Child Abuse or Severe Neglect</p>	<p>3.02</p>	<p>With the proposed repeal of the BCIA 8583 Guidelines, agencies will no longer have a readily accessible reference for completing the form. An updated version should be made available to help reporting agencies comply with Penal Code section 11169, improve accuracy, and reduce rejected submissions. This would minimize delays in adding suspects to the CACI.</p>	<p>DOJ will adopt this recommendation and incorporate an updated version of the BCIA 8583 Guidelines to assist reporting agencies in complying with Penal Code section 11169, improving accuracy, and reducing rejected submissions.</p>
<p>§ 902. Responsibilities of Agencies Submitting Reporting Form</p>	<p>3.03</p>	<p>The proposed language clarifies what constitutes a complete BCIA 8583 and which fields are required. Further clarity on whether non-required fields may be left blank or marked as “Unknown” would be helpful, along with guidance on whether to resubmit or discontinue a returned form if required information is unavailable.</p>	<p>DOJ will adopt this recommendation and update the proposed text in subdivision (a)(2) to specify that non-required fields may be left blank. Additionally, guidance will be provided instructing agencies to discontinue a returned form if they cannot provide the required information.</p>
<p>§ 902, subdivision (e)</p>	<p>3.04</p>	<p>Subdivision (e) accounts for law enforcement agencies that no longer report to the CACI but must retain records for prior submissions. Due to the suspended ICAN mandate, some local child welfare agencies that no longer participate in the ICAN State Block Grant program may also need to maintain past investigative reports.</p> <p>CDSS recommends adding language to clarify that all agencies, including law enforcement, must permanently retain investigative reports for substantiated cases, even if they no longer submit to the CACI.</p>	<p>DOJ will adopt this recommendation and update the proposed text to clarify that all agencies, including but not limited to law enforcement, must permanently retain investigative reports for substantiated cases, even if they no longer submit to the CACI.</p>