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SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

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8 Humboldt County Department of Health and Human Services, Child Welfare Services

9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF HUMBOLDT**

11 In the Matter of the Investigation of:

CASE NUMBER: **CV 16 0225**

12 **IN RE HUMBOLDT COUNTY CHILD**
13 **PROTECTION AND MANDATORY**
14 **REPORTING COMPLIANCE**

PETITION FOR RELIEF FROM
INVESTIGATIVE SUBPOENA (Gov.
Code section 11180 et seq.; Welfare and
Institutions Code §827, 10850)

Hearing date: 3/25, 2016
Time: 8:30 AM
Dept: 6

16 **TO: THE HONORABLE PRESIDING JUDGE OF THE ABOVE-ENTITLED**
17 **COURT; KAMALA HARRIS, ATTORNEY GENERAL OF CALIFORNIA;**
18 **CHRISTINE CHUANG, DEPUTY ATTORNEY GENERAL:**

19 PLEASE TAKE NOTICE that the Humboldt County Department of Health and
20 Human Services (the department) hereby petitions the court from an order granting relief
21 from an investigative subpoena (pursuant to Government Code section 1180 et seq.)
22 seeking the production of all reports of child abuse and/or neglect received by the
23 department between January 1, 2011, and December 31, 2015.

24 The relief is proper because (1) there are no specific allegations of wrongdoing;
25 (2) records of reports of child abuse are confidential, privileged, and may not be disclosed
26 by subpoena; and (3) because it is the California Department of Social Services, not the

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1 Attorney General, that has authority to pursue an investigation pursuant to Government
2 Code section 11180 et seq.

3 This PETITION is based on the attached Memorandum of Points and Authorities,
4 and Exhibits.

5 **I. DISCUSSION**

6
7 **A. THIS COURT SHOULD ISSUE AN ORDER QUASHING THE SUBPOENA**
8 **BECAUSE THE ATTORNEY GENERAL LACKS JURISDICTION TO**
9 **CONDUCT A BROAD INVESTIGATION INTO THE OPERATIONS OF A**
10 **CHILD WELFARE AGENCY.**

11 Trial courts are authorized to enforce investigative subpoenas that are “regularly
12 issued.” (Gov.Code, § 11188; *Medical Board of California v. Chiarottino* (2014) 225
13 Cal.App.4th 623, 627.) “An administrative subpoena may be enforced if it is issued for a
14 *lawfully authorized purpose*, within the power of the legislative body to command.

15 [Citation omitted.] The documents demanded must be relevant and *adequate, but not*
16 *excessive*, for the purposes of the relevant inquiry.” *Millan v. Restaurant Enterprises*
17 *Group, Inc.* (1993) 14 Cal.App.4th 477, 480-81, as modified on denial of reh'g (Mar. 24,
18 1993) [emphasis in original].)

19 In this case, the subpoena issued by the Attorney General serves no regulatory
20 purpose, and is overbroad and excessive. In fact, Juvenile records are subject to the
21 confidentiality provisions and privileges of the law and the constitutional right to privacy.
22 (Cal.Const., Art. I, §1; WIC §§ 346, 676, 827, 10850.) Indeed, it is well-settled that
23 records of child welfare services are court records that cannot be disclosed pursuant to
24 subpoena. The statutory scheme reflects a legislative determination that the juvenile court
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1 has both the sensitivity and expertise to make decisions about access to juvenile records.
2 (*J.E. v. Superior Court* (2014) 223 Cal.App.4th 1329, 1337.)

3 Of course, there are exceptions to the general rule of confidentiality that permit the
4 department to disclose records without order of the court, however, Welfare and
5 Institutions Code section 827 contains no provision that authorizes the Attorney General
6 to conduct broad investigations with regards to the operations of a child welfare agency.
7 To the contrary, section 827 explicitly provides that the California Department of Social
8 Services has authority to review records in order to oversee the functions of County Child
9 Welfare Agencies.¹

10 The proposition that the Attorney General should not have authority to conduct
11 such an investigation is further supported by reference to the opinion of the California
12 Court of Appeal in *Jacqueline T. v. Alameda County Child Protective Services* (2007)
13 155 Cal.App.4th 456 (hereinafter *Jacqueline T.*) In that case, the court examined various
14 provisions of the CANRA and concluded that while the scheme generally imposes no
15 mandatory duties on child welfare agencies requires social workers to respond within ten
16 (10) days to all reports of abuse, the statute did not mandate a specific response. Rather,
17 County's decisions in that regard were discretionary (*Jacqueline T. v. Alameda County*
18 *Child Protective Services* (2007) 155 Cal.App.4th 456, 470-477, as modified (Oct. 4,
19 2007).)
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24 ¹ The department does not question that the Attorney General as Head of the Department of Justice, has authority to
25 pursue an investigation to enforce the provisions of CANRA. The department further agrees that copies of the Child
26 Abuse or Severe Neglect Indexing Form (BCIA 8583 [attached as Exhibit2]) can/should be disclosed to the
Attorney General without further order of the court.

1 The department acknowledges that subd. (j) of Penal Code section 11166 imposes
2 a mandatory duty on social workers to cross report certain categories of reports of abuse
3 within specified time-frames. However, the records requested here exceed the scope of
4 the department's duties to cross-report pursuant to CANRA (See e.g. Exhibit 1- pages 2-
5 3: item 4. "ALL REPORTS OF CHILD ABUSE OR NEGLECT received OR submitted
6 by YOU, including but not limited to, all CROSS reports ...;" and item 5. d. "For every
7 REPORT OF CHILD ABUSE OR NEGLECT that was evaluated out OR not
8 investigated, all DOCUMENTS RELATING TO the decision to evaluate out OR not
9 investigate the REPORT OF CHILD ABUSE OR NEGLECT.") Significantly, the
10 investigation focusses on the period between January 1, 2011, and December 31, 2015,
11 and has the potential to implicate thousands of records and hundreds of hours of staff
12 time.
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15 In the context of this broad request, public policy militates in favor of the
16 conclusion that the Attorney General has no jurisdiction to oversee the decisions of social
17 workers. As the *Jacqueline T.* court stated:
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19 "It is necessary to protect social workers in their vital work from the harassment of
20 civil suits and to prevent any dilution of the protection afforded minors by the
21 dependency provisions of the Welfare and Institutions Code. Therefore, social
22 workers must be absolutely immune from suits alleging the improper investigation
23 of child abuse, removal of a minor from the parental home based upon suspicion
24 of abuse and the instigation of dependency proceedings. (*Jacqueline T. v. Alameda
25 County Child Protective Services* (2007) 155 Cal.App.4th 456, 466-67, as
26 modified (Oct. 4, 2007))

27 There is no danger that any systemic problems will go undetected if the Attorney
28 General does not move forward with their broad investigation as the department is

1 routinely audited by the California Department of Social Services. The office of the
2 Attorney General should not provide parties aggrieved by decisions of social workers an
3 alternative to a civil lawsuit. There is no legal authority that permits attorneys with the
4 office of the Attorney General to substitute their judgment for social workers.
5

6 **B. THE RECORDS ARE CONFIDENTIAL AND CANNOT BE DISCLOSED**
7 **WITHOUT ORDER OF THE COURT UPON FILING OF A PETITION**
8 **PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 827.**

9 Although the Attorney General, as a prosecuting agency, may have access to
10 juvenile records when “standing in the shoes” of the District Attorney as a criminal
11 prosecutor, there is no exception to the general rule that juvenile records are made
12 confidential that would permit the Attorney General to conduct a broad investigation into
13 all reports of child reports received by the agency over a period of five years. The records
14 are confidential and should be disclosed only upon filing of a petition pursuant to Welfare
15 and Institutions Code section 827. Indeed, “[g]iven the highly sensitive material that may
16 be contained in juvenile records, the Legislature has imposed an exclusive obligation on
17 the juvenile court to shield access to these files unless the court determines the interests
18 supporting disclosure outweigh the interests in maintaining confidentiality. (*J.E. v.*
19 *Superior Court* (2014) 223 Cal. App. 4th 1329, 1338.)

20 However, if the court determines that sufficient cause is shown to conduct an in-
21 camera review of the records at issue, the department asks that the court issue a protective
22 order to preserve the confidentiality of any records subject to disclosure.

23 **II. CONCLUSION**

24 The investigative subpoena should be quashed because it is overbroad and was
25 issued in connection with an investigation that exceeds the regulatory power of the
26 Attorney General. Nonetheless, if the court is inclined to consider releasing records

1 within the jurisdiction of the Attorney General, that agency should file a petition pursuant
2 to Welfare and Institutions Code section 827 so that the court can balance the petitioner's
3 interest in disclosure against the privacy issues involved. To the extent the court decides
4 to release records, the material should be disclosed pursuant to a protective order
5 preventing further dissemination of the information.
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8 Dated: March 17, 2016

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BLAIR ANGUS, Assistant County Counsel
11 Attorney for the Humboldt County Department of
12 Health and Human Services.
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Exhibit 1

1 KAMALA D. HARRIS
Attorney General of California
2 ANGELA SIERRA
Senior Assistant Attorney General
3 MICHAEL L. NEWMAN
Supervising Deputy Attorney General
4 CHRISTINE CHUANG (SBN 257214)
Deputy Attorney General
5 Bureau of Children's Justice
1515 Clay Street, Suite 2100
6 Oakland, CA 94612
Telephone: (510) 622-2260
7 Fax: (510) 622-2270
E-mail: Christine.Chuang@doj.ca.gov
8

9 BEFORE THE DEPARTMENT OF JUSTICE
10 OFFICE OF THE ATTORNEY GENERAL
11 STATE OF CALIFORNIA
12

13 In the Matter of the Investigation of:

14 **IN RE HUMBOLDT COUNTY CHILD**
15 **PROTECTION AND MANDATORY**
16 **REPORTING COMPLIANCE**

INVESTIGATIVE SUBPOENA

[GOV. CODE § 11180, ET SEQ.]

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23 NOTICE TO THE PERSON SERVED:

24 You are served on behalf of **Humboldt County Department of Health and Human Services.**
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1 Pursuant to the powers conferred by Article 2 of Chapter 2 of Division 3 of Title 2 (Cal.
2 Gov. Code, § 11180 et seq.) of the Government Code of California, on the Attorney General, as
3 head of the California Department of Justice, which powers and authority to conduct the above
4 entitled investigation have been delegated to the undersigned, an officer of that Department,

5
6 **Humboldt County Department of Health and Human Services**

7 (hereinafter "WITNESS") IS HEREBY COMMANDED to produce, on March 18, 2016, at
8 10:00 A.M., to California Department of Justice, Office of the Attorney General, 1300 I Street,
9 Sacramento, California 95814, ATTN: Deputy Attorney General Christine Chuang, or at a time
10 and place to which the parties otherwise agree, the documents, books, records, papers and other
11 items (collectively "Items") described in Attachment A to this Investigative Subpoena which are
12 in WITNESS'S custody, possession or control, or the custody, possession or control of
13 WITNESS'S related, oversight, parent or partner agencies, employees, partners, officers, agents
14 or representatives, whether or not the present location of any of the Items designated is in
15 California.

16 **INSTRUCTIONS FOR COMPLIANCE**

- 17 1. The Items shall be accompanied by a completed declaration of custodian of records in
18 compliance with Evidence Code sections 1560, 1561, 1562, and 1271.
- 19 2. The Relevant Period of this subpoena is January 1, 2011 through the final response date of
20 this subpoena unless otherwise expressly stated herein. All responsive Items created, maintained
21 or altered during the Relevant Period must be produced unless otherwise expressly stated in
22 Attachment A to this subpoena.
- 23 3. If WITNESS claims that an Item or a portion of an Item is privileged and WITNESS
24 withholds it from production for that reason, WITNESS must create and submit a privilege log
25 which lists: (1) the author(s) and their capacities; (2) the recipients (including cc's and bcc's) and
26 their capacities; (3) other individuals with access to the document and their capacities; (4) the
27 type of document; (5) the subject matter of the document; (6) the purpose(s) for the production of
28

1 the document; (7) the date on the document; and (8) a detailed explanation setting forth the
2- factual and legal basis for your claim that the document is privileged or otherwise immune from
3 production.

4 4. To the extent responsive Items exist in an electronic or computerized format, please contact
5 the officer issuing this subpoena to discuss the manner and format in which the Items are to be
6 produced so as to facilitate the production of full and complete copies in a usable format. In the
7 absence of an agreement regarding the manner and format of production, the following
8 instructions shall apply:

9 a. The information shall be provided on CD/DVD or external hard drive formatted as
10 follows: (1) native files converted to bates numbered single page .tiff files; (2) multi-page text
11 files named based on the associated bates number containing extracted or OCR text; (3) image
12 load files in Opticon or Ipro format; (4) Relativity data file to include all metadata fields
13 including Sha-1 hash value and attachment range for compound documents; (5) any EXCEL
14 document or native document that includes formulas in a native file format; and (6) any audio
15 files in a WAV file format.

16 b. The response shall include all Documents and computer programs necessary to the
17 accurate conversion, analysis, and review of the electronic data, including but not limited to
18 operating instructions, manuals and user guides, keys, legends, and codes for systems, programs,
19 files, and data fields.

20 5. This Investigative Subpoena has been issued in connection with an investigation within the
21 scope of section 131 of the California Penal Code.

22 6. No Item requested herein shall be destroyed or discarded by WITNESS until the Attorney
23 General has made a written determination that the Item in question is not necessary for the
24 purposes of this investigation.

25 7. When producing Items, identify by number the request(s) on Attachment A to which the
26 Item is responsive.

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1 DEFINITIONS

2 For the purposes of this Investigative Subpoena, the terms set forth below are defined as
3 follows:

4 A. "AGREEMENT" means any oral OR written agreement, contract, memorandum of
5 understanding OR engagement letter (including any attachments OR amendments).

6 B. "AND" and "OR" have both conjunctive and disjunctive meanings.

7 C. "CANRA" means California's Child Abuse and Neglect Reporting Act, Penal Code, section
8 11164 et seq.

9 D. "CHILD WELFARE SERVICES" means services as defined in Welfare & Institutions Code,
10 section 16501, including but not limited to, emergency response services as defined in Welfare &
11 Institutions Code 16501, subdivision (f).

12 E. "COMMUNICATION" means every disclosure, transfer, exchange OR transmission of
13 information, whether oral, written, OR electronic, AND whether face-to-face, by
14 telecommunications, computer, mail, telecopier, facsimile (fax) machine, OR otherwise,
15 including attachment(s).

16 F. "CROSS-REPORTS" means REPORTS OF CHILD ABUSE OR NEGLECT submitted OR
17 received pursuant to Penal Code, sections 11166, subdivisions (j) and (k), OR California Code of
18 Regulations, title 11, sections 930.40 through 930.41.

19 G. "CUSTODY" means under the supervision AND/OR care of DHHS pursuant to a court order.

20 H. "CWS/CMS" means Children Welfare Services/Case Management System.

21 I. Humboldt County Department of Health and Human Services ("DHHS") includes all divisions
22 of the Department of Health and Human Services, including all regional offices of the division of
23 Children and Family Services ("CFS") AND all offices responsible for protecting AND providing
24 services to children.

25 J. "DOCUMENT" OR "DOCUMENTS" means the original AND all non-identical copies AND
26 drafts, regardless of origin OR location, of any information, writing OR data stored in paper,
27 electronic, tape OR any other format, including without limitation written OR printed matter,
28 video OR audiotapes, image-bearing film, photographs AND images, AND electronically stored

1 information. It further includes without limitation letters, telegrams, telexes, facsimiles,
2 correspondence, memoranda, email, video, voicemail, reports, CONTRACTS, studies, calendar
3 OR diary entries, minutes, pamphlets, handwritten notes, charts, tabulations, records of meetings,
4 conferences, digital OR electronic messages OR COMMUNICATIONS, telephone OR other
5 conversations OR COMMUNICATIONS, AND tapes OR slides, as well as computer files,
6 directories, AND programs in whatever form.

7 K. "EMERGENCY RESPONSE PROTOCOL" means the assessment of an EMERGENCY
8 RESPONSE REFERRAL conducted by a social worker skilled in emergency response for the
9 purpose of determining whether an IN-PERSON INVESTIGATION is required.

10 L. "EMERGENCY RESPONSE REFERRAL" means a referral that alleges child abuse OR
11 neglect, including but not limited to, MANDATED REPORTS AND CROSS-REPORTS
12 received by YOU.

13 M. "EMERGENCY RESPONSE SYSTEM" means the response system described in Welfare &
14 Institutions Code, section 16501, subdivision (f).

15 N. "IN-PERSON INVESTIGATION" means a face-to-face response by a social worker for the
16 purpose of determining the potential for OR the existence of any condition(s) that places a child
17 OR any other child in a household at risk AND in need of services, AND that would cause a child
18 to be a person described by Welfare & Institutions Code, section 300, subdivisions (a) through (j).

19 O. "LAW ENFORCEMENT AGENCY" means any police departments OR local law
20 enforcement agencies in Humboldt or any other county, as well as its employees, contractors,
21 officers, agents AND representatives of the same.

22 P. "MANDATED REPORTS" means reports made pursuant to Penal Code, section 11166,
23 subdivision (a).

24 Q. "MANDATED REPORTER" means individuals as defined in Penal Code, section 11165.7,
25 subdivision (a).

26 R. "OUT-OF-HOME CARE PLACEMENT" means any agency, institution, facility, shelter,
27 center, school, camp, home, OR hospital, which is responsible for a child's care AND welfare,
28 AND includes but is not limited to, foster homes, kinship care, non-related extended family

1 member ("NREFM"), OR TRIBALLY-APPROVED FOSTER HOMES, whether licensed OR
2 unlicensed.

3 S. "PERSON" means any natural person, corporation, company, partnership, joint venture, firm,
4 association, proprietorship, agency, board, authority, commission, office OR other business OR
5 legal entity, whether private OR governmental.

6 T. "RELATING TO" means constituting, containing, concerning, discussing, describing,
7 analyzing, identifying, referring to, relating to, referencing, documenting, governing, regulating,
8 directing, evidencing OR stating.

9 U. "STANDING ORDER" means each version of the order issued by the Superior Court of
10 California, County of Humboldt RELATING TO the exchange of information AND collaboration
11 between TRIBES AND YOU with respect to Native American children.

12 V. "SUPPORTING" means evidencing, supporting, substantiating, validating, verifying,
13 corroborating, proving, confirming, OR demonstrating.

14 W. "SHERIFF'S OFFICE" means Humboldt County Sheriff's Office, as well as its employees,
15 contractors, officers, agents AND representatives of the same.

16 X. "REPORTS OF CHILD ABUSE OR NEGLECT" includes but is not limited to,
17 EMERGENCY RESPONSE REFERRALS, MANDATED REPORTS, AND CROSS-REPORTS
18 (including any attachments OR notes, in whatever form).

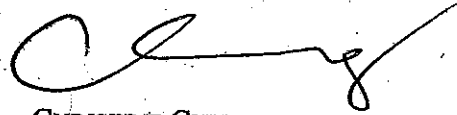
19 Y. "TRIBE" means any federally recognized Native American tribe, including each eligible OR
20 enrolled member, including but not limited to, TRIBES located in Humboldt County OR which
21 have constituent occupied lands located in Humboldt County. TRIBE includes any AND all
22 agencies administered by TRIBES.

23 Z. "TRIBALLY-APPROVED FOSTER HOME" means any home that has been licensed,
24 approved, OR specified as a home by a TRIBE for foster care OR adoptive purposes according to
25 a TRIBE'S socially AND culturally appropriate standards, pursuant to 25 U.S.C. section 1931.

26 AA. "YOU" AND "YOUR" means Department of Health and Human Services, including but not
27 limited to, the division of Children and Family Services, as well as its employees, contractors,
28 officers, agents AND representatives of the same.

1 FAILURE TO COMPLY WITH THIS SUBPOENA WILL SUBJECT YOU TO THE
2 PROCEEDINGS AND PENALTIES PROVIDED BY LAW.

3 Dated: February 24, 2016
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7 CHRISTINE CHUANG
Deputy Attorney General
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- 1 i. The date of the initial determination made by YOU relating to each REPORT OF
2 CHILD ABUSE OR NEGLECT.
- 3 j. The initial determination made by YOU relating to each REPORT OF CHILD
4 ABUSE OR NEGLECT.
- 5 k. The date of any AND all subsequent changes to the initial determination made by
6 YOU relating to each REPORT OF CHILD ABUSE OR NEGLECT.
- 7 l. Any AND all subsequent changes to the initial determination made by YOU relating
8 to each REPORT OF CHILD ABUSE OR NEGLECT.
- 9 m. Whether an IN-PERSON INVESTIGATION was conducted in response to each
10 REPORT OF CHILD ABUSE OR NEGLECT, AND if so, the date of the IN-
11 PERSON INVESTIGATION.
- 12 n. Final findings, outcome OR determination made by YOU relating to each REPORT
13 OF CHILD ABUSE OR NEGLECT after an IN-PERSON INVESTIGATION.
- 14 o. The date of the final findings, outcome OR determination made by YOU relating to
15 each REPORT OF CHILD ABUSE OR NEGLECT after an IN-PERSON
16 INVESTIGATION.
- 17 p. Any AND all interactions with the SHERIFF'S OFFICE OR LAW ENFORCEMENT
18 AGENCIES after the final findings, outcome OR determination made by YOU
19 relating to each REPORT OF CHILD ABUSE OR NEGLECT.
- 20 4. All REPORTS OF CHILD ABUSE OR NEGLECT received OR submitted by YOU,
21 including but not limited to, all CROSS-REPORTS received or submitted to the SHERIFF'S
22 OFFICE, LAW ENFORCEMENT AGENCIES, AND other agencies.
- 23 5. For every REPORT of CHILD ABUSE OR NEGLECT identified in Item number 4:
24 a. All completed BCIA 8583 forms (including any prior versions of this form);
25 b. All completed Emergency Response Intake Information forms; AND
26 c. All completed screener narrative forms.
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1 d. For every REPORT OF CHILD ABUSE OR NEGLECT that was evaluated out OR
2 not investigated, all DOCUMENTS RELATING TO the decision to evaluate out OR
3 not investigate the REPORT OF CHILD ABUSE OR NEGLECT.

4 6. ALL DOCUMENTS RELATING TO the removal of children from any AND all OUT-OF-
5 CARE PLACEMENTS for reasons RELATING TO REPORTS OF CHILD ABUSE OR
6 NEGLECT.

7 7. ALL DOCUMENTS RELATING TO informal or formal complaints or grievances received
8 by YOU or filed against YOU relating to REPORTS OF CHILD ABUSE OR NEGLECT,
9 including but not limited to, DOCUMENTS RELATING TO investigations of complaints or
10 efforts to resolve complaints RELATING TO REPORTS OF CHILD ABUSE OR
11 NEGLECT.

12 **Communications**

13 8. All internal COMMUNICATIONS RELATING TO TRIBES AND children who are eligible
14 for enrollment OR enrolled in any TRIBES.

15 9. All COMMUNICATIONS between YOU and any entity, including but not limited to, the
16 SHERIFF'S OFFICE OR LAW ENFORCEMENT AGENCIES OR TRIBES, RELATING
17 TO REPORTS OF CHILD ABUSE OR NEGLECT.

18 10. All COMMUNICATIONS between YOU and any entity, including but not limited to, the
19 SHERIFF'S OFFICE OR LAW ENFORCEMENT AGENCIES OR TRIBES, RELATING
20 TO placement of a child at any OUT-OF-HOME CARE PLACEMENTS.

21 **Policies and Procedures**

22 11. A copy of each version of any written policies, procedures, guidance OR instruction, whether
23 informal OR formal, that were in effect at any time during the period covered by this
24 Subpoena RELATING TO CANRA, including but not limited to:

25 a. Reporting, receiving, memorializing, screening, AND processing REPORTS OF
26 CHILD ABUSE OR NEGLECT.

27 b. Cross-reporting REPORTS OF CHILD ABUSE OR NEGLECT.

28 c. Evaluating out REPORTS OF CHILD ABUSE OR NEGLECT.

- 1 d. Referring REPORTS OF CHILD ABUSE OR NEGLECT to other entities.
- 2 e. Investigating, evidencing OR substantiating REPORTS OF CHILD ABUSE OR
- 3 NEGLECT.
- 4 f. Coordinating with other agencies AND/OR TRIBES RELATING TO the
- 5 investigating, evidencing OR substantiating REPORTS OF CHILD ABUSE OR
- 6 NEGLECT.
- 7 g. Creating AND maintaining files AND records on individual children who are the
- 8 subject of a REPORT OF CHILD ABUSE OR NEGLECT.
- 9 h. Monitoring compliance with all state AND federal laws, rules, regulations, AND
- 10 policies governing REPORTS OF CHILD ABUSE OR NEGLECT.
- 11 12. A copy of each version of any written policies, procedures, guidance OR instruction, whether
- 12 informal OR formal, that were in effect at any time during the period covered by this
- 13 Subpoena RELATING TO the evaluation, licensing, AND re-licensing of foster home
- 14 placements.
- 15 13. A copy of each version of any written policies, procedures, guidance OR instruction, whether
- 16 informal OR formal, that were in effect at any time during the period covered by this
- 17 Subpoena RELATING TO supervising, monitoring, AND evaluating unlicensed foster care
- 18 settings, including but not limited to, kinship care, NREFM OR TRIBALLY-APPROVED
- 19 FOSTER HOMES.
- 20 14. All DOCUMENTS RELATING TO training of any PERSON designated OR employed by
- 21 YOU to provide CHILD WELFARE SERVICES RELATING TO compliance with CANRA,
- 22 including but not limited to, training programs, training requirements, documentation of the
- 23 satisfaction of training requirements, any efforts to evaluate the provision of such training,
- 24 AND the process by which compliance with these trainings is ensured AND measured.

25 **Management Documents**

- 26 15. All organizational charts for DHHS, listing job titles AND names of PERSONS who hold
- 27 those titles.

- 1 16. DOCUMENTS sufficient to describe YOUR budget for each fiscal year, including a list of all
2 funding sources.
- 3 17. DOCUMENTS sufficient to identify the chain of command AND the flow AND scope of
4 responsibilities, job duties, AND accountability between AND among DHHS AND CFS.
- 5 18. DOCUMENTS sufficient to show the monthly AND annual caseloads for each PERSON
6 designated OR employed by YOU to provide CHILD WELFARE SERVICES.
- 7 19. DOCUMENTS sufficient to show the job title AND job duties of each PERSON designated
8 OR employed by YOU to provide CHILD WELFARE SERVICES.
- 9 20. All DOCUMENTS that IDENTIFY the electronic databases used by DHHS at any time from
10 2011 to the present to maintain any AND all information regarding children in the custody of
11 DHHS AND REPORTS OF CHILD ABUSE OR NEGLECT, including but not limited to,
12 CWS/CMS.
- 13 21. The following DOCUMENTS relating to all electronic databases identified in Item Number
14 20:
- 15 a. Information relating to the location AND contents of all data.
 - 16 b. Data elements capable of being inputted.
 - 17 c. Sample entries AND forms of all database fields.
 - 18 d. Manuals OR other documents regarding databases AND the information they contain.
 - 19 e. All types of regular AND ad hoc reports that the database is capable of generating.
- 20 22. All DOCUMENTS RELATING TO problems OR inaccuracies in all databases identified in
21 Item Number 20, including but not limited to, all DOCUMENTS RELATING TO efforts to
22 address those problems OR inaccuracies.
- 23 23. All DOCUMENTS RELATING TO audits, reviews, performance reports, evaluations OR
24 assessments of YOUR handling of REPORTS OF CHILD ABUSE OR NEGLECT, including
25 but not limited to, compliance with CANRA.
- 26 24. All DOCUMENTS RELATING TO the California Partners for Permanency project.
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1 **Document Retention and Maintenance**

2 25. All DOCUMENTS RELATING TO the collection, maintenance, tracking, AND generation of
3 data AND documentation RELATING TO REPORTS OF CHILD ABUSE OR NEGLECT.

4 26. All DOCUMENTS RELATING TO the retention AND destruction of any child welfare
5 document AND data recorded in either paper OR electronic form, including emails, AND all
6 protocols AND timetables for recycling of backup tapes.

7 27. All DOCUMENTS RELATING TO efforts made to ensure the accuracy, currency, integrity,
8 AND security of data maintained by YOU.

9 **Agreements**

10 28. All AGREEMENTS with any entities, including the SHERIFF'S OFFICE OR LAW
11 ENFORCEMENT AGENCIES OR TRIBES RELATING TO REPORTS OF CHILD ABUSE
12 OR NEGLECT, including but not limited to, CROSS-REPORTING, coordinating, and
13 investigating such REPORTS OF CHILD ABUSE OR NEGLECT.

14 29. All AGREEMENTS with TRIBES RELATING TO provision of CHILD WELFARE
15 SERVICES, including but not limited to, reporting of child abuse or neglect.

16 30. A copy of each version of the STANDING ORDER.

17 31. DOCUMENTS sufficient to identify all formal or informal proceedings, excluding individual
18 proceedings in juvenile court, filed or initiated against YOU RELATING TO YOU OR
19 YOUR actions, operations, policies, procedures, OR practices, including DOCUMENTS
20 sufficient to identify the nature of the claims asserted in those matters. This Item includes any
21 lawsuits, administrative actions, investigative demands, AND/OR grand jury proceedings.

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **In the Matter of the Investigation of: *IN RE HUMBOLDT COUNTY CHILD PROTECTION AND MANDATORY REPORTING COMPLIANCE***

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550.

On **February 24, 2016**, I served the attached INVESTIGATIVE SUBPOENA [GOV. CODE § 11180, et seq.] by placing a true copy thereof enclosed in a sealed envelope with GOLDEN STATE OVERNIGHT, addressed as follows:

Blair Angus
Assistant County Counsel
County of Humboldt
825 Fifth Street
Eureka, CA 95501

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **February 24, 2016**, at Oakland, California.

Katheryn Weaver
Declarant



Signature

Exhibit 2



CHILD ABUSE OR SEVERE NEGLECT INDEXING FORM

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

INITIAL REPORT

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

DO NOT USE ONLY
FOR CONTACTING

SUBMITTING AGENCY	SUBMITTING AGENCY (Enter complete name and check type)		<input type="checkbox"/> WELFARE <input type="checkbox"/> PROBATION		AGENCY REPORT NUMBER/CASE NAME		
	AGENCY ADDRESS Street		City		State	Zip Code	
	NAME OF SUBMITTING PARTY		TITLE		AGENCY TELEPHONE		
	DATE OF REPORT		<input type="checkbox"/> THE FINDING THAT ALLEGATIONS OF CHILD ABUSE OR SEVERE NEGLECT IS SUBSTANTIATED (PC sections 11165.12(b) and 11169(a))				
INCIDENT INFORMATION	DATE OF INCIDENT		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				
AMENDED REPORT INFORMATION	ORIGINAL AGENCY REPORT NUMBER/CASE NAME		DATE OF INCIDENT		TYPE OF ABUSE		
	<input type="checkbox"/> NOW UNFOUNDED OR INCONCLUSIVE <input type="checkbox"/> ADDED ADDITIONAL INFORMATION <input type="checkbox"/> CORRECTED REPORT INFORMATION <input type="checkbox"/> UNDERLYING INVESTIGATIVE FILE NO LONGER AVAILABLE						
COMMENTS							
INVOLVED PARTIES - SUSPECT	NAME: Last First Middle		AKA		DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	DID VICTIM'S INJURIES RESULT IN DEATH?		IS VICTIM DEVELOPMENTALLY DISABLED (4512(a) W&I)?				
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				
	NAME: Last First Middle		AKA		DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	DID VICTIM'S INJURIES RESULT IN DEATH?		IS VICTIM DEVELOPMENTALLY DISABLED (4512(a) W&I)?				
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				
	NAME: Last First Middle		AKA		DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	DID VICTIM'S INJURIES RESULT IN DEATH?		IS VICTIM DEVELOPMENTALLY DISABLED (4512(a) W&I)?				
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				
	NAME: Last First Middle		AKA		DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	SUSPECT IS AGE 17 OR YOUNGER		<input type="checkbox"/> YES <input type="checkbox"/> NO	DOB	Approx. AGE	HGT WGT EYE HAIR	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *
	ADDRESS Street		City	State	Zip Code	SOCIAL SECURITY NUMBER	DRIVER'S LICENSE NUMBER
RELATIONSHIP TO VICTIM: <input type="checkbox"/> PARENT/STEPARENT <input type="checkbox"/> SIBLING <input type="checkbox"/> OTHER RELATIVE <input type="checkbox"/> FRIEND/ACQUAINTANCE <input type="checkbox"/> STRANGER							
OTHER	NAME: Last First Middle				DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	NAME: Last First Middle				DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	NAME: Last First Middle				DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	
	NAME: Last First Middle				DOB	Approx. AGE <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE *	

*** RACE CODES:**

W - White
B - Black
H - Hispanic
I - American Indian
F - Filipino
P - Pacific Islander
S - Samoan

C - Chinese
J - Japanese
A - Other Asian
Z - Asian Indian
D - Cambodian
G - Guamanian

U - Hawaiian
K - Korean
L - Laotian
V - Vietnamese
O - Other
X - Unknown



GUIDELINES FOR USE AND COMPLETION OF THE CHILD ABUSE OR SEVERE NEGLECT INDEXING FORM (BCIA 8583)

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 THE DEPARTMENT OF JUSTICE (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 abuse or severe neglect is substantiated. 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.

The completed BCIA 8583 should be submitted to the DOJ as soon as possible after completion of the investigation as 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 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 and substantiated by the submitting authorized agencies. The exact month, day, and year is required for entering into the CACI. If not known, please provide approximate date. Reports containing multiple dates will be returned.
- **Section B - INCIDENT INFORMATION** - The finding that allegations of child abuse or severe neglect is:
 - **SUBSTANTIATED** - defined by Penal Code section 11165.12(b) and 11169(a) to mean circumstances where the evidence makes it more likely than not that child abuse or severe neglect, as defined, occurred.
- **Section C - AMENDED REPORT INFORMATION** - Only use this section to update information previously submitted on form BCIA 8583. Attach a copy of the original BCIA 8583 and complete sections A, C, and all other applicable fields.
 - **NOW UNFOUNDED OR INCONCLUSIVE** - a previously submitted BCIA 8583 indicated as substantiated is being reclassified to unfounded or inconclusive.
 - **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** - Information submitted on an initial BCIA 8583 is being corrected.
 - **UNDERLYING INVESTIGATIVE FILE NO LONGER AVAILABLE** - Your agency no longer retains the underlying investigative file that supports a previously submitted BCIA 8583.
 - **COMMENT** - use this area only if 1) you are reporting amended information that relates to one victim or suspect, and/or 2) there is a need to clarify which victim or suspect the amended information applies to, as the initial report contained multiple victims and/or suspects.
- **Section D - VICTIM (S) and SUSPECT INFORMATION** - Victim(s) and Suspect information pertaining to allegations of child abuse or severe neglect.
 - **VICTIM (S)** - All information is required. Multiple victims are allowed on one form BCIA 8583.
 - **SUSPECT** - All information is required, it is mandated by CACI regulations to identify if the suspect is age 17 or younger.
 - **ONE SUSPECT** - One suspect per form BCIA 8583. All forms submitted with more than one suspect will be returned.
 - **OTHER** - Other interested party.

WHERE TO SEND FORM BCIA 8583 (For DOJ reporting only)

Department of Justice
Bureau of Criminal Information and Analysis
P.O. Box 903387
Sacramento, CA 94203-3870
ATTENTION: Child Abuse Central Index (CACI)

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TERI GRIDLEY, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, Eureka, California; that on March 17, 2016, I served a true copy of the **PETITION FOR RELIEF FROM INVESTIGATIVE SUBPOENA (Gov. Code section 11180 et seq.; Welfare and Institutions Code § 827, 10850)**

XX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below

**Christine Chuang
Deputy Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550**

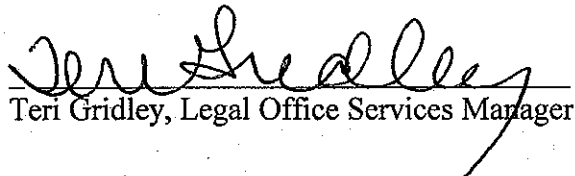
_____ by personally delivering a true copy thereof to the person as forth below.

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

_____ by fax

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 17th day of March, 2016, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager