

What is the California Child Abuse Central Index?

The Child Abuse Central Index (CACI) is an electronic database that contains a list of people who have a “substantiated” report of child abuse or severe neglect against them, meaning Child Protective Services believes that it is more likely than not that the abuse occurred. This Index is maintained by the California Department of Justice. The information contained in the CACI includes the names, addresses and identifying information of the victim and the person alleged to have been abusive or neglectful, and the types of abuse or neglect investigated. Although the California Department of Justice also maintains criminal history background checks, CACI listings are separate and not part of a person’s criminal history.

How does someone get included on the Child Abuse Central Index?

When a local child welfare agency or probation department becomes involved with a report or allegation of abuse or neglect, it will open an investigation of the allegation. Then, the agency or department sends reports of cases that it determines are “substantiated” to the California Department of Justice.

What counts as child abuse or severe neglect?

- **Abuse** is causing intentional injury or death of a child. This can mean intentionally causing a child to suffer “unjustifiable physical pain or mental suffering,” sexual abuse (sexual assault or exploitation), or using “cruel or inhuman corporal punishment.”
- **Severe Neglect** is the failure of the child’s caregiver “to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive,” a health condition in which neglect or emotional deprivation impairs children’s growth.

Severe neglect can also include a caregiver intentionally causing or allowing the child to be placed in a situation where they are “endangered.” Endangering includes intentionally failing to provide adequate food, clothing, shelter, or medical care.

What does not count as child abuse or severe neglect?

- “Child abuse or neglect” does not include a mutual fight between children.
- The fact that a child is homeless or unaccompanied is not enough on its own to constitute child abuse or neglect. A parent’s lack of economic resources is also not neglect.

What is a “substantiated” case?

A case is “substantiated” if a child welfare agency or probation department determines that it is more likely than not that child abuse or neglect occurred. The law does not require that a court determine that a case is substantiated – a determination by a child welfare agency or probation department is sufficient.

Who can see the Child Abuse Central Index?

- State law enforcement agencies
- State county licensing and social welfare agencies
- Out-of-state agencies investigating child abuse or neglect or assessing foster or adoptive parents.
- Organizations hiring for jobs or volunteer roles that may involve contact with children—such as school staff, workers in daycare centers or crisis nurseries, residential facility workers, law enforcement officers, and Court Appointed Special Advocates.
- Federal agencies, like the Department of Homeland Security and the United States Department of Justice do not have access to the CACI. However, federal agents may contact the California Department of Justice to determine, by name, if someone is included on the CACI.

Why is it bad to be included on the Child Abuse Central Index?

Since certain employers must check to see if someone is listed on the Child Abuse Central Index, it is likely they will refuse to hire someone who is listed, so people wanting to work as teachers, nurses, or child care providers (or other similar positions) may be unable to do so. People included on the CACI are often barred from volunteer opportunities that may involve contact with children, like volunteering at their child's school. Additionally, people included on the CACI or living with someone listed on the CACI are not able to operate childcare facilities, or foster or adopt children. This includes kinship care, like grandparents caring for their grandchildren. Because adults who are listed on the CACI stay there until they are 100, people included on the CACI may be negatively affected by their inclusion for years or even decades after the allegation of abuse or neglect occurred.

Will I be notified if my name is added to the Child Abuse Central Index?

You will be notified once, only after being added to the Child Abuse Central Index. The local agency must notify you within five business days by mailing a notice to your last known address. The agency also has to send you information on how to challenge the decision to list you on the Child Abuse Central Index. However, even if the court case is dismissed, you are not automatically

removed and may need to follow the challenge or removal process. For more information on how to find out if you are on the CACI visit oag.ca.gov/childabuse/selfinquiry.

If you think you might be listed on the CACI but did not get a notice, you can ask the Department of Justice by sending a notarized copy of Form BCIA 4506. The form and additional information are available online [here](#).

Will I be informed of the allegations against me?

If a report is substantiated, the local agency must inform you of the allegations against you. However, the agency is not permitted to tell you who made the report against you. At the close of an investigation, you may want to check that you were not added to the CACI.

How can I be removed from the Child Abuse Central Index?

You may challenge your inclusion on the CACI by (1) requesting a grievance hearing, (2) requesting that the agency conduct its own review, or (3) requesting that the original investigator review their decision. However, an investigator review is unlikely to result in changing a report's finding.

Additionally, your listing must be removed if:

- You turn 100 years old;
- The report is determined to be not substantiated.

Minors – When persons under the age of 18 are placed on the CACI, they will remain on the CACI for 10 years after the incident which resulted in their CACI listing. If after 10 years there have been no additional reports of child abuse or neglect, they will be automatically deleted from the database. However, some persons who should be removed are not, so if you were placed on the CACI before you were 18, you should double check to see if your name has been removed ten years after the incident for which you were placed on the CACI.

Victims - Individuals listed in the CACI only as victims may petition to have their name removed when they are 18 or older. This may be done by sending a notarized letter to the California Department of Justice. The letter must contain your name, date of birth, social security number, and address. For more information on contacting the California Department of Justice visit oag.ca.gov/childabuse/selfinquiry.

How do I request a grievance hearing?

The form to request a grievance hearing (SOC 834 form) is included in the mailed notice informing you of your inclusion on the CACI. You must return this form by mail, fax, or deliver it in person. Your request must be received by the county within 30 calendar days of the date on the notice (not the date you received the notice), or you will lose the right to a grievance.

If you did not receive the initial notice, you may request a hearing within 30 days of learning of your inclusion on the CACI and the grievance procedure. The county must help you in preparing this request form if you ask.

If there is a pending criminal or dependency court proceeding, the county agency will deny the CACI grievance hearing request until the other proceeding ends; you will then have 30 days after the court's decision to make a new request. **If a criminal court has determined that abuse or severe neglect occurred, you do not have the right to a hearing.**

Dependency court is different than criminal court. Many child welfare agencies incorrectly assume that if a dependency court has determined that abuse or severe neglect occurred, you do not have the right to a hearing, even though the law may require a finding from a criminal court. If the welfare agency refuses to give you a hearing because a dependency court made a finding, you may want to contact an attorney to appeal that decision.

How will the hearing be scheduled?

Hearings must be scheduled by the county within 10 business days and no later than 60 calendar days from the date the request is received. At least 30 days before the scheduled hearing, the county will notify you by mail of the date, time, and place of the grievance hearing. Some counties don't follow these deadlines. If that happens to you, you may want to contact an attorney.

What happens at the grievance hearing?

Hearings are conducted by a grievance review officer. This officer is usually an agency staff member or someone contracted by the agency to act as a hearing officer. The officer can't be directly involved in the investigation, have regular direct contact with, or supervise the investigating staff member.

The law says these grievance hearings must be as non-adversarial as possible. However the agency is not on your side. Only the parties, their attorneys, and testifying witnesses are allowed to be present during the hearing.

- First, the county will present its evidence in support of its findings that resulted in your inclusion on the CACI.
- Then, you will have an opportunity to provide evidence supporting your claim that the county's decision was wrong.
- Next, the county will then be allowed to submit more evidence countering the evidence you provided.
- The grievance officer may, at their discretion, allow all parties to submit any more evidence needed.

Do I have the right to an attorney?

You may have an attorney or other representative present at the hearing, but you don't have the right to have the state or county pay for your attorney. If you have a court-appointed attorney for a Juvenile or Criminal Court case related to the same incident, the lawyer will usually not be able to represent you in the grievance hearing because it is outside the "scope of representation."

What other rights do I have at the grievance hearing?

- You have the right to view all records and evidence related to the investigation. These materials must be made available to you at least 10 business days prior to the hearing.
- You have the right to call witnesses. You can ask the child to testify, but the grievance officer may prevent a child from testifying if they are not old enough or do not want to. The officer does not have the power to compel witnesses to appear if they do not want to.
- At any time prior to the end of the hearing, you may request that the grievance officer be disqualified for failing to hold a fair hearing.

What happens after the grievance hearing?

The grievance officer must put their recommendation in writing within 30 calendar days of the hearing. Then, the county director must make a final decision within 10 business days. This decision can adopt, reject, or modify the officer's recommendation. A copy of the recommended and final decisions should be mailed to you and your attorney, if you have one.

How can I show that I do not belong on the CACI list?

You can present evidence to prove that you are not the person who hurt the child, or that the child's injury was an accident, or that the child was not hurt. You can also present evidence to show that what happened is not child abuse or severe neglect.

What happens if I lose a CACI grievance hearing?

If you lose your grievance hearing, you may appeal this decision by filing a "petition for a writ of administrative mandamus." This means you are asking a court to independently determine whether there was enough evidence to find the report substantiated.

What happens if I win a CACI grievance hearing?

If the county director changes the "substantiated" finding to either "inconclusive" or "unfounded," your name will be removed from the CACI.

The information provided in these materials is for general educational purposes only and does not constitute legal advice. While the ACLU of Southern California strives to keep information accurate and up-to-date, we make no guarantees about the completeness of the information in these materials and strongly recommend that you consult with an attorney regarding your specific legal situation.

Updated July 2024