

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1192 (Carrillo) – As Introduced February 21, 2025

SUBJECT: Child abuse or neglect: reporting

SUMMARY: Requires reports of abuse or neglect of a foster youth alleged to have occurred in facilities or placements licensed by the California Department of Social Services (CDSS) to be sent to the attorney who represents a parent of the dependent child, as well as the attorneys who represent all children in that placement. Specifically, **this bill:**

- 1) Expands the 36-hour notification requirement for reports of neglect or abuse alleged to have occurred in CDSS-licensed facilities, to also include the attorney who represents the parent of a foster youth. Requires, if the neglect or abuse was alleged to have occurred in any foster care placement, which includes congregate care, relative placement, or a short-term residential therapeutic program (STRTP) facility, all the attorneys who represent foster youth in that placement to receive the report.
- 2) Specifies the requirement in 1) above, does not apply to a parent whose parental rights have been terminated or a parent who is not entitled to reunification services.
- 3) Requires the redaction of all personal identifying information, as defined in 8) in existing law below, regarding all persons, other than the child, who are identified in the report.

EXISTING LAW:

- 1) Requires a mandated reporter to make a report to any police department or sheriff's department, or the county welfare department (collectively referred to as an agency), whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Requires the initial report to be made by telephone to the agency immediately or as soon as is practicably possible, and to prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. (Penal Code [PEN] 11166(a))
- 2) Requires an agency that receives a report from a mandated reporter that contains either of the following, to, within 24 hours, notify the licensing office with jurisdiction over the facility and to send the licensing agency a copy of its investigation:
 - a) A report of abuse alleged to have occurred in facilities licensed to care for children by CDSS; or,
 - b) A report of the death of a child who was, at the time of death, living at, enrolled in, or regularly attending a facility licensed to care for children by CDSS, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility. (PEN § 11166.1(a))

- 3) Requires any employee of an agency who has knowledge of, or observes in their professional capacity or within the scope of their employment, a child in protective custody whom the employee knows or reasonably suspects has been the victim of child abuse or neglect to, within 36 hours, send or have sent to the attorney who represents the child in dependency court, a copy of the report prepared in accordance with the Child Abuse and Neglect Reporting Act (CANRA). Requires the agency to maintain a copy of the written report and for all information requested by the attorney for the child to be provided by the agency within 30 days of the request. (PEN § 11166.1(a))
- 4) Establishes CANRA to protect children under 18 years of age from abuse and neglect by requiring certain individuals, known as mandated reporters, to report known cases of child abuse or neglect to designated agencies. Enumerates the types of conduct that must be reported, establishes confidentiality for reporters, and authorizes the agency receiving the report to evaluate and determine if an investigation and removal of the child from their home shall take place. (PEN §§ 1164-1174.3)
- 5) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (Welfare and Institutions Code [WIC] § 202)
- 6) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC § 300.2)
- 7) Provides that counsel shall be charged in general with the representation of the child's interests. To that end, counsel shall make or cause to have made any further investigations that they deem in good faith to be reasonably necessary to ascertain the facts, including the interviewing of witnesses, and shall examine and cross-examine witnesses in both the adjudicatory and dispositional hearings. Counsel may also introduce and examine their own witnesses, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree necessary to adequately represent the child. (WIC § 317(e))
- 8) Defines "personal identifying information" to mean any name, address, telephone number, health insurance number, taxpayer identification number, school identification number, state or federal driver's license, or identification number, Social Security number, place of employment, employee identification number, professional or occupational number, mother's maiden name, demand deposit account number, savings account number, checking account number, personal identification number (PIN) or password, United States Citizenship and Immigration Services-assigned number, government passport number, date of birth, unique biometric data including fingerprint, facial scan identifiers, voiceprint, retina or iris image, or other unique physical representation, unique electronic data including information identification number assigned to the person, address or routing code, telecommunication identifying information or access device, information contained in a birth or death certificate, or credit card number of an individual person, or an equivalent form of identification. (PEN § 530.55(b))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

Background: *Child Welfare Services.* California's child welfare services system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, Child Protective Services is tasked with investigating the allegations reported to them by mandated reporters and others.

Current law requires an agency to notify CDSS' licensing office within 24 hours of receiving a report of abuse that is alleged to have occurred in a facility licensed by CDSS, or when there is a report of the death of a child who was, at the time of death, living in a facility licensed by CDSS. In addition, all employees of agency who have knowledge of, or observe in their professional capacity or within the scope of their employment, a child in protective custody whom the employee knows or reasonably suspects has been the victim of child abuse or neglect is required, within 36 hours, to send or have sent to the attorney who represents the child in dependency court, a copy of the report alleging the abuse. *This bill* would expand that notification requirement to include the attorney representing the foster youth as well as the attorneys for any other child in the same placement where the abuse or neglect has been alleged to have taken place.

Dependency Court Procedure. When a child is removed from the custody of their parent, they are temporarily placed within the jurisdiction of the child welfare system until a determination about the child's welfare is made. Within 48 hours after a child is taken into temporary custody, the county social worker must file a petition with the court requesting that a detention hearing take place in order to determine if further detention of the child is necessary. If a petition to declare the child a dependent of the court is filed by the county social worker, then the detention hearing must be held within 48 hours of the petition being filed.

At the detention hearing, the social worker outlines the allegations of abuse or neglect made against the parent and why it is necessary to remove the child from the custody of their parent. If the court determines that removing the child from their parents' custody is in the best interests of the child, the child is then removed. The permanent placement of the child is determined at a later date. Once a child has been removed from the custody of their parents, a jurisdictional hearing must take place within 15 days. It is at the jurisdictional hearing that the court determines whether the allegations outlined in the social worker's petition are true. If the allegations are deemed to be true, then the child is determined to be within the jurisdiction of the juvenile court and a dispositional hearing must be held within 60 days of the initial detention hearing in order to determine the permanent placement of the child.

At the dispositional hearing, the court determines the parameters of the family reunification plan, which includes where and with whom the child will live, be it with relatives or in a foster family home. The reunification plan can also entail recommendations for parents such as parenting classes, anger management, counseling, substance use disorder counseling and testing, and sexual abuse counseling. Except for limited circumstances, if the child is not returned to the parent's custody at the 18-month permanency reviewing hearing, the juvenile court is required to terminate reunification services and set a hearing to terminate parental rights. The court then determines whether reasonable services have been offered or provided to the parent or legal guardian, but the court's authority to set the hearing to terminate parental rights is not conditioned on whether reasonable services were provided.

Currently, there isn't a process or requirement to provide notice to a child's parents or the attorneys of other children placed in the same home to receive notice of reasonable suspicion of allegations of abuse or neglect. This gap in reporting requirements could harm foster youth who could be vulnerable to abuse or neglect in a foster care placement that is meant to protect children from such maltreatment. Existing law does not require, if the alleged abuse occurred in a foster home, the attorneys for other foster children in the home to be notified. Without this notice, the attorneys for those other foster youth, who may not yet be subjected to abuse and neglect, cannot take action to ensure the child's safety and protection, simply because they were not made aware of the conditions in that placement.

Under existing law, counsel appointed for the foster youth is tasked with doing their own investigation to represent their client's general interests and to "make recommendations to the court concerning the child's welfare." Without basic information about child abuse occurring in the home, attorneys cannot protect children in foster care or make informed recommendations to the court.

This notification requirement will not apply to parents whose parental rights have been terminated.

Author's Statement: According to the Author, "Each year, 60,000 children move in and out of the foster care system in California, with more than half residing in Southern California. These youth have often experienced abuse, neglect, and trauma, which can have lasting effects on their well-being. However, gaps in reporting requirements leave them vulnerable to further harm. [This bill] reinforces California's commitment to protecting foster youth by strengthening notice requirements to ensure that all relevant parties are informed. Greater transparency in reporting cases of abuse or neglect is essential to safeguarding foster youth, and this bill reflects our shared responsibility to protect the most vulnerable children in our state."

Equity Implications: This provisions of *this bill* are seeking to consider whether it is appropriate to expand notification requirement for claims of abuse and neglect that have been alleged to taken place in CDSS-licensed facilities or placements. Currently, there is no process or requirement to provide notice to a child's parents/legal guardians or attorneys of other children placed in the same foster home to receive notice of reasonable suspicion of allegations of abuse or neglect. By including the attorneys of parents who have children and foster care, as well as attorneys for children who may not be subject to the allegations but are residing in a placement where abuse and/or neglect has been alleged, *this bill* seeks to increase transparency when an adverse event occurs.

The Children's Bureau, part of the federal Office of the Administration for Children and Families, found in 2022 that 169 California children were victims of abuse or maltreatment by their foster parents. Nationally, six children were killed by foster parents in that same year. This highlights a need for transparency in reporting allegations of child abuse in out of home placements, including resource family homes and STRTPs.

California's most vulnerable populations are over-represented in the foster care system, where the majority of families involved experience poverty. According to data from the California Child Welfare Indicators Project, as of January 1, 2025, there are 38,894 children in foster care in California.

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Public Safety.

RELATED AND PRIOR LEGISLATION:

AB 670 (Calderon), Chapter 585, Statutes of 2021, required, when a report alleging abuse or neglect of the child of a dependent of the juvenile court is made, the agency that received the report to notify the attorney representing the dependent within 36 hours.

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Law Center of California (Sponsor)
All of Us or None Orange County
Dependency Legal Services
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Los Angeles Dependency Lawyers, INC.
Public Counsel

Opposition

None on file.

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