

Date of Hearing: March 10, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Eloise Gómez Reyes, Chair
AB 1929 (Blanca Rubio) – As Introduced January 15, 2020

SUBJECT: Child abuse and neglect reporting

SUMMARY: Allows a county welfare agency to develop a program for internet-based reporting of child abuse and neglect, requires the system to meet certain conditions, as specified, requires the California Department of Social Services (CDSS) to oversee and administer the program through the issuance of written directives, and requires a county that establishes an internet-based reporting program to hire an evaluator to monitor the implementation of the program in accordance with directives issued by CDSS, among other requirements. Specifically, **this bill:**

- 1) Allows a county welfare agency, as defined by current law, to develop a program for internet-based reporting of child abuse and neglect.
- 2) Defines “mandated reporter” as having the same meaning as Penal Code 11165.7(a), which includes, but is not limited to: a teacher; a social worker; probation or parole officer; a firefighter, except for volunteer firefighters; and, certain medical personnel, among others, as specified.
- 3) Allows a program created pursuant to the provisions of this bill to receive reports by any mandated reporter of suspected child abuse or neglect, and further, requires the program to meet all of the following conditions:
 - a) The suspected child abuse or neglect authorized to be reported indicates that the child is not subject to an immediate risk of abuse, neglect, or exploitation and that the child is not in imminent danger of severe harm or death;
 - b) The agency provides an internet form that includes standardized safety assessment qualifying questions in order to obtain necessary information required to assess the need for child welfare services and a response;
 - c) The mandated reporter is required to complete all required fields, including the identity and contact information of the mandated reporter, in order to submit the report;
 - d) The agency provides an internet-based reporting system that has appropriate security protocols to preserve the confidentiality of the reports and any documents or photographs submitted through the system; and,
 - e) The system can only be used by any mandated reporter.
- 4) Requires CDSS to provide guidance through written directives to counties participating in the program to incorporate qualifying questions in the online report that would indicate the need to redirect the mandated reporter to perform a telephone report.

- 5) Clarifies that certain provisions of this bill related to the requirements of the program do not change current statutory or regulatory requirements regarding timely review, assessment, and response to reports of possible abuse or neglect.
- 6) Allows a mandated reporter, in a county where the program is active, to use the internet-based reporting tool in lieu of the required initial telephone report required by current law, as specified.
- 7) Requires a mandated reporter submitting an internet-based report pursuant to the provisions of this bill to, as soon as practically possible, cooperate with the agency on any requests for additional information if needed to investigate the report, subject to applicable confidentiality requirements.
- 8) Specifies that, in a county where the program is active, a mandated reporter who submits the initial report through the internet-based reporting tool in lieu of the required initial telephone report is not required to submit the written follow-up report required by current law, as specified.
- 9) Requires CDSS to consult with the County Welfare Directors Association of California (CWDA) and any interested county welfare agencies to determine which counties may be involved in the program established by the provisions of this bill, and, further, allows the program to operate in up to 10 counties.
- 10) Requires CDSS to oversee and administer the program through the issuance of written directives that shall have the same force and effect as regulations, and, further, declares that the directives are exempt from certain rulemaking procedures provided for in current law, as specified.
- 11) Requires a county that participates in the program to hire an evaluator to monitor the implementation of the program in accordance with directives issued by CDSS as required by the provisions of this bill.
- 12) Requires a county that participates in the program to, in addition to any requirements set forth by CDSS and in collaboration with CWDA and CDSS, develop outcome measures to determine the effectiveness of the program of the county during the duration of the program, which may include the following:
 - a) The number of reports provided by telephone and any increase or decrease in the usage of telephone reports;
 - b) The number of reports provided through internet-based reporting system and any increase or decrease in usage of the system;
 - c) Any increase or decrease in the number of emergency or nonemergency telephone reports; and,
 - d) Any increase or decrease in the overall number of emergency or nonemergency reports.
- 13) Requires a county that participates in the program, on or before January 1, 2025, to provide information to the Assembly and Senate Committees on Human Services pertaining to the

effectiveness of the program based on the outcome measures developed pursuant to certain provisions of this bill.

- 14) Allows CDSS to conclude the program on a county-by-county basis if the evaluation and monitoring indicate the program is compromising the safety of children.

EXISTING LAW:

- 1) 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 or have been abused or neglected, as specified. (Welfare and Institutions Code [WIC] Section 202)
- 2) Deems a child as within the jurisdiction of the juvenile court if he or she has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of the failure or ability of their parent to provide the child with adequate food, clothing, shelter, or medical treatment, as specified. (WIC 300)
- 3) 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)
- 4) Defines a “mandated reporter” as an individual required to report suspected or known instances of child abuse and neglect, and includes, teachers, social workers, probation officers, firefighters, and physicians, among others. (Penal Code [PEN] Section 11165.7 (a))
- 5) Requires reports of suspected child abuse or neglect to be made by mandated reporters to certain entities, including any police department or sheriff’s department, county probation department, or the county welfare department, as specified. (PEN 11165.9)
- 6) Requires a mandated reporter to make a report to an agency whenever the mandated reporter has knowledge of or observes a child who has been the victim of child abuse or neglect, as specified. Further, requires the mandated reporter to make an initial report by telephone to an agency immediately or as soon as is practicably possible, and requires the reporter to prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. (PEN 11166(a))
- 7) Allows a county welfare agency to develop a pilot program for internet-based reporting of child abuse and neglect. Further, allows the pilot program to receive reports of suspected child abuse or neglect that meets certain conditions from certain mandated reporters, such as peace officers, probation officers, social workers, school teachers, [school] counselors, [school] administrators, and certain medical personnel, as specified. (PEN 11166.02(a))
- 8) Allows a mandated reporter in a county where the pilot program is active to use the internet-based reporting tool in lieu of the required initial telephone report, and, further, requires the mandated reporter to, as soon as practically possible, cooperate with the agency on any requests for additional information if needed to investigate the report, subject to applicable confidentiality requirements. (PEN 11166.02(b))

- 9) Establishes that the pilot program is in effect only until January 1, 2021, and is repealed as of that date, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date. (PEN 11166.02(c))
- 10) Requires CDSS to consult with CWDA and any interested county welfare agencies to determine which counties may be involved with the pilot program established pursuant to Penal Code Section 11166.02, and, further, allows up to 10 counties to participate in the pilot program. (WIC 10612.5(a))
- 11) Requires a county that chooses to participate in the pilot program to hire an evaluator to monitor the implementation of the program in accordance with directives issued by CDSS. (WIC 10612.5(c))
- 12) Requires a county that chooses to participate in the pilot program to, in collaboration with CWDA and CDSS, develop outcome measures to determine the effectiveness of the pilot program, which may include: the number of reports provided by telephone and any increase or decrease in the usage of telephone reports; the number of reports provided through the internet-based reporting system and any increase or decrease in usage of the system; any increase or decrease in the number of emergency or nonemergency telephone reports; and, any increase or decrease in the overall number of emergency or nonemergency reports. (WIC 10612.5(d)(1))
- 13) Requires a county that participates in the pilot program to, on or before January 1, 2020, provide information to the Assembly and Senate Committees on Human Services pertaining to the effectiveness of the pilot program based on the outcome measures developed pursuant to paragraph (1) of subdivision (d) of Section 10612.5 of the WIC. (WIC 10612.5(d)(2))
- 14) Allows CDSS to conclude the pilot program on a county-by-county basis prior to January 1, 2021, if the evaluation and monitoring indicate the pilot program is compromising the safety of children. (WIC 10612.5(e))

FISCAL EFFECT: Unknown

COMMENTS:

Child abuse and neglect investigations: Reports of child abuse or neglect are often made by a mandated reporter, who, due to their profession, is legally required to report any suspicion of child abuse or neglect. Mandated reporters can include: social workers; mental health professionals; teachers; doctors; members of law enforcement; and, child care providers, among others. It is important to note, however, that anyone can make a report of suspected child abuse or neglect.

When an individual believes a child may be suffering abuse or neglect, that person can make a report to either law enforcement or the county child welfare agency, often through the Child Protective Services (CPS) Hotline, which is a 24-hour hotline staffed by trained social workers who receive and evaluate reports of suspected abuse or neglect. When the hotline receives a report of suspected abuse or neglect, the call is screened by a social worker who attempts to determine whether the report alleges abuse, neglect, or exploitation.

CPS must then determine whether the report warrants an in-person visit from a county social worker to investigate the allegations. If an in-person visit is warranted and substantiates the allegations, the social worker may make the decision to remove the child from the home and, if determined to be in the best interest of the child, petition the court to adjudicate the child as a dependent of the court. Between October 2018 and September 2019, 475,018 allegations of possible child abuse or neglect were recorded in California. Of those, 136,004 were of a sexually or physically abusive nature, 220,019 were related to severe or general neglect, and 52,678 were related to emotional abuse.

Internet-based reporting of child abuse and neglect: In 2015, Governor Jerry Brown signed SB 478 (Huff), Chapter 490, Statutes of 2015, which established a five-year pilot program in up to 10 counties to authorize county welfare agencies to develop a pilot program for internet-based reporting of child abuse and neglect. A key component of the pilot program is the requirement that the suspected child abuse or neglect does not indicate that a child is subject to an immediate risk of abuse, neglect, or exploitation, or that the child is in imminent danger of severe harm or death. In other words, only non-emergency reports may be made using the internet-based reporting system; more immediate threats must be reported through county's 24-hour hotline.

The pilot program also requires a county-developed system to meet all of the following conditions:

- The agency provides an internet form that includes standardized safety assessment qualifying questions in order to obtain necessary information to assess the need for child welfare services and a response;
- The mandated reporter is required to complete all required fields, including identity and contact information of the mandated reporter in order to submit the report; and,
- The agency provides an internet-based reporting system that has appropriate security protocols to preserve the confidentiality of the reports and any documents or photographs submitted through the system.

The pilot program also limits the use of the system to certain mandated reporters, including: peace officers, probation officers, social workers, school teachers, school counselors, school administrators, physicians, surgeons, psychologists, licensed nurses, clinical social workers, and coroners. SB 478 also required CDSS to oversee and administer the pilot program through the issuance of written directives, and also requires any county that participates in the pilot program to collaborate with CWDA and CDSS to develop outcome measures to determine the effectiveness of the county's program for internet-based reporting of child abuse and neglect. Further, participating counties are required to hire an evaluator to monitor the implementation of the program in accordance with directives issued by CDSS. The pilot program is scheduled to sunset as of January 1, 2021, and as of that date, is repealed.

Child Abuse Reporting Electronic System (CARES):

To date, only the County of Los Angeles has established and implemented an internet-based system for reporting child abuse and neglect, and in 2017, the County of Los Angeles established CARES with the goals of:

- Increasing the Department of Children and Family Services responsiveness to child safety concerns;
- Providing a convenient and user-friendly platform for mandated reporters to report non-emergent child abuse; and,
- Increasing overall improvement and efficiency for the Child Protection Hotline.

According to the Year 1 evaluation of CARES, the Hotline received 218,918 calls in 2016, compared to the 179,044 calls received in 2006, indicating a 22.3% increase in calls; this increase is attributed to a number of factors, including: increased education on mandated reporter obligations and media coverage of child abuse, child fatalities, and family violence, among other factors.

The Year 2 evaluation of CARES made a number of findings, including:

- The volume of reports through CARES increased from 2,117 in 2018 to 6,163 in 2019;
- The completion rate of CARES reports (87% overall) suggests that the CARES reporting process is successfully facilitating completed reports of child abuse and neglect;
- The number of CARES reports screened out has remained low relative to the total number of CARES reports submitted, indicating that the screening process is functioning reliably; and,
- Based on CARES user survey responses, users would recommend the CARES system to a colleague or a friend, the perceived quality and impact of the system are positive, and users prefer the CARES system over the hotline in terms of accessibility, time, and effort.

Need for this bill: The provisions of this bill seek to repeal the pilot program established by SB 478 (Huff), expand the program to all counties, rather than the 10 counties allowable under the pilot program, thereby developing the ability to establish and develop a system for internet-based reporting of child abuse and neglect. This bill also expands the list mandated reporters who may use a county-created system for internet-based reporting to include any mandated reporter, rather than the small subset of mandated reporters as was required by provisions of the pilot program. This bill also maintains several requirements of the pilot program, including: requiring CDSS to consult with CWDA to determine in which counties the pilot program may operate; requiring a participating county to hire an evaluator to monitor the implementation of the program in accordance with directives issued by CDSS; and, allowing CDSS to conclude the program on a county-by-county basis if the evaluation and monitoring indicate the program is compromising the safety of children.

According to the author, “Allowing mandated reporters to make non-urgent child abuse and neglect reports through an online portal, rather than expend their valuable time holding on the phone to make a verbal report, leads to improved efficiencies for both mandated reporters and child welfare agencies, thereby freeing up phone lines for emergent child abuse and neglect reports and facilitating timely safety assessments and intervention.”

Recommended committee amendments: The provisions of this bill seek to repeal the pilot program created by SB 478 (Huff) and expand and make permanent the ability of counties to establish and develop a system for internet-based reporting of child abuse and neglect; in order to

clarify that the pilot program is repealed, and that the ability to establish a system for internet-based reporting of child abuse and neglect applies to all counties, *committee staff recommends the following amendments:*

Amendment 1: On page 2 of the bill, beginning on line 3:

3 11166.02. (a) A county welfare agency, ~~as determined pursuant~~
 4 ~~to Section 10612.5 of the Welfare and Institutions Code,~~ may establish and
 5 develop a program system for internet-based reporting of child abuse and
 6 neglect. The program system may receive reports by any mandated reporter
 7 of suspected child abuse or neglect, as defined in Section 11165.7, and shall ~~meet all of the~~
 8 ~~following conditions:~~

9 ~~(1) The suspected child abuse or neglect authorized to be~~
 10 ~~reported indicates that the child is not subject to an immediate risk~~
 11 ~~of abuse, neglect, or exploitation and that the child is not in~~
 12 ~~imminent danger of severe harm or death.~~

do all of the following:

(1) Restrict the reports of suspected child abuse or neglect to reports that indicate that the child is not subject to an immediate risk of abuse, neglect, or exploitation and that the child is not in imminent danger of severe harm or death.

13 (2) ~~The agency provides an internet form that includes~~ Include
 14 standardized safety assessment qualifying questions in order to
 15 obtain necessary information required to assess the need for child
 16 welfare services and a response, and, when appropriate, redirect the mandated reporter to
 17 perform a telephone report. ~~The State Department of Social~~
 18 ~~Services shall provide guidance through written directives to~~
 19 ~~counties participating in the program to incorporate qualifying~~
 20 ~~questions in the online report that would indicate the need to~~
~~redirect the mandated reporter to perform a telephone report.~~

P3 1 (3) ~~The mandated reporter is required~~ Require a mandated reporter to complete all
 required
 2 fields, including the identity and contact information of the
 3 mandated reporter, in order to submit the report.

4 (4) ~~The agency provides an internet-based reporting system that~~
 5 ~~Has~~ Have appropriate security protocols to preserve the confidentiality
 6 of the reports and any documents or photographs submitted through
 7 the system.

8 (5) ~~The system can only be used by any mandated reporter.~~

9 (b) This section does not change current statutory or regulatory
 10 requirements regarding timely review, assessment, and response
 11 to reports of possible abuse or neglect.

12 (c) (1) In a county where the program system is active, a mandated
 13 reporter may use the internet-based reporting ~~tool~~ system in lieu of the
 14 required initial telephone report required by subdivision (a) of
 15 Section 11166. A mandated reporter submitting an internet-based
 16 report in accordance with this subdivision shall, as soon as
 17 practically possible, cooperate with the agency on any requests
 18 for additional information if needed to investigate the report, as determined by the county
welfare agency,

19 subject to applicable confidentiality requirements.

20 (2) In a county where ~~the program is active~~ a system is in use, a mandated reporter
 21 who submits the initial report through the internet-based reporting
 22 ~~tool system~~ in lieu of the required initial telephone report is not required
 23 to submit the written followup report required pursuant to
 24 subdivision (a) of Section 11166.

25 ~~(d) For purposes of this section, a “mandated reporter” has the~~
 26 ~~same meaning as set forth in Section 11165.7.~~

(d) The department, in collaboration with stakeholders, including, but not limited to, the County Welfare Directors Association of California, shall develop outcome measures in order to determine whether a system established by a county welfare agency pursuant to this Section is effective in increasing efficiency in reporting allegations of child abuse and neglect. These outcome measures may include, but are not limited to, all of the following:

(1) The number of reports provided by telephone and any increase or decrease in the usage of telephone reports made to the county’s 24-hour hotline for reporting child abuse and neglect.

(2) The rate at which the internet-based reporting system is used by mandated reporters and any increase or decrease in usage over time.

(3) The number of reports provided through the internet-based reporting system.

(4) Any increase or decrease in the overall number of emergency or nonemergency reports.

(5) Any increase or decrease in wait times for the county’s 24-hour hotline resulting from the implementation of this Section.

(e) A county that establishes and develops a system for internet-based reporting of child abuse and neglect pursuant to this Section shall report on these outcome measures to the Department of Social Services within one year of establishing the system and annually thereafter. The Department of Social Services shall submit a report to the Legislature detailing the outcome measures reported by counties pursuant to this subdivision within 6 months of receiving a report from a county and annually thereafter.

Amendment 2: On page 3 delete lines 27 to 39 inclusively.

Amendment 3: On page 4 delete lines 1 to 28 inclusively.

PRIOR LEGISLATION:

SB 478 (Huff), Chapter 490, Statutes of 2015, established a 5-year pilot program for internet-based reporting of child abuse and neglect in up to 10 counties until January 1, 2021.

AB 776 (Chu), Chapter 713, Statutes of 2005, authorized the filing of a one-time alternate faxed or electronic mandated reporting form on suspected child abuse in lieu of the initial telephone report, as specified, and required CDSS to submit a report to the Legislature at the end of the three-year operative period or January 1, 2009, to provide data about the use of the alternative method of reporting.

AB 1049 (Bader), Chapter 353, Statutes of 1987, authorized the use of multidisciplinary teams for both child and elder abuse.

REGISTERED SUPPORT / OPPOSITION:

Support

County Welfare Directors Association of California (CWDA) (Co-Sponsor)

SEIU California (Co-Sponsor)

California Alternative Payment Program Association

Riverside Sheriffs' Association

Opposition

None on file

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