

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Lisa Calderon, Chair
AB 477 (Blanca Rubio) – As Introduced February 8, 2021

SUBJECT: Child abuse multidisciplinary personnel team: children's advocacy centers

SUMMARY: Provides that if a county utilizes a child advocacy center to implement their local multidisciplinary response to investigate reports of child abuse or neglect, the child advocacy center must be included in the county child abuse multidisciplinary personnel team (MDT) and makes technical changes.

EXISTING LAW:

- 1) Establishes a state and local system of child welfare services with the intent to provide a statewide system of services where all children are entitled to be safe and free from abuse and neglect. (Welfare and Institutions Code Section [WIC] 16500)
- 2) States legislative intent that law enforcement agencies and the county welfare or probation department in each county shall develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. (Penal Code Section [PEN] 11166.3 (a))
- 3) Mandates a local law enforcement agency having jurisdiction over a reported child abuse or neglect case to report to the district office of the State Department of Social Services (CDSS) any case reported under this section if the case involves a specified facility and the licensing of the facility has not been delegated to a county agency. The law enforcement agency shall send a copy of its investigation report and any other pertinent materials to the licensing agency upon its request. (PEN 11166.3 (b))
- 4) Defines "multidisciplinary personnel" as any team of three or more persons who are trained in the prevention, identification, management, or treatment of child abuse or neglect cases and who are qualified to provide a broad range of services related to child abuse or neglect, and may include, but not be limited to, psychiatrists, police officers, medical personnel, and social workers, among others. (WIC 18951 (d))
- 5) Defines "child abuse or neglect" as physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, willful harm or injury, endangerment of the person or health of a child, or unlawful corporal punishment or injury, as specified. (PEN 11165.6)
- 6) Includes in the definition of "child welfare services" the provision of "emergency response services," which consist of a response system providing an in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation for the purpose of an investigation, and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their home, or to protect the safety of the child, as specified. (WIC 16501 (2))

- 7) Authorizes a county, in order to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment, to use a children's advocacy center that includes representatives from specified disciplines and provides dedicated child-focused settings for interviews and other services. (PEN 11166.4)
- 8) Mandates the Department of Justice, in cooperation with CDSS, to prescribe by regulation guidelines to investigate child abuse or neglect, as defined, in facilities licensed to care for children. (PEN 11174.1 (a))
- 9) 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)
- 10) Authorizes members of a MDT engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information reasonably believes it is generally relevant to the prevention, identification or treatment of child abuse. (WIC 830 (a))
- 11) Provides that any county may establish a computerized database system within that county to allow provider agencies to share information, as specified, regarding families at risk for child abuse and neglect, for the purposes of forming MDT. Requires counties to develop standards for the identification, prevention and management, or treatment of child abuse or neglect and specifies processes for sharing information regarding a child or family. (WIC 18961.5)

FISCAL EFFECT: This bill was keyed non-fiscal by the Legislative Counsel.

COMMENTS:

Child abuse and neglect investigations: Suspicion of child abuse or neglect can be reported to either law enforcement or a county child welfare agency, usually through the Child Protective Services (CPS) Hotline. Through the hotline, which is staffed 24-hours, trained social workers are available to receive calls on suspected abuse cases. Often, reports are made by mandated reporters who are legally required to report any suspicion of child abuse or neglect due to their profession. Teachers, doctors, social workers, mental health professionals, child care workers, and others are among those designated as mandated reporters.

When a mandated reporter submits a report to either law enforcement or the county child welfare agency, a social worker determines whether the allegation is of suspected abuse, neglect, or exploitation. Based on the information gathered in the report, CPS determines whether an in-person visit from a county social worker is appropriate. If an in-home visit is deemed necessary and substantiates the report, the social worker may then choose to remove the child from the home and, if determined to be in the child's best interest, petition the court to adjudicate the child as a dependent of the court. As of October 1, 2020, there were 60,045 youth placed in the state's child welfare system (CWS).

The child's social worker and the court collaborate throughout the process of evaluating and reviewing the circumstances affecting the child's safety and well-being with the ultimate goal of protecting the youth from abuse and neglect. When appropriate, the CWS system helps reunite

children who have been removed from their parent or guardian's custody with an individual the youth has a family bond with.

Children's advocacy centers (CACs): CAC's provide a child-focused setting that provides a safe space for those who have been abused or neglected. Without a CAC, children who have faced abuse may be required to repeatedly retell their case's details, forcing them to relive the worst parts of their life to establish facts in the case. Alternatively, a child suspected of being abused or neglected can be brought to a CAC, where a trained team is utilized to advocate for the child.

CAC's are composed of trained staff who focus on interviewing the child involved in an investigation without reintroducing trauma. These centers utilize law enforcement, medical professionals, mental health providers, child protective services, and other professionals that might be necessary to make decisions on how best to care for the child. This combination of services is called an MDT and streamlines the use of multiple entities that are sometimes introduced during an investigation of abuse or neglect.

Accreditation for CAC's is completed by the National Children's Alliance, a nationwide association formed in 1988. These child-focused centers use a model that revolves around recorded forensic interviews that the trained members of the MDT conduct; these interviews are shared throughout the investigation, protecting the child from the repeated trauma of retelling their story. The information gathered during these interviews can help assess the safety of the child's living arrangements, determine the need and scale of a criminal investigation, and assess the need for physical or psychological care.

Coronavirus Pandemic: In March 2020, Governor Gavin Newsom declared a statewide state of emergency in response to the global COVID-19 pandemic. With over 500,000 deaths resulting from coronavirus across our country, the impact of this virus has touched almost every aspect of everyday life. We have watched as the effects of COVID-19 have added strain on California's public programs, healthcare system, and the financial security of many. As our state begins the road to recovery, many youth who have been isolated will make their way back to classrooms and communal settings, allowing mandated reports to resume contact and creating an anticipated spike in reports of suspected abuse and neglect.

Need for this bill: This bill would clarify that if a county uses a CAC to implement a multidisciplinary response to investigate reports of abuse and neglect, as allowed by current law, the MDT must include the CAC. Clarifying the role of a CAC and allowing for regular use of MDTs in abuse and neglect investigations could reduce the trauma a child may face when telling their story to multiple entities charged with conducting multiple investigations.

According to the author, "As codified under AB 2741 (Rubio, 2020), CAC's coordinate with a multidisciplinary team to provide services and protections to abused children. UC Berkeley researchers estimated that child maltreatment cost California over \$19 Billion in 2017. In 2018, over 12,000 children were served in California by a CAC, according to the National Children's Alliance. The use of CACs to coordinate investigations of child abuse and neglect has been shown to save as much as \$1,000 per child in investigation costs. Currently, there are 22 CACs in California fully accredited by the National Children's Alliance (NCA). However, some lawyers - particularly county counsels - interpret these multidisciplinary teams' laws to not include CACs, which this bill would remedy. Ensuring consistent definitions and roles for these services prevents any delay in serving some of California's most vulnerable populations."

Recommended Committee Amendments: In order to ensure counties with MDT teams composed of two or fewer members are not penalized due to size, the committee staff recommends the following amendments:

Beginning on line 35 on page 2 of the bill, strike “shall” and replace it with “may”

PRIOR AND RELATED LEGISLATION:

AB 2741 (Rubio), Chapter 353, Statutes of 2020, allowed counties to utilize a CAC to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment while utilizing a child-focused setting and complying with certain standards.

AB 1221 (Cooley) of 2019, would have allowed a county to utilize a CAC to implement a coordinated, multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment, and would have required the CACs utilized by counties to comply with certain standards. AB 1221 was vetoed by the Governor.

AB 395 (Rubio) of 2019, would have placed several requirements on procedures and components of investigations of abuse or neglect allegations in certain community care facilities conducted by CCLD or any other agency with oversight authority. AB 395 was held on the Assembly Appropriations Committee suspense file.

AB 320 (Cooley) of 2017, would have authorized counties to create CACs to create and facilitate multidisciplinary responses to child abuse. AB 320 was held in the Assembly Human Services Committee.

SB 1352 (Corbett) of 2012, would have authorized each county to establish a CAC and interagency protocol agreements. SB 1352 was vetoed by the Governor.

AB 2229 (Brownley), Chapter 464, Statutes of 2010, established time-limited authority for counties to create two-person multidisciplinary teams engaged in investigating suspected child abuse or neglect.

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

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Advocacy Centers of California (Sponsor)
Child Abuse Listening Interviewing Coordination (CALICO) Center
Children's Advocacy Center Covina/Los Almitos
Family Healing Center
Napa County District Attorney's Office
Peace Officers Research Association of California (PORAC)
Yolo County MDIC

Opposition

None on file

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