

Date of Hearing: August 3, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Eloise Gómez Reyes, Chair
SB 907 (Archuleta) – As Introduced February 3, 2020

SENATE VOTE: 39-0

SUBJECT: Child abuse or neglect investigation: military notification

SUMMARY: Requires a county child welfare department investigating a case of child abuse or neglect involving an allegation against a child’s parent or guardian to determine if the parent or guardian is an active duty member of the United States Armed Forces, and permits a county child welfare department to develop and adopt a memoranda of understanding (MOU) with certain military installations to govern investigations of abuse or neglect and the sharing of information related to the investigation. Specifically, **this bill:**

- 1) Requires a county child welfare department investigating a case of child abuse or neglect involving an allegation against the child’s parent or guardian, as soon as practicable, to determine if the parent or guardian is an active duty member of the Armed Forces of the United States.
- 2) Permits a county child welfare department to develop and adopt an MOU with military installations, located in whole or in part within the borders of the county child welfare department’s jurisdiction, that govern the investigation of allegations of child abuse or neglect against active duty service members assigned to units on those installations.
- 3) Permits an MOU established between a county child welfare department and military installation, as specified by the provisions of this bill, to include, but not be limited to, all of the following:
 - a) To whom, how, and when each party would report information about an investigation;
 - b) Each party’s role and responsibilities in an investigation; and,
 - c) The resources that are to be shared between the parties.

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 Section [WIC] 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, or 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) Requires a social worker to conduct an investigation if the social worker has cause to believe that a child meets certain criteria, including, but not limited to, if a child has suffered or is at substantial risk of suffering serious physical harm, emotional damage, or sexual abuse, as specified. (WIC 328)
- 5) Requires a social worker to make a referral to child welfare services if they conduct an investigation and conclude that it is appropriate to offer child welfare services to the family. (WIC 328)
- 6) Establishes the Family Advocacy Program to address prevention of and response to child abuse and neglect involving military families. (10 United States Code 1787)

FISCAL EFFECT: According to the Senate Appropriations Committee on June 9, 2020, staff notes indeterminate cost pressures (General Fund) for potential state-local mandate costs. Identifying a parent or guardian's occupation is part of the existing county investigation process. However, to the extent that a county would feel required to develop an MOU with a military installation, costs to counties may be above the funding levels provided under 2011 Realignment. If only county's workload costs to develop a MOU would be above \$50,000, it would qualify above the suspense threshold.

COMMENTS:

Child Welfare Services: California's Child Welfare Services (CWS) system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. 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 the social worker 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. As of April 1, 2020, there were 59,585 youth between the ages of 0 and 21 placed in California's CWS system.

Family Advocacy Program (FAP): The FAP is a congressionally mandated program within the Department of Defense (DoD) and was established in order to prevent and respond to reports of child abuse and neglect and domestic abuse in military families, according to a 2017 report by the DoD. According to the report, FAPs exist at every military installation where families are located; FAPs work closely with certain military-affiliated entities, such as law enforcement, chaplains, and child and youth programs, in addition to civilian social services agencies, in order

to prevent and respond to family maltreatment. The DoD funds over 2,000 positions to deliver FAP services, including credentialed/licensed clinical providers, Domestic Abuse Victim Advocates, New Parent Support Home Visitors, and prevention staff.

In 2016, the Commission to Eliminate Child Abuse and Neglect Fatalities released its final report entitled, “Within Our Reach: A National Strategy to Eliminate Child Abuse and Neglect Fatalities,” and cites the goal of a proactive, rather than reactive, response to child abuse and neglect. Included in the report is a list of recommendations to achieve this goal, including the recommendation that federal legislation be enacted to allow for data sharing for children who are dependents of active duty military personnel and who are involved in the CWS. The report also recommended that federal legislation require the sharing of information between DoD FAP offices and civilian CPS agencies.

In 2016, President Obama signed the National Defense Authorization Act for Fiscal Year 2017 (P.L. 114-328), which required all DoD personnel who are covered professionals – which includes FAP staff – to report to the appropriate CWS agency, appropriate law enforcement authority, and the appropriate FAP office, information that gives reason to suspect that a child in the family or home of a service member has suffered an incident of abuse or neglect. Additionally, DoD Directive 6400.01 requires FAPs to “...[develop MOUs with local] civilian agencies and organizations for reporting cases, providing services, and defining responsibilities when responding to child abuse and neglect, domestic abuse, and problematic sexual behavior in children and youth.”

Need for this bill: The provisions of this bill seek to mirror the collaboration and information sharing efforts required of the DoD. Specifically, the bill requires county child welfare departments investigating a case of child abuse or neglect involving an allegation against the parent or guardian of the child to determine if the parent or guardian is an active duty member of the Armed Forces of the United States. This bill also permits a county child welfare department to develop and adopt MOUs with certain military installations that govern the investigation of allegations of child abuse or neglect against active duty service members.

According to the author, “In 2017, DoD found that depression, [post-traumatic stress disorder], [traumatic brain injury], and substance abuse can interfere with cognition, judgment, impulse control, and affect management. These conditions may damage parental function and increase the risk for interpersonal violence, family conflict, and child maltreatment in military families. Identifying and addressing parental distress are critical components of an overall approach to preventing and intervening in child maltreatment in military families.

“As families continue to shelter at home, the number of domestic violence cases have increased, however, the number of child abuse reports have decreased. While school is not in session and children are not attending day cares, camps, or other facilities outside of the household, it is likely that cases of child abuse are going unnoticed or not being reported. The lack of another party to see and monitor kids on a regular basis can pose danger for children in abusive or negligent homes.

“[This bill] is a win-win for military families, military support programs, and the state, by complementing the statutory responsibility of the DoD, increasing military families’ access to prevention services and allowing better coordination of available child welfare and military preventative and rehabilitative services in support of military children and families.”

PRIOR AND RELATED LEGISLATION:

S. 2943 (McCain), P.L. 114-328, 2017, known as the National Defense Authorization Act for Fiscal Year 2017, required reports of child abuse or neglect made to an FAP office also be made to the appropriate CWS agency or agencies of the state in which the child resides, among other requirements.

AB 177 (Chavez) of 2017 would have required a social worker investigating a case of child abuse or neglect involving an allegation against the child's parent or guardian to attempt to determine if the parent or guardian is a member of the military, and would have required, if the parent or guardian was a member of the military, to notify the FAP of the allegation of abuse or neglect. AB 177 was set to be heard by the Assembly Human Services Committee but was cancelled at the request of the author.

AB 2869 (Chavez) of 2016 would have required notification of the FAP in instances where a social worker is conducting a child welfare services investigation of a family in the Armed Forces. AB 2869 was set to be heard by the Senate Human Services Committee but was cancelled by the committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion, Department of California
AMVETS, Department of California
California Association of County Veterans Service Officers
California State Commanders Veterans Council
County Welfare Directors Association of California (CWDA)
Military Officers Association of America, California Council of Chapters
Military Services in California
Riverside Sheriffs' Association
San Diego Military Advisory Council (SDMAC)
SEIU California
U.S. Department of Defense
Vietnam Veterans of America, California State Council

Opposition

None on file

Analysis Prepared by: Kelsy Castillo / HUM. S. / (916) 319-2089