

ASSEMBLY BILL

No. 1497

Introduced by Assembly Member Negrete McLeod

February 23, 2001

An act to add Section 13969.7 to the Government Code, and to add Sections 11166.6 and 11166.65 to the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1497, as introduced, Negrete McLeod. California victim compensation.

Existing law establishes the California Victim Compensation and Government Claims Board that provides for compensation to victims and derivative victims, as defined, who sustain injury or death as a direct result of a crime.

This bill would provide that each county may establish multidisciplinary teams or centers, as defined, to coordinate the activities of the various agencies involved in the investigation and prosecution of alleged child abuse, as specified. The bill would provide that a county may submit claims to the board for the costs associated with the provision of child victim forensic evidentiary interviews conducted by multidisciplinary teams or centers. The bill would also provide that, in order to qualify for state funding, each county with a multidisciplinary team or center adopt a written protocol and develop an interagency protocol agreement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13969.7 is added to the Government
2 Code, to read:

3 13969.7. (a) Notwithstanding the provisions in Sections
4 13960 to 13969.5, inclusive, the county may submit claims for
5 reimbursement to the California Victim Compensation and
6 Government Claims Board, as described in Section 13900, for the
7 costs associated with the provision of child victim forensic
8 evidentiary interviews conducted by multidisciplinary teams or
9 centers as described in Section 11166.6 of the Penal Code and in
10 accordance with their adopted interagency protocol agreements
11 described in Section 11166.65 of the Penal Code.

12 (b) The allowable expenditures eligible for reimbursement
13 incurred by the multidisciplinary teams or centers, as described in
14 Section 11166.6 of the Penal Code, shall only apply to additional
15 expenditures related to conducting the forensic evidentiary
16 interview, including, but not limited to, facility rent and related
17 costs, salaries and benefits of the multidisciplinary teams or
18 center’s coordinator, clerical staff, and interview specialist staff,
19 and reimbursement for staff training and equipment, including
20 video cameras, recording devices, and two-way mirrors.

21 (c) Personnel costs of the multidisciplinary teams or centers
22 that are incurred by the representatives of the various participating
23 county departments are not eligible for reimbursement.

24 (d) For purposes of this section, “child victim” means a person
25 under the age of 18 years who has been reported to an agency
26 specified in Section 11165.9 of the Penal Code to be a known or
27 suspected victim of child abuse as described in Section 11165.6 of
28 the Penal Code.

29 (e) Reimbursement of costs for the forensic evidentiary
30 interview shall be on a per child victim basis. The amount of the
31 reimbursement shall be determined by the California Victim
32 Compensation and Government Claims Board in consultation
33 with the counties’ multidisciplinary teams or centers.

34 (f) The California Victim Compensation and Government
35 Claims Board shall develop a simple and expedited procedure for
36 the payment of claims for reimbursement of costs incurred by the
37 multidisciplinary teams or centers on a regular and timely basis.

38 SEC. 2. Section 11166.6 is added to the Penal Code, to read:



1 11166.6. (a) Each county may establish multidisciplinary
2 teams or multidisciplinary centers to coordinate the activities of
3 the various agencies involved in the investigation and prosecution
4 of alleged child abuse, including those that provide medical
5 services and follow-up treatment to victims of child abuse. The
6 purpose of these teams or centers is to protect victims of child
7 abuse by minimizing traumatizing interviews through the
8 coordination of efforts of district attorneys, child welfare social
9 workers, law enforcement, and medical personnel, among others,
10 and to assist prosecution by reducing the chances of conflicting or
11 inaccurate information by asking age-appropriate questions to
12 help procure information that is admissible in court.

13 (b) (1) Members of the multidisciplinary team or
14 multidisciplinary center shall, at a minimum, consist of a
15 representative from the district attorney's office, the sheriff's
16 department, a police department, child protective services, and
17 may include medical and mental health professionals.

18 (2) Members of the local multidisciplinary team or center shall
19 be trained to conduct child forensic interviews. The training shall
20 include instruction in risk assessment, the dynamics of child abuse,
21 child sexual abuse and rape of children, and legally sound and
22 age-appropriate interview and investigation techniques.

23 SEC. 3. Section 11166.65 is added to the Penal Code, to read:

24 11166.65. (a) To qualify for state funding pursuant to Section
25 13969.7 of the Government Code, each county that establishes a
26 multidisciplinary team or center pursuant to Section 11166.6 shall
27 adopt a written protocol as follows:

28 (1) Each county shall develop an interagency protocol
29 agreement for the investigation of child abuse and neglect, which
30 shall be signed by appropriate persons from the office of the
31 district attorney, the sheriff's department, the police department,
32 child protective services or an equivalent agency administering
33 child welfare, and public health and medical examiners.

34 (2) The protocol agreement may include, but is not limited to,
35 the following additional entities:

- 36 (A) School districts.
- 37 (B) Probation departments.
- 38 (C) Courts.
- 39 (D) County counsel.
- 40 (E) Tribal Council Representatives.



- 1 (F) Clergy.
- 2 (G) Regional centers.
- 3 (H) Mental health.
- 4 (I) Counsel for children.
- 5 (J) CASA (Court Appointed Special Advocates).
- 6 (K) Ancillary law enforcement agencies, including the federal
- 7 government and the military.
- 8 (L) Victim witness programs.
- 9 (M) Child abuse councils.
- 10 (3) Each protocol agreement shall include the following:
- 11 (A) A mission goal and mission statement.
- 12 (B) Written standards and procedures.
- 13 (C) A procedure for periodic review by all agencies involved.
- 14 (D) A procedure for dissemination to all parties involved.
- 15 (E) A procedure for training about the requirements of the
- 16 protocol agreement.
- 17 (F) Recognition of the need for ongoing training procedures for
- 18 professionals involved in the investigation of child abuse.
- 19 (G) Hiring requirements that specify that staff shall have
- 20 knowledge of the language and cultural needs of the victims of
- 21 child abuse.
- 22 (4) The protocol agreement shall address all children,
- 23 including children with special needs, suspected of being abused
- 24 or neglected in the following situations:
- 25 (A) Intra-family or in-home.
- 26 (B) Out-of-home-care facilities, including, but not limited to,
- 27 day care, group homes, public or private schools, foster care, and
- 28 licensed facilities.
- 29 (C) Perpetration by a stranger.
- 30 (D) Siblings of a child abuse fatality victim.
- 31 (E) Homes with domestic violence.
- 32 (5) The protocol agreement shall address the following
- 33 sequence of responses that takes into account the emotional and
- 34 physical well-being of the child victim:
- 35 (A) The initial response following a referral shall be
- 36 coordinated among first responders to reduce repetitive interviews
- 37 with or questions to the child. Specifically, the protocol agreement
- 38 shall outline the procedures by which first responders share
- 39 information with each other. For the purposes of this section, “first



1 responders” means officials from a child protective service
2 agency or a law enforcement agency.

3 (B) Investigative procedures for forensic evidence gathering.

4 (C) Child abuse reporting procedures and cross-reporting
5 procedures.

6 (D) Minimum standards for levels of professional competency.

7 (E) Knowledge of legal authority.

8 (F) Procedures for sharing information with all the parties
9 involved in the investigation.

10 (G) Procedures for getting information about the child victim
11 back to reporters.

12 (H) Procedures for transporting a child, specifying who may
13 take the child, where the child may be taken, and under what
14 conditions the child may be taken. In addition, there shall also be
15 procedures for transporting family members if the need arises.

16 (I) Procedures to ensure that a child with special needs receives
17 prescribed medication or has special equipment, such as a
18 wheelchair.

19 (6) Procedures shall also include the following considerations
20 for forensic evidentiary interviews and medical examinations:

21 (A) The qualification of personnel conducting the interview or
22 examination.

23 (B) The location of the interview or examination.

24 (C) The procedures for documentation.

25 (D) The guidelines for deciding which agency budget will
26 cover the cost of examinations and interviews.

27 (E) The definition or criteria under which a child qualifies for
28 an examination or interview.

29 (7) The protocol agreement shall address the following issues:

30 (A) Procedures for dealing with the denial of entry to any of the
31 responders to a referral for child abuse or neglect.

32 (B) Procedures for obtaining the necessary consent for medical
33 examinations and forensic interviews.

34 (C) Procedures for sharing information among mandated
35 reporters, first responders, professionals, and follow-up
36 investigations.

37 (D) Procedures for sharing information among professional
38 child abuse investigators that address issues of confidentiality.



1 (E) Procedures for providing information about protective
2 orders, prior history criminal background checks, court actions,
3 and placement orders.

4 (F) Procedures for emergency situations or professional
5 judgment that allow for deviation from the protocols.

6 (G) Procedures to develop a tracking system to receive and
7 coordinate all information relating to a case of child abuse that is
8 in the possession of any agency involved in the investigation or
9 prosecution of child abuse, including law enforcement agencies,
10 child protective service agencies, county welfare agencies, and
11 licensing agencies.

12 (8) The protocol agreement shall explain how the interagency
13 protocol for child abuse investigation interfaces with or
14 acknowledges the protocols of individual agencies involved and
15 shall include procedures for resolving any conflicts among those
16 protocols.

