

AMENDED IN ASSEMBLY JULY 16, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE APRIL 17, 2001

SENATE BILL

No. 432

Introduced by Senator Monteith

February 21, 2001

An act to amend Section 3058.65 of the Penal Code, and to amend Section ~~16504~~ 16507 of the Welfare and Institutions Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 432, as amended, Monteith. Parole: child abuse.

Existing law requires that whenever a person confined in prison for a violent felony as defined, is to be released upon parole, the parole authority must notify the specified local law enforcement agency and the district attorney, who has jurisdiction in the community where the parolee is to be released. The notice must be made at least 45 days prior to the scheduled release of the inmate and must include specified information relating to the parolee, including the parolee's name, whether the parolee is required to register with local law enforcement, and the community in which the parolee will reside upon release. The agencies receiving notice are authorized to provide written comment to the parole authority responding to the scheduled release and these comments must be considered by the parole authority who is authorized to modify its decision regarding the community in which the parolee is to be released.

Existing law also requires that the parole authority provide notice to the immediate family of the victim, upon request, whenever a person

confined in state prison for specified crimes involving child abuse as specified, or any sex offense specified as being perpetrated against a minor, or as ordered by a court, is scheduled to be released.

~~This bill would delete from this notice requirement the provision that refers to any sex offense specified as being perpetrated against a minor. It would add to this notice requirement the release of a person who was confined for an act of domestic violence. The bill would require that this notice also be given to the a county child welfare services agency with jurisdiction in the community where the parolee is scheduled to be released that requests notification, and to the local law enforcement and the local welfare office agency having jurisdiction over the community to which the person is scheduled to be released on parole.~~

~~Existing law requires a county welfare department social worker to make an in-person response in certain cases of children reported to be endangered by abuse, neglect, or exploitation.~~

~~This bill would require that the county welfare department that receives a notification pursuant to these provisions of the immediate release of a parolee who has a child for whom the welfare department has a previously closed case, receive intake and evaluation of risk services, as specified. This bill would require a social worker within a specified time period to evaluate the risk to the child. By increasing the duties of local officials, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Existing law requires that family reunification services be provided or arranged for by county welfare department staff in order to reunite the child separated from his or her parent because of abuse, neglect, or exploitation. These services shall not exceed 12 months, except as provided.~~



This bill would provide that when a county child welfare services agency is providing one parent with family reunification services and the other parent is serving a prison term for the conviction of child abuse, any sex offense specified as being perpetrated against a minor, or an act of domestic violence, the agency may request that it be provided with notification that the imprisoned parent is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation with a new commitment.

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

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

1 SECTION 1. Section 3058.65 of the Penal Code is amended
2 to read:
3 3058.65. (a) (1) Whenever any person confined in the state
4 prison is serving a term for the conviction of child abuse, pursuant
5 to Section 273a, 273ab, 273d, *any sex offense specified as being*
6 *perpetrated against a minor, or an act of domestic violence*, or as
7 ordered by a court, the Board of Prison Terms, with respect to
8 inmates sentenced pursuant to subdivision (b) of Section 1168, or
9 the Department of Corrections, with respect to inmates sentenced
10 pursuant to Section 1170, shall notify the ~~county child welfare~~
11 ~~services agency, having jurisdiction over the community to which~~
12 ~~the person is scheduled to be released on parole, or rereleased~~
13 ~~following a period of confinement pursuant to a parole revocation~~
14 ~~without a new commitment, as specified in subdivision (b) and~~
15 ~~shall notify the county child welfare services agency of the county~~
16 ~~in which any known minor child of the inmate lives.~~
17 ~~(2) Notice of the terms of the inmate's parole shall be provided~~
18 ~~to the immediate family of the parolee who request that~~
19 ~~notification and provide the department with a current address, and~~
20 ~~to the local law enforcement and the local welfare office of the~~
21 ~~community to which the person is scheduled to be released on~~
22 ~~parole, or rereleased following a period of confinement pursuant~~
23 ~~to a parole revocation without a new commitment.~~
24 ~~(3) following parties that the person is scheduled to be released~~
25 ~~on parole, or rereleased following a period of confinement~~
26 ~~pursuant to a parole revocation without a new commitment, as~~
27 ~~specified in subdivision (b):~~



1 (A) *The immediate family of the parolee who requests*
2 *notification and provides the department with a current address.*

3 (B) *A county child welfare services agency that requests*
4 *notification pursuant to Section 16507 of the Welfare and*
5 *Institutions Code.*

6 (C) *The local law enforcement agency having jurisdiction over*
7 *the community to which the person is scheduled to be released on*
8 *parole.*

9 (2) For the purposes of this paragraph, the following terms are
10 defined to mean:

11 (A) “Immediate family of the parolee” means the parents,
12 siblings, and spouse of the parolee.

13 (B) “Local law enforcement” means the chief of police of the
14 city in which the parolee is to reside, and the sheriff of the county
15 in which the parolee is to reside if the parolee is to reside outside
16 the limits of any city.

17 (b) (1) The notification shall be made by mail at least 45 days
18 prior to the scheduled release date, except as provided in paragraph
19 (2). In all cases, the notification shall include the name of the
20 person who is scheduled to be released, the terms of that person’s
21 parole, whether or not that person is required to register with local
22 law enforcement, and the community in which that person will
23 reside. The notification shall specify the office within the
24 Department of Corrections that has the authority to make the final
25 determination and adjustments regarding parole location
26 decisions.

27 (2) When notification cannot be provided within the 45 days
28 due to the unanticipated release date change of an inmate as a result
29 of an order from the court, an action by the Board of Prison Terms,
30 the granting of an administrative appeal, or a finding of not guilty
31 or dismissal of a disciplinary action, that affects the sentence of the
32 inmate, or due to a modification of the department’s decision
33 regarding the community into which the person is scheduled to be
34 released pursuant to paragraph (3), the department shall provide
35 notification to the parties and agencies specified in subdivision (a)
36 as soon as practicable, but in no case less than 24 hours after the
37 final decision is made regarding the location where the parolee will
38 be released.

39 (3) Those agencies receiving the notice referred to in this
40 subdivision may provide written comment to the board or



1 department regarding the impending release. Agencies that choose
2 to provide written comments shall respond within 30 days prior to
3 the inmate's scheduled release, unless an agency received less than
4 45 days' notice of the impending release, in which case the agency
5 shall respond as soon as practicable prior to the scheduled release.
6 Those comments shall be considered by the board or department
7 which may, based on those comments, modify its decision
8 regarding the community in which the person is scheduled to be
9 released. The Department of Corrections shall respond in writing
10 not less than 15 days prior to the scheduled release with a final
11 determination as to whether to adjust the parole location and
12 documenting the basis for its decision, unless the department
13 received comments less than 30 days prior to the impending
14 release, in which case the department shall respond as soon as
15 practicable prior to the scheduled release. The comments shall
16 become a part of the inmate's file.

17 ~~(e) If the court orders the immediate release of an inmate, the~~
18 ~~department shall notify the child protective service agency with~~
19 ~~jurisdiction over the community in which the person is scheduled~~
20 ~~to be released on parole.~~

21 ~~(d)~~

22 (c) In no case shall the notice required by this section be later
23 than the day the person is released on parole.

24 ~~SEC. 2. Section 16504 of the Welfare and Institutions Code~~
25 ~~is amended to read:~~

26 ~~16504. (a) Any child reported to the county welfare~~
27 ~~department to be endangered by abuse, neglect, or exploitation~~
28 ~~shall be eligible for initial intake and evaluation of risk services.~~
29 ~~Each county welfare department shall maintain and operate a~~
30 ~~24-hour response system. An immediate in-person response shall~~
31 ~~be made by a county welfare department social worker in~~
32 ~~emergency situations in accordance with regulations of the~~
33 ~~department. The person making any initial response to a request~~
34 ~~for child welfare services shall consider providing appropriate~~
35 ~~social services to maintain the child safely in his or her own home.~~
36 ~~However, an in-person response is not required when the county~~
37 ~~welfare department, based upon an evaluation of risk, determines~~
38 ~~that an in-person response is not appropriate. An evaluation of risk~~
39 ~~includes collateral contacts, a review of previous referrals, and~~
40 ~~other relevant information.~~



1 ~~(b) A county welfare department social worker shall make an~~
2 ~~in-person response whenever a referral is received pursuant to~~
3 ~~Section 11254. Whenever a referral is received pursuant to Section~~
4 ~~11254, the county welfare department social worker, within 20~~
5 ~~calendar days from the receipt of the referral, shall determine~~
6 ~~whether the physical or emotional health or safety of the individual~~
7 ~~or child would be jeopardized if the individual and child lived in~~
8 ~~the same residence with the individual's own parent or legal~~
9 ~~guardian, or other adult relative.~~

10 ~~(c) When a county welfare department receives a notification,~~
11 ~~pursuant to Section 3058.65 of the Penal Code, of the imminent~~
12 ~~release of a parolee who has a child for whom the county welfare~~
13 ~~department has a previously closed case, that notification shall~~
14 ~~receive intake and evaluation of risk services as described in~~
15 ~~subdivision (a). A county welfare department social worker shall~~
16 ~~evaluate the risk of the child abuse, neglect, or exploitation within~~
17 ~~30 calendar days of the release of the parolee named in the~~
18 ~~notification received by the county pursuant to Section 3058.65 of~~
19 ~~the Penal Code.~~

20 ~~SEC. 3. Notwithstanding Section 17610 of the Government~~
21 ~~Code, if the Commission on State Mandates determines that this~~
22 ~~act contains costs mandated by the state, reimbursement to local~~
23 ~~agencies and school districts for those costs shall be made pursuant~~
24 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
25 ~~2 of the Government Code. If the statewide cost of the claim for~~
26 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
27 ~~reimbursement shall be made from the State Mandates Claims~~
28 ~~Fund.~~

29 *SEC. 2. Section 16507 of the Welfare and Institutions Code is*
30 *amended to read:*

31 16507. (a) Family reunification services shall be provided or
32 arranged for by county welfare department staff in order to reunite
33 the child separated from his or her parent because of abuse,
34 neglect, or exploitation. These services shall not exceed 12 months
35 except as provided in subdivision (a) of Section 361.5 and
36 subdivision (c) of Section 366.3. Family reunification services
37 shall be available without regard to income to families whose child
38 has been adjudicated or is in the process of being adjudicated a
39 dependent child of the court under the provisions of Section 300.
40 Family reunification services shall include a plan for visitation of



1 the child by his or her grandparents, where the visitation is in the
2 best interests of the child and will serve to maintain and strengthen
3 the family relationships of the child.

4 (b) Family reunification services shall only be provided when
5 a child has been placed in out-of-home care, or is in the care of a
6 previously noncustodial parent under the supervision of the
7 juvenile court.

8 (c) When a minor has been placed in foster care with a
9 nonparent, family reunification services may be provided to one
10 or both parents.

11 (d) *When a county child welfare services agency is providing*
12 *one parent with reunification services and the other parent is*
13 *serving a prison term for the conviction of child abuse, pursuant*
14 *to Section 273a, 273ab, or 273d of the Penal Code, any sex offense*
15 *specified as being perpetrated against a minor, or an act of*
16 *domestic violence, the county child welfare services agency may*
17 *request that the Board of Prison Terms, with respect to inmates*
18 *sentenced pursuant to subdivision (b) of Section 1168 of the Penal*
19 *Code, or the Department of Corrections, with respect to inmates*
20 *sentenced pursuant to Section 1170 of the Penal Code, provide the*
21 *agency, during the time in which reunification services are being*
22 *provided, with notification that the person is scheduled to be*
23 *released on parole, or rereleased following a period of*
24 *confinement pursuant to a parole revocation without a new*
25 *commitment.*

26 _____
27 CORRECTIONS
28 **Digest — Page 3.**

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