

ASSEMBLY BILL

No. 1512

Introduced by Assembly Member Torrico

February 23, 2007

An act to amend Section 11174.34 of the Penal Code, and to amend Section 10850.1 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1512, as introduced, Torrico. Public social services: child welfare.

Existing law provides for the coordination and integration of state and local efforts to address fatal child abuse or neglect, and the creation of a body of information to prevent child deaths. Existing law also provides that certain individual records concerning the administration of public social services are confidential, but authorizes members of a multidisciplinary personnel team, as defined, engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons, to disclose or exchange this information to one another under prescribed circumstances.

This bill would make technical, nonsubstantive changes to the law relating to child abuse investigations and the use of confidential information in connection with these investigations.

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

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

- 1 SECTION 1. Section 11174.34 of the Penal Code is amended
- 2 to read:

1 11174.34. (a) (1) The purpose of this section shall be to
2 coordinate and integrate state and local efforts to address fatal
3 child abuse or neglect, and to create a body of information to
4 prevent child deaths.

5 (2) It is the intent of the Legislature that the California State
6 Child Death Review Council, the Department of Justice, the State
7 Department of Social Services, the State Department of Health
8 Services, and state and local child death review teams shall share
9 data and other information necessary from the Department of
10 Justice Child Abuse Central Index and Supplemental Homicide
11 File, the State Department of Health Services Vital Statistics and
12 the Department of Social Services Child Welfare Services/Case
13 Management System files to establish accurate information on the
14 nature and extent of child abuse or neglect related fatalities in
15 California as those documents relate to child fatality cases. Further,
16 it is the intent of the Legislature to ensure that records of child
17 abuse or neglect related fatalities are entered into the State
18 Department of Social Services, Child Welfare Services/Case
19 Management System. It is also the intent that training and technical
20 assistance be provided to child death review teams and
21 professionals in the child protection system regarding multiagency
22 case review.

23 (b) (1) It shall be the duty of the California State Child Death
24 Review Council to oversee the statewide coordination and
25 integration of state and local efforts to address fatal child abuse or
26 neglect and to create a body of information to prevent child deaths.
27 The Department of Justice, the State Department of Social Services,
28 the State Department of Health Services, the California Coroner's
29 Association, the County Welfare Directors Association, Prevent
30 Child Abuse California, the California Homicide Investigators
31 Association, the agency or agencies designated by the Director of
32 Finance pursuant to Section 13820, the Inter-Agency Council on
33 Child Abuse and Neglect/National Center on Child Fatality
34 Review, the California Conference of Local Health Officers, the
35 California Conference of Local Directors of Maternal, Child, and
36 Adolescent Health, the California Conference of Local Health
37 Department Nursing Directors, the California District Attorneys
38 Association, and at least three regional representatives, chosen by
39 the other members of the council, working collaboratively for the
40 purposes of this section, shall be known as the California State

1 Child Death Review Council. The council shall select a chairperson
2 or cochairpersons from the members.

3 (2) The Department of Justice is hereby authorized to carry out
4 the purposes of this section by coordinating council activities and
5 working collaboratively with the agencies and organizations in
6 paragraph (1), and may consult with other representatives of other
7 agencies and private organizations, to help accomplish the purpose
8 of this section.

9 (c) Meetings of the agencies and organizations involved shall
10 be convened by a representative of the Department of Justice. All
11 meetings convened between the Department of Justice and any
12 organizations required to carry out the purpose of this section shall
13 take place in this state. There shall be a minimum of four meetings
14 per calendar year.

15 (d) To accomplish the purpose of this section, the Department
16 of Justice and agencies and organizations involved shall engage
17 in the following activities:

18 (1) Analyze and interpret state and local data on child death in
19 an annual report to be submitted to local child death review teams
20 with copies to the Governor and the Legislature, no later than July
21 1 each year. Copies of the report shall also be distributed to public
22 officials in the state who deal with child abuse issues and to those
23 agencies responsible for child death investigation in each county.
24 The report shall contain, but not be limited to, information provided
25 by state agencies and the county child death review teams for the
26 preceding year.

27 The state data shall include the Department of Justice Child
28 Abuse Central Index and Supplemental Homicide File, the State
29 Department of Health Services Vital Statistics, and the State
30 Department of Social Services Child Welfare Services/Case
31 Management System.

32 (2) In conjunction with the agency or agencies designated by
33 the Director of Finance pursuant to Section 13820, coordinate
34 statewide and local training for county death review teams and the
35 members of the teams, including, but not limited to, training in
36 the application of the interagency child death investigation
37 protocols and procedures established under Sections 11166.7 and
38 11166.8 to identify child deaths associated with abuse or neglect.

39 (e) The State Department of Health Services, in collaboration
40 with the California State Child Death Review Council, shall design,

1 test and implement a statewide child abuse or neglect fatality
2 tracking system incorporating information collected by local child
3 death review teams. The department shall:

4 (1) Establish a minimum case selection criteria and review
5 protocols of local child death review teams.

6 (2) Develop a standard child death review form with a minimum
7 core set of data elements to be used by local child death review
8 teams, and collect and analyze that data.

9 (3) Establish procedural safeguards in order to maintain
10 appropriate confidentiality and integrity of the data.

11 (4) Conduct annual reviews to reconcile data reported to the
12 State Department of Health Services Vital Statistics, Department
13 of Justice Homicide Files and Child Abuse Central Index, and the
14 State Department of Social Services Child Welfare Services/Case
15 Management System data systems, with data provided from local
16 child death review teams.

17 (5) Provide technical assistance to local child death review teams
18 in implementing and maintaining the tracking system.

19 (6) This subdivision shall become operative on July 1, 2000,
20 and shall be implemented only to the extent that funds are
21 appropriated for its purposes in the Budget Act.

22 (f) Local child death review teams shall participate in a statewide
23 child abuse or neglect fatalities monitoring system by:

24 (1) Meeting the minimum standard protocols set forth by the
25 State Department of Health Services in collaboration with the
26 California State Child Death Review Council.

27 (2) Using the standard data form to submit information on child
28 abuse or neglect fatalities in a timely manner established by the
29 State Department of Health Services.

30 (g) The California State Child Death Review Council shall
31 monitor the implementation of the monitoring system and
32 incorporate the results and findings of the system and review into
33 an annual report.

34 (h) The Department of Justice shall direct the creation,
35 maintenance, updating, and distribution electronically and by paper,
36 of a statewide child death review team directory, which shall
37 contain the names of the members of the agencies and private
38 organizations participating under this section, and the members of
39 local child death review teams and local liaisons to those teams.
40 The department shall work in collaboration with members of the

1 California State Child Death Review Council to develop a directory
2 of professional experts, resources, and information from relevant
3 agencies and organizations and local child death review teams,
4 and to facilitate regional working relationships among teams. The
5 Department of Justice shall maintain and update these directories
6 annually.

7 (i) The agencies or private organizations participating under
8 this section shall participate without reimbursement from the state.
9 Costs incurred by participants for travel or per diem shall be borne
10 by the participant agency or organization. The participants shall
11 be responsible for collecting and compiling information to be
12 included in the annual report. The Department of Justice shall be
13 responsible for printing and distributing the annual report using
14 available funds and existing resources.

15 (j) The agency or agencies designated by the Director of Finance
16 pursuant to Section 13820, in coordination with the State
17 Department of Social Services, the Department of Justice, and the
18 California State Child Death Review Council shall contract with
19 state or nationally recognized organizations in the area of child
20 death review to conduct statewide training and technical assistance
21 for local child death review teams and relevant organizations,
22 develop standardized definitions for fatal child abuse or neglect,
23 develop protocols for the investigation of fatal child abuse or
24 neglect, and address relevant issues such as grief and mourning,
25 data collection, training for medical personnel in the identification
26 of child abuse or neglect fatalities, domestic violence fatality
27 review, and other related topics and programs. The provisions of
28 this subdivision shall only be implemented to the extent that the
29 agency or agencies designated by the Director of Finance pursuant
30 to Section 13820 can absorb the costs of implementation within
31 its current funding, or to the extent that funds are appropriated for
32 its purposes in the Budget Act.

33 (k) Law enforcement and child welfare agencies shall
34 cross-report all cases of child death suspected to be related to child
35 abuse or neglect whether or not the deceased child has any known
36 surviving siblings.

37 (l) County child welfare agencies shall create a record in the
38 Child Welfare Services/Case Management System (CWS/CMS)
39 ~~on all cases~~ *regarding each case* of child death suspected to be
40 related to child abuse or neglect, whether or not the deceased child

1 has any known surviving siblings. Upon notification that the death
2 was determined not to be related to child abuse or neglect, the
3 child welfare agency shall enter that information into the Child
4 Welfare Services/Case Management System.

5 SEC. 2. Section 10850.1 of the Welfare and Institutions Code
6 is amended to read:

7 10850.1. Notwithstanding any other provision of law, for
8 purposes of Section 10850, the activities of a multidisciplinary
9 personnel team engaged in the prevention, identification, and
10 treatment of child abuse or the abuse of elder or dependent persons
11 are activities performed in the administration of public social
12 services, and a member of the team may disclose and exchange
13 any information or writing that also is kept or maintained in
14 connection with any program of public social services or otherwise
15 designated as confidential under state law which he or she
16 reasonably believes is relevant to the prevention, identification,
17 or treatment of child abuse or the abuse of elder or dependent
18 persons to other members of the team. All discussions relative to
19 the disclosure or exchange of ~~any such~~ *that* information or writing
20 during team meetings are confidential and, notwithstanding any
21 other provision of law, testimony concerning ~~any such discussion~~
22 *these discussions* is not admissible in any criminal, civil, or juvenile
23 court proceeding.

24 As used in this section, “child abuse” has the same meaning as
25 defined in Section 18951. As used in this section, “abuse of elder
26 or dependent persons” has the meaning given in Section 15610.

27 As used in this section, “multidisciplinary personnel team” means
28 any team of three or more persons, as specified in Section ~~15715~~
29 *15610.55* or 18951, the members of which are trained in the
30 prevention, identification, and treatment of child abuse or the abuse
31 of elder or dependent persons and are qualified to provide a broad
32 range of services related to child abuse or the abuse of elder or
33 dependent persons.