

AMENDED IN ASSEMBLY JUNE 12, 2007

AMENDED IN SENATE MAY 1, 2007

AMENDED IN SENATE APRIL 19, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 39

Introduced by Senator Migden
(Coauthor: Senator Alquist)

December 12, 2006

An act to amend Section 827 of, and to add Sections 826.7 and 10850.4 to, the Welfare and Institutions Code, relating to child abuse and neglect.

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, Migden. County welfare agencies and departments: child abuse and neglect: files.

(1) Existing law requires the case file of a dependent child or ward of the juvenile court to be kept confidential, except as specified. Existing law permits the juvenile case files that pertain to a deceased child who was within the jurisdiction of the juvenile court, as provided, to be released to the public after a petition has been filed and interested parties have been afforded an opportunity to file an objection, subject to certain limitations.

This bill would revise those provisions and instead require that juvenile case files that pertain to any child who died as the result of child abuse or neglect shall be released to the public, subject to certain limitations set forth in the bill. *The bill would also add specified attorneys to the persons allowed access to a juvenile case file.*

(2) Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services.

This bill would require the custodian of records within a county welfare agency or department to disclose, within 5 days from a request, or upon substantiation, specified records, subject to the redaction of certain identifying personal information, of child abuse or neglect that results in the death of a child.

This bill would also require all county welfare agencies and departments to notify the State Department of Social Services, as provided, of all child fatalities that occurred within its jurisdiction that were the result of child abuse or neglect, and would require the State Department of Social Services to establish a procedure for, *and annually report on*, that notification, *as specified*. The bill would also require the State Department of Social Services to adopt emergency regulations to implement the above-described changes, as specified, which regulations would be excepted from the rulemaking provisions of the Administrative Procedures Act.

By increasing the duties of local agencies, this bill would impose a state-mandated local program.

(3) 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.

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.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) During 2002, approximately 140 children in California were
- 3 officially reported as having died as a result of abuse or neglect.
- 4 The State Death Review Council has concluded that official reports
- 5 of child abuse deaths represent a significant undercount of the
- 6 actual number of child abuse and neglect fatalities.
- 7 (b) A child’s death from abuse or neglect often leads to calls
- 8 for reform of the public child protection system. Without accurate

1 and complete information about the circumstances leading to the
2 child's death, public debate is stymied and the reforms, if adopted
3 at all, may do little to prevent further tragedies.

4 (c) Providing public access to juvenile case files in cases where
5 a child fatality occurs as a result of abuse or neglect will promote
6 public scrutiny and an informed debate of the circumstances that
7 led to the fatality thereby promoting the development of child
8 protection policies, procedures, practices, and strategies that will
9 reduce or avoid future child deaths and injuries.

10 (d) The current procedures for accessing information about a
11 child's death from abuse or neglect are costly, at times resulting
12 in lengthy delays in the release of that information, fail to provide
13 adequate guidance for what information should and should not be
14 disclosed, and permit significant variation from one jurisdiction
15 to another in the nature and extent of the information released.

16 (e) Thus, it is the intent of the Legislature to maximize public
17 access to juvenile case files in cases where a child fatality occurs
18 as a result of child abuse or neglect by both providing for an
19 administrative release of certain documents without the filing of
20 a legal petition pursuant to paragraph (2) of subdivision (a) of
21 Section 827 of the Welfare and Institutions Code, while also
22 ensuring that basic privacy protections are consistently afforded,
23 and by enacting reforms to the current process of filing a petition
24 pursuant to paragraph (2) of subdivision (a) of Section 827 of the
25 Welfare and Institutions Code that will offer clarifying guidance
26 to juvenile courts of the legal standards that apply to those petitions
27 and an expedited process for their disposition.

28 (f) In petitions governed by paragraph (2) of subdivision (a) of
29 Section 827 of the Welfare and Institutions Code, the Legislature
30 has concluded that when a dependent child dies within the
31 jurisdiction of the juvenile court, the presumption of confidentiality
32 for juvenile case files evaporates and the requirement of an
33 expedited decision becomes manifest, because community reaction
34 to the child's death may abate with the passage of time and, without
35 a prompt investigation and assessment, the opportunity to effect
36 positive change may be lost.

37 SEC. 2. Section 826.7 is added to the Welfare and Institutions
38 Code, to read:

39 826.7. Juvenile case files that pertain to a child who died as
40 the result of abuse or neglect shall be released by the custodian of

1 records of the county welfare department or agency to the public
2 pursuant to Section 10850.4 or an order issued pursuant to
3 paragraph (2) of subdivision (a) of Section 827.

4 SEC. 3. Section 827 of the Welfare and Institutions Code is
5 amended to read:

6 827. (a) (1) Except as provided in Section 828, a case file
7 may be inspected only by the following:

8 (A) Court personnel.

9 (B) The district attorney, a city attorney, or city prosecutor
10 authorized to prosecute criminal or juvenile cases under state law.

11 (C) The minor who is the subject of the proceeding.

12 (D) The minor's parents or guardian.

13 (E) The attorneys for the parties, judges, referees, other hearing
14 officers, probation officers, and law enforcement officers who are
15 actively participating in criminal or juvenile proceedings involving
16 the minor.

17 (F) *The county counsel, city attorney, or any other attorney*
18 *representing the petitioning agency in a dependency action.*

19 ~~(F)~~

20 (G) The superintendent or designee of the school district where
21 the minor is enrolled or attending school.

22 ~~(G)~~

23 (H) Members of the child protective agencies as defined in
24 Section 11165.9 of the Penal Code.

25 ~~(H)~~

26 (I) The State Department of Social Services, to carry out its
27 duties pursuant to Division 9 (commencing with Section 10000),
28 and Part 5 (commencing with Section 7900) of Division 12, of the
29 Family Code to oversee and monitor county child welfare agencies,
30 children in foster care or receiving foster care assistance, and
31 out-of-state placements, Section 10850.4, and paragraph (2).

32 ~~(I)~~

33 (J) Authorized legal staff or special investigators who are peace
34 officers who are employed by, or who are authorized
35 representatives of, the State Department of Social Services, as
36 necessary to the performance of their duties to inspect, license,
37 and investigate community care facilities, and to ensure that the
38 standards of care and services provided in those facilities are
39 adequate and appropriate and to ascertain compliance with the
40 rules and regulations to which the facilities are subject. The

1 confidential information shall remain confidential except for
2 purposes of inspection, licensing, or investigation pursuant to
3 Chapter 3 (commencing with Section 1500) and Chapter 3.4
4 (commencing with Section 1596.70) of Division 2 of the Health
5 and Safety Code, or a criminal, civil, or administrative proceeding
6 in relation thereto. The confidential information may be used by
7 the State Department of Social Services in a criminal, civil, or
8 administrative proceeding. The confidential information shall be
9 available only to the judge or hearing officer and to the parties to
10 the case. Names that are confidential shall be listed in attachments
11 separate to the general pleadings. The confidential information
12 shall be sealed after the conclusion of the criminal, civil, or
13 administrative hearings, and may not subsequently be released
14 except in accordance with this subdivision. If the confidential
15 information does not result in a criminal, civil, or administrative
16 proceeding, it shall be sealed after the State Department of Social
17 Services decides that no further action will be taken in the matter
18 of suspected licensing violations. Except as otherwise provided in
19 this subdivision, confidential information in the possession of the
20 State Department of Social Services may not contain the name of
21 the minor.

22 ~~(J)~~

23 (K) Members of children’s multidisciplinary teams, persons, or
24 agencies providing treatment or supervision of the minor.

25 ~~(K)~~

26 (L) A judge, commissioner, or other hearing officer assigned to
27 a family law case with issues concerning custody or visitation, or
28 both, involving the minor, and the following persons, if actively
29 participating in the family law case: a family court mediator
30 assigned to a case involving the minor pursuant to Article 1
31 (commencing with Section 3160) of Chapter 11 of Part 2 of
32 Division 8 of the Family Code, a court-appointed evaluator or a
33 person conducting a court-connected child custody evaluation,
34 investigation, or assessment pursuant to Section 3111 or 3118 of
35 the Family Code, and counsel appointed for the minor in the family
36 law case pursuant to Section 3150 of the Family Code. Prior to
37 allowing counsel appointed for the minor in the family law case
38 to inspect the file, the court clerk may require counsel to provide
39 a certified copy of the court order appointing him or her as the
40 minor’s counsel.

1 ~~(L)~~
 2 (M) A court-appointed investigator who is actively participating
 3 in a guardianship case involving a minor pursuant to Part 2
 4 (commencing with Section 1500) of Division 4 of the Probate
 5 Code and acting within the scope of his or her duties in that case.

6 ~~(M)~~
 7 (N) A local child support agency for the purpose of establishing
 8 paternity and establishing and enforcing child support orders.

9 ~~(N)~~
 10 (O) Juvenile justice commissions as established under Section
 11 225. The confidentiality provisions of Section 10850 shall apply
 12 to a juvenile justice commission and its members.

13 ~~(O)~~
 14 (P) Any other person who may be designated by court order of
 15 the judge of the juvenile court upon filing a petition.

16 (2) (A) Notwithstanding any other law and subject to
 17 subparagraph (A) of paragraph (3), juvenile case files, except those
 18 relating to matters within the jurisdiction of the court pursuant to
 19 Section 601 or 602, that pertain to a deceased child who was within
 20 the jurisdiction of the juvenile court pursuant to Section 300, shall
 21 be released to the public pursuant to an order by the juvenile court
 22 after a petition has been filed and interested parties have been
 23 afforded an opportunity to file an objection. Any information
 24 relating to another child or which could identify another child,
 25 except for information about the deceased, shall be redacted from
 26 the juvenile case file prior to release, unless a specific order is
 27 made by the juvenile court to the contrary. Except as provided in
 28 this paragraph, the presiding judge of the juvenile court may issue
 29 an order prohibiting or limiting access to the juvenile case file, or
 30 any portion thereof, of a deceased child only upon a showing by
 31 a preponderance of evidence that release of the juvenile case file
 32 or any portion thereof is detrimental to the safety, protection, or
 33 physical or emotional well-being of another child who is directly
 34 or indirectly connected to the juvenile case that is the subject of
 35 the petition.

36 (B) This paragraph represents a presumption in favor of the
 37 release of documents when a child is deceased unless the statutory
 38 reasons for confidentiality are shown to exist.

1 (C) If a child whose records are sought has died, and documents
2 are sought pursuant to this paragraph, no weighing or balancing
3 of the interests of those other than a child is permitted.

4 (D) A petition filed under this paragraph shall be served on
5 interested parties by the petitioner, if the petitioner is in possession
6 of their identity and address, and on the custodian of records. Upon
7 receiving a petition, the custodian of records shall serve a copy of
8 the request upon all interested parties that have not been served
9 by the petitioner or on the interested parties served by the petitioner
10 if the custodian of records possesses information, such as a more
11 recent address, indicating that the service by the petitioner may
12 have been ineffective.

13 (E) The custodian of records shall serve the petition within 10
14 calendar days of receipt. If any interested party, including the
15 custodian of records, objects to the petition, the party shall file and
16 serve the objection on the petitioning party no later than 15
17 calendar days of service of the petition.

18 (F) The petitioning party shall have 10 calendar days to file any
19 reply. The juvenile court shall set the matter for hearing no more
20 than 60 calendar days from the date the petition is served on the
21 custodian of records. The court shall render its decision within 30
22 days of the hearing. The matter shall be decided solely upon the
23 basis of the petition and supporting exhibits and declarations, if
24 any, the objection and any supporting exhibits or declarations, if
25 any, and the reply and any supporting declarations or exhibits
26 thereto, and argument at hearing. The court may solely upon its
27 own motion order the appearance of witnesses. ~~Any order of the~~
28 ~~court shall be immediately reviewable by petition to the appellate~~
29 ~~court for the issuance of an extraordinary writ. If no objection is~~
30 ~~filed to the petition, the court shall review the petition and issue~~
31 ~~its decision within 10 calendar days. *If no objection is filed to the*~~
32 ~~*petition, the court shall review the petition and issue its decision*~~
33 ~~*within 10 calendar days of the final day for filing the objection.*~~
34 ~~*Any order of the court shall be immediately reviewable by petition*~~
35 ~~*to the appellate court for the issuance of an extraordinary writ.*~~

36 (3) Access to juvenile case files pertaining to matters within the
37 jurisdiction of the juvenile court pursuant to Section 300 shall be
38 limited as follows:

39 (A) If a juvenile case file, or any portion thereof, is privileged
40 or confidential pursuant to any other state law or federal law or

1 regulation, the requirements of that state law or federal law or
2 regulation prohibiting or limiting release of the juvenile case file
3 or any portions thereof shall prevail. Unless a person is listed in
4 subparagraphs (A) to ~~(N)~~ (O), inclusive, of paragraph (1) and is
5 entitled to access under the other state law or federal law or
6 regulation without a court order, all those seeking access, pursuant
7 to other authorization, to portions of, or information relating to the
8 contents of, juvenile case files protected under another state law
9 or federal law or regulation, shall petition the juvenile court. The
10 juvenile court may only release the portion of, or information
11 relating to the contents of, juvenile case files protected by another
12 state law or federal law or regulation if disclosure is not detrimental
13 to the safety, protection, or physical or emotional well-being of a
14 child who is directly or indirectly connected to the juvenile case
15 that is the subject of the petition. This paragraph shall not be
16 construed to limit the ability of the juvenile court to carry out its
17 duties in conducting juvenile court proceedings.

18 (B) Prior to the release of the juvenile case file or any portion
19 thereof, the court shall afford due process, including a notice of
20 and an opportunity to file an objection to the release of the record
21 or report to all interested parties.

22 (4) A juvenile case file, any portion thereof, and information
23 relating to the content of the juvenile case file, may not be
24 disseminated by the receiving agencies to any persons or agencies,
25 other than those persons or agencies authorized to receive
26 documents pursuant to this section. Further, a juvenile case file,
27 any portion thereof, and information relating to the content of the
28 juvenile case file, may not be made as an attachment to any other
29 documents without the prior approval of the presiding judge of the
30 juvenile court, unless it is used in connection with and in the course
31 of a criminal investigation or a proceeding brought to declare a
32 person a dependent child or ward of the juvenile court.

33 (5) Individuals listed in subparagraphs (A), (B), (C), (D), (E),
34 ~~(G)~~, and ~~(H)~~ (F), (H), and (I) of paragraph (1) may also receive
35 copies of the case file. In these circumstances, the requirements
36 of paragraph (4) shall continue to apply to the information received.

37 (b) (1) While the Legislature reaffirms its belief that juvenile
38 court records, in general, should be confidential, it is the intent of
39 the Legislature in enacting this subdivision to provide for a limited
40 exception to juvenile court record confidentiality to promote more

1 effective communication among juvenile courts, family courts,
2 law enforcement agencies, and schools to ensure the rehabilitation
3 of juvenile criminal offenders as well as to lessen the potential for
4 drug use, violence, other forms of delinquency, and child abuse.

5 (2) Notwithstanding subdivision (a), written notice that a minor
6 enrolled in a public school, kindergarten to grade 12, inclusive,
7 has been found by a court of competent jurisdiction to have
8 committed any felony or any misdemeanor involving curfew,
9 gambling, alcohol, drugs, tobacco products, carrying of weapons,
10 a sex offense listed in Section 290 of the Penal Code, assault or
11 battery, larceny, vandalism, or graffiti shall be provided by the
12 court, within seven days, to the superintendent of the school district
13 of attendance. Written notice shall include only the offense found
14 to have been committed by the minor and the disposition of the
15 minor's case. This notice shall be expeditiously transmitted by the
16 district superintendent to the principal at the school of attendance.
17 The principal shall expeditiously disseminate the information to
18 those counselors directly supervising or reporting on the behavior
19 or progress of the minor. In addition, the principal shall disseminate
20 the information to any teacher or administrator directly supervising
21 or reporting on the behavior or progress of the minor whom the
22 principal believes needs the information to work with the pupil in
23 an appropriate fashion, to avoid being needlessly vulnerable or to
24 protect other persons from needless vulnerability.

25 Any information received by a teacher, counselor, or
26 administrator under this subdivision shall be received in confidence
27 for the limited purpose of rehabilitating the minor and protecting
28 students and staff, and shall not be further disseminated by the
29 teacher, counselor, or administrator, except insofar as
30 communication with the juvenile, his or her parents or guardians,
31 law enforcement personnel, and the juvenile's probation officer
32 is necessary to effectuate the juvenile's rehabilitation or to protect
33 students and staff.

34 An intentional violation of the confidentiality provisions of this
35 paragraph is a misdemeanor punishable by a fine not to exceed
36 five hundred dollars (\$500).

37 (3) If a minor is removed from public school as a result of the
38 court's finding described in subdivision (b), the superintendent
39 shall maintain the information in a confidential file and shall defer
40 transmittal of the information received from the court until the

1 minor is returned to public school. If the minor is returned to a
2 school district other than the one from which the minor came, the
3 parole or probation officer having jurisdiction over the minor shall
4 so notify the superintendent of the last district of attendance, who
5 shall transmit the notice received from the court to the
6 superintendent of the new district of attendance.

7 (c) Each probation report filed with the court concerning a minor
8 whose record is subject to dissemination pursuant to subdivision
9 (b) shall include on the face sheet the school at which the minor
10 is currently enrolled. The county superintendent shall provide the
11 court with a listing of all of the schools within each school district,
12 within the county, along with the name and mailing address of
13 each district superintendent.

14 (d) Each notice sent by the court pursuant to subdivision (b)
15 shall be stamped with the instruction: “Unlawful Dissemination
16 Of This Information Is A Misdemeanor.” Any information received
17 from the court shall be kept in a separate confidential file at the
18 school of attendance and shall be transferred to the minor’s
19 subsequent schools of attendance and maintained until the minor
20 graduates from high school, is released from juvenile court
21 jurisdiction, or reaches the age of 18 years, whichever occurs first.
22 After that time the confidential record shall be destroyed. At any
23 time after the date by which a record required to be destroyed by
24 this section should have been destroyed, the minor or his or her
25 parent or guardian shall have the right to make a written request
26 to the principal of the school that the minor’s school records be
27 reviewed to ensure that the record has been destroyed. Upon
28 completion of any requested review and no later than 30 days after
29 the request for the review was received, the principal or his or her
30 designee shall respond in writing to the written request and either
31 shall confirm that the record has been destroyed or, if the record
32 has not been destroyed, shall explain why destruction has not yet
33 occurred.

34 Except as provided in paragraph (2) of subdivision (b), no
35 liability shall attach to any person who transmits or fails to transmit
36 any notice or information required under subdivision (b).

37 (e) For purposes of this section, a “juvenile case file” means a
38 petition filed in any juvenile court proceeding, reports of the
39 probation officer, and all other documents filed in that case or
40 made available to the probation officer in making his or her report,

1 or to the judge, referee, or other hearing officer, and thereafter
2 retained by the probation officer, judge, referee, or other hearing
3 officer.

4 SEC. 4. Section 10850.4 is added to the Welfare and
5 Institutions Code, to read:

6 10850.4. (a) Within five business days of learning that a child
7 fatality has occurred in the county and that there is a reasonable
8 suspicion that the fatality was caused by abuse or neglect, the
9 custodian of records for the county child welfare agency, upon
10 request, shall release the following information:

11 (1) The age and gender of the child.

12 (2) The date of death.

13 (3) Whether an investigation is being conducted by a law
14 enforcement agency or the county child welfare agency.

15 (b) All cases in which abuse or neglect leads to a child's death
16 shall be subject to the disclosures required in subdivision~~(e)~~; (c).
17 *Abuse or neglect is determined to have led to a child's death* if
18 one or more of the following conditions are met:

19 (1) A county child protective services agency determines that
20 the abuse or neglect was substantiated.

21 (2) A law enforcement investigation concludes that abuse or
22 neglect occurred.

23 (3) A coroner or medical examiner concludes that the child who
24 died had suffered abuse or neglect.

25 (c) Upon completion of the child abuse or neglect investigation
26 into the child's death, as described in subdivision (b), the following
27 documents from the juvenile case file shall be released by the
28 custodian of records upon request, subject to the redactions set
29 forth in subdivision (e):

30 (1) All of the information in subdivision (a).

31 (2) For cases in which the child's death occurred while living
32 with a parent or guardian, all previous referrals of abuse or neglect
33 of the deceased child while living with that parent or guardian
34 shall be disclosed along with the following documents:

35 (A) The emergency response referral information form and the
36 emergency response notice of referral disposition form completed
37 by the county child welfare agency relating to the abuse or neglect
38 that caused the death of the child.

39 (B) Any cross reports completed by the county child welfare
40 agency to law enforcement relating to the deceased child.

- 1 (C) All risk and safety assessments completed by the county
- 2 child welfare services agency relating to the deceased child.
- 3 (D) All health care records of the deceased child, excluding
- 4 mental health records, related to the child’s death and previous
- 5 injuries reflective of a pattern of abuse or neglect.
- 6 (E) Copies of police reports about the person against whom the
- 7 child abuse or neglect was substantiated.
- 8 (3) For cases in which the child’s death occurred while the child
- 9 was in foster care, the following documents in addition to those
- 10 specified in paragraphs (1) and (2) generated while the child was
- 11 living in the foster care placement that was the placement at the
- 12 time of the child’s death:
- 13 (A) Records pertaining to the foster parents’ initial licensing
- 14 and renewals and type of license or licenses held, if in the case
- 15 file.
- 16 (B) All reported licensing violations, including notices of action,
- 17 if in the case file.
- 18 (C) Records of the training completed by the foster parents, if
- 19 in the case file.
- 20 (d) The documents listed in subdivision (c) shall be released to
- 21 the public by the custodian of records within 10 business days of
- 22 the request or the disposition of the investigation, whichever is
- 23 later.
- 24 (e) (1) Prior to releasing any document pursuant to subdivision
- 25 (c), the custodian of records shall redact the following information:
- 26 (A) The names, addresses, telephone numbers, ethnicity,
- 27 religion, or any other identifying information of any person or
- 28 institution, other than the county or the State Department of Social
- 29 Services, that is mentioned in the documents listed in paragraphs
- 30 (2) and (3) of subdivision (c).
- 31 (B) Any information that would, after consultation with the
- 32 district attorney, jeopardize a criminal investigation or proceeding.
- 33 (C) Any information that is privileged, confidential, or not
- 34 subject to disclosure pursuant to any other state or federal law.
- 35 (2) (A) The State Department of Social Services shall
- 36 promulgate a regulation listing the laws described in subparagraph
- 37 (C) of paragraph (1) and setting forth standards governing
- 38 redactions.
- 39 (B) Notwithstanding the rulemaking provisions of the
- 40 Administrative Procedures Act (Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code), until emergency regulations are filed with the Secretary of
3 State, the State Department of Social Services may implement the
4 changes made to Section 827 and this section at the 2007–08
5 Regular Session of the Legislature through all county letters or
6 similar instructions from the director. The department shall adopt
7 as emergency regulations, as necessary to implement those changes,
8 no later than January 1, 2009.

9 (C) The adoption of regulations pursuant to this paragraph shall
10 be deemed to be an emergency necessary for the immediate
11 preservation of the public peace, health, safety, or general welfare.
12 The emergency regulations authorized by this section shall be
13 exempt from review by the Office of Administrative Law. The
14 emergency regulations authorized by this section shall be submitted
15 for filing with the Secretary of State and shall remain in effect for
16 no more than 180 days, by which time the final regulations shall
17 be adopted.

18 (f) Upon receiving a request for the documents listed in
19 subdivision (c), the custodian of records shall notify and provide
20 a copy of the request upon counsel for any child who is directly
21 or indirectly connected to the juvenile case file. If counsel for a
22 child, including the deceased child or any sibling of the deceased
23 child, objects to the release of any part of the documents listed in
24 paragraphs (2) and (3) of subdivision (c), they may petition the
25 juvenile court for relief to prevent the release of any document or
26 part of a document requested pursuant to paragraph (2) of
27 subdivision (a) of Section 827.

28 (g) Documents from the juvenile case file, other than those listed
29 in paragraphs (2) and (3) of subdivision (c), shall only be disclosed
30 upon an order by the juvenile court pursuant to Section 827.

31 (h) Once documents pursuant to this section have been released
32 by the custodian of records, the State Department of Social Services
33 or the county welfare department or agency may comment on the
34 case within the scope of the release.

35 (i) Information released by a custodian of records consistent
36 with the requirements of this section does not require prior notice
37 to any other individual.

38 (j) Each county welfare department or agency shall notify the
39 State Department of Social Services of every child fatality that
40 occurred within its jurisdiction that was the result of child abuse

1 or neglect. *Based on these notices and any other relevant*
2 *information in the State Department of Social Services' possession,*
3 *the department shall annually issue a report identifying the child*
4 *fatalities and any systemic issues or patterns revealed by the*
5 *notices and other relevant information.* The State Department of
6 Social Services, after consultation with interested stakeholders,
7 shall provide instructions by an all county letter regarding the
8 procedure for notification.

9 (k) For purposes of this section, the following definitions apply:

10 (1) "Child abuse or neglect" has the same meaning as defined
11 in Section 11165.6 of the Penal Code.

12 (2) "Custodian of records," for the purposes of this section and
13 paragraph (2) of subdivision (a) of Section 827, means the county
14 welfare department or agency.

15 (3) "Juvenile case files" or "case files" include any juvenile
16 court files, as defined in Rule 5.552 of the California Rules of
17 Court, and any county child welfare department or agency or State
18 Department of Social Services records regardless of whether they
19 are maintained electronically or in paper form.

20 (4) "Substantiated" has the same meaning as defined in Section
21 11165.12 of the Penal Code.

22 (l) A person disclosing juvenile case file information as required
23 by this section shall not be subject to suit in civil or criminal
24 proceedings for complying with the requirements of this section.

25 (m) This section shall apply only to deaths that occur on or after
26 January 1, 2008.

27 (n) Nothing in this section shall require a custodian of records
28 to retain documents beyond any date otherwise required by law.

29 (o) Nothing in this section shall be construed as requiring a
30 custodian of records to obtain documents not in the case file.

31 SEC. 5. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

1
2 **CORRECTIONS:**
3 **Text—Page 4.**
4

O