

AMENDED IN ASSEMBLY JUNE 28, 2007

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.

1 (b) A child’s death from abuse or neglect often leads to calls  
2 for reform of the public child protection system. Without accurate  
3 and complete information about the circumstances leading to the  
4 child’s death, public debate is stymied and the reforms, if adopted  
5 at all, may do little to prevent further tragedies.

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

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

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

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

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

1 826.7. Juvenile case files that pertain to a child who died as  
2 the result of abuse or neglect shall be released by the custodian of  
3 records of the county welfare department or agency to the public  
4 pursuant to Section 10850.4 or an order issued pursuant to  
5 paragraph (2) of subdivision (a) of Section 827.

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

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

10 (A) Court personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (N) A local child support agency for the purpose of establishing  
2 paternity and establishing and enforcing child support orders.

3 (O) Juvenile justice commissions as established under Section  
4 225. The confidentiality provisions of Section 10850 shall apply  
5 to a juvenile justice commission and its members.

6 (P) Any other person who may be designated by court order of  
7 the judge of the juvenile court upon filing a petition.

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

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

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

34 (D) A petition filed under this paragraph shall be served on  
35 interested parties by the petitioner, if the petitioner is in possession  
36 of their identity and address, and on the custodian of records. Upon  
37 receiving a petition, the custodian of records shall serve a copy of  
38 the request upon all interested parties that have not been served  
39 by the petitioner or on the interested parties served by the petitioner  
40 if the custodian of records possesses information, such as a more

1 recent address, indicating that the service by the petitioner may  
2 have been ineffective.

3 (E) The custodian of records shall serve the petition within 10  
4 calendar days of receipt. If any interested party, including the  
5 custodian of records, objects to the petition, the party shall file and  
6 serve the objection on the petitioning party no later than 15  
7 calendar days of service of the petition.

8 (F) The petitioning party shall have 10 calendar days to file any  
9 reply. The juvenile court shall set the matter for hearing no more  
10 than 60 calendar days from the date the petition is served on the  
11 custodian of records. The court shall render its decision within 30  
12 days of the hearing. The matter shall be decided solely upon the  
13 basis of the petition and supporting exhibits and declarations, if  
14 any, the objection and any supporting exhibits or declarations, if  
15 any, and the reply and any supporting declarations or exhibits  
16 thereto, and argument at hearing. The court may solely upon its  
17 own motion order the appearance of witnesses. If no objection is  
18 filed to the petition, the court shall review the petition and issue  
19 its decision within 10 calendar days of the final day for filing the  
20 objection. Any order of the court shall be immediately reviewable  
21 by petition to the appellate court for the issuance of an  
22 extraordinary writ.

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

26 (A) If a juvenile case file, or any portion thereof, is privileged  
27 or confidential pursuant to any other state law or federal law or  
28 regulation, the requirements of that state law or federal law or  
29 regulation prohibiting or limiting release of the juvenile case file  
30 or any portions thereof shall prevail. Unless a person is listed in  
31 subparagraphs (A) to (O), inclusive, of paragraph (1) and is entitled  
32 to access under the other state law or federal law or regulation  
33 without a court order, all those seeking access, pursuant to other  
34 authorization, to portions of, or information relating to the contents  
35 of, juvenile case files protected under another state law or federal  
36 law or regulation, shall petition the juvenile court. The juvenile  
37 court may only release the portion of, or information relating to  
38 the contents of, juvenile case files protected by another state law  
39 or federal law or regulation if disclosure is not detrimental to the  
40 safety, protection, or physical or emotional well-being of a child

1 who is directly or indirectly connected to the juvenile case that is  
2 the subject of the petition. This paragraph shall not be construed  
3 to limit the ability of the juvenile court to carry out its duties in  
4 conducting juvenile court proceedings.

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

9 (4) A juvenile case file, any portion thereof, and information  
10 relating to the content of the juvenile case file, may not be  
11 disseminated by the receiving agencies to any persons or agencies,  
12 other than those persons or agencies authorized to receive  
13 documents pursuant to this section. Further, a juvenile case file,  
14 any portion thereof, and information relating to the content of the  
15 juvenile case file, may not be made as an attachment to any other  
16 documents without the prior approval of the presiding judge of the  
17 juvenile court, unless it is used in connection with and in the course  
18 of a criminal investigation or a proceeding brought to declare a  
19 person a dependent child or ward of the juvenile court.

20 (5) Individuals listed in subparagraphs (A), (B), (C), (D), (E),  
21 (F), (H), and (I) of paragraph (1) may also receive copies of the  
22 case file. In these circumstances, the requirements of paragraph  
23 (4) shall continue to apply to the information received.

24 (b) (1) While the Legislature reaffirms its belief that juvenile  
25 court records, in general, should be confidential, it is the intent of  
26 the Legislature in enacting this subdivision to provide for a limited  
27 exception to juvenile court record confidentiality to promote more  
28 effective communication among juvenile courts, family courts,  
29 law enforcement agencies, and schools to ensure the rehabilitation  
30 of juvenile criminal offenders as well as to lessen the potential for  
31 drug use, violence, other forms of delinquency, and child abuse.

32 (2) Notwithstanding subdivision (a), written notice that a minor  
33 enrolled in a public school, kindergarten to grade 12, inclusive,  
34 has been found by a court of competent jurisdiction to have  
35 committed any felony or any misdemeanor involving curfew,  
36 gambling, alcohol, drugs, tobacco products, carrying of weapons,  
37 a sex offense listed in Section 290 of the Penal Code, assault or  
38 battery, larceny, vandalism, or graffiti shall be provided by the  
39 court, within seven days, to the superintendent of the school district  
40 of attendance. Written notice shall include only the offense found



1 to have been committed by the minor and the disposition of the  
2 minor's case. This notice shall be expeditiously transmitted by the  
3 district superintendent to the principal at the school of attendance.  
4 The principal shall expeditiously disseminate the information to  
5 those counselors directly supervising or reporting on the behavior  
6 or progress of the minor. In addition, the principal shall disseminate  
7 the information to any teacher or administrator directly supervising  
8 or reporting on the behavior or progress of the minor whom the  
9 principal believes needs the information to work with the pupil in  
10 an appropriate fashion, to avoid being needlessly vulnerable or to  
11 protect other persons from needless vulnerability.

12 Any information received by a teacher, counselor, or  
13 administrator under this subdivision shall be received in confidence  
14 for the limited purpose of rehabilitating the minor and protecting  
15 students and staff, and shall not be further disseminated by the  
16 teacher, counselor, or administrator, except insofar as  
17 communication with the juvenile, his or her parents or guardians,  
18 law enforcement personnel, and the juvenile's probation officer  
19 is necessary to effectuate the juvenile's rehabilitation or to protect  
20 students and staff.

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

24 (3) If a minor is removed from public school as a result of the  
25 court's finding described in subdivision (b), the superintendent  
26 shall maintain the information in a confidential file and shall defer  
27 transmittal of the information received from the court until the  
28 minor is returned to public school. If the minor is returned to a  
29 school district other than the one from which the minor came, the  
30 parole or probation officer having jurisdiction over the minor shall  
31 so notify the superintendent of the last district of attendance, who  
32 shall transmit the notice received from the court to the  
33 superintendent of the new district of attendance.

34 (c) Each probation report filed with the court concerning a minor  
35 whose record is subject to dissemination pursuant to subdivision  
36 (b) shall include on the face sheet the school at which the minor  
37 is currently enrolled. The county superintendent shall provide the  
38 court with a listing of all of the schools within each school district,  
39 within the county, along with the name and mailing address of  
40 each district superintendent.

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

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

24 (e) For purposes of this section, a “juvenile case file” means a  
25 petition filed in any juvenile court proceeding, reports of the  
26 probation officer, and all other documents filed in that case or  
27 made available to the probation officer in making his or her report,  
28 or to the judge, referee, or other hearing officer, and thereafter  
29 retained by the probation officer, judge, referee, or other hearing  
30 officer.

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

33 10850.4. (a) Within five business days of learning that a child  
34 fatality has occurred in the county and that there is a reasonable  
35 suspicion that the fatality was caused by abuse or neglect, the  
36 custodian of records for the county child welfare agency, upon  
37 request, shall release the following information:

- 38 (1) The age and gender of the child.  
39 (2) The date of death.

1 (3) *Whether the child was in foster care or in the home of his*  
2 *or her parent or guardian at the time of death.*

3 ~~(3)~~

4 (4) Whether an investigation is being conducted by a law  
5 enforcement agency or the county child welfare agency.

6 (b) All cases in which abuse or neglect leads to a child's death  
7 shall be subject to the disclosures required in subdivision (c). Abuse  
8 or neglect is determined to have led to a child's death if one or  
9 more of the following conditions are met:

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

12 (2) A law enforcement investigation concludes that abuse or  
13 neglect occurred.

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

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

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

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

26 (A) The emergency response referral information form and the  
27 emergency response notice of referral disposition form completed  
28 by the county child welfare agency relating to the abuse or neglect  
29 that caused the death of the child.

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

32 (C) All risk and safety assessments completed by the county  
33 child welfare services agency relating to the deceased child.

34 (D) All health care records of the deceased child, excluding  
35 mental health records, related to the child's death and previous  
36 injuries reflective of a pattern of abuse or neglect.

37 (E) Copies of police reports about the person against whom the  
38 child abuse or neglect was substantiated.

39 (3) For cases in which the child's death occurred while the child  
40 was in foster care, the following documents in addition to those

1 specified in paragraphs (1) and (2) generated while the child was  
2 living in the foster care placement that was the placement at the  
3 time of the child's death:

4 (A) Records pertaining to the foster parents' initial licensing  
5 and renewals and type of license or licenses held, if in the case  
6 file.

7 (B) All reported licensing violations, including notices of action,  
8 if in the case file.

9 (C) Records of the training completed by the foster parents, if  
10 in the case file.

11 (d) The documents listed in subdivision (c) shall be released to  
12 the public by the custodian of records within 10 business days of  
13 the request or the disposition of the investigation, whichever is  
14 later.

15 (e) (1) Prior to releasing any document pursuant to subdivision  
16 (c), the custodian of records shall redact the following information:

17 (A) The names, addresses, telephone numbers, ethnicity,  
18 religion, or any other identifying information of any person or  
19 institution, other than the county or the State Department of Social  
20 Services, that is mentioned in the documents listed in paragraphs  
21 (2) and (3) of subdivision (c).

22 (B) Any information that would, after consultation with the  
23 district attorney, jeopardize a criminal investigation or proceeding.

24 (C) Any information that is privileged, confidential, or not  
25 subject to disclosure pursuant to any other state or federal law.

26 (2) (A) The State Department of Social Services shall  
27 promulgate a regulation listing the laws described in subparagraph  
28 (C) of paragraph (1) and setting forth standards governing  
29 redactions.

30 (B) Notwithstanding the rulemaking provisions of the  
31 Administrative Procedures Act (Chapter 3.5 (commencing with  
32 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
33 Code), until emergency regulations are filed with the Secretary of  
34 State, the State Department of Social Services may implement the  
35 changes made to Section 827 and this section at the 2007–08  
36 Regular Session of the Legislature through all county letters or  
37 similar instructions from the director. The department shall adopt  
38 as emergency regulations, as necessary to implement those changes,  
39 no later than January 1, 2009.

1 (C) The adoption of regulations pursuant to this paragraph shall  
2 be deemed to be an emergency necessary for the immediate  
3 preservation of the public peace, health, safety, or general welfare.  
4 The emergency regulations authorized by this section shall be  
5 exempt from review by the Office of Administrative Law. The  
6 emergency regulations authorized by this section shall be submitted  
7 for filing with the Secretary of State and shall remain in effect for  
8 no more than 180 days, by which time the final regulations shall  
9 be adopted.

10 (f) Upon receiving a request for the documents listed in  
11 subdivision (c), the custodian of records shall notify and provide  
12 a copy of the request upon counsel for any child who is directly  
13 or indirectly connected to the juvenile case file. If counsel for a  
14 child, including the deceased child or any sibling of the deceased  
15 child, objects to the release of any part of the documents listed in  
16 paragraphs (2) and (3) of subdivision (c), they may petition the  
17 juvenile court for relief to prevent the release of any document or  
18 part of a document requested pursuant to paragraph (2) of  
19 subdivision (a) of Section 827.

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

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

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

30 (j) Each county welfare department or agency shall notify the  
31 State Department of Social Services of every child fatality that  
32 occurred within its jurisdiction that was the result of child abuse  
33 or neglect. Based on these notices and any other relevant  
34 information in the State Department of Social Services' possession,  
35 the department shall annually issue a report identifying the child  
36 fatalities and any systemic issues or patterns revealed by the notices  
37 and other relevant information. The State Department of Social  
38 Services, after consultation with interested stakeholders, shall  
39 provide instructions by an all county letter regarding the procedure  
40 for notification.

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

2 (1) “Child abuse or neglect” has the same meaning as defined  
3 in Section 11165.6 of the Penal Code.

4 (2) “Custodian of records,” for the purposes of this section and  
5 paragraph (2) of subdivision (a) of Section 827, means the county  
6 welfare department or agency.

7 (3) “Juvenile case files” or “case files” include any juvenile  
8 court files, as defined in Rule 5.552 of the California Rules of  
9 Court, and any county child welfare department or agency or State  
10 Department of Social Services records regardless of whether they  
11 are maintained electronically or in paper form.

12 (4) “Substantiated” has the same meaning as defined in Section  
13 11165.12 of the Penal Code.

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

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

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

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

23 SEC. 5. If the Commission on State Mandates determines that  
24 this act contains costs mandated by the state, reimbursement to  
25 local agencies and school districts for those costs shall be made  
26 pursuant to Part 7 (commencing with Section 17500) of Division  
27 4 of Title 2 of the Government Code.

O