

Introduced by Senator Corbett

February 24, 2012

An act to amend Section 11166.3 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 1352, as amended, Corbett. Child abuse: investigation and prosecution: ~~child~~. *child advocacy centers*.

Existing law states the intent of the Legislature that the law enforcement agencies and the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified.

This bill would ~~encourage~~ *authorize* each county to establish a child advocacy center to coordinate the investigation and prosecution of child abuse. The bill would provide that *if a county establishes* a child advocacy center ~~may~~, *the center shall* consist of a representative from the district attorney's office, the sheriff's department or police department, or both those departments, and child protective services and may also include representatives from medical and mental health, victim advocacy, and any other agency relevant to the identification,

investigation, prosecution, and treatment of child abuse. The bill would authorize each county to develop an interagency protocol agreement for the collaborative investigation of child abuse and neglect and would require any member of the child advocacy center to sign the protocol. The bill would require the protocol to define the multidisciplinary team, and to detail how the team will work together, as provided. *The bill would require the Senate Office of Research to submit a report on or before January 1, 2015, regarding the counties that have established a child advocacy center, as provided.*

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 11166.3 of the Penal Code is amended
2 to read:
3 11166.3. (a) The Legislature intends that in each county the
4 law enforcement agencies and the county welfare or probation
5 department shall develop and implement cooperative arrangements
6 in order to coordinate existing duties in connection with the
7 investigation of suspected child abuse or neglect cases. The local
8 law enforcement agency having jurisdiction over a case reported
9 under Section 11166 shall report to the county welfare or probation
10 department that it is investigating the case within 36 hours after
11 starting its investigation. The county welfare department or
12 probation department shall, in cases where a minor is a victim of
13 actions specified in Section 288 of this code and a petition has
14 been filed pursuant to Section 300 of the Welfare and Institutions
15 Code with regard to the minor, evaluate what action or actions
16 would be in the best interest of the child victim. Notwithstanding
17 any other provision of law, the county welfare department or
18 probation department shall submit in writing its findings and the
19 reasons therefor to the district attorney on or before the completion
20 of the investigation. The written findings and the reasons therefor
21 shall be delivered or made accessible to the defendant or his or
22 her counsel in the manner specified in Section 859.
23 (b) The local law enforcement agency having jurisdiction over
24 a case reported under Section 11166 shall report to the district
25 office of the State Department of Social Services any case reported
26 under this section if the case involves a facility specified in

1 paragraph (5) or (6) of subdivision (a) of Section 1502, Section
2 1596.750 or 1596.76 of the Health and Safety Code, and the
3 licensing of the facility has not been delegated to a county agency.
4 The law enforcement agency shall send a copy of its investigation
5 report and any other pertinent materials to the licensing agency
6 upon the request of the licensing agency.

7 (c) (1) A multidisciplinary approach for the response to
8 allegations of child abuse and neglect has been found most effective
9 and least traumatic when coordinated through a child advocacy
10 center. Each county is ~~strongly encouraged~~ *authorized* to establish
11 a child advocacy center to coordinate the investigation and
12 prosecution of child abuse.

13 (A) A child advocacy center is a child-focused, facility-based
14 program in which representatives from many disciplines, including
15 law enforcement, child protection, prosecution, medical and mental
16 health, and victim and child advocacy, work together to conduct
17 interviews and make team decisions about the investigation,
18 treatment, management, and prosecution of child abuse cases. This
19 multidisciplinary team approach protects victims of child abuse
20 from multiple interviews, results in a more complete understanding
21 of case issues and provides the most effective child- and
22 family-focused system response possible.

23 (B) ~~A county~~ *If a county establishes a child advocacy center,*
24 *to maximize the center's effectiveness, each child advocacy center*
25 *may shall* consist of a representative from the district attorney's
26 office, the sheriff's department, the police department, and child
27 protective services. Members may also include representatives
28 from medical and mental health, victim advocacy, and any other
29 agency relevant to the identification, investigation, prosecution,
30 and treatment of child abuse.

31 (2) To further a multidisciplinary response, each county may
32 develop an interagency protocol agreement for the collaborative
33 investigation of child abuse and neglect signed by the district
34 attorney's office, the sheriff's department or police department,
35 or both those departments, and child protective services. Any other
36 agency relevant to the identification, investigation, prosecution,
37 and treatment of child abuse, including, but not limited to, medical
38 and mental health, and victim advocacy, may also sign the protocol.
39 Any member of the child advocacy center shall sign the protocol.

1 (3) ~~The~~ *If a county enters into an interagency protocol agreement*
2 *signed pursuant to paragraph (2), the agreement shall define the*
3 *county's multidisciplinary team, the victims that the*
4 *multidisciplinary team serve, and the policies and practices directing*
5 *how the multidisciplinary team will work together to accomplish*
6 *the following:*

7 (A) Respond effectively to reports of child abuse and neglect.

8 (B) Collect high-quality information to ensure children are
9 protected and offenders held accountable.

10 (C) Keep the needs of victims and their families at the forefront
11 of the investigation.

12 (D) Connect victims and families to necessary medical,
13 therapeutic, and legal support.

14 (4) *On or before January 1, 2015, the Senate Office of Research*
15 *shall submit a report regarding the number of counties that have*
16 *established a child advocacy center to coordinate the investigation*
17 *and prosecution of child abuse. The report shall also include, with*
18 *respect to the members of each child advocacy center, a*
19 *determination as to which groups are represented, and whether*
20 *an interagency protocol agreement has been established.*

21 (5) (A) *The requirement for submitting a report imposed under*
22 *paragraph (4) is inoperative on January 1, 2019, pursuant to*
23 *Section 10231.5 of the Government Code.*

24 (B) *A report to be submitted pursuant to paragraph (4) shall*
25 *be submitted in compliance with Section 9795 of the Government*
26 *Code.*