

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN SENATE AUGUST 19, 2014
AMENDED IN SENATE JUNE 15, 2014
AMENDED IN ASSEMBLY MAY 7, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1978

Introduced by Assembly Member Jones-Sawyer

February 19, 2014

An act to amend ~~Sections 10601.2 and~~ *Section* 10850.4 of, and to add Section 10605.5 to, the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1978, as amended, Jones-Sawyer. Child welfare services.

Under existing law, the State Department of Social Services oversees the administration of county public social services, including child welfare services. ~~Existing law requires the department to establish the California Child and Family Service Review System, in order to review all county child welfare systems. Existing law authorizes the department to conduct or have conducted audits and reviews in order to meet its obligations for child welfare programs and to ensure the protection of children and families.~~

~~This bill, in relation to these reviews, would require each county to consult with specified stakeholders in developing the county self-assessments and county improvement plans, or any subsequent~~

county self-assessments, as specified. The bill would also require the county improvement plans to include a separately titled provision that lists and provides the rationale for proposed operational improvements that may be implemented at a cost savings to the county or within existing resources. By increasing the duties of county officials, the bill would impose a state-mandated local program.

Existing law authorizes the department to conduct or have conducted audits and reviews in order to meet its obligations for child welfare programs and to ensure the protection of children and families. Existing law, the California Whistleblower Protection Act, prohibits retaliation or reprisal against a state employee for reporting improper governmental activities or making protected disclosures.

This bill would prohibit an employee of a county child welfare agency from directly or indirectly using or attempting to use his or her official authority or influence for specified purposes, including intimidation or coercion of a county social worker, if that county social worker has reasonable cause to believe that a policy, procedure, or practice constitutes improper governmental activity, as defined, and the social worker discloses the information to a government or law enforcement agency, an appointed or elected official, or the public.

This bill would require the department, in consultation with counties and labor organizations, to establish a process, no later than January 1, 2016, to receive voluntary disclosures from social workers, if a social worker has reasonable cause to believe that a policy, procedure, or practice related to the provision of child welfare services by a county child welfare agency, as defined, endangers the health or well-being of a child or children, as specified. The bill would prohibit the department from disclosing to any person or entity the identity of a social worker making a disclosure pursuant to these provisions, unless the social worker has consented to the disclosure or there is an immediate risk to the health and safety of a child. The bill would require the department, no later than January 1, 2018, to report to the Legislature, and post on its Internet Web site, the total number of relevant disclosures received and a summary description of the issues raised in those disclosures and of the actions taken by the department in response to those disclosures.

Existing law authorizes the department and the county welfare department or agency to comment on a child fatality once certain documents from the child's case file have been released by the custodian of records, within the scope of the release.

This bill would additionally authorize a county child welfare social worker to comment for purposes of these provisions, as specified.

~~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.~~

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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. (a) This act shall be known as the Child Welfare
2 Social Worker Empowerment and Foster Child Protection Act.

3 (b) The Legislature finds and declares that, while California
4 foster children are in foster care, they are uniquely dependent upon
5 the lawful, efficient, and competent delivery of state and local
6 government services and implementation of state and federal law.

7 ~~(e) The Legislature further finds and declares that the special
8 and uniquely vulnerable status of foster children warrants extending
9 whistleblower protections for state employees to county child
10 welfare social workers to ensure that each worker, without fear of
11 retaliation, can advocate for policies that benefit every child and
12 publicly participate in discussions about each child's well-being.~~

13 ~~(d)~~
14 (c) The Legislature further finds and declares that county child
15 welfare social workers who implement state and federal policy
16 related to the delivery of services and implementation of programs
17 benefitting foster children should have an avenue to suggest
18 cost-saving efficiencies in the delivery of services to foster
19 children, in a fashion that is transparent and accountable to the
20 public.

1 SEC. 2.— Section 10601.2 of the Welfare and Institutions Code is
2 amended to read:

3 10601.2.— (a) The State Department of Social Services shall
4 establish, by April 1, 2003, the California Child and Family Service
5 Review System, in order to review all county child welfare systems.
6 These reviews shall cover child protective services, foster care,
7 adoption, family preservation, family support, and independent
8 living.

9 (b) Child and family service reviews shall maximize compliance
10 with the federal regulations for the receipt of money from Subtitle
11 E (commencing with Section 470) of Title IV of the federal Social
12 Security Act (42 U.S.C. Sec. 670 and following) and ensure
13 compliance with state plan requirements set forth in Subtitle B
14 (commencing with Section 421) of Title IV of the federal Social
15 Security Act (42 U.S.C. Sec. 621 and following).

16 (c) (1) (A) The California Health and Human Services Agency
17 shall convene a workgroup comprised of representatives of the
18 Judicial Council, the State Department of Social Services, the State
19 Department of Health Care Services, the State Department of
20 Education, the State Department of Justice, any other state
21 departments or agencies the California Health and Human Services
22 Agency deems necessary, the County Welfare Directors
23 Association, the California State Association of Counties, the Chief
24 Probation Officers of California, the California Youth Connection,
25 and representatives of California tribes, interested child advocaey
26 organizations, researchers, and foster parent organizations. The
27 workgroup shall establish a workplan by which child and family
28 service reviews shall be conducted pursuant to this section,
29 including a process for qualitative peer reviews of case information.

30 (B) At a minimum, in establishing the workplan, the workgroup
31 shall consider any existing federal program improvement plans
32 entered into by the state pursuant to federal regulations, the
33 outcome indicators to be measured, compliance thresholds for each
34 indicator, timelines for implementation, county review cycles,
35 uniform processes, procedures and review instruments to be used,
36 a corrective action process, and any funding or staffing increases
37 needed to implement the requirements of this section. The agency
38 shall broadly consider collaboration with all entities to allow the
39 adequate exchange of information and coordination of efforts to
40 improve outcomes for foster youth and families.

1 ~~(2) In developing county self-assessments and county~~
2 ~~improvement plans pursuant to this section, or any subsequent~~
3 ~~county self-assessments pursuant to this section, each county shall~~
4 ~~consult with stakeholders, including, but not limited to, county~~
5 ~~child welfare agencies and probation agency staff at all levels,~~
6 ~~current and former foster children, children's attorneys, and foster~~
7 ~~care providers. The county shall consult with at least one county~~
8 ~~child welfare worker named by the bargaining unit representing~~
9 ~~children's social workers.~~

10 ~~(d) (1) The California Child and Family Service Review System~~
11 ~~outcome indicators shall be consistent with the federal child and~~
12 ~~family service review measures and standards for child and family~~
13 ~~outcomes and system factors authorized by Subtitle B (commencing~~
14 ~~with Section 421) and Subtitle E (commencing with Section 470)~~
15 ~~of Title IV of the federal Social Security Act and the regulations~~
16 ~~adopted pursuant to those provisions (Parts 1355 to 1357, inclusive,~~
17 ~~of Title 45 of the Code of Federal Regulations).~~

18 ~~(2) During the first review cycle pursuant to this section, each~~
19 ~~county shall be reviewed according to the outcome indicators~~
20 ~~established for the California Child and Family Service Review~~
21 ~~System.~~

22 ~~(3) For subsequent reviews, the workgroup shall consider~~
23 ~~whether to establish additional outcome indicators that support the~~
24 ~~federal outcomes and any program improvement plan, and promote~~
25 ~~good health, mental health, behavioral, educational, and other~~
26 ~~relevant outcomes for children and families in California's child~~
27 ~~welfare services system.~~

28 ~~(4) The workgroup shall convene as necessary to update the~~
29 ~~outcome indicators described in paragraph (1).~~

30 ~~(5) The county improvement plans developed pursuant to this~~
31 ~~section that are approved by the county board of supervisors shall~~
32 ~~include a separately titled provision that lists and provides the~~
33 ~~rationale for proposed operational improvements identified during~~
34 ~~the stakeholder process described in paragraph (2) of subdivision~~
35 ~~(e) that may be implemented at a cost savings to the county or~~
36 ~~within existing county resources.~~

37 ~~(e) The State Department of Social Services shall identify and~~
38 ~~promote the replication of best practices in child welfare service~~
39 ~~delivery to achieve the measurable outcomes established pursuant~~
40 ~~to subdivision (d).~~

1 (f) Notwithstanding Section 10231.5 of the Government Code,
2 the State Department of Social Services shall provide information
3 to the Assembly Committee on Budget and the Senate Committee
4 on Budget and Fiscal Review and appropriate legislative policy
5 committees annually, beginning with the 2002–03 fiscal year, on
6 all of the following:

7 (1) The department’s progress in planning for the federal child
8 and family service review to be conducted by the United States
9 Department of Health and Human Services and, upon completion
10 of the federal review, the findings of that review, the state’s
11 response to the findings, and the details of any program
12 improvement plan entered into by the state.

13 (2) The department’s progress in implementing the California
14 child and family service reviews, including, but not limited to, the
15 timelines for implementation, the process to be used, and any
16 funding or staffing increases needed at the state or local level to
17 implement the requirements of this section.

18 (3) The findings and recommendations for child welfare system
19 improvements identified in county self-assessments and county
20 system improvement plans, including information on common
21 statutory, regulatory, or fiscal barriers identified as inhibiting
22 system improvements, any recommendations to overcome those
23 barriers, and, as applicable, information regarding the allocation
24 and use of the moneys provided to counties pursuant to subdivision
25 (i).

26 (g) Effective April 1, 2003, the existing county compliance
27 review system shall be suspended to provide to the State
28 Department of Social Services sufficient lead time to provide
29 training and technical assistance to counties for the preparation
30 necessary to transition to the new child and family service review
31 system.

32 (h) Beginning January 1, 2004, the department shall commence
33 individual child and family service reviews of California counties.
34 County child welfare systems that do not meet the established
35 compliance thresholds for the outcome measures that are reviewed
36 shall receive technical assistance from teams made up of state and
37 peer-county administrators to assist with implementing best
38 practices to improve their performance and make progress toward
39 meeting established levels of compliance.

1 ~~(i) (1) To the extent that funds are appropriated in the annual~~
2 ~~Budget Act to enable counties to implement approaches to~~
3 ~~improving their performance on the outcome indicators under this~~
4 ~~section, the department, in consultation with counties, shall~~
5 ~~establish a process for allocating the funds to counties.~~

6 ~~(2) The allocation process shall take into account, at a minimum,~~
7 ~~the extent to which the proposed funding would be used for~~
8 ~~activities that are reasonably expected to help the county make~~
9 ~~progress toward the outcome indicators established pursuant to~~
10 ~~this section, and the extent to which county funding for the Child~~
11 ~~Abuse Prevention, Intervention, and Treatment program is aligned~~
12 ~~with the outcome indicators.~~

13 ~~(3) To the extent possible, a county shall use funds in a manner~~
14 ~~that enables the county to access additional federal, state, and local~~
15 ~~funds from other available sources. However, a county's ability~~
16 ~~to receive additional matching funds from these sources shall not~~
17 ~~be a determining factor in the allocation process established~~
18 ~~pursuant to this subdivision.~~

19 ~~(4) The department shall provide information to the appropriate~~
20 ~~committees of the Legislature on the process established pursuant~~
21 ~~to this subdivision for allocating funds to counties.~~

22 ~~(j) (1) Counties shall continue to be responsible for and~~
23 ~~accountable to the department for child welfare program~~
24 ~~performance measures, including all of the following:~~

25 ~~(A) The outcome and systemic factor measures contained in the~~
26 ~~federal Department of Health and Human Services Child and~~
27 ~~Family Services Review Procedures Manual, Appendix B, Index~~
28 ~~of Outcomes and Systemic Factors, and Associated Items and Data~~
29 ~~Indicators, issued pursuant to Sections 1355.34(b) and 1355.34(c)~~
30 ~~of Title 45 of the Code of Federal Regulations.~~

31 ~~(B) Information and other requirements necessary for the~~
32 ~~California Child and Family Service Review System, as required~~
33 ~~pursuant to this section.~~

34 ~~(C) Monthly caseworker visits with a child in care.~~

35 ~~(D) Timeliness to begin an investigation of allegations of child~~
36 ~~abuse or neglect.~~

37 ~~(E) Notwithstanding the rulemaking provisions of the~~
38 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
39 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
40 ~~Code), other performance measures resulting from new federal~~

1 mandates or court decrees as specified in an all-county letter issued
2 by the department.

3 ~~(2) The department shall monitor, on an ongoing basis, county~~
4 ~~performance on the measures specified in paragraph (1).~~

5 ~~(3) At least once every five years, the department shall conduct~~
6 ~~a comprehensive review of county performance on the measures~~
7 ~~specified in paragraph (1).~~

8 ~~(4) (A) The department shall periodically update the process~~
9 ~~guides utilized by counties to prepare the self assessments and~~
10 ~~system improvement plans to promote implementation and~~
11 ~~evaluation of promising practices and use of data.~~

12 ~~(B) The process guides also shall include, but not be limited to,~~
13 ~~both of the following:~~

14 ~~(i) County evaluation of demographics for the children and~~
15 ~~families served and effectiveness of the system improvement~~
16 ~~activities for these populations.~~

17 ~~(ii) A description of the process by which the department and~~
18 ~~counties shall develop mutually agreed upon performance targets~~
19 ~~for improvement.~~

20 ~~(5) The department, in consultation with counties, shall develop~~
21 ~~a process for resolving any disputes regarding the establishment~~
22 ~~of appropriate targets pursuant to the process provided in paragraph~~
23 ~~(4).~~

24 ~~(6) A county shall submit an update to the department, no less~~
25 ~~than annually, on its progress in achieving improvements from the~~
26 ~~county's baseline for the applicable measure. The department may~~
27 ~~require a county that has not met its performance targets to submit~~
28 ~~and implement a corrective action plan, as determined by the~~
29 ~~director.~~

30 ~~(k) Beginning in the 2011-12 fiscal year, and for each fiscal~~
31 ~~year thereafter, funding and expenditures for programs and~~
32 ~~activities required under this section shall be in accordance with~~
33 ~~the requirements provided in Sections 30025 and 30026.5 of the~~
34 ~~Government Code.~~

35 ~~SEC. 3.~~

36 ~~SEC. 2. Section 10605.5 is added to the Welfare and Institutions~~
37 ~~Code, to read:~~

38 ~~10605.5. (a) (1) If a county social worker who is engaged in~~
39 ~~providing child welfare services has reasonable cause to believe~~
40 ~~that a policy, procedure, or practice related to the provision of~~

1 ~~child welfare services constitutes improper governmental activity~~
2 ~~and the social worker discloses this information to a government~~
3 ~~or law enforcement agency, an appointed or elected official, or the~~
4 ~~public, an employee of a county child welfare agency shall not~~
5 ~~directly or indirectly use or attempt to use his or her official~~
6 ~~authority or influence to engage in the conduct proscribed by~~
7 ~~Section 8547.3 of the Government Code against that county social~~
8 ~~worker.~~

9 *10605.5. (a) (1) The department, in consultation with counties*
10 *and labor organizations, shall establish, no later than January 1,*
11 *2016, a process to receive voluntary disclosures from social*
12 *workers, if a social worker has reasonable cause to believe that*
13 *a policy, procedure, or practice, related to the provision of child*
14 *welfare services by a county child welfare agency, meets any of*
15 *the following conditions:*

16 *(A) Endangers the health or well-being of a child or children.*

17 *(B) Is contrary to existing statute or regulation.*

18 *(C) Is contrary to public policy.*

19 *(2) Notwithstanding any other law, the department shall not*
20 *disclose to any person or entity the identity of a social worker*
21 *making a disclosure described in paragraph (1), unless (A) the*
22 *social worker has consented to the disclosure or (B) there is an*
23 *immediate risk to the health and safety of a child.*

24 ~~(2) For purposes of this section, “improper governmental~~
25 ~~activity” includes any policy, procedure, or practice related to the~~
26 ~~provision of child welfare services that has contributed to the death~~
27 ~~of a child or endangers the health or well-being of a child or~~
28 ~~children.~~

29 ~~(b) Nothing in this section authorizes a social worker employed~~
30 ~~by a county child welfare agency to disclose the identity of a child~~
31 ~~or any portion of a case file.~~

32 *(b) The department shall make available a description of the*
33 *process established pursuant to subdivision (a) to counties and*
34 *labor organizations.*

35 *(c) For purposes of this section, “county child welfare agency”*
36 *includes a county welfare department, child welfare department,*
37 *and any other county agency that employs social workers and is*
38 *responsible for the placement and supervision of children and*
39 *youth in foster care: care, including department social workers*
40 *contracted by counties to perform direct adoption services.*

1 (d) (1) No later than January 1, 2018, the department shall
2 report to the Legislature only the following information:

3 (A) The total number of relevant disclosures received from
4 social workers, including the month and year the disclosure was
5 received.

6 (B) A summary description of both of the following:

7 (i) The issues raised in the disclosures received from a social
8 worker.

9 (ii) The actions taken by the department in response to the
10 disclosures.

11 (2) No later than January 1, 2018, the department shall post on
12 its Internet Web site the information described in paragraph (1).

13 (3) The report required pursuant to paragraph (1) shall be
14 submitted in compliance with Section 9795 of the Government
15 Code.

16 ~~SEC. 4.~~

17 SEC. 3. Section 10850.4 of the Welfare and Institutions Code
18 is amended to read:

19 10850.4. (a) Within five business days of learning that a child
20 fatality has occurred in the county and that there is a reasonable
21 suspicion that the fatality was caused by abuse or neglect, the
22 custodian of records for the county child welfare agency, upon
23 request, shall release the following information:

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

25 (2) The date of death.

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

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

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

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

36 (2) A law enforcement investigation concludes that abuse or
37 neglect occurred.

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

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

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

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

11 (A) The emergency response referral information form and the
12 emergency response notice of referral disposition form completed
13 by the county child welfare agency relating to the abuse or neglect
14 that caused the death of the child.

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

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

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

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

24 (3) For cases in which the child's death occurred while the child
25 was in foster care, the following documents in addition to those
26 specified in paragraphs (1) and (2) generated while the child was
27 living in the foster care placement that was the placement at the
28 time of the child's death:

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

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

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

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

1 (e) (1) Prior to releasing any document pursuant to subdivision
2 (c), the custodian of records shall redact the following information:
3 (A) The names, addresses, telephone numbers, ethnicity,
4 religion, or any other identifying information of any person or
5 institution, other than the county or the State Department of Social
6 Services, that is mentioned in the documents listed in paragraphs
7 (2) and (3) of subdivision (c).
8 (B) Any information that would, after consultation with the
9 district attorney, jeopardize a criminal investigation or proceeding.
10 (C) Any information that is privileged, confidential, or not
11 subject to disclosure pursuant to any other state or federal law.
12 (2) (A) The State Department of Social Services shall
13 promulgate a regulation listing the laws described in subparagraph
14 (C) of paragraph (1) and setting forth standards governing
15 redactions.
16 (B) Notwithstanding the rulemaking provisions of the
17 Administrative Procedure Act (Chapter 3.5 (commencing with
18 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
19 Code), until emergency regulations are filed with the Secretary of
20 State, the State Department of Social Services may implement the
21 changes made to Section 827 and this section at the 2007–08
22 Regular Session of the Legislature through all-county letters or
23 similar instructions from the director. The department shall adopt
24 emergency regulations, as necessary to implement those changes,
25 no later than January 1, 2009.
26 (C) The adoption of regulations pursuant to this paragraph shall
27 be deemed to be an emergency necessary for the immediate
28 preservation of the public peace, health, safety, or general welfare.
29 The emergency regulations authorized by this section shall be
30 exempt from review by the Office of Administrative Law. The
31 emergency regulations authorized by this section shall be submitted
32 for filing with the Secretary of State and shall remain in effect for
33 no more than 180 days, by which time the final regulations shall
34 be adopted.
35 (f) Upon receiving a request for the documents listed in
36 subdivision (c), the custodian of records shall notify and provide
37 a copy of the request upon counsel for any child who is directly
38 or indirectly connected to the juvenile case file. If counsel for a
39 child, including the deceased child or any sibling of the deceased
40 child, objects to the release of any part of the documents listed in

1 paragraphs (2) and (3) of subdivision (c), they may petition the
2 juvenile court for relief to prevent the release of any document or
3 part of a document requested pursuant to paragraph (2) of
4 subdivision (a) of Section 827.

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

8 (h) Once documents pursuant to this section have been released
9 by the custodian of records, the State Department of Social Services
10 or the county welfare department or agency may comment on the
11 case within the scope of the release. If the county welfare
12 department or agency comments publicly about the case within
13 the scope of the release pursuant to this subdivision, the social
14 worker on the case may also comment publicly about the case
15 within the scope of the release.

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

19 (j) Each county welfare department or agency shall notify the
20 State Department of Social Services of every child fatality that
21 occurred within its jurisdiction that was the result of child abuse
22 or neglect. Based on these notices and any other relevant
23 information in the State Department of Social Services' possession,
24 the department shall annually issue a report identifying the child
25 fatalities and any systemic issues or patterns revealed by the notices
26 and other relevant information. The State Department of Social
27 Services, after consultation with interested stakeholders, shall
28 provide instructions by an all-county letter regarding the procedure
29 for notification.

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

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

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

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

1 (4) “Substantiated” has the same meaning as defined in Section
2 11165.12 of the Penal Code.

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

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

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

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

12 ~~SEC. 5.— If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~

17 *SEC. 4. The Legislature finds and declares that Section 2 of*
18 *this act, which adds Section 10605.5 to the Welfare and Institutions*
19 *Code, imposes a limitation on the public’s right of access to the*
20 *meetings of public bodies or the writings of public officials and*
21 *agencies within the meaning of Section 3 of Article I of the*
22 *California Constitution. Pursuant to that constitutional provision,*
23 *the Legislature makes the following findings to demonstrate the*
24 *interest protected by this limitation and the need for protecting*
25 *that interest:*

26 *In order to encourage the disclosure of policies, procedures, or*
27 *practices relating to the provision of child welfare services by a*
28 *county child welfare agency that a social worker has reasonable*
29 *cause to believe endangers the health or well-being of a child or*
30 *children, the identity of a social worker who makes these*
31 *disclosures should be kept confidential.*