

ASSEMBLY BILL

No. 336

Introduced by Assembly Member Waldron

February 13, 2015

An act to add Section 16501.9 to the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

AB 336, as introduced, Waldron. Child welfare services: investigations.

Existing law requires the state, through the Department of Social Services and county welfare departments, to establish and support a public system of statewide child welfare services to be available in each county of the state. All counties are required to establish and maintain specialized organizational entities within the county welfare department that have the sole responsibility for the operation of the child welfare services program. The Legislature has declared its intent, in providing for this statewide system of child welfare services, that all children are entitled to be safe and free from abuse and neglect.

This bill would expressly authorize a parent or legal guardian to make a video or audio recording of his or her interview or interactions with a county child protective services social worker who is investigating allegations of parental abuse or neglect. This bill would require such a county child protective services social worker to inform a parent or legal guardian, in writing, that the parent or legal guardian may make a video or audio recording of his or her interview or interactions with a county child protective services social worker. This bill would also require that a copy of the written notification be signed by the parent

or legal guardian and returned to the county child protective services social worker to acknowledge receipt of the written notification.

This bill would require a higher level of service by requiring a county child protective services social worker to provide notice to parents or legal guardians, and would thereby create a state-mandated local program.

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. Section 16501.9 is added to the Welfare and
2 Institutions Code, to read:

3 16501.9. (a) (1) A parent or legal guardian may make a video
4 or audio recording of his or her interview or interactions with a
5 county child protective services social worker who is investigating
6 allegations of parental abuse or neglect.

7 (2) The Legislature finds and declares that nothing in existing
8 law prevents a parent or legal guardian from making a video or
9 audio recording of his or her interview or interactions with a county
10 child protective services social worker.

11 (b) A county child protective services social worker's
12 participation in an investigation of parental abuse or neglect shall
13 be deemed consent to video or audio recording pursuant to
14 subdivision (a).

15 (c) A county child protective services social worker, assigned
16 to a role performing duties that include assuming the custody of
17 children or conducting interviews of a child or his or her parent in
18 order to investigate allegations of parental abuse or neglect, shall
19 provide notification to a parent or a legal guardian undergoing
20 investigation of parental abuse or neglect, in writing, that the parent
21 or legal guardian may make a video or audio recording of his or

1 her interview or interactions with a county child protective services
2 social worker.

3 (d) A copy of the written notification shall be signed by the
4 parent or legal guardian and returned to the county child protective
5 services social worker to acknowledge receipt of the written
6 notification.

7 SEC. 2. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

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