

AMENDED IN SENATE JUNE 24, 1996
AMENDED IN ASSEMBLY APRIL 29, 1996
AMENDED IN ASSEMBLY MARCH 21, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 2329

Introduced by Assembly Member Goldsmith

February 15, 1996

An act to amend Section 308 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2329, as amended, Goldsmith. Dependent children.

Under existing law, when a peace officer or social worker takes a minor into custody on the basis of specified abuse or neglect, he or she is required to take immediate steps to notify the minor's parent, guardian, or a responsible relative that the minor is in custody and the place where the minor is being held. Existing law requires the juvenile court to order that the parent or guardian shall not be notified of the exact whereabouts of the minor under certain circumstances, and also authorizes the peace officer or social worker to refuse to disclose the place where the minor is being held under certain circumstances.

This bill would revise these provisions to specify that the peace officer or social worker is required to take immediate steps to notify the minor's parent, guardian, or a responsible relative that the minor is in custody and that the child has

been placed in a facility authorized by law to care for the child. The bill would also require the peace officer or social worker to provide a telephone number where the minor may be contacted, rather than the location where the minor is being held. The bill would require that the address of any licensed foster family home in which the child *has* been placed be kept confidential until the dispositional hearing, *except* as specified.

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 308 of the Welfare and
 2 Institutions Code is amended to read:
 3 308. (a) When a peace officer or social worker takes
 4 a minor into custody pursuant to this article, he or she
 5 shall take immediate steps to notify the minor’s parent,
 6 guardian, or a responsible relative that the minor is in
 7 custody and that the child has been placed in a facility
 8 authorized by law to care for the child, and shall provide
 9 a telephone number at which the minor may be
 10 contacted. The confidentiality of the address of any
 11 licensed foster family home in which the child has been
 12 placed shall be maintained until the dispositional hearing,
 13 at which time the judge may authorize, upon a finding of
 14 good cause, the disclosure of the address. *However, the*
 15 *court may order the release of the address of the licensed*
 16 *foster family home to the minor’s parent, guardian, or*
 17 *responsible relative upon notification of the licensed*
 18 *foster family home in cases where a petition to challenge*
 19 *jurisdiction or other motion to delay the dispositional*
 20 *hearing beyond 60 days after the hearing at which the*
 21 *minor was ordered removed or detained, pursuant to*
 22 *subdivision (b) of Section 352, is granted. Moreover, a*
 23 *foster parent may authorize the release of the address of*
 24 *the foster family home at any time during the placement.*
 25 The county welfare department shall make a diligent and
 26 reasonable effort to ensure regular telephone contact
 27 between the parent and a child of any age, prior to the



1 detention hearing, unless that contact would be
2 detrimental to the child. The initial telephone contact
3 shall take place as soon as practicable, but no later than
4 five hours after the child is taken into custody.

5 (b) Immediately after being taken to a place of
6 confinement pursuant to this article and, except where
7 physically impossible, no later than one hour after he or
8 she has been taken into custody, a minor 10 years of age
9 or older shall be advised that he or she has the right to
10 make at least two telephone calls from the place where
11 he or she is being held, one call completed to his or her
12 parent, guardian, or a responsible relative, and another
13 call completed to an attorney. The calls shall be at public
14 expense, if the calls are completed to telephone numbers
15 within the local calling area, and in the presence of a
16 public officer or employee. Any public officer or
17 employee who willfully deprives a minor taken into
18 custody of his or her right to make these telephone calls
19 is guilty of a misdemeanor.

