

ASSEMBLY BILL

No. 1447

Introduced by Assembly Member Granlund

February 26, 1999

An act to amend Section 1522.1 of the Health and Safety Code, and Sections 11167.5, 11169, 11170 and 11170.5 of the Penal Code, relating to child abuse records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1447, as introduced, Granlund. Child abuse records.

Existing law provides that reports of child abuse, as specified, are confidential, and may only be disclosed to certain individuals and entities. Violation of the confidentiality provisions is a misdemeanor.

Existing law also provides that child protective agencies report child abuse cases it investigates, as specified, and that a written notice be sent to a known or suspected child abuser in connection with the child abuser being listed in the Child Abuse Central Index.

This bill would recast and reorganize certain of those provisions relating to the disclosure of confidential records, and providing notice to known or suspected child abusers. The bill would additionally provide in the reorganized provisions that violation of the confidentiality provisions is a misdemeanor. By creating a new crime, this bill would impose a state-mandated program.

Existing law requires the Department of Justice to maintain the Child Abuse Central Index, an index of child abuse

reports, including listing the name of known or suspected child abusers.

This bill would authorize the department to delete the name of a known or suspected child abuser from the Child Abuse Central Index when the department receives information that the person has died.

Existing law also requires the department to make relevant information available to child protective agencies, as specified, and also requires the child protective agencies to provide certain notice to known or suspected child abusers listed in the Child Abuse Central Index, as specified.

This bill would delete certain of those provisions that are parallel.

This bill would also make various other technical changes.

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 no reimbursement is required by this act for a specified reason.

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 1522.1 of the Health and Safety
 2 Code is amended to read:
 3 1522.1. Prior to granting a license to, or otherwise
 4 approving, any individual to care for children, the
 5 department shall check the Child Abuse—Registry Central
 6 Index pursuant to paragraph (3) of subdivision (b) of
 7 Section 11170 of the Penal Code. The Department of
 8 Justice shall maintain and continually update an index of
 9 reports of child abuse by providers and shall inform the
 10 department of subsequent reports received from the
 11 child abuse index pursuant to Section 11170 of the Penal
 12 Code and the criminal history. The department shall
 13 investigate any reports received from the Child Abuse
 14 Registry Central Index. The investigation shall include,
 15 but not be limited to, the review of the investigation



1 report and file prepared by the child protective agency
2 ~~which~~ *that* investigated the child abuse report. The
3 department shall not deny a license based upon a report
4 from the Child Abuse Registry unless child abuse is
5 substantiated.

6 SEC. 2. Section 11167.5 of the Penal Code is amended
7 to read:

8 11167.5. (a) The reports required by Sections 11166
9 and 11166.2 shall be confidential and may be disclosed
10 only as provided in subdivision (b). Any violation of the
11 confidentiality provided by this article is a misdemeanor
12 punishable by imprisonment in a county jail not to exceed
13 six months, by a fine of five hundred dollars (\$500), or by
14 both that imprisonment and fine.

15 (b) Reports of suspected child abuse and information
16 contained therein may be disclosed only to the following:

17 (1) Persons or agencies to whom disclosure of the
18 identity of the reporting party is permitted under Section
19 11167.

20 (2) Persons or agencies to whom disclosure of
21 information is permitted under subdivision (b) of Section
22 11170.

23 (3) Persons or agencies with whom investigations of
24 child abuse are coordinated under the regulations
25 promulgated under Section 11174.

26 (4) Multidisciplinary personnel teams as defined in
27 subdivision (d) of Section 18951 of the Welfare and
28 Institutions Code.

29 (5) Persons or agencies responsible for the licensing of
30 facilities which care for children, as specified in Section
31 11165.7.

32 (6) The State Department of Social Services or any
33 county licensing agency which has contracted with the
34 state, as specified in paragraph (3) of subdivision (b) of
35 Section 11170, when an individual has applied for a
36 community care license or child day care license, or for
37 employment in an out-of-home care facility, or when a
38 complaint alleges child abuse by an operator or employee
39 of an out-of-home care facility.



1 (7) Hospital scan teams. As used in this paragraph,
2 “hospital scan team” means a team of three or more
3 persons established by a hospital, or two or more hospitals
4 in the same county, consisting of health care professionals
5 and representatives of law enforcement and child
6 protective services, the members of which are engaged
7 in the identification of child abuse. The disclosure
8 authorized by this section includes disclosure among all
9 hospital scan teams.

10 (8) Coroners and medical examiners when
11 conducting a postmortem examination of a child.

12 (9) The Board of Prison Terms, who may subpoena an
13 employee of a county welfare department who can
14 provide relevant evidence and reports that both (A) are
15 not unfounded, pursuant to Section 11165.12, and (B)
16 concern only the current incidents upon which parole
17 revocation proceedings are pending against a parolee
18 charged with child abuse. The reports and information
19 shall be confidential pursuant to subdivision (d) of
20 Section 11167.

21 (10) Personnel from a child protective agency
22 responsible for making a placement of a child pursuant to
23 Section 361.3 of, and Article 7 (commencing with Section
24 305) of Chapter 2 of Part 1 of Division 2 of, the Welfare
25 and Institutions Code.

26 ~~(11) Persons who have been identified by the~~
27 ~~Department of Justice as listed in the Child Abuse Central~~
28 ~~Index pursuant to subdivision (c) of Section 11170.~~
29 ~~Nothing in this paragraph shall preclude a submitting~~
30 ~~agency prior to disclosure from redacting the name,~~
31 ~~address, and telephone number of a witness, person who~~
32 ~~reports under this article, or victim in order to maintain~~
33 ~~confidentiality as required by law.~~

34 ~~(12) Out-of-state law enforcement agencies~~
35 ~~conducting an investigation of child abuse only when an~~
36 ~~agency makes the request for reports of suspected child~~
37 ~~abuse in writing and on official letterhead, identifying the~~
38 ~~suspected abuser or victim by name. The request shall be~~
39 ~~signed by the department supervisor of the requesting~~
40 ~~law enforcement agency. The written request shall cite~~



1 ~~the out-of-state statute or interstate compact provision~~
2 ~~that requires that the information contained within these~~
3 ~~reports is to be disclosed only to law enforcement,~~
4 ~~prosecutorial entities, or multidisciplinary investigative~~
5 ~~teams, and shall cite the criminal penalties for unlawful~~
6 ~~disclosure provided by the requesting state or the~~
7 ~~applicable interstate compact provision. In the absence of~~
8 ~~both (1) a specific out-of-state statute or interstate~~
9 ~~compact provision that requires that the information~~
10 ~~contained within these reports be disclosed only to law~~
11 ~~enforcement, prosecutorial entities, or multidisciplinary~~
12 ~~investigative teams, and (2) criminal penalties~~
13 ~~equivalent to the penalties in California for unlawful~~
14 ~~disclosure, access shall be denied.~~

15 ~~(13) Persons who have verified with the Department~~
16 ~~of Justice that they are listed in the Child Abuse Central~~
17 ~~Index as provided by subdivision (e) of Section 11170.~~
18 ~~Disclosure under this section shall be subject to the~~
19 ~~California Public Records Act (Chapter 3.5~~
20 ~~(commencing with Section 6250) of Division 7 of Title 1~~
21 ~~of the Government Code). Nothing in this section~~
22 ~~prohibits a submitting agency prior to disclosure from~~
23 ~~redacting the name, address, and telephone number of a~~
24 ~~witness, person who reports under this article, or victim~~
25 ~~to maintain confidentiality as required by law.~~

26 ~~(14)~~

27 ~~(11) Each chairperson of a county child death review~~
28 ~~team, or his or her designee, to whom disclosure of~~
29 ~~information is permitted under this article, relating to the~~
30 ~~death of one or more children and any prior child abuse~~
31 ~~investigation reports maintained involving the same~~
32 ~~victim, siblings, or suspects. Local child death review~~
33 ~~teams may share any relevant information regarding case~~
34 ~~reviews involving child death with other child death~~
35 ~~review teams.~~

36 ~~(c) Authorized persons within county health~~
37 ~~departments shall be permitted to receive copies of any~~
38 ~~reports made by health practitioners, as defined in~~
39 ~~Section 11165.8, pursuant to Section 11165.13, and copies~~
40 ~~of assessments completed pursuant to Sections 123600 and~~



1 123605 of the Health and Safety Code, to the extent
2 permitted by federal law. Any information received
3 pursuant to this subdivision is protected by subdivision
4 (e).

5 (d) Nothing in this section requires the Department of
6 Justice to disclose information contained in records
7 maintained under Section 11169 or under the regulations
8 promulgated pursuant to Section 11174, except as
9 otherwise provided in this article.

10 (e) This section shall not be interpreted to allow
11 disclosure of any reports or records relevant to the reports
12 of child abuse if the disclosure would be prohibited by any
13 other provisions of state or federal law applicable to the
14 reports or records relevant to the reports of child abuse.

15 SEC. 3. Section 11169 of the Penal Code is amended
16 to read:

17 11169. (a) A child protective agency shall forward to
18 the Department of Justice a report in writing of every
19 case it investigates of known or suspected child abuse
20 which is determined not to be unfounded, other than
21 cases coming within subdivision (b) of Section 11165.2. A
22 child protective agency shall not forward a report to the
23 Department of Justice unless it has conducted an active
24 investigation and determined that the report is not
25 unfounded, as defined in Section 11165.12. If a report has
26 previously been filed which subsequently proves to be
27 unfounded, *the child protective agency shall notify* the
28 Department of Justice ~~shall be notified~~ in writing of that
29 fact and shall not retain the report. The report required
30 by this section shall be in a form approved by the
31 Department of Justice. A child protective agency
32 receiving a written report from another child protective
33 agency shall not send that report to the Department of
34 Justice.

35 (b) At the time a child protective agency forwards a
36 report in writing to the Department of Justice pursuant
37 to subdivision (a), the agency shall also notify in writing
38 the known or suspected child abuser that he or she has
39 been reported to the Child Abuse Central Index. The
40 notice required by this section shall be in a form approved



1 by the Department of Justice. The requirements of this
2 subdivision shall apply with respect to reports forwarded
3 to the department on or after the date on which this
4 subdivision becomes operative.

5 *(1) The written notice to the known or suspected child*
6 *abuser shall not be given until the investigation is*
7 *completed by the appropriate child protective agencies*
8 *and the district attorney's office, or the district attorney*
9 *is not pursuing further investigation.*

10 *(2) If the known or suspected child abuser is a juvenile,*
11 *the written notice shall be given to the juvenile's parent*
12 *or legal guardian.*

13 *(c) The report required by subdivision (a) shall be*
14 *confidential and may be disclosed only to the following:*

15 *(1) Those individuals and entities specified in*
16 *subdivision (b) of Section 11170.*

17 *(2) Those individuals who have been identified by the*
18 *Department of Justice as listed in the Child Abuse Central*
19 *Index.*

20 *(3) Out-of-state law enforcement agencies conducting*
21 *an investigation of child abuse only when an agency*
22 *makes the request for reports of suspected child abuse in*
23 *writing and on official letterhead, identifying the*
24 *suspected abuser or victim by name. The request shall be*
25 *signed by the department supervisor or the requesting*
26 *law enforcement agency. The written requests shall cite*
27 *the out-of-state statute or interstate compact provision*
28 *that requires that the information contained within these*
29 *reports shall be disclosed only to law enforcement,*
30 *prosecutorial entities, or multidisciplinary investigative*
31 *teams, and shall cite the criminal penalties for unlawful*
32 *disclosure provided by the requesting state or the*
33 *applicable interstate compact provision. In the absence of*
34 *a specific out-of-state statute or interstate compact*
35 *provision that requires that the information contained*
36 *within these reports shall be disclosed only to law*
37 *enforcement, prosecutorial entities, or multidisciplinary*
38 *investigative teams, and criminal penalties equivalent to*
39 *penalties in California for unlawful disclosure, access shall*
40 *be denied.*



1 *Nothing in this subdivision shall preclude a submitting*
2 *agency prior to disclosure from redacting the name,*
3 *address, and telephone number of a witness, person who*
4 *reported the abuse, or victim in order to maintain*
5 *confidentiality as required by law. Any violation of the*
6 *confidentiality provided by this article is a misdemeanor*
7 *punishable by imprisonment in a county jail not to exceed*
8 *six months, or by a fine of five hundred dollars (\$500), or*
9 *by both that imprisonment and fine.*

10 ~~(e)~~

11 (d) Child protective agencies shall retain child abuse
12 investigative reports that result in a report filed with the
13 Department of Justice pursuant to subdivision (a) for the
14 same period of time that the information is required to be
15 maintained on the Child Abuse Central Index pursuant
16 to this section. Nothing in this section precludes a child
17 protective agency from retaining the reports for a longer
18 period of time if required by law.

19 ~~(d)~~

20 (e) The immunity provisions of Section 11172 shall not
21 apply to the submission of a report by a child protective
22 agency pursuant to this section. However, nothing in this
23 section shall be construed to alter or diminish any other
24 immunity provisions of state or federal law.

25 SEC. 4. Section 11170 of the Penal Code is amended
26 to read:

27 11170. (a) (1) The Department of Justice shall
28 maintain an index of all reports of child abuse submitted
29 pursuant to Section 11169. The index shall be continually
30 updated by the department and shall not contain any
31 reports that are determined to be unfounded. The
32 department may adopt rules governing recordkeeping
33 and reporting pursuant to this article.

34 (2) The department shall act only as a repository of
35 reports of ~~suspected~~ *investigated* child abuse to be
36 maintained in the Child Abuse Central Index pursuant to
37 paragraph (1). The submitting agencies are responsible
38 for the accuracy, completeness, and retention of the
39 reports described in this section. The department shall be
40 responsible for ensuring that the Child Abuse Central



1 Index accurately reflects the report it receives from the
2 submitting agency.

3 (3) Information from ~~an inconclusive or~~
4 ~~unsubstantiated~~ a report filed pursuant to subdivision (a)
5 of Section 11169 shall be deleted from the Child Abuse
6 Central Index after 10 years if no subsequent report
7 concerning the same suspected child abuser is received
8 within that time period. If a subsequent report is received
9 within that 10-year period, information from any prior
10 report, as well as any subsequently filed report, shall be
11 maintained on the Child Abuse Central Index for a period
12 of 10 years from the time the most recent report is
13 received by the department.

14 (4) *The Department of Justice may delete a known or*
15 *suspected child abuser's name from the Child Abuse*
16 *Central Index at such time as the department receives*
17 *information that the abuser has died.*

18 (b) (1) The Department of Justice shall ~~immediately~~
19 notify a child protective agency that submits a *child abuse*
20 *investigation* report pursuant to Section 11169, or a
21 district attorney who requests notification, of any
22 information maintained pursuant to subdivision (a) that
23 is relevant to the known or suspected instance of child
24 abuse reported by the agency. A child protective agency
25 shall make that information available to the reporting
26 medical practitioner, child custodian, guardian ad litem
27 appointed under Section 326, or counsel appointed under
28 Section 317 or 318 of the Welfare and Institutions Code,
29 or the appropriate licensing agency, if he or she is treating
30 or investigating a case of known or suspected child abuse.

31 (2) When a report is made pursuant to subdivision (a)
32 or (c) of Section 11166, the investigating agency, upon
33 completion of the investigation or after there has been a
34 final disposition in the matter, shall inform the person
35 required to report of the results of the investigation and
36 of any action the agency is taking with regard to the child
37 or family.

38 (3) The department shall make available to the State
39 Department of Social Services or to any county licensing
40 agency that has contracted with the state for the



1 performance of licensing duties information regarding a
2 known or suspected child abuser maintained pursuant to
3 this section and subdivision (a) of Section 11169
4 concerning any person who is an applicant for licensure
5 or any adult who resides or is employed in the home of an
6 applicant for licensure or who is an applicant for
7 employment in a position having supervisory or
8 disciplinary power over a child or children, or who will
9 provide 24-hour care for a child or children in a
10 residential home or facility, pursuant to Section 1522.1 or
11 1596.877 of the Health and Safety Code, or Section 8714,
12 8802, 8912, or 9000 of the Family Code.

13 (4) For purposes of child death review, the
14 Department of Justice shall make available to the
15 chairperson, or the chairperson's designee, for each
16 county child death review team, or the State Child Death
17 Review Council, information maintained in the Child
18 Abuse Central Index pursuant to subdivision (a) of
19 Section 11170 relating to the death of one or more
20 children and any prior child abuse investigation reports
21 maintained involving the same victims, siblings, or
22 suspects. Local child death review teams may share any
23 relevant information regarding case reviews involving
24 child death with other child death review teams.

25 (5) The department shall make available to child
26 protective agencies, or court investigators acting
27 pursuant to Section 1513 of the Probate Code, responsible
28 for placing children or assessing the possible placement
29 of children pursuant to Article 6 (commencing with
30 Section 300), Article 7 (commencing with Section 305),
31 Article 10 (commencing with Section 360), or Article 14
32 (commencing with Section 601) of Chapter 2 of Part 1 of
33 Division 2 of the Welfare and Institutions Code, Article 2
34 (commencing with Section 1510) or Article 3
35 (commencing with Section 1540) of Chapter 1 of Part 2
36 of Division 4 of the Probate Code, information regarding
37 a known or suspected child abuser contained in the index
38 concerning any adult residing in the home where the
39 child may be placed, when this information is requested
40 for purposes of ensuring that the placement is in the best



1 interests of the child. ~~Upon~~ *The department is exempt*
2 *from the requirements of Section 1798.18 of the Civil*
3 *Code, however, upon receipt of relevant information*
4 *concerning child abuse investigation reports contained in*
5 *the index from the Department of Justice pursuant to this*
6 *subdivision, the child protective agency or court*
7 *investigator shall notify, in writing, the person listed in*
8 *the Child Abuse Central Index that he or she is in the*
9 *index. The notification shall include the name of the*
10 *reporting agency and the date of the report.*

11 (6) ~~(A)~~ Persons or agencies, as specified in
12 subdivision (b), if investigating a case of known or
13 suspected child abuse, or the State Department of Social
14 Services or any county licensing agency pursuant to
15 paragraph (3), or a child protective agency or court
16 investigator responsible for placing children or assessing
17 the possible placement of children pursuant to paragraph
18 (5), to whom disclosure of any information maintained
19 pursuant to subdivision (a) is authorized, are responsible
20 for obtaining the original investigative report from the
21 reporting agency, and for drawing independent
22 conclusions regarding the quality of the evidence
23 disclosed, and its sufficiency for making decisions
24 regarding investigation, prosecution, licensing, or
25 placement of a child.

26 ~~(B) If Child Abuse Central Index information is~~
27 ~~requested by a child protective agency for the temporary~~
28 ~~placement of a child in an emergency situation pursuant~~
29 ~~to Article 7 (commencing with Section 305) of Chapter~~
30 ~~2 of Part 1 of Division 2 of the Welfare and Institutions~~
31 ~~Code, the department is exempt from the requirements~~
32 ~~of Section 1798.18 of the Civil Code if compliance would~~
33 ~~cause a delay in providing an expedited response to the~~
34 ~~child protective agency's inquiry and if further delay in~~
35 ~~placement may be detrimental to the child.~~

36 (7) (A) Whenever information contained in the
37 Department of Justice files is furnished as the result of an
38 application for employment or licensing pursuant to
39 paragraph (3), the Department of Justice may charge the
40 person or entity making the request a fee. The fee shall



1 not exceed the reasonable costs to the department of
2 providing the information. The only increase shall be at
3 a rate not to exceed the legislatively approved
4 cost-of-living adjustment for the department. In no case
5 shall the fee exceed fifteen dollars (\$15).

6 (B) All moneys received by the department pursuant
7 to this section to process trustline applications for
8 purposes of Chapter 3.35 (commencing with Section
9 1596.60) of Division 2 of the Health and Safety Code shall
10 be deposited in a special account in the General Fund
11 that is hereby established and named the Department of
12 Justice Child Abuse Fund. Moneys in the fund shall be
13 available, upon appropriation by the Legislature, for
14 expenditure by the department to offset the costs
15 incurred to process trustline automated child abuse
16 system checks pursuant to this section.

17 (C) All moneys, other than that described in
18 subparagraph (B), received by the department pursuant
19 to this paragraph shall be deposited in a special account
20 in the General Fund which is hereby created and named
21 the Department of Justice Sexual Habitual Offender
22 Fund. The funds shall be available, upon appropriation by
23 the Legislature, for expenditure by the department to
24 offset the costs incurred pursuant to Chapter 9.5
25 (commencing with Section 13885) and Chapter 10
26 (commencing with Section 13890) of Title 6 of Part 4, and
27 Section 290.2, and for maintenance and improvements to
28 the statewide Sexual Habitual Offender Program and the
29 DNA offender identification file (CAL-DNA) authorized
30 by Chapter 9.5 (commencing with Section 13885) of Title
31 6 of Part 4 and Section 290.2.

32 ~~(e) The Department of Justice shall make available to~~
33 ~~any child protective agency responsible for placing~~
34 ~~children pursuant to Article 7 (commencing with Section~~
35 ~~305) of Chapter 2 of Part 1 of Division 2 of the Welfare and~~
36 ~~Institutions Code, upon request, relevant information~~
37 ~~concerning child abuse reports contained in the index,~~
38 ~~when making a placement with a responsible relative~~
39 ~~pursuant to Sections 281.5, 305, and 361.3 of the Welfare~~
40 ~~and Institutions Code. Upon receipt of relevant~~



1 ~~information concerning child abuse reports contained in~~
2 ~~the index from the Department of Justice pursuant to this~~
3 ~~subdivision, the child protective agency shall also notify~~
4 ~~in writing the person listed in the Child Abuse Central~~
5 ~~Index that he or she is in the index. The notification shall~~
6 ~~include the location of the original investigative report~~
7 ~~and the submitting agency. The notification shall be~~
8 ~~submitted to the person listed at the same time that all~~
9 ~~other parties are notified of the information, and no later~~
10 ~~than the actual judicial proceeding that determines~~
11 ~~placement.~~

12 ~~If Child Abuse Central Index information is requested~~
13 ~~by a child protective agency for the placement of a child~~
14 ~~with a responsible relative in an emergency situation~~
15 ~~pursuant to Article 7 (commencing with Section 305) of~~
16 ~~Chapter 2 of Part 1 of Division 2 of the Welfare and~~
17 ~~Institutions Code, the department is exempt from the~~
18 ~~requirements of Section 1798.18 of the Civil Code if~~
19 ~~compliance would cause a delay in providing an~~
20 ~~expedited response to the child protective agency's~~
21 ~~inquiry and if further delay in placement may be~~
22 ~~detrimental to the child.~~

23 ~~(d)~~

24 ~~(c) The department shall make available any~~
25 ~~information maintained pursuant to Section 11169 to~~
26 ~~out-of-state law enforcement agencies conducting~~
27 ~~investigations of known or suspected child abuse only~~
28 ~~when an agency makes the request for information in~~
29 ~~writing and on official letterhead, identifying the~~
30 ~~suspected abuser or victim by name. The request shall be~~
31 ~~signed by the department supervisor of the requesting~~
32 ~~law enforcement agency. The written requests shall cite~~
33 ~~the out-of-state statute or interstate compact provision~~
34 ~~that requires that the information contained within these~~
35 ~~reports shall be disclosed only to law enforcement,~~
36 ~~prosecutorial entities, or multidisciplinary investigative~~
37 ~~teams, and shall cite the criminal penalties for unlawful~~
38 ~~disclosure of any confidential information provided by~~
39 ~~the requesting state or the applicable interstate compact~~
40 ~~provision. In the absence of a specified out-of-state statute~~



1 or interstate compact provision that requires that the
2 information contained within these reports shall be
3 disclosed only to law enforcement, prosecutorial entities,
4 or multidisciplinary investigative teams, and criminal
5 penalties equivalent to the penalties in California for
6 unlawful disclosure, access shall be denied.

7 ~~(e)~~

8 (d) Any person may determine if he or she is listed in
9 the Child Abuse Central Index by making a request in
10 writing to the Department of Justice. The request shall be
11 notarized and include the person's name, address, date of
12 birth, and either a social security number or a California
13 identification number. Upon receipt of a notarized
14 request, the Department of Justice shall make available
15 to the requesting person information identifying the date
16 of the report and the submitting agency. The requesting
17 person is responsible for obtaining the investigative
18 report from the submitting agency pursuant to ~~paragraph~~
19 ~~(13)~~ of subdivision ~~(a)~~ (c) of Section ~~11167.5~~ 11169.

20 ~~(f)~~

21 (e) If a person is listed in the Child Abuse Central
22 Index only as a victim of child abuse, and that person is
23 18 years of age or older, that person may have his or her
24 name removed from the index by making a written
25 request to the Department of Justice. The request shall be
26 notarized and include the person's name, address, social
27 security number, and date of birth. *The name of the*
28 *suspected or known abuser will be maintained for the*
29 *period of time specified in paragraph (3) of subdivision*
30 (a).

31 SEC. 5. Section 11170.5 of the Penal Code is amended
32 to read:

33 11170.5. (a) Notwithstanding paragraph (3) of
34 subdivision (b) of Section 11170, the Department of
35 Justice shall make available to a licensed adoption agency,
36 as defined in Section 8530 of the Family Code,
37 *information* regarding a known or suspected child abuser
38 maintained in the child abuse index, pursuant to
39 subdivision (a) of Section 11170, concerning any person



1 who has submitted to the agency an application for
2 adoption.

3 (b) Whenever information contained in the
4 Department of Justice files is furnished as the result of an
5 application for adoption pursuant to subdivision (a), the
6 Department of Justice may charge the agency making
7 the request a fee. The fee shall not exceed the reasonable
8 costs to the department of providing the information. The
9 only increase shall be at a rate not to exceed the
10 legislatively approved cost-of-living adjustment for the
11 department. In no case shall the fee exceed fifteen dollars
12 (\$15).

13 (c) All moneys received by the department pursuant
14 to this subdivision shall be deposited in the Department
15 of Justice Sexual Habitual Offender Fund pursuant to
16 *subparagraph (A) of paragraph—(5) (7) of subdivision (b)*
17 of Section 11170.

18 SEC. 6. No reimbursement is required by this act
19 pursuant to Section 6 of Article XIII B of the California
20 Constitution because the only costs that may be incurred
21 by a local agency or school district will be incurred
22 because this act creates a new crime or infraction,
23 eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition
26 of a crime within the meaning of Section 6 of Article
27 XIII B of the California Constitution.

O

