

AMENDED IN SENATE APRIL 27, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 647

Introduced by Senators Rainey and Leslie
(Coauthor: Assembly Member Torlakson)

February 24, 1999

An act to add Section 11166.4 to the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 647, as amended, Rainey. Child abuse: multidisciplinary interview centers.

Existing law declares the Legislature's intent that in each county, the law enforcement agencies and the county welfare or social services department develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse cases.

This bill would establish a special account in the General Fund for child abuse multidisciplinary teams and multidisciplinary centers, to be administered by the Office of Criminal Justice Planning. The bill would provide that the funds would be distributed to counties pursuant to specified criteria and application procedures *under which those teams and centers would be required to adopt a written protocol agreement that meets, specified requirements*. The bill would also provide that the funds could be used for building, operating, or maintaining multidisciplinary centers, staffing

multidisciplinary teams, providing services, as specified, and for administrative costs, as specified.

This bill would also provide that moneys would be transferred to the Child Abuse Multidisciplinary Intervention Account and would be available for expenditure upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11166.4 is added to the Penal
2 Code, to read:

3 11166.4. (a) The Child Abuse Multidisciplinary
4 Intervention Account is hereby established in the
5 General Fund for the purpose of allocating funds to
6 counties that meet the criteria specified in ~~the California~~
7 ~~Children’s Justice Act Task Force’s Minimum Standard~~
8 ~~Protocol for the Multidisciplinary Investigation of Child~~
9 ~~Abuse in paragraph (3) of subdivision (b).~~ The account
10 shall be administered by the Office of Criminal Justice
11 Planning. Multidisciplinary teams and multidisciplinary
12 centers that are established to coordinate the activities of
13 the various agencies involved in the investigation and
14 prosecution of alleged child abuse and that provide
15 medical services and followup treatment to victims of
16 child abuse shall be eligible for funding from this account.
17 Except as provided in subdivision (c), funds from the
18 Child Abuse Multidisciplinary Intervention Account may
19 only be used for the following purposes:

20 (1) To build, operate, or maintain a multidisciplinary
21 center.

22 (2) To staff a multidisciplinary team.

23 (3) To provide services through a multidisciplinary
24 team or multidisciplinary center.

25 (4) To provide child forensic interview training to the
26 members of the multidisciplinary team and to any other
27 person who conducts child abuse investigations for any
28 agency specified in paragraph (2) of subdivision (b). The
29 child forensic interview training shall include training in



1 risk assessment, the dynamics of child abuse, child sexual
2 abuse, and rape of children, and legally sound and age
3 appropriate interview and investigation techniques.

4 (5) *Up to 4 percent may be awarded statewide to*
5 *counties in individual grants not exceeding twelve*
6 *thousand dollars (\$12,000) to assist in planning and*
7 *developing a multidisciplinary center or team.*

8 (b) (1) In order to receive funding from the Child
9 Abuse Multidisciplinary Intervention Account pursuant
10 to subdivision (a), a county shall establish at least one
11 multidisciplinary team or multidisciplinary center.

12 (2) Members of the multidisciplinary team or
13 multidisciplinary center shall, at a minimum, consist of a
14 representative from the district attorney's office, the
15 sheriff's department, a police department, child
16 protective services, and may include medical and mental
17 health professionals.

18 (3) ~~The multidisciplinary teams and multidisciplinary~~
19 ~~centers shall adopt a written protocol that meets the~~
20 ~~requirements set by the California Children's Justice Act~~
21 ~~Minimum Standard Protocol, outlining in detail the~~
22 ~~procedures to be used in investigating and prosecuting~~
23 ~~cases arising from alleged child abuse and in coordinating~~
24 ~~treatment referrals for the child abuse victim and his or~~
25 ~~her family. This protocol shall include training~~
26 ~~procedures, procedures for interagency decisionmaking,~~
27 ~~and an ongoing process for evaluating the~~
28 ~~implementation and effectiveness of the protocol. In~~
29 ~~following requirements:~~

30 (A) *Every county shall have an interagency protocol*
31 *agreement for the investigation of child abuse and*
32 *neglect developed and signed by the directors of the*
33 *following core agencies: the office of the district attorney,*
34 *the sheriff and the chief of police, child protective*
35 *services or an equivalent agency administering child*
36 *welfare, and public health and medical examiners.*

37 (B) *This protocol agreement may include, but is not*
38 *limited to, the following additional entities:*

39 (i) *School districts.*

40 (ii) *Probation departments.*



- 1 (iii) Courts.
2 (iv) County counsel.
3 (v) Tribal Council Representatives.
4 (vi) Clergy.
5 (vii) Regional centers.
6 (viii) Mental health.
7 (ix) Counsel for children.
8 (x) CASA (court appointed special advocates).
9 (xi) Ancillary law enforcement agencies (such as the
10 federal government and the military).
11 (xii) Victim witness programs.
12 (xiii) Child abuse councils.
13 (C) Protocols shall include the following:
14 (i) A mission goal and mission statement.
15 (ii) Written standards and procedures.
16 (iii) A procedure for periodic review by all agencies
17 involved.
18 (iv) A procedure for dissemination to all parties
19 involved.
20 (v) A procedure for training about the protocol.
21 (vi) Recognition of the need for ongoing training
22 procedures for professionals involved in the investigation
23 of child abuse.
24 (D) Protocols shall address all children, including
25 children with special needs, suspected of being abused or
26 neglected in the following situations:
27 (i) Intra-family or in-home.
28 (ii) Out-of-home-care facilities including, but not
29 limited to, daycare, group homes, public or private
30 schools, foster care, and licensed facilities.
31 (iii) Perpetration by a stranger.
32 (iv) Siblings of a child abuse fatality victim.
33 (v) Homes with domestic violence.
34 (E) Protocols shall address the following sequence of
35 responses that takes into account the emotional and
36 physical well-being of the child victim:
37 (i) The initial response following a referral shall be
38 coordinated among first responders to reduce repetitive
39 interviews with or questions to the child. Specifically, the
40 protocol shall outline the procedures by which first



1 responders share information with each other. First
2 responders are officials from a child protective service
3 agency or a law enforcement agency.

4 (ii) Investigative procedures for forensic evidence
5 gathering.

6 (iii) Child abuse reporting procedures and
7 cross-reporting procedures.

8 (iv) Minimum standards for levels of professional
9 competency.

10 (v) Knowledge of legal authority.

11 (vi) Procedures for sharing information with all the
12 parties involved in the investigation.

13 (vii) Procedures for getting information about the
14 child victim back to reporters.

15 (viii) Procedures for transporting a child, specifying
16 who may take the child, where the child may be taken,
17 and under what conditions the child may be taken. In
18 addition, there shall also be procedures for transporting
19 family members if the need arises.

20 (ix) Procedures to ensure that a child with special
21 needs receives prescribed medication or has special
22 equipment, such as a wheelchair.

23 (F) Procedures also shall include the following
24 considerations for forensic evidentiary interviews and
25 medical exams:

26 (i) The qualification of personnel conducting the
27 interview or exam.

28 (ii) The location of the interview or exam.

29 (iii) The procedures for documentation.

30 (iv) The guidelines for deciding which agency budget
31 will cover the cost of exams and interviews.

32 (v) The definition or criteria under which a child
33 qualifies for an exam or interview.

34 (G) The protocol shall address the following issues:

35 (i) Procedures for the denial of entry for any of the
36 responders to a referral for child abuse or neglect.

37 (ii) Procedures for obtaining the necessary consent for
38 medical exams and forensic interviews.



1 (iii) Procedures for sharing information among
2 mandated reporters, first respondents, professionals, and
3 follow-up investigations.

4 (iv) Procedures for sharing information among
5 professional child abuse investigators that address issues
6 of confidentiality.

7 (v) Procedures for providing information about
8 protective orders, prior history criminal background
9 checks, court actions, and placement orders.

10 (vi) Procedures for emergency situations or
11 professional judgment that allow for deviation from the
12 protocol.

13 (H) The protocol shall explain how the interagency
14 protocol for child abuse investigation interfaces with or
15 acknowledges the protocols of individual agencies
16 involved and shall include procedures for resolving any
17 conflicts among those protocols.

18 (4) In addition, each county shall develop a tracking
19 system to receive and coordinate all information relating
20 to a case of child abuse that is in the possession of any
21 agency involved in the investigation or prosecution of
22 child abuse, including law enforcement agencies, child
23 protective service agencies, county welfare agencies, and
24 licensing agencies.

25 ~~(4) Each county shall submit a countywide protocol to~~
26 ~~members of the California Children's Justice Act Task~~
27 ~~Force, the Attorney General's office, and the State~~
28 ~~Department of Social Services when applying for funding~~
29 ~~under this section. The Attorney General's office and the~~
30 ~~State Department of Social Services shall review and~~

31 (5) Each county shall submit an application, including
32 a countywide protocol to the Office of Criminal Justice
33 Planning when applying for funding under this section.
34 The Office of Criminal Justice Planning shall review and
35 evaluate the proposed protocols ~~and~~. The Office of
36 Criminal Justice Planning shall make recommendations
37 to the California Children's Justice Act Task Force
38 comprised of five members, three appointed by the
39 Governor, one by the Senate, and one by the Assembly,
40 regarding those protocols. The Children's Justice Act



1 Task Force shall consider these recommendations in
2 determining whether to approve a county's protocol and
3 application for funding.

4 ~~(5)~~

5 (6) Upon approval by the Children's Justice Act Task
6 Force, funding from the Child Abuse Multidisciplinary
7 Intervention Account shall be allocated to eligible
8 multidisciplinary teams and multidisciplinary centers
9 based upon a formula including population of the county,
10 number of child abuse reports received, and the number
11 of centers and teams qualifying for the money. *No grant*
12 *shall be awarded unless the applicant makes resources*
13 *available in an amount that is equal to at least 15 percent*
14 *of the total amount of the grant.*

15 (c) The Office of Criminal Justice Planning shall
16 administer the funding under this section on a contract
17 basis and shall receive 5 percent of the funds for that
18 administration.

19 SEC. 2. Moneys shall be transferred to the Child
20 Abuse Multidisciplinary Intervention Account, and shall
21 be available for expenditure, upon appropriation by the
22 Legislature.

