

**ASSEMBLY BILL**

**No. 1657**

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**Introduced by Assembly Member Evans**

February 22, 2005

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An act to add and repeal Section 13969.7 of the Government Code and to amend Section 1464 of, and to add Sections 11166.6 and 11166.7 to, the Penal Code, relating to child victims.

LEGISLATIVE COUNSEL'S DIGEST

AB 1657, as introduced, Evans. Child victims: multidisciplinary centers.

Existing law, the Child Abuse and Neglect Reporting Act, requires specified persons to report suspected child abuse or neglect.

This bill would provide that, until July 1, 2011, a county may enter into contracts for interview services with the California Victim Compensation and Government Claims Board for the recovery of costs associated with the provision of child victim forensic evidentiary interviews conducted by multidisciplinary teams or centers. The bill would require the board to report to the Legislature on those contracts by January 30, 2011. The bill would authorize counties to establish multidisciplinary teams or centers to coordinate the activities of the various agencies involved in the investigation and prosecution of alleged child abuse. The bill would require each county that establishes a multidisciplinary team or center to adopt a written protocol, as specified.

Existing law creates the State Penalty Fund into which moneys collected by the courts for the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Once a month, certain percentages of money in that fund are transferred into other funds,

including the Peace Officers’ Training Fund, the Driver Training Penalty Assessment Fund, and the Victim Witness Assistance Fund.

This bill would change the percentage of money that is deposited into each of the above-mentioned funds from the State Penalty Fund, and would create the Multidisciplinary Interview Center Fund, into which 8% of state penalty funds in the State Penalty Fund would be deposited monthly. Money in the Multidisciplinary Interview Center Fund would be used to support county multidisciplinary center interview programs.

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 13969.7 is added to the Government  
2 Code, to read:

3 13969.7. (a) Notwithstanding Sections 13960 to 13966,  
4 inclusive, the county may enter into contracts for interview  
5 services with the California Victim Compensation and  
6 Government Claims Board, as described in Section 13900, for  
7 the recovery of costs associated with the provision of child  
8 victim forensic evidentiary interviews conducted by  
9 multidisciplinary teams or centers as described in Section  
10 11166.6 of the Penal Code, and in accordance with their adopted  
11 interagency protocol agreements described in Section 11166.65  
12 of the Penal Code.

13 (b) The contracts for interview services shall be based on the  
14 historical average of the number of interviews conducted in a  
15 county by a multidisciplinary team or center.

16 (c) The contracts for interview services shall provide funding  
17 for the additional expenditures related to conducting the forensic  
18 evidentiary interview that include facility rent and tenant-related  
19 costs, salaries and benefits of the multidisciplinary teams or  
20 center’s coordinator, clerical staff, and interview specialist staff,  
21 staff training and equipment such as video cameras, recording  
22 devices, and one-way mirrors.

23 (d) Personnel costs of the multidisciplinary teams or centers  
24 that are incurred by the representatives of the various  
25 participating county departments are not eligible within the scope  
26 of the contracts.

1 (e) For purposes of this section, “child victim” means a person  
2 under 18 years of age who has been reported to an agency  
3 specified in Section 11165.9 of the Penal Code to be a known or  
4 suspected victim of child abuse as described in Section 11165.6  
5 of the Penal Code, and the report results in a determination that a  
6 crime occurred.

7 (f) The amount of the contracts shall be determined by the  
8 California Victim Compensation and Government Claims Board  
9 in consultation with the counties’ multidisciplinary teams or  
10 centers.

11 (g) The California Victim Compensation and Government  
12 Claims Board shall draw funds from its Multidisciplinary  
13 Interview Center Fund for purposes of entering into contracts for  
14 interview services.

15 (h) The California Victim Compensation and Government  
16 Claims Board shall develop contract requirements and execute  
17 these contracts beginning on July 1, 2006.

18 (i) The California Victim Compensation and Government  
19 Claims Board may retain up to 10 percent of those funds for  
20 purposes of administering those contracts.

21 (j) The California Victim Compensation and Government  
22 Claims Board shall provide the Legislature with a report, by  
23 January 30, 2011, on the activity of the contracts for interview  
24 services, including the number of counties with service contracts,  
25 the number of children served by each county, and the fiscal  
26 viability of the Victim Restitution Fund.

27 (k) This section shall become inoperative on July 1, 2011, and,  
28 as of January 1, 2012, is repealed, unless a later enacted statute,  
29 that becomes operative on or before January 1, 2011, deletes or  
30 extends the dates on which it becomes inoperative and is  
31 repealed.

32 SEC. 2. Section 1464 of the Penal Code is amended to read:

33 1464. (a) Subject to Chapter 12 (commencing with Section  
34 76000) of Title 8 of the Government Code, there shall be levied a  
35 state penalty, in an amount equal to ten dollars (\$10) for every  
36 ten dollars (\$10) or fraction thereof, upon every fine, penalty, or  
37 forfeiture imposed and collected by the courts for criminal  
38 offenses, including all offenses, except parking offenses as  
39 defined in subdivision (i) of Section 1463, involving a violation  
40 of a section of the Vehicle Code or any local ordinance adopted

1 pursuant to the Vehicle Code. Any bail schedule adopted  
2 pursuant to Section 1269b may include the necessary amount to  
3 pay the state penalties established by this section and Chapter 12  
4 (commencing with Section 76000) of Title 8 of the Government  
5 Code for all matters where a personal appearance is not  
6 mandatory and the bail is posted primarily to guarantee payment  
7 of the fine.

8 (b) Where multiple offenses are involved, the state penalty  
9 shall be based upon the total fine or bail for each case. When a  
10 fine is suspended, in whole or in part, the state penalty shall be  
11 reduced in proportion to the suspension.

12 (c) When any deposited bail is made for an offense to which  
13 this section applies, and for which a court appearance is not  
14 mandatory, the person making the deposit shall also deposit a  
15 sufficient amount to include the state penalty prescribed by this  
16 section for forfeited bail. If bail is returned, the state penalty paid  
17 thereon pursuant to this section shall also be returned.

18 (d) In any case where a person convicted of any offense, to  
19 which this section applies, is in prison until the fine is satisfied,  
20 the judge may waive all or any part of the state penalty, the  
21 payment of which would work a hardship on the person  
22 convicted or his or her immediate family.

23 (e) After a determination by the court of the amount due, the  
24 clerk of the court shall collect the penalty and transmit it to the  
25 county treasury. The portion thereof attributable to Chapter 12  
26 (commencing with Section 76000) of Title 8 of the Government  
27 Code shall be deposited in the appropriate county fund and 70  
28 percent of the balance shall then be transmitted to the State  
29 Treasury, to be deposited in the State Penalty Fund, which is  
30 hereby created, and 30 percent to remain on deposit in the county  
31 general fund. The transmission to the State Treasury shall be  
32 carried out in the same manner as fines collected for the state by  
33 a county.

34 (f) The moneys so deposited in the State Penalty Fund shall be  
35 distributed as follows:

36 (1) Once a month there shall be transferred into the Fish and  
37 Game Preservation Fund an amount equal to 0.33 percent of the  
38 state penalty funds deposited in the State Penalty Fund during the  
39 preceding month, except that the total amount shall not be less  
40 than the state penalty levied on fines or forfeitures for violation

1 of state laws relating to the protection or propagation of fish and  
2 game. These moneys shall be used for the education or training  
3 of department employees which fulfills a need consistent with the  
4 objectives of the Department of Fish and Game.

5 (2) Once a month there shall be transferred into the Restitution  
6 Fund an amount equal to 32.02 percent of the state penalty funds  
7 deposited in the State Penalty Fund during the preceding month.  
8 Those funds shall be made available in accordance with Section  
9 13967 of the Government Code.

10 (3) Once a month there shall be transferred into the Peace  
11 Officers' Training Fund an amount equal to ~~23.99~~ 31.99 percent  
12 of the state penalty funds deposited in the State Penalty Fund  
13 during the preceding month.

14 (4) Once a month there shall be transferred into the Driver  
15 Training Penalty Assessment Fund an amount equal to ~~25.70~~ 1.7  
16 percent of the state penalty funds deposited in the State Penalty  
17 Fund during the preceding month.

18 (5) Once a month there shall be transferred into the  
19 Corrections Training Fund an amount equal to 7.88 percent of the  
20 state penalty funds deposited in the State Penalty Fund during the  
21 preceding month. Money in the Corrections Training Fund is not  
22 continuously appropriated and shall be appropriated in the  
23 Budget Act.

24 (6) Once a month there shall be transferred into the Local  
25 Public Prosecutors and Public Defenders Training Fund  
26 established pursuant to Section 11503 an amount equal to 0.78  
27 percent of the state penalty funds deposited in the State Penalty  
28 Fund during the preceding month. The amount so transferred  
29 shall not exceed the sum of eight hundred fifty thousand dollars  
30 (\$850,000) in any fiscal year. The remainder in excess of eight  
31 hundred fifty thousand dollars (\$850,000) shall be transferred to  
32 the Restitution Fund.

33 (7) Once a month there shall be transferred into the  
34 Victim-Witness Assistance Fund an amount equal to ~~8.64~~ 16.64  
35 percent of the state penalty funds deposited in the State Penalty  
36 Fund during the preceding month.

37 (8) (A) Once a month there shall be transferred into the  
38 Traumatic Brain Injury Fund, created pursuant to Section 4358 of  
39 the Welfare and Institutions Code, an amount equal to 0.66  
40 percent of the state penalty funds deposited into the State Penalty

1 Fund during the preceding month. However, the amount of funds  
2 transferred into the Traumatic Brain Injury Fund for the 1996–97  
3 fiscal year shall not exceed the amount of five hundred thousand  
4 dollars (\$500,000). Thereafter, funds shall be transferred  
5 pursuant to the requirements of this section. Notwithstanding any  
6 other provision of law, the funds transferred into the Traumatic  
7 Brain Injury Fund for the 1997–98, 1998–99, and 1999–2000  
8 fiscal years, may be expended by the State Department of Mental  
9 Health, in the current fiscal year or a subsequent fiscal year, to  
10 provide additional funding to the existing projects funded by the  
11 Traumatic Brain Injury Fund, to support new projects, or to do  
12 both.

13 *(9) Once a month there shall be transferred into the*  
14 *Multidisciplinary Interview Center Fund, created pursuant to*  
15 *subdivision (c) of Section 11166.6, an amount equal to 8.0*  
16 *percent of the state penalty funds deposited into the State Penalty*  
17 *Fund during the preceding month.*

18 (B) Any moneys deposited in the State Penalty Fund  
19 attributable to the assessments made pursuant to subdivision (i)  
20 of Section 27315 of the Vehicle Code on or after the date that  
21 Chapter 6.6 (commencing with Section 5564) of Part 1 of  
22 Division 5 of the Welfare and Institutions Code is repealed shall  
23 be utilized in accordance with paragraphs (1) to (8), inclusive, of  
24 this subdivision.

25 SEC. 3. Section 11166.6 is added to the Penal Code, to read:

26 11166.6. (a) Each county may establish multidisciplinary  
27 teams or multidisciplinary centers to coordinate the activities of  
28 the various agencies involved in the investigation and  
29 prosecution of alleged child abuse, including those that provide  
30 medical services and follow-up treatment to victims of child  
31 abuse. The purpose of these teams or centers is to protect victims  
32 of child abuse by minimizing traumatizing interviews through the  
33 coordination of efforts of district attorneys, child welfare social  
34 workers, law enforcement, and medical personnel, among others,  
35 and to assist prosecution by reducing the chances of conflicting  
36 or inaccurate information by asking age-appropriate questions to  
37 help procure information that is admissible in court.

38 (b) (1) Members of the multidisciplinary team or  
39 multidisciplinary center shall, at a minimum, consist of a  
40 representative from the district attorney's office, the sheriff's

1 department, a police department, child protective services, and  
2 may include medical and mental health professionals.

3 (2) Members of the local multidisciplinary team or center shall  
4 be trained to conduct child forensic interviews. The training shall  
5 include instruction in risk assessment, the dynamics of child  
6 abuse, child sexual abuse and rape of children, and legally sound  
7 and age-appropriate interview and investigation techniques.

8 (c) The Multidisciplinary Interview Center Fund is hereby  
9 created for the purposes of supporting county multidisciplinary  
10 center interview programs.

11 SEC. 4. Section 11166.7 is added to the Penal Code, to read:

12 11166.7. To qualify for state funding pursuant to Section  
13 13969.7 of the Government Code, each county that establishes a  
14 multidisciplinary team or center pursuant to Section 11166.6  
15 shall adopt a written protocol as follows:

16 (a) Each county shall develop an interagency protocol  
17 agreement for the investigation of child abuse and neglect that  
18 shall be signed by appropriate persons from the office of the  
19 district attorney, the sheriff's department, the police department,  
20 child protective services or an equivalent agency administering  
21 child welfare, and public health and medical examiners.

22 (b) The protocol agreement may include, but is not limited to,  
23 the following additional entities:

- 24 (1) School districts.
- 25 (2) Probation departments.
- 26 (3) Courts.
- 27 (4) County counsel.
- 28 (5) Tribal council representatives.
- 29 (6) Clergy.
- 30 (7) Regional centers.
- 31 (8) Mental health.
- 32 (9) Counsel for children.
- 33 (10) CASA(Court Appointed Special Advocates).
- 34 (11) Ancillary law enforcement agencies, including the federal  
35 government and the military.
- 36 (12) Victim witness programs.
- 37 (13) Child abuse councils.

38 (c) Each protocol agreement shall include the following:

- 39 (1) A mission goal and mission statement.
- 40 (2) Written standards and procedures.

- 1 (3) A procedure for periodic review by all agencies involved.  
2 (4) A procedure for dissemination to all parties involved.  
3 (5) A procedure for training about the requirements of the  
4 protocol agreement.  
5 (6) Recognition of the need for ongoing training procedures  
6 for professionals involved in the investigation of child abuse.  
7 (7) Hiring requirements that specify that staff shall have  
8 knowledge of the language and cultural needs of the victims of  
9 child abuse.
- 10 (d) The protocol agreement shall address all children,  
11 including children with special needs, suspected of being abused  
12 or neglected in the following situations:
- 13 (1) Intrafamily or in the home.  
14 (2) Out-of-home care facilities, including, but not limited to,  
15 day care, group homes, public or private schools, foster care, and  
16 licensed facilities.  
17 (3) Perpetration by a stranger.  
18 (4) Siblings of a child abuse fatality victim.  
19 (5) Homes with domestic violence.
- 20 (e) The protocol agreement shall address the following  
21 sequence of responses that takes into account the emotional and  
22 physical well-being of the child victim:
- 23 (1) The initial response following a referral shall be  
24 coordinated among first responders to reduce repetitive  
25 interviews with or questions to the child. Specifically, the  
26 protocol agreement shall outline the procedures by which first  
27 responders share information with each other. For the purposes  
28 of this section, “first responders” means officials from a child  
29 protective service agency or a law enforcement agency.  
30 (2) Investigative procedures for forensic evidence gathering.  
31 (3) Child abuse reporting procedures and cross-reporting  
32 procedures.  
33 (4) Minimum standards for levels of professional competency.  
34 (5) Knowledge of legal authority.  
35 (6) Procedures for sharing information with all the parties  
36 involved in the investigation.  
37 (7) Procedures for getting information about the child victim  
38 back to reporters.  
39 (8) Procedures for transporting a child, specifying who may  
40 take the child, where the child may be taken, and under what

1 conditions the child may be taken. In addition, there shall also be  
2 procedures for transporting family members if the need arises.

3 (9) Procedures to ensure that a child with special needs  
4 receives prescribed medication or has special equipment, such as  
5 a wheelchair.

6 (f) Procedures shall also include the following considerations  
7 for forensic evidentiary interviews and medical examinations:

8 (1) The qualification of personnel conducting the interview or  
9 examination.

10 (2) The location of the interview or examination.

11 (3) The procedures for documentation.

12 (4) The guidelines for deciding which agency budget will  
13 cover the cost of examinations and interviews.

14 (5) The definition or criteria under which a child qualifies for  
15 an examination or interview.

16 (g) The protocol agreement shall address the following issues:

17 (1) Procedures for dealing with the denial of entry to any of  
18 the responders to a referral for child abuse or neglect.

19 (2) Procedures for obtaining the necessary consent for medical  
20 examinations and forensic interviews.

21 (3) Procedures for sharing information among mandated  
22 reporters, first responders, professionals, and follow-up  
23 investigations.

24 (4) Procedures for sharing information among professional  
25 child abuse investigators that address issues of confidentiality.

26 (5) Procedures for providing information about protective  
27 orders, prior history criminal background checks, court actions,  
28 and placement orders.

29 (6) Procedures for emergency situations or professional  
30 judgment that allow for deviation from the protocols.

31 (7) Procedures to develop a tracking system to receive and  
32 coordinate all information relating to a case of child abuse that is  
33 in the possession of any agency involved in the investigation or  
34 prosecution of child abuse, including law enforcement agencies,  
35 child protective service agencies, county welfare agencies, and  
36 licensing agencies.

37 (h) The protocol agreement shall explain how the interagency  
38 protocol for child abuse investigation interfaces with or  
39 acknowledges the protocols of individual agencies involved and

- 1 shall include procedures for resolving any conflicts among those
- 2 protocols.

O