

ASSEMBLY BILL

No. 1955

Introduced by Assembly Member Leslie

February 2, 2006

An act to add Chapter 2.8 (commencing with Section 16180) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1955, as introduced, Leslie. California Foster Care Investigative Procedures Act of 2006.

(1) Existing law establishes procedures for the placement of children in foster care, with these provisions administered by the State Department of Social Services and county licensing agencies.

This bill would enact the California Foster Care Investigative Procedures Act of 2006, which would require the State Department of Social Services or county licensing agencies to take various actions to ensure the efficient investigation of complaints against a foster parent or family. The bill would require the department, or a county foster care licensing agency, in the process of investigating a complaint against a foster parent or foster family, to consider a foster care client's documented history of filing complaints, if any, including any history of making false accusations against a foster parent or foster family. The bill would require the department or a county licensing agency, if it determines that there is no reasonable basis for a complaint filed against a foster parent or foster family, to ensure that any record of the complaint be removed from a specified Child Abuse Central Index. The bill would guarantee certain rights to a foster parent or family that is the subject of an investigation pursuant to the bill.

By imposing additional duties on county licensing agencies, the bill would constitute 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. Chapter 2.8 (commencing with Section 16180)
2 is added to Part 4 of Division 9 of the Welfare and Institutions
3 Code, to read:

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5 CHAPTER 2.8. CALIFORNIA FOSTER CARE INVESTIGATIVE
6 PROCEDURES ACT OF 2006
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8 16180. (a) This act shall be known, and may be cited, as the
9 California Foster Care Investigative Procedures Act of 2006.

10 (b) (1) The department, or a county licensing agency, shall, in
11 the process of investigating a complaint against a foster parent or
12 foster family, consider a foster care client’s documented history
13 of filing complaints, if any, including any history of making false
14 accusations against a foster parent or foster family.

15 (2) If the department or a county licensing agency determines
16 that there is no reasonable basis for the complaint, the department
17 or county licensing agency shall ensure that any record of the
18 false complaint is removed from the Child Abuse Central Index,
19 maintained pursuant to Section 11170 of the Penal Code.

20 (c) (1) The department or a county licensing agency shall
21 ensure that, if it conducts any investigative interview with a
22 foster parent or foster family in connection with the investigation
23 of a complaint, a representative of the foster care agency
24 responsible for the placement of the client in a foster home is
25 present at the interview, unless the right to have that

1 representative present is waived, in writing, by the foster parent
2 or other individual representing the foster family that is subject to
3 the investigation.

4 (2) If a representative of the foster care agency is not available
5 to be present at an interview conducted pursuant to paragraph (1),
6 the foster parent or family may designate another person to be
7 present and serve as a witness at the interview.

8 (d) Any person who is suspected of the abuse or neglect of a
9 child client who is in foster care and who is the subject of an
10 investigation under this section may tape-record any interview or
11 other communication between himself or herself and staff of the
12 department or a county licensing agency in the course of any
13 investigation or family assessment carried out pursuant to this
14 section, in which case the interview may also be recorded by the
15 department, or a county licensing agency, if both of the following
16 requirements are met:

17 (1) All the parties participating in the interview or
18 communication are aware that the conversation is to be recorded.

19 (2) All the parties verbally consent to the recording at the
20 beginning of the recorded communication.

21 (e) Nothing in this section shall be construed to prohibit or
22 otherwise interfere with the timely removal of a child in foster
23 care whose safety or well-being may be at risk.

24 SEC. 2. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.