

AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1955**

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**Introduced by Assembly Member Leslie**

February 2, 2006

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~~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.— An act to add Section 1534.2 to the Health and Safety Code, relating to foster family homes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1955, as amended, Leslie. ~~California Foster Care Investigative Procedures Act of 2006.—Community care facilities: foster homes: investigations.~~

~~(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.—Existing law, the Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including foster family homes, by the State Department of Social Services. Existing law provides for the certification of foster homes by foster family agencies.~~

~~This bill would require the department, in the process of investigating an abuse complaint against a foster parent or foster family, to consider, a foster care client's documented history of making any false accusations against a foster parent or foster family, to the extent such a documented history exists, or is known to be true by the investigator conducting the investigation. The bill would authorize a foster parent or foster family that is the subject of an investigation, if the department determines a complaint investigation~~

*to be inconclusive or unfounded, to request that the foster care client be removed from the home, subject to applicable laws or regulations regarding notification and procedures for changing the placement of a child in foster care, and taking into consideration the rights of a foster child, as prescribed. The bill would prescribe procedures for the conduct of an investigative interview with a foster parent or foster family in connection with the investigation of a complaint, and would require that a representative of the county licensing agency responsible for the placement of the foster care client in a foster home comply with specified requirements with regard to the investigation of those complaints.*

~~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. Section 1534.2 is added to the Health and Safety*  
2 *Code, to read:*

3     1534.2. (a) *The department shall, in the process of*  
4 *investigating an abuse complaint against a foster parent or a*  
5 *foster family, consider a foster care client's documented history*  
6 *of making false accusations against a foster parent or foster*  
7 *family, to the extent such a documented history exists, or is*  
8 *known to be true by the investigator conducting the investigation.*  
9 *If a foster care client is determined by the department to have a*  
10 *history of making a false allegation against a foster parent or*  
11 *foster family, that history shall not invalidate the allegation*  
12 *being investigated, but shall be considered as a factor in making*  
13 *any final determination with respect to the client's placement in*  
14 *foster care.*

15     (b) *Any foster care client who is the subject of an investigation*  
16 *pursuant to this section may submit a written statement about the*  
17 *complaint or investigation, which shall be included as part of the*  
18 *client's and the foster parent or foster family's documented*  
19 *record. If the foster care client is unable to make a written*  
20 *statement an oral statement may be taken by the investigator.*

21     (c) *If the department determines that a complaint investigation*  
22 *is inconclusive or unfounded, the foster parent or foster family*  
23 *that is the subject of the investigation may request that the foster*  
24 *care client be removed from the home, subject to applicable laws*  
25 *and regulations regarding notification and procedures for*  
26 *changing the placement of a foster youth in foster care, and*  
27 *taking into consideration the policies of the state with regard to*  
28 *children in foster care, as provided in Section 16001.9 of the*  
29 *Welfare and Institutions Code.*

30     (d) *If the department conducts any investigative interview with*  
31 *a foster parent or foster family in connection with the*  
32 *investigation of a complaint pursuant to this section, and the*  
33 *foster parent or family that is the subject of the investigation is*  
34 *represented by a local county licensing agency that is*  
35 *responsible for placing the foster care client with the foster*  
36 *parent or foster family, the department shall notify a*  
37 *representative of the agency that he or she may be present, but*  
38 *may not participate at, the investigative interview, unless the*

1 right to have the representative present is waived, in writing, by  
2 the foster parent or other individual representing the foster  
3 family that is subject to the investigation. The investigator may  
4 conduct the interview without the representative from the county  
5 licensing agency if, after waiting a reasonable period of time, not  
6 exceeding 30 minutes after the scheduled time for the interview  
7 to begin, absent a showing of good cause by representative for  
8 his or her failure to appear.

9 (e) The department shall inform the foster parent or  
10 representative of the foster family being interviewed that they  
11 have the right to tape record the interview if all parties present  
12 are aware of, and agree to, the taping.

13 (f) Nothing in this section shall be construed to prohibit or  
14 otherwise interfere with the timely removal of a child or other  
15 foster care client in foster care whose safety or well-being may  
16 be at risk.

17 (g) This section shall not apply to any criminal or other  
18 investigation that may be carried out by any law enforcement  
19 agencies that may involve a foster child or other client, foster  
20 parent, or foster family.

21 SECTION 1. ~~Chapter 2.8 (commencing with Section 16180)~~  
22 ~~is added to Part 4 of Division 9 of the Welfare and Institutions~~  
23 ~~Code, to read:~~

24  
25 CHAPTER 2.8. CALIFORNIA FOSTER CARE INVESTIGATIVE  
26 PROCEDURES ACT OF 2006  
27

28 16180. (a) This act shall be known, and may be cited, as the  
29 California Foster Care Investigative Procedures Act of 2006.

30 (b) (1) ~~The department, or a county licensing agency, shall, in~~  
31 ~~the process of investigating a complaint against a foster parent or~~  
32 ~~foster family, consider a foster care client's documented history~~  
33 ~~of filing complaints, if any, including any history of making false~~  
34 ~~accusations against a foster parent or foster family.~~

35 (2) ~~If the department or a county licensing agency determines~~  
36 ~~that there is no reasonable basis for the complaint, the department~~  
37 ~~or county licensing agency shall ensure that any record of the~~  
38 ~~false complaint is removed from the Child Abuse Central Index,~~  
39 ~~maintained pursuant to Section 11170 of the Penal Code.~~

1 ~~(e) (1) The department or a county licensing agency shall~~  
2 ~~ensure that, if it conducts any investigative interview with a~~  
3 ~~foster parent or foster family in connection with the investigation~~  
4 ~~of a complaint, a representative of the foster care agency~~  
5 ~~responsible for the placement of the client in a foster home is~~  
6 ~~present at the interview, unless the right to have that~~  
7 ~~representative present is waived, in writing, by the foster parent~~  
8 ~~or other individual representing the foster family that is subject to~~  
9 ~~the investigation.~~

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

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

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

25 ~~(2) All the parties verbally consent to the recording at the~~  
26 ~~beginning of the recorded communication.~~

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

30 ~~SEC. 2. If the Commission on State Mandates determines that~~  
31 ~~this act contains costs mandated by the state, reimbursement to~~  
32 ~~local agencies and school districts for those costs shall be made~~  
33 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
34 ~~4 of Title 2 of the Government Code.~~