

Senate Bill No. 1352

Passed the Senate May 3, 2012

Secretary of the Senate

Passed the Assembly June 18, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 11166.3 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 1352, Corbett. Child abuse: investigation and prosecution: child advocacy centers.

Existing law states the intent of the Legislature that the law enforcement agencies and the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified.

This bill would authorize each county to establish a child advocacy center to coordinate the investigation and prosecution of child abuse. The bill would provide that if a county establishes a child advocacy center, the center shall consist of a representative from the district attorney's office, the sheriff's department or police department, or both those departments, and child protective services and may also include representatives from medical and mental health, victim advocacy, and any other agency relevant to the identification, investigation, prosecution, and treatment of child abuse. The bill would authorize each county to develop an interagency protocol agreement for the collaborative investigation of child abuse and neglect and would require any member of the child advocacy center to sign the protocol. The bill would require the protocol to define the multidisciplinary team, and to detail how the team will work together, as provided.

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

SECTION 1. Section 11166.3 of the Penal Code is amended to read:

11166.3. (a) The Legislature intends that in each county the law enforcement agencies and the county welfare or probation department shall develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. The local law enforcement agency having jurisdiction over a case reported under Section 11166 shall report to the county welfare or probation department that it is investigating the case within 36 hours after starting its investigation. The county welfare department or probation department shall, in cases where a minor is a victim of actions specified in Section 288 of this code and a petition has been filed pursuant to Section 300 of the Welfare and Institutions Code with regard to the minor, evaluate what action or actions would be in the best interest of the child victim. Notwithstanding any other provision of law, the county welfare department or probation department shall submit in writing its findings and the reasons therefor to the district attorney on or before the completion of the investigation. The written findings and the reasons therefor shall be delivered or made accessible to the defendant or his or her counsel in the manner specified in Section 859.

(b) The local law enforcement agency having jurisdiction over a case reported under Section 11166 shall report to the district office of the State Department of Social Services any case reported under this section if the case involves a facility specified in paragraph (5) or (6) of subdivision (a) of Section 1502, Section 1596.750 or 1596.76 of the Health and Safety Code, and the licensing of the facility has not been delegated to a county agency. The law enforcement agency shall send a copy of its investigation report and any other pertinent materials to the licensing agency upon the request of the licensing agency.

(c) (1) A multidisciplinary approach for the response to allegations of child abuse and neglect has been found most effective and least traumatic when coordinated through a child advocacy center. Each county is authorized to establish a child advocacy center to coordinate the investigation and prosecution of child abuse.

(A) A child advocacy center is a child-focused, facility-based program in which representatives from many disciplines, including law enforcement, child protection, prosecution, medical and mental health, and victim and child advocacy, work together to conduct interviews and make team decisions about the investigation, treatment, management, and prosecution of child abuse cases. This multidisciplinary team approach protects victims of child abuse from multiple interviews, results in a more complete understanding of case issues and provides the most effective child- and family focused system response possible.

(B) If a county establishes a child advocacy center, to maximize the center's effectiveness, each child advocacy center shall consist of a representative from the district attorney's office, the sheriff's department, the police department, and child protective services. Members may also include representatives from medical and mental health, victim advocacy, and any other agency relevant to the identification, investigation, prosecution, and treatment of child abuse.

(2) To further a multidisciplinary response, each county may develop an interagency protocol agreement for the collaborative investigation of child abuse and neglect signed by the district attorney's office, the sheriff's department or police department, or both those departments, and child protective services. Any other agency relevant to the identification, investigation, prosecution, and treatment of child abuse, including, but not limited to, medical and mental health, and victim advocacy, may also sign the protocol. Any member of the child advocacy center shall sign the protocol.

(3) If a county enters into an interagency protocol agreement signed pursuant to paragraph (2), the agreement shall define the county's multidisciplinary team, the victims who the multidisciplinary team serves, and the policies and practices directing how the multidisciplinary team will work together to accomplish the following:

(A) Respond effectively to reports of child abuse and neglect.

(B) Collect high-quality information to ensure children are protected and offenders held accountable.

(C) Keep the needs of victims and their families at the forefront of the investigation.

(D) Connect victims and families to necessary medical, therapeutic, and legal support.

Approved _____, 2012

Governor