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SB-478 Child Abuse and Neglect Reporting Act: mandated reporters: pilot program. (2015-2016)

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Senate Bill No. 478

CHAPTER 490

An act to add and repeal Section 11166.02 of the Penal Code, and to add and repeal Section 10612.5 of the Welfare and Institutions Code, relating to child abuse.

[Approved by Governor October 04, 2015. Filed with Secretary of State October 04, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 478, Huff. Child Abuse and Neglect Reporting Act: mandated reporters: pilot program.

The Child Abuse and Neglect Reporting Act requires a mandated reporter, as defined, to make a report to a specified agency whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law further requires the mandated reporter to make an initial report by telephone to the agency immediately or as soon as is practicably possible, and to prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident.

This bill, until January 1, 2021, would authorize certain county welfare agencies to develop a pilot program for Internet-based reporting of child abuse and neglect, as specified. The bill would impose specified standards on a county that participates in the pilot program. The bill would also require the State Department of Social Services to consult with the County Welfare Directors Association of California and the county welfare agencies of the individual counties to determine which counties may be involved in the pilot program. The bill would require the department to oversee and administer the pilot program, and require a county that chooses to participate in the pilot program to hire an evaluator to monitor implementation of the program. The bill would require a county that participates in the pilot program to develop outcome measures that determine the effectiveness of the pilot program of the county, as specified, and report to specified committees of the Legislature on or before January 1, 2020, on the effectiveness of the pilot program. The bill would authorize the department to conclude the pilot program prior to January 1, 2021, if the evaluation and monitoring indicate that implementation of the program compromises the safety of children.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11166.02 is added to the Penal Code, to read:

11166.02. (a) A county welfare agency, as determined in Section 10612.5 of the Welfare and Institutions Code, may develop a pilot program for Internet-based reporting of child abuse and neglect. The pilot program may receive reports by mandated reporters, as specified in paragraph (5), of suspected child abuse or neglect and shall meet all of the following conditions:

(1) The suspected child abuse or neglect does not indicate that the child is subject to an immediate risk of abuse, neglect, or exploitation or that the child is in imminent danger of severe harm or death.

(2) The agency provides an Internet form that includes standardized safety assessment qualifying questions in order to obtain necessary information required to assess the need for child welfare services and a response. The State Department of Social Services shall provide guidance through written directives to counties participating in the pilot program to incorporate qualifying questions in the online report that would indicate the need to redirect the mandated reporter to perform a telephone report.

(3) The mandated reporter is required to complete all required fields, including identity and contact information of the mandated reporter, in order to submit the report.

(4) The agency provides an Internet-based reporting system that has appropriate security protocols to preserve the confidentiality of the reports and any documents or photographs submitted through the system.

(5) The system can only be used by mandated reporters who are any of the following:

(A) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(B) A probation officer or social worker, as defined in Section 215 of the Welfare and Institutions Code.

(C) A school teacher, counselor, or administrator.

(D) A physician and surgeon, psychologist, licensed nurse, or clinical social worker licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code.

(E) A coroner.

(6) Nothing in this section shall be construed as changing current statutory or regulatory requirements regarding timely review, assessment, and response to reports of possible abuse or neglect.

(b) (1) In a county where the pilot program is active, a mandated reporter listed in paragraph (5) of subdivision (a) may use the Internet-based reporting tool in lieu of the required initial telephone report required by subdivision (a) of Section 11166. A mandated reporter listed in paragraph (5) of subdivision (a) submitting an Internet-based report in accordance with this subdivision shall, as soon as practically possible, cooperate with the agency on any requests for additional information if needed to investigate the report, subject to applicable confidentiality requirements.

(2) In a county where the pilot program is active, a mandated reporter who submits the initial report through the Internet-based reporting tool in lieu of the required initial telephone report is not required to submit the written followup report required pursuant to subdivision (a) of Section 11166.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 2. Section 10612.5 is added to the Welfare and Institutions Code, to read:

10612.5. (a) The department shall consult with the County Welfare Directors Association of California and any interested county welfare agencies to determine which counties may be involved in the pilot program established pursuant to Section 11166.02 of the Penal Code. The pilot program may operate in up to 10 counties.

(b) The department shall oversee and administer the pilot program through the issuance of written directives that shall have the same force and effect as regulations. The directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) A county that chooses to participate in the pilot program shall hire an evaluator to monitor the implementation of the program in accordance with directives issued by the department pursuant to subdivision (b).

(d) (1) In addition to any requirements set forth by the department under this section, a county that participates in the pilot program shall, in collaboration with the County Welfare Directors Association of California and the department, develop outcome measures to determine the effectiveness of the pilot program of the county during the duration of the pilot program, which may include the following:

(A) The number of reports provided by telephone and any increase or decrease in the usage of telephone reports.

(B) The number of reports provided through the Internet-based reporting system and any increase or decrease in usage of the system.

(C) Any increase or decrease in the number of emergency or nonemergency telephone reports.

(D) Any increase or decrease in the overall number of emergency or nonemergency reports.

(2) A county that participates in the pilot program shall, on or before January 1, 2020, provide information to the Assembly Committee on Human Services and the Senate Committee on Human Services pertaining to the effectiveness of the pilot program based on the outcome measures developed pursuant to this subdivision.

(e) The department may conclude the pilot program on a county-by-county basis prior to January 1, 2021, if the evaluation and monitoring indicate the pilot program is compromising the safety of children.

(f) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.