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AB-1929 Child abuse and neglect reporting. (2019-2020)

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Assembly Bill No. 1929

CHAPTER 242

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

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1929, Blanca Rubio. Child abuse and neglect reporting.

The existing 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 the mandated reporter's professional capacity or within the scope of that reporter's 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.

Existing law, only until January 1, 2021, authorizes certain county welfare agencies to develop a pilot program for internet-based reporting of child abuse and neglect, as specified, by specified mandated reporters. Existing law, only until January 1, 2021, also requires 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 and to oversee and administer the pilot program. Existing law requires a county that chooses to participate in the pilot program to hire an evaluator to monitor implementation of the program, to develop outcome measures that determine the effectiveness of the pilot program of the county, as specified, and to report to specified committees of the Legislature on or before January 1, 2020, on the effectiveness of the pilot program. Existing law authorizes the department to conclude a county pilot program prior to January 1, 2021, if the evaluation and monitoring indicate that implementation of the program compromises the safety of children.

This bill would extend operation of the pilot program indefinitely and would permit the reporting system developed to receive reports from any mandated reporter. The bill would require a county that establishes and develops a system for internet-based reporting of child abuse and neglect to report on the efficiency of the system, based on developed outcome measures, to specified legislative committees within 2 years of establishing the system. The bill would require a county to decommission its system for internet-based reporting of child abuse and neglect when the State Department of Social Services notifies counties that internet-based reporting of child abuse and neglect is available and functional within the statewide comprehensive child welfare information system. The bill would require a county that chooses to participate in the program to hire an evaluator to monitor the implementation of the program and submit evaluations to the State Department of Social Services, as specified.

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 of the Penal Code is amended to read:

11166.02. (a) A county welfare agency, in accordance with Section 10612.5 of the Welfare and Institutions Code, may develop a program for internet-based reporting of child abuse and neglect. The program may receive reports by mandated reporters, as defined in Section 11165.7, 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 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) This section does not change 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 program is active, a mandated reporter 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 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 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) A county shall decommission its system for internet-based reporting of child abuse and neglect, as developed pursuant to this section, when the State Department of Social Services notifies counties that internet-based reporting of child abuse and neglect is available and functional within the statewide comprehensive child welfare information system.

SEC. 2. Section 10612.5 of the Welfare and Institutions Code is amended to read:

10612.5. (a) The department shall oversee the program for internet-based reporting of child abuse and neglect pursuant to Section 11166.02 of the Penal Code 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).

(b) A county that chooses to participate in the program shall hire an evaluator to monitor the implementation of the program and submit evaluations to the State Department of Social Services during the first two years of implementation. The department may authorize additional time if needed, as determined by the department after consultation with the county, in accordance with directives issued by the department pursuant to subdivision (a). At a minimum, the evaluations shall address the outcome measures described in subdivision (c).

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

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

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

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

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

(d) A county that participates in the program shall, within two years of the county's implementation, provide information to the Assembly Committee on Human Services and the Senate Committee on Human Services pertaining to the effectiveness of the program based on the outcome measures developed pursuant to subdivision (c).

(e) The department may conclude the program on a county-by-county basis if the evaluation and monitoring indicate the program is compromising the safety of children.