



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**SB-436 Office of Child Abuse Prevention.** (2019-2020)

SHARE THIS:  

Date Published: 10/02/2019 09:00 PM

**Senate Bill No. 436**

**CHAPTER 476**

An act to amend Sections 18951, 18958, and 18961.7 of the Welfare and Institutions Code, relating to child abuse.

[ Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 436, Hurtado. Office of Child Abuse Prevention.

Under existing law, the Office of Child Abuse Prevention is established in the State Department of Social Services and is required to apply for federal funding for the administration of its functions. Existing law requires the office to use those funds to undertake specified activities, including, among other things, assisting and providing funds for the coordination of child abuse prevention programs.

This bill would also require the office to use those funds to support coordination and sharing of best practices implemented by family resource centers. The bill would define a "family resource center" for the purposes of these provisions.

Existing law authorizes a county to establish a child abuse multidisciplinary personnel team, consisting of specified individuals, within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect.

This bill would authorize the team to also include a representative of a local child abuse prevention council or family-strengthening organization, including, but not limited to, a family resource center.

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

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

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) Families and parents are primarily responsible for supporting children's development and well-being at all ages and stages, and for preparing a child for success in school and life.
- (b) Families benefit from voluntary preventive or enriching assistance to develop their parenting skills. Connections to resources and support systems benefit parents, caregivers, and children.
- (c) Family resource centers play a critical and central role in preventing child abuse and neglect, strengthening children and families, and connecting families to an array of county support systems of care.

(d) Family resource centers also play a key connecting role for family-impacting agencies and programs, creating opportunities for community-level coordination and sustainability of supports to families.

(e) Established pursuant to Proposition 10 (California Children and Families Act of 1998), many First 5 county commissions across the state have funded family resiliency and family strengthening efforts, including family resource centers, and helped ensure that the commissions connect to systems of care within that county, provide data collection and evaluation metrics, and serve as an administrative backbone to blend and leverage multiple funding streams.

(f) It is critical that sustainable funding streams be developed in the coming years to support family resource centers and build on the significant investments that public and private entities, such as First 5 county commissions, and communities have made to ensure that the quality of programs and services, funding for infrastructure and core services, and training are maintained.

**SEC. 2.** Section 18951 of the Welfare and Institutions Code is amended to read:

**18951.** As used in this chapter:

(a) "Child" means an individual under 18 years of age.

(b) "Child services" means services for or on behalf of children, and includes the following:

(1) Protective services.

(2) Caretaker services.

(3) Daycare services, including dropoff care.

(4) Homemaker services or family aides.

(5) Counseling services.

(c) "Adult services" means services for or on behalf of a parent of a child, which shall include, but not be limited to, the following:

(1) Access to voluntary placement, long or short term.

(2) Counseling services before and after a crisis.

(3) Homemaker services or family aides.

(d) "Multidisciplinary personnel" means a team of three or more people who are trained in the prevention, identification, management, or treatment of child abuse or neglect cases and who are qualified to provide a broad range of services related to child abuse or neglect. The team may include, but need not be limited to, any of the following:

(1) Psychiatrists, psychologists, marriage and family therapists, clinical social workers, professional clinical counselors, or other trained counseling personnel.

(2) Police officers or other law enforcement agents.

(3) Medical personnel with sufficient training to provide health services.

(4) Social workers with experience or training in child abuse prevention, identification, management, or treatment.

(5) A public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee.

(6) A CalWORKs case manager whose primary responsibility is to provide cross program case planning and coordination of CalWORKs and child welfare services for those mutual cases or families that may be eligible for CalWORKs services and that, with the informed written consent of the family, receive cross program case planning and coordination.

(7) A representative of a local child abuse prevention council or family strengthening organization, including, but not limited to, a family resource center.

(e) "Child abuse" as used in this chapter means a situation in which a child suffers from any one or more of the following:

(1) Serious physical injury inflicted upon the child by other than accidental means.

(2) Harm by reason of intentional neglect or malnutrition or sexual abuse.

(3) Going without necessary and basic physical care.

(4) Willful mental injury, negligent treatment, or maltreatment of a child by a person who is responsible for the child's welfare under circumstances that indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.

(5) Any condition that results in a violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

(f) "Parent" means a person who exercises care, custody, and control of the child as established by law.

(g) "Family resource center" means an entity providing family-centered and family-strengthening services that are embedded in communities, culturally sensitive, and include cross-system collaboration to assist in transforming families and communities through reciprocity and asset development based on impact-driven and evidence-informed approaches with the goal of preventing child abuse and neglect and strengthening children and families. A family resource center may be located in, or administered by, different entities, including, but not limited to, a local educational agency, a community resource center, or a neighborhood resource center.

**SEC. 3.** Section 18958 of the Welfare and Institutions Code is amended to read:

**18958.** The Office of Child Abuse Prevention shall apply for federal funding for the administration of its functions under this chapter. The office shall use these funds to do all of the following:

(a) Provide technical assistance, either directly or through grant or contract pursuant to Section 16304 of the Government Code, to public and private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

(b) Compile training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect.

(c) Assist and provide funds for the coordination of child abuse prevention programs.

(d) Develop and establish other innovation programs in child abuse prevention where the office finds a need for the programs.

(e) Conduct research and collect data relevant to the determination of the effectiveness of child abuse prevention programs.

(f) Support coordination and sharing of best practices implemented by family resource centers with other agencies, when the best practices reflect strategies and outcomes that were achieved and supported by evidence-informed programs and data.

**SEC. 4.** Section 18961.7 of the Welfare and Institutions Code is amended to read:

**18961.7.** (a) Notwithstanding any other law, a county may establish a child abuse multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect made pursuant to Section 11160, 11166, or 11166.05 of the Penal Code, or for the purpose of child welfare agencies making a detention determination.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) "Child abuse multidisciplinary personnel team" means a team of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:

(A) Psychiatrists, psychologists, marriage and family therapists, clinical social workers, professional clinical counselors, or other trained counseling personnel.

(B) Police officers or other law enforcement agents.

(C) Medical personnel with sufficient training to provide health services.

(D) Social services workers with experience or training in child abuse prevention.

(E) A public or private school teacher, administrative officer, supervisor of child welfare attendance, or certified pupil personnel employee.

(F) A representative of a local child abuse prevention council or family-strengthening organization, including, but not limited to, a family resource center.

(2) "Provider agency" means a governmental or other agency that has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families that may share information under this section shall include, but not be limited to, the following entities or service agencies:

(A) Social services.

(B) Children's services.

(C) Health services.

(D) Mental health services.

(E) Probation.

(F) Law enforcement.

(G) Schools.

(c) (1) Notwithstanding Section 827 of the Welfare and Institutions Code or any other law, during a 30-day period, or longer if documented good cause exists, following a report of suspected child abuse or neglect, members of a child abuse multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse may disclose to and exchange with one another information and writings that relate to any incident of child abuse that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. A discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential and, notwithstanding any other law, testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically and electronically if there is adequate verification of the identity of the child abuse multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the child abuse multidisciplinary personnel team, and those qualified to receive information as set forth in subdivision (d).

(d) The child abuse multidisciplinary personnel team may designate persons qualified pursuant to paragraph (1) of subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (f).

(e) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the child abuse multidisciplinary personnel team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the child abuse multidisciplinary personnel team.

(f) Every member of the child abuse multidisciplinary personnel team who receives information or records regarding children and families in the member's capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by all providers and agencies, as well as information and records created in the course of a child abuse or neglect investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.