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**SB-907 Child abuse or neglect investigation: military notification.** (2019-2020)

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**Senate Bill No. 907**

**CHAPTER 233**

An act to add Section 328.1 to the Welfare and Institutions Code, relating to juveniles.

[ Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 907, Archuleta. Child abuse or neglect investigation: military notification.

Existing law provides that a child may be a dependent child of the juvenile court in certain cases, including when the child has suffered, or is at substantial risk of suffering, serious physical harm or illness as a result of the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law requires a social worker who has cause to believe that a child has been abused or neglected to immediately conduct an investigation to determine whether child welfare services should be offered to the family and whether proceedings in the juvenile court should be commenced.

This bill would require a county child welfare department investigating a case of child abuse or neglect to determine if the parent or guardian is an active duty member of the Armed Forces of the United States. The bill would authorize the county child welfare department to develop and adopt memoranda of understanding with military installations that would govern the investigation of allegations of child abuse or neglect against active duty service members, as specified. The bill would specify that these provisions do not limit or change the responsibilities of a county child welfare department with respect to investigations of, or responses to, allegations of abuse or neglect. By imposing additional duties on local officials, this bill would impose 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 no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** Section 328.1 is added to the Welfare and Institutions Code, to read:

**328.1.** (a) A county child welfare department investigating a case of child abuse or neglect involving an allegation against the parent or guardian of the child shall attempt, as soon as practicable, to determine if the parent or guardian is an active duty member of the Armed Forces of the United States.

(b) A county child welfare department may develop and adopt memoranda of understanding with military installations, located in whole or in part within the borders of its jurisdiction, that govern the investigation of allegations of child abuse or neglect against active duty service members assigned to units on those installations. Those memoranda may include, but are not limited to, all of the following:

(1) To whom, how, and when each party would report information about an investigation.

(2) Each party's role and responsibilities when conducting an investigation and in providing child maltreatment prevention or rehabilitative services to a family in response to the results of the investigations, consistent with state and federal law.

(3) Protocols describing what, if any, confidential information may be shared between the parties and for what purposes, in accordance with applicable state and federal law.

(c) This section does not limit or change the responsibilities of a county child welfare department with respect to investigations of, or responses to, allegations of abuse or neglect.

**SEC. 2.** To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.