

AB 395 (Rubio)

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and Senator Beall

30-day Abuse and Neglect Investigations

Bill Summary

The prompt initiation and completion of child abuse and neglect investigations is critical to better protect the health and safety of children in foster care. AB 395 will ensure investigations are completed within 30 days of the receipt of the allegation.

Background

Following media reports of children who died while in foster care, the Office of Inspector General (OIG) investigated whether the California Department of Social Services (CDSS), Community Care Licensing Division (CCLD) ensured that allegations and referrals of abuse and neglect were recorded, investigated, and resolved as required by Federal law.

The report, issued in 2017, discovered CCLD failed to record, investigate, and resolve complaints of abuse or neglect in out-of-home care. For example, it noted that in ten percent of the complaints examined “approximately 2-15 months passed in which no activities were noted to indicate that the complaints were being actively investigated.” The most serious allegations, Priority I and Priority II complaints involving sexual and physical abuse, took an average 172-180 days to be completed and were not properly cross-reported.

A recent lawsuit filed in San Diego confirms that the responses to reports of abuse of children in foster care is not limited to group homes or other facilities. The lawsuit points to two young boys who were repeatedly sexually abused by their foster parent and it had been reported 14 times. An ad hoc committee of the County of San Diego Child Abuse Prevention Coordinating Council (CAPCC) was formed at the request of the Board of Supervisors and the Chief Administrative Officer following high profile reports of children in foster care being sexually abused. The committee examined County of San Diego Child Welfare Services and published recommendations to improve system-wide policies, programs, and practices. AB 395 includes the committee’s recommendations related to improving investigations.

Existing Law

Existing law does not establish a deadline for completion of child abuse and neglect investigations involving abuse or neglect in out-of-home care. The Manual for the CDSS Community Care Licensing Division provides that complaint investigations, including those of high-priority complaints, should be completed within 90 days.

However, the Manual language is not mandatory and as the OIG found, even the Manual’s 90-day deadline is ignored in more than two-thirds of cases.

The Problem

The prompt initiation and completion of child abuse and neglect investigations is important for the collection of information and evidence but, more

importantly, it prevents repeat maltreatment of the child and helps to prevent the same person from victimizing other children.

The current lack of coordination of investigations between the licensing division, law enforcement, counties and other investigative agencies, seriously places children’s health and safety at risk.

Details of the Bill

Improvements to the investigation timeline and process are needed to guarantee proper response to abuse and neglect of children in foster care. This bill establishes standards for investigations of abuse or neglect in out-of-home care by requiring:

- 1) A timely completion of investigations of abuse and neglect;
- 2) Coordination of investigations;
- 3) Notification to the foster care ombudsperson about reports of abuse or neglect and;
- 4) Standardizes elements for investigations of abuse and neglect for children in out-of-home care.

This proposed language follows closely the provision in existing state law applicable to investigations of

elder abuse, as California has recognized the importance of timely and coordinated investigations for this older population. Foster children deserve the same amount of protection under the law.

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