

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



July 30, 1986

ALL-COUNTY INFORMATION NOTICE NO. 1-70-86

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: CHILD ABUSE INVESTIGATIONS ON SCHOOL GROUNDS

This letter responds to questions and/or concerns raised by County Welfare Departments (CWDs) in regards to child abuse investigations on school grounds.

1. QUESTION: Can schools deny CWD social workers access to students?

ANSWER

No. Welfare and Institutions Code (WIC) Section 16504 requires CWDs to respond to reports of suspected child abuse and in many cases face-to-face contact with the child may not be feasible in the home. Due to time constraints to respond to cases where the child may be in imminent danger (WIC Section 328 and Manual of Policies and Procedures (MPP) Division 30, Section 30-132.21), the school may be called upon to provide access to the child. The purpose of the initial contact with the child is to assess the validity of the report and to make a determination concerning whether the child is described by WIC Section 300.

Some school officials cite Education Code Section 32211 as authority for denying CWS staff access to children while in the school. This statute provides that a person who is not either a student, a parent, or school employee, or a person who is required by employment to be in a public school building or on the grounds of the public school, should not be on school property during school hours. It can be argued that a social worker investigating child abuse is required to be on school property when it is necessary to interview the child there. While Education Code Section 32211 can be interpreted as authority to allow social workers access to children in school, it cannot be used as authority to deny access to the child by a CWS worker in fulfillment of other statutory requirements.

Additionally, in parallel circumstances, there are three Attorney General opinions (32 Ops AG 46, 34 Ops AG 93 and 54 Ops AG 96) which deal with the ability of peace officers to interview or arrest minors on school grounds. The opinions all state that school officials have

no absolute right to arbitrarily prohibit peace officers from interviewing children while in school. Education Code Section 33031 allows the State Board of Education to create rules and regulations; however the statute states that the rules and regulations cannot be contrary to law. CWD social workers have the authority under certain circumstances to take a minor into temporary custody without a warrant (WIC Section 306). This statute places no restriction on locations from where the minor may be taken into custody.

In conclusion, school personnel have no statutory or regulatory right or authority to deny social workers access to interview children alleged to be victims of child abuse pursuant to the social worker's responsibilities under the law.

2. QUESTION: Can a school be required to delay contacting a parent(s) until a CWD social worker has completed interviewing a student?

ANSWER

School personnel are mandatory child abuse reporters and should be aware of the social work rationale for delaying contact with the parents to avoid angry confrontation. In parallel situations, Education Code Section 48906 provides that in cases where a peace officer takes a minor into custody who is an alleged victim of child abuse, the school principal is not to notify the child's parents. The principal is to provide the peace officer with the parents' names and address and the peace officer is to contact the parents. Although Education Code Section 48906 does not specifically require the school to delay contacting parents, it can be used as solid rationale for such a delay.

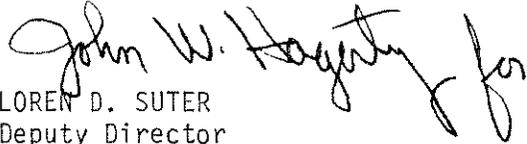
3. QUESTION: Can a school demand that a staff member be present when CWD social workers interview students?

ANSWER

No. Penal Code Section 11167.5 provides that child abuse reports are confidential and may only be disclosed to the enumerated persons and agencies. School personnel are not included as those enumerated. WIC Section 10850 and implementing regulations governing social services confidentiality also apply.

Child abuse reports and investigation results are confidential and are not to be shared. Therefore, school personnel should not attend child abuse interviews with children on school grounds.

If you have any questions, please contact your Adult and Family Services Operations Consultant at (916) 445-0623 or ATSS 8-485-0623.

A handwritten signature in black ink that reads "John W. Haggerty for". The signature is written in a cursive style and is positioned above the typed name.

LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA