

DEPARTMENT OF SOCIAL SERVICES

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February 27, 1985

ALL-COUNTY INFORMATION NOTICE NO. 1-21-85

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY COUNSELS

SUBJECT: 1984 CHAPTERED LEGISLATION - CHILD WELFARE SERVICES

The following information summarizes some issues related to child welfare services which were addressed in bills enacted into law during the 1983-84 legislative session. This summary is for informational purposes and is in addition to the description of more significant issues and implementation steps addressed in other specific All County Letters regarding recently enacted child welfare services legislation.

PARENT/FOSTER PARENT PARTICIPATION IN SERVICES

Chapter 1608 (SB 1293) and Chapter 867 (AB 2712) each amend the Welfare and Institutions Code (WIC) relative to parent/foster parent participation in counseling. Chapter 1608 and Chapter 867 amend WIC Section 361 to require the court to order parental participation in counseling or treatment services when such services have been ordered unless detrimental to the child. Chapter 867 amends WIC Section 362 to authorize the court to order parental - including foster parent - participation in counseling or education programs designed to eliminate those conditions that led to the child being declared a dependent.

LIABILITY OF MANDATED CHILD ABUSE REPORTERS

Chapter 1718 (AB 2710) amends Penal Code Section 11172 to exempt mandated reporters from civil/criminal liability for providing child protective agencies access to suspected victims of child abuse. It also provides the methodology for possible reimbursement by the State Board of Control of attorney fees paid by mandated reporters to defend against legal actions taken against them for disclosure.

LAW ENFORCEMENT REPORTS OF CHILD ABUSE

Chapter 1613 (AB 2709) amends Penal Code Section 11107 to delete the previous requirement for daily reporting by sheriffs and police chiefs of child abuse reports to the Department of Justice. This statute also amends and adds various definitions contained in Penal Code Section 11165. These definitions include, among others, the addition of "intentional failure to provide adequate medical care" to the definition of "severe neglect" and "negligent

failure to provide adequate medical care" to the definition of "general neglect", and a definition for "sexual exploitation". These new and changed definitions will be included in forthcoming amendments to the child welfare services regulations.

CHILD ABANDONMENT

Chapter 1616 (SB 695) adds Penal Code Section 270.5 to make it a misdemeanor for parents to refuse, without legal excuse, as defined, to accept their minor child into their home or to provide alternative shelter upon request to do so by a child protective agency.

NONDISCLOSURE OF CHILD'S LOCATION

Chapter 1712 (AB 2698) amends Education Code Section 48906 to provide for nondisclosure to parents by school officials of the location of a child taken by a peace officer from the school and placed in protective custody. It imposes the responsibility of notification of parents on the peace officer. It further provides the peace officer with discretionary power to delay such disclosure for 24 hours if the child would be endangered by such disclosure. Nondisclosure of a child's whereabouts to parents is also addressed in Chapter 1370 (AB 2706) amendments to WIC Section 308. This issue will be addressed in forthcoming amendments to the child welfare services regulations.

If you have any questions regarding any of the above legislation, please contact your Adult and Family Services Program Operations Consultant at (916) 322-6671 or ATSS 492-6671.



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