
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 478 **Hearing Date:** April 14, 2015
Author: Huff
Version: February 26, 2015
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: *Child Abuse and Neglect Reporting Act: Mandated Reporters:
Internet Reporting Pilot Program*

HISTORY

Source: Los Angeles County; County Welfare Directors Association of California

Prior Legislation: None known

Support: Junior Leagues of California State Public Affairs Committee

Opposition: None known

PURPOSE

The purpose of this bill is to authorize a 5-year pilot program for Internet-based reporting of child abuse and neglect.

Current law establishes the Child Abuse and Neglect Reporting Act ("CANRA"), which generally is intended to protect children from abuse and neglect. (Penal Code § 11164.)

Current law enumerates 44 categories of mandatory child abuse reporters. (Penal Code § 11165.7.)

Current law requires mandated reporters to make reports of suspected child abuse or neglect, as specified. (Penal Code § 11165.9.)

Current law generally requires mandated reporters to make a report to a specified agency "whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident." (Penal Code § 11166.)

Current law requires that reports of suspected child abuse or neglect be made “to any police department or sheriff’s department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. . . .” (Penal Code § 11165.9.)

Pilot Program for Internet Reporting

This bill would authorize a county welfare agency, as specified below, to “develop a pilot program for Internet-based reporting of child abuse and neglect.”

This bill would require the Department of Social Services to “consult with the County Welfare Directors Association and any interested county welfare agencies to determine which counties may be involved in the pilot.”

This bill would authorize the pilot program to “operate in a specific region to receive reports of suspected child abuse or neglect,” and would require the program to meet all of the following conditions:

- (1) The suspected child abuse or neglect does not indicate that the child is subject to an immediate risk of abuse, neglect, or exploitation or that the child is in imminent danger of severe harm or death.
- (2) The agency provides an Internet form that includes qualifying questions in order to obtain necessary information required to assess the need for child welfare services and a response.
- (3) The mandated reporter is required to complete all required fields, including identity and contact information of the mandated reporter, in order to submit the report.
- (4) The mandated reporter is required to cooperate with any requests by the agency for additional information, if needed, to investigate the report.
- (5) The system can only be used by mandated reporters who are any of the following:
 - (A) A peace officer, as specified;
 - (B) A probation officer;
 - (C) A school teacher, counselor, or administrator;
 - (D) A physician and surgeon, psychiatrist, psychologist, licensed nurse, marriage and family therapist, or clinical social worker licensed as specified; or
 - (E) A coroner.

This bill would provide that in an area where the pilot program is active, a mandated child abuse or neglect reporter may use the Internet-based reporting tool in lieu of or in addition to the required initial telephone report.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past eight years, this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state’s ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its “ROCA” policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and
- 137.5% of design bed capacity by February 28, 2016.

In February of this year the administration reported that as “of February 11, 2015, 112,993 inmates were housed in the State’s 34 adult institutions, which amounts to 136.6% of design bed capacity, and 8,828 inmates were housed in out-of-state facilities. This current population is now below the court-ordered reduction to 137.5% of design bed capacity.”(Defendants’ February 2015 Status Report In Response To February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).

While significant gains have been made in reducing the prison population, the state now must stabilize these advances and demonstrate to the federal court that California has in place the “durable solution” to prison overcrowding “consistently demanded” by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants’ Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee’s consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Stated Need for This Bill

The author states:

The Child Protective Hotline and emergency response system that sends social workers to investigate allegations of abuse and neglect is the first touch point between the public and the county agency responsible for ensuring the safety of thousands of vulnerable children. Los Angeles County is the largest in the state, with 2.4 million children and youth between the ages of 0-20 years. Currently the Department of Child and Family Services (DCFS) employs 7,500 workers, 3,200 of which are children’s social workers. According to the DCFS current budget report, over 214,000 calls were made to the Child Protection Hotline last year.

While DCFS has made great improvements to call/wait times on the telephonic system, historically some years have seen tremendous spikes in the amount of calls placed. 1998 was likely the worst year in which some peak-hour waits lasted anywhere from 45 minutes to 4 hours! Every possible resource is given to ensure that any hotline calls are investigated and the information is shared appropriately with law enforcement and child advocates. Yet, it is clear that child abuse and neglect cases go up with the poverty and unemployment rates. Due to its sheer size, the workload for Los Angeles County social workers can be incredibly daunting at critical times when resources become strained.

This pilot program is absolutely essential for the well-being of so many at-risk kids. By virtually eliminating wait times, an online reporting system will increase efficiencies at every level of the non-emergency and emergency response services. SB 478 will be an excellent resource to help county social workers assess and respond to child abuse and neglect cases in a timely manner.

2. What This Bill Would Do

As explained above, this bill would authorize a 5-year pilot program to provide an Internet-based system for making mandated child abuse or neglect reports. The bill provides that participating counties shall be determined by the Department of Social Services in consultation with the County Welfare Directors Association and interested county welfare agencies. The bill excludes situations where a child is in imminent risk, and also limits the pilot to five categories of mandated reporters, listed above. This form of reporting could be in lieu of the reporting now required by law.

3. Background

In Los Angeles County, mandated reporters who have made a verbal report to the Child Protection Hotline may complete a Suspected Child Abuse Form online. However, before doing so mandated reports must make a verbal report to the Child Protection Hotline and obtain the referral number of the verbal report from the hotline staff. Once a reporter has made a verbal report to the Hotline, the reporter may complete an online report, and will not be required to mail a report to the Hotline. (See <https://mandreptla.org/on-lineRep.htm>.) This bill would provide legislative authority for a pilot program to allow for making the initial report electronically.

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