

Date of Hearing: March 10, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1688 (Carrillo) – As Introduced February 3, 2026

SUBJECT: Child abuse or neglect: reporting

SUMMARY: Expands notification requirements regarding reports alleging abuse or neglect of a child in foster care to include the attorney representing the child's parent and to all attorneys representing children in the same placement where the report of the suspected abuse was made. Specifically, **this bill:**

- 1) Requires, when a report of suspected neglect and abuse has been made to a police department or sheriff's department, county probation department, or county welfare department (collectively referred to as an agency), the agency to provide notice of the report to the attorney representing the child's parent in dependency court within 36 hours. Specifies that this requirement does not apply to a parent whose parental rights have been terminated.
- 2) Requires, if the suspected abuse or neglect occurred in any placement, all attorneys who represent children with an open dependency case in that placement to receive the notice described 1), above.
- 3) Specifies that a placement includes, but is not limited to, placement in foster care or congregate care, placement in a short-term residential therapeutic program (STRTP) facility, or a relative placement.

EXISTING LAW:

- 1) Requires a mandated reporter to make a report to any agency, whenever in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, the mandated reporter has knowledge of or observes a child whom they know, or reasonably suspect has been the victim of child abuse or neglect. Requires the initial report to be made by telephone to the agency immediately or as soon as is practicably possible, and to prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. (Penal Code [PEN] § 11166(a))
- 2) Requires an agency that receives a report from a mandated reporter that contains either of the following, to, within 24 hours, notify the licensing office with jurisdiction over the facility and to send the licensing agency a copy of its investigation:
 - a) A report of abuse alleged to have occurred in facilities licensed to care for children by the California Department of Social Services (CDSS); or,
 - b) A report of the death of a child who was, at the time of death, living at, enrolled in, or regularly attending a facility licensed to care for children by CDSS, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility. (PEN § 11166.1(a))

- 3) Requires any employee of an agency who has knowledge of, or observes in their professional capacity or within the scope of their employment, a child in protective custody whom the employee knows or reasonably suspects has been the victim of child abuse or neglect to, within 36 hours, send to the attorney who represents the child in dependency court, a copy of the report prepared in accordance with the Child Abuse and Neglect Reporting Act (CANRA). Requires the agency to maintain a copy of the written report and for all information requested by the attorney for the child to be provided by the agency within 30 days of the request. (PEN § 11166.1(b))
- 4) Establishes CANRA to protect children under 18 years of age from abuse and neglect by requiring certain individuals, known as mandated reporters, to report known cases of child abuse or neglect to designated agencies. Enumerates the types of conduct that must be reported, establishes confidentiality for reporters, and authorizes the agency receiving the report to evaluate and determine if an investigation and removal of the child from their home shall take place. (PEN §§ 1164-1174.3)
- 5) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (Welfare and Institutions Code [WIC] § 202)
- 6) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC § 300.2)
- 7) Requires the court to appoint counsel for a parent if they are unable to afford one and the child has been placed in out-of-home care. The court is also required to appoint counsel for the child unless it finds that the child would not benefit from such an appointment. (WIC § 317)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

Reports of Suspected Abuse and Neglect. California's child welfare services system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, Child Protective Services is tasked with investigating the allegations reported to agencies by mandated reporters and others.

When there is alleged abuse in a facility licensed by CDSS or a report of the death of a child who was living in a CDSS licensed facility during the time of death, agencies are required to notify CDSS' licensing office within 24 hours of receiving a report of abuse.

Under existing law, a report filed that alleges suspected abuse or neglect, known as the Suspected Child Abuse Report (SCAR), must include all of the following and must be cross reported between law enforcement and child welfare:

- Full name of the mandated reporter (non-mandated reporters who make voluntary reports are not required to provide their names and the identity of all reporters is confidential)

- Business address and daytime telephone number of the mandated reporter
- Professional capacity or category that makes the person a mandated reporter (e.g., teacher, physician, social worker, licensed clinical social worker, law enforcement officer)
- Whether the mandated reporter personally witnessed the incident
- The specific information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect
- The source or sources of that information

The following child-specific information, if known to the reporter, must also be included:

- Child's name (last, first, middle)
- Child's date of birth or approximate age
- Child's sex and ethnicity
- Child's home address
- Child's present location at time of report
- School name, class, and grade (if applicable)
- Whether the child has a disability

Information about the involved parties:

- Names, addresses, and telephone numbers of the child's parents or legal guardians
- The relationship between each parent or guardian to the child
- Name, address, telephone number, and other relevant personal information about the person(s) the mandated reporter knows or reasonably suspects to have abused or neglected the child
- The suspect's relationship with the child (e.g., parent, caregiver, other household member, non-household member)

Information regarding a description of the incident and narrative:

- Date, time, and specific location of the incident or the most recent known incident
- Type of abuse or neglect alleged (physical abuse, sexual abuse, emotional abuse, general neglect, severe neglect, exploitation)
- Description of the injuries or condition(s) observed, including observable evidence
- Description of similar prior incidents involving the same victim or suspect, if known
- Any nonprivileged documentary evidence the mandated reporter possesses relating to the incident

Current law requires, when an agency receives a report of reasonably suspected abuse or neglect, there is a process to determine whether that child is in protective custody, meaning there is an open dependency case, or they are already in a foster care placement. If protective custody status is confirmed, the agency has 36 hours to send a copy of the report to the attorney representing the child in dependency court.

This bill would expand this requirement by requiring the agency to provide, within 36 hours, *notice* of the report to the attorney representing the parent(s) of the foster youth, as well as the

attorneys for any other child in the same placement where the abuse or neglect has been alleged to have taken place.

This bill specifies that a placement includes placement in foster care, congregate care, in an STRTP, or with a relative. Under *this bill*, the notification requirement will not apply to parents whose parental rights have been terminated.

Maltreatment in Foster Care. CDSS monitors the safety of youth in foster care by specifically tracking reports made against foster parents, kinship caregivers, or congregate care staff in order to ensure that children are safer in their placements than they were in their original homes.

The Children's Bureau, part of the federal Office of the Administration for Children and Families (ACF), found in 2022 that 169 California children were victims of abuse or maltreatment by their foster parents. Nationally, six children were killed by foster parents in that same year.

According to the Child Maltreatment 2024 report published by ACF, California recorded 44,943 total substantiated victims of maltreatment across the state. And according to the California Child Welfare Indicators Project, the rate of maltreatment in California occurring specifically while children were in foster care was 8.57 per 100,000 days of care. This rate is better than the national performance standard of 9.07, but still troubling to have any child re-traumatized as wards of the state.

Attorneys in Dependency Cases. Under existing law, attorneys are provided to parents and the children of those with dependency cases. In all stages of dependency proceedings, parents are entitled to appointed counsel if they are unable to afford private representation, and children are entitled to independent legal counsel. County public defender offices, conflict panels, or contracted nonprofit law offices typically provide representation, depending on the county, with funding administered at the county level, with significant variation in caseloads, compensation rates, and quality across California's 58 counties.

The child's attorney has an independent duty to investigate and advocate for the child's legal interests, which can differ from the child's expressed wishes. Children may also have a Court Appointed Special Advocate (CASA), in addition to legal counsel, and those roles are distinct and non-duplicative. Where the child's expressed preferences conflict with the attorney's assessment of the child's best interests, the attorney must exercise independent professional judgment consistent with applicable Rules of Professional Conduct.

Under current law, the child's attorney in a dependency case receives a copy of the SCAR within 36 hours of its submission to an agency. *This bill* would require an agency, when it receives a report of a child in foster care, to provide notice of the report to the attorney who represents the parent, as well as all attorneys representing children in that same placement.

The parent's attorney is appointed to represent the parent's legal interests throughout the dependency proceedings which are centered on reunification with the child or, where reunification is not pursued, on protecting the parent's legal rights regarding termination of parental rights, visitation, and case planning. Because the parent's primary legal interest in most dependency cases is reunification, the parent's attorney may raise placement-related arguments

whenever the placement directly affects the feasibility or quality of reunification services and contact.

Currently, there isn't a process or requirement to provide notice to the attorneys of other children placed in the same home to receive notice of reasonable suspicion of allegations of abuse or neglect. Existing law does not require, if the alleged abuse occurred in a foster home, the attorneys for other foster children in the home to be notified that a report has been filed.

Prior Legislation. AB 1192 (Carrillo) of 2025 was similar to *this bill* but required a redacted copy of the SCAR to be provided to the parent's attorney and all attorneys representing children in that placement. The redacted copy required personal identifying information to be removed. AB 1192 was held on the Committee on Appropriations suspense file. Advocates contend that this bill removed the requirement for a full copy of a report and instead requires only a notice of the report; therefore, it circumvents the need for redaction because no personally identifying information is included in a notice.

Author's Statement: According to the Author, "Each year, 60,000 children move in and out of the foster care system in California, with more than half residing in Southern California. These youth have often experienced abuse, neglect, and trauma, which can have lasting effects on their well-being. However, gaps in reporting requirements leave them vulnerable to further harm. [This bill] reinforces California's commitment to protecting foster youth by strengthening notice requirements to ensure that all relevant parties are informed. Greater transparency in reporting cases of abuse or neglect is essential to safeguarding foster youth, and this bill reflects our shared responsibility to protect the most vulnerable children in our state."

Equity Implications: The provisions of this bill seek to expand the parties who are notified when reports alleging abuse or neglect of a foster youth have been submitted to an agency. Currently, there is no process or requirement to provide notice to a child's parents via their attorney or attorneys of other children placed in the same foster home when allegations of abuse or neglect have been made. By sharing information regarding incidents of reasonably suspected allegations of abuse or neglect in a foster home, attorneys of parents who have children in foster care, as well as attorneys for children who may not be subject to the allegations but are residing in a placement where abuse or neglect has been alleged, *this bill* would increase transparency among all impacted parties. Currently, there is an inequity of information being shared resulting in the unnecessary vulnerability of foster youth and their parents, who have a right to know whether incidents of abuse and neglect are being alleged in their placements.

Policy Considerations: The provisions of this bill require an agency to provide "notice" of a report to the attorney representing a parent in a dependency case, as well as the attorneys who represent children with an open dependency case in that placement, within 36 hours of the report being made. It is unclear what constitutes a "notice" and what the scope of the information the agencies will communicate to the attorneys will be.

Should this bill move forward, the Author may wish to consider clarifying what is included in the notice that will be provided to the parent's attorney and all other attorneys in the placement where the abuse or neglect has been alleged, and that no other identifying information from the report will be shared.

Proposed Committee Amendments:

The Committee proposes amendments to address policy considerations stated above to do the following:

- Clarify what is in the notice that would be provided to specified attorneys when a report has been made.
- Clarify that the notice shall not disclose any information concerning the substance or identities of those in the report.

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Public Safety.

RELATED AND PRIOR LEGISLATION:

AB 1192 (Carrillo) of 2025, see comments above.

AB 670 (Calderon), Chapter 585, Statutes of 2021, required, when a report alleging abuse or neglect of the child of a dependent of the juvenile court is made, the agency that received the report to notify the attorney representing the dependent within 36 hours.

REGISTERED SUPPORT / OPPOSITION:**Support**

Children's Law Center of California (Co-Sponsor)
Dependency Legal Services (Co-Sponsor)
Alliance for Children's Rights
California Lawyers Association, Family Law Section
Los Angeles Dependency Lawyers, INC.
Public Counsel

Opposition

No opposition on file.

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