

Date of Hearing: April 14, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1688 (Carrillo) – As Amended March 12, 2026

SUMMARY: Specifies that the notification requirement for mandated reports be sent to the attorneys representing the child in dependency court and shall not disclose any information concerning the substance of the report. Specifically, **this bill:**

- 1) States that when an agency receives a report, the agency shall, within 36 hours, provide notice of the report to the attorney who represents a parent or legal guardian of the child in dependency court.
- 2) Establishes that the notification requirement for mandated reports shall consist of notice that a report has been made and shall not disclose any information concerning the substance of the report, including the identity of any person named or referenced in the report.
- 3) Provides that the notification requirement shall not apply to a parent whose parental rights have been terminated.
- 4) States that if suspected abuse or neglect occurred in a placement, all attorneys who represent children with an open dependency case in that placement shall receive the notice. For purposes of this paragraph, a placement includes, but is not limited to, placement in foster care or congregate care, placement in a short-term residential therapeutic program facility, or a relative placement.

EXISTING LAW:

- 1) Establishes that any employee of a specified agency who has knowledge of a child in protective custody whom the employee knows, or reasonably suspects, has been the victim of abuse or neglect shall, within 36 hours, send or have sent to the attorney who represents the child in dependency court, a copy of the report. All information requested by the attorney for the child or the child's guardian ad litem shall be provided by the agency within 30 days of the request. (Pen. Code, § 1116.1, subd. (b).)
- 2) States that when a specified agency receives a report alleging abuse or neglect of the child of a minor parent or a nonminor dependent parent, the agency shall, within 36 hours, provide notice of the report to the attorney who represents the minor parent or nonminor dependent in dependency court. (Pen. Code, § 1116.1, subd. (c)(1).)
- 3) States that a mandated reporter shall make a mandated report to a specified agency whenever the mandated reporter has knowledge of a child whom the mandated reporter knows, or reasonably suspects, has been the victim of abuse or neglect. (Pen. Code, § 11166, subd. (a).)

- 4) Provides that if, after reasonable efforts, a mandated reporter is unable to submit an initial report, the mandated reporter shall immediately or as soon as is practicably possible, make a one-time automated written report on the form prescribed by the Department of Justice (DOJ). (Pen. Code, § 11166, subd. (b).)
- 5) Establishes that a mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of \$1,000 or by both that imprisonment and fine. (Pen. Code, § 11166, subd. (c).)
- 6) States that any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect shall bring the condition to the attention to specified agencies at the same time as submitting the mandated report. (Pen. Code, § 11166, subd. (f).)
- 7) States that when a specified agency receives a mandated report that contains either of the following, it shall, within 24 hours, notify the licensing office with jurisdiction over the facility:
 - a) A report of abuse alleged to have occurred in facilities licensed to care for children by the State Department of Social Services (DSS).
 - 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 the DSS unless the circumstances of the child's death are clearly unrelated to the child's care at the facility. (Pen. Code, § 1116.1, subd. (a)(1).)
- 8) Defines "reasonable suspicion" as that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. (Pen. Code, § 11166, subd. (a)(1).)
- 9) Defines "minor parent" as a dependent child who is also a parent. (Pen. Code, § 1116.1, subd. (c)(2).)
- 10) Defines "nonminor dependent parent" as a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, as defined, who is also a parent. (Pen. Code, § 1116.1, subd. (c)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **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. AB 1688 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.”

- 2) **Effect of the Bill:** AB 1688 would update part of California’s child welfare reporting laws. 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 (CPS) are tasked with investigating the allegations reported to them by mandated reporters and others.

Current law requires an agency to notify the DSS licensing office within 24 hours of receiving a report of abuse that is alleged to have occurred in a facility licensed by DSS, or when there is a report of the death of a child who was, at the time of death, living in a facility licensed by DSS. (Pen. Code, § 11166.1, subd. (a).) Additionally, all employees of DSS who have knowledge of, or observe 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, are required, within 36 hours, to send or have sent to the attorney who represents the child in dependency court a copy of the report alleging the abuse. (Pen. Code, § 11166.1, subd. (b).) There is no current requirement to provide notice to a child's parents or the attorneys of other children placed in the same home to receive notice of reasonable suspicion of allegations of abuse or neglect.

This gap in reporting requirements could harm foster youth who may be vulnerable to abuse or neglect in a foster care placement that is meant to protect children from such maltreatment. Without this notice, the attorneys for those other foster youth, who may not be subject to abuse and neglect, cannot take action to ensure the child's safety and protection simply because they were not made aware of the conditions in that placement. Under existing law, counsel appointed for foster youth are tasked with doing their own investigation to represent their client's general interests and to make recommendations to the court concerning the child's welfare. Absent basic information about child abuse occurring in the home, however, attorneys cannot render informed recommendations to the court and fully protect their clients.

AB 1688 would expand that notification requirement to include the attorney representing the foster youth as well as the attorneys for any other child in the same placement where the abuse or neglect allegedly took place. This notification requirement would not apply to parents whose parental rights have been terminated.

- 3) **The Child Abuse and Neglect Reporting Act (CANRA):** This bill would add to our child abuse and neglect reporting laws by clarifying that notification of mandated reports regarding a child be sent to the attorneys representing that child in dependency court.

The mandatory reporting statute was named the Child Abuse and Neglect Reporting Act (CANRA) in 1987. (*Matthews v. Becerra* (2019) 8 Cal.5th 756, 763.) CANRA was enacted to address the problem where many instances of child abuse were going unreported. (*B.H. v. County of San Bernardino* (2015) 62 Cal.4th 168, 190.) Oftentimes, reporting by third parties is the only way the authorities become aware of an incident of child abuse. (*Ibid.*) The law

imposes duties on mandated reporters to report known or suspected instances of child abuse within defined periods and specifies further details of an individual's reporting obligations. (*B.H., supra*, at p. 193.) CANRA categorizes reports of child abuse and neglect into three areas: unfounded, inconclusive, and substantiated. (*In re D.P.* (2023) 14 Cal.5th 266, 279.) Mandated reporters' reporting duties are governed by an objective standard. (*B.H., supra*, at p. 193.) In other words, "the duty to report arises not on the basis of the mandated reporter's personal assessment of the facts known, but on the basis of what a reasonable person would suspect based on those facts." (*Ibid.*) The existence of sufficiently suspicious circumstances produces the mandatory duty to report the circumstances to a designated agency. (*Ibid.*) The agency receiving the report is required to investigate suspected abuse and determine whether abuse occurred. (*Ibid.*)

AB 1688 would provide attorneys representing children in dependency court notification that any reports filed about the children being represented.

- 4) **The Impact of Reporting:** Current law provides a comprehensive reporting scheme to identify victims of child abuse. CANRA includes 50 different reporter types that specify designated as mandated reporters. (Pen. Code, § 11165.7, subd. (a).) Mandated reporters are required to make a report to a designated agency, specifically any police or sheriff's department, county welfare department, or designated county probation departments. (Pen. Code, § 11165.9.) Any of those agencies are required to accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person. (*Ibid.*)

According to data from the California Child Welfare Indicators Project (CCWIP), a collaboration between California Department of Social Services (CDSS) and the University of California, Berkeley, allegations of child maltreatment have hovered between 400,000-500,000 per year over the last decade.¹ The most recent data from 2024 shows there was a total of 417,513 allegations of maltreatment and the most frequent allegation type reported was for general neglect with 186,129 instances being reported.²

Data from CCWIP show that in 2024 only 46,457 (11.1%) reports of abuse were substantiated.³ Another 108,722 were inconclusive, 100,859 were unfounded, 145,464 had an assessment only/were evaluated out, and 16,011 were categorized as not yet determined.⁴ Since nearly 90% of allegations are unsubstantiated, overreporting unnecessarily exposes hundreds of thousands of families to the scrutiny of CPS, which can be a traumatic experience for families. The Legislative Analyst's Office (LAO) found that California's child welfare system-involved families are disproportionately Black, Native American, and come from families with low incomes, which is a demographic trend that has persisted for years.⁵

¹ *California Child Population (0-17) and Children with Child Maltreatment Allegations*, California Child Welfare Indicators Project (CCWIP) <<https://ccwip.berkeley.edu/childwelfare/reports/AllegationRates/MTSG/r/rts/l>> [as of Feb. 23, 2026].

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *California's Child Welfare System: Addressing Disproportionalities and Disparities* (Apr. 2024) Legislative Analyst's Office <<https://lao.ca.gov/Publications/Report/4897>> [as of Feb. 23, 2026].

AB 1688 clarifies that notification of a mandated report be sent to an attorney for children they represent in a dependency proceeding, which could help reduce further harm to already vulnerable children.

- 5) **Argument in Support:** According to *Public Counsel*, “Currently, California law under Penal Code Section 11166.1 requires social service agencies to notify a minor’s attorney when there is a reasonable suspicion that the minor has been abused or neglected. However, this requirement does not extend to the attorneys of other foster children residing in the same placement or to the attorneys of the abused child’s parents. As a result, children may continue to be placed at risk, and parents are left unaware of crucial information affecting their children’s well-being.

“AB 1688 will address these deficiencies by implementing two key reforms:

- Notifying a Minor’s Attorney When Another Child in the Same Placement is Suspected to Have Been Abused
 - If abuse is suspected in a foster home, all attorneys representing foster children residing in that placement must be notified.
 - This allows attorneys to take appropriate action, such as filing for removal, requesting court intervention, or conducting their own investigation, to ensure their client’s safety.
- Notifying a Parent’s Attorney When There is a Reasonable Suspicion That Their Child Has Been Abused in Out-of-Home Care
 - Parents have a fundamental right to protect and advocate for their children’s safety.
 - Without proper notification, parents and their legal counsel are left unaware of potential harm occurring in foster care, limiting their ability to intervene or seek appropriate legal remedies.

“Foster care is intended to be a refuge for children who have experienced abuse or neglect. Yet, data reveals that some foster placements fail in their fundamental duty to protect these children:

- In 2022, the Children’s Bureau reported that 169 California children were victims of abuse or maltreatment by their foster parents.
- Nationally, six children lost their lives due to abuse by foster parents that same year.

“These statistics underscore the need for robust oversight and accountability. Attorneys for foster children and their parents play a critical role in safeguarding children’s welfare, but they cannot fulfill this role without access to essential information.

“AB 1688 aligns with Welfare and Institutions Code Section 317(e), which tasks children’s attorneys with making recommendations concerning their client’s welfare. It is impossible

for attorneys to fulfill this duty if they are unaware of abuse occurring in their client's placement.

“By expanding the current notification framework, AB 1688 ensures that attorneys have the information they need to:

- Advocate for a child's removal from an unsafe placement
- Seek court intervention to address systemic failures
- Provide parents with the opportunity to protect their children

“AB 1688 is a critical step toward reinforcing protections for California's most vulnerable children. By ensuring that attorneys representing foster children and parents receive timely notification of suspected abuse, this bill empowers legal advocates to act swiftly in the best interests of their clients. For these reasons, Public Counsel strongly urges the Assembly Human Services Committee to support AB 1688.”

6) **Argument in Opposition:** None submitted.

7) **Related Legislation:** AB 1566 (Jackson) would change the definition of “severe neglect” to mean if any person, having the care or custody of a child, willfully causes or permits serious illness or serious injury to the child, willfully causes or permits the death of the child, or causes the child to be placed at imminent risk of serious illness, serious injury, or death, including, but not limited to, the willful failure to provide adequate food, clothing, shelter, or medical care. AB 1566 is pending a vote on the Assembly floor.

8) **Prior Legislation:**

- a) SB 848 (Perez), Chapter 460, Statutes of 2025, requires a comprehensive school plan to include child abuse or neglect reporting procedures and would additionally require a comprehensive school safety plan, when it is next reviewed and updated to include procedures specifically designed to address the supervision and protection of children from child abuse or neglect and sex offenses.
- b) AB 653 (Lackey), Chapter 379, Statutes of 2025, added an individual employed as a talent agent, talent manager, or talent coach, who provides services to a minor, to the list of individuals who are mandated reporters.
- c) AB 601 (Jackson), of the 2025-26 Legislative Session, would have required the State Department of Social Services to develop a standardized curriculum for mandated reporters, and to make that training available on its internet website. AB 601 was held in the Senate Appropriations Committee.
- d) AB 970 (McKinnor), of the 2025-26 Legislative Session, would have authorized a two-year pilot project in Los Angeles County to deploy an online decision-support tool for aiding mandated reporters in their reporting responsibilities. AB 970 was held in the Assembly Public Safety Committee.

- e) AB 1192 (Carrillo), of the 2025-26 Legislative Session, would have required an employee of specified agencies to send a copy of a mandated report to the attorney who represents a parent or legal guardian of the child, as specified. AB 1192 was held in the Assembly Appropriations Committee.
- f) SB 47 (Roth), of the 2023-24 Legislative Session, would have required a county child welfare services department that receives a report of a child being endangered by abuse, neglect, or exploitation in which the alleged perpetrator is a person responsible for the child, as specified, to evaluate the report immediately and if the report contains sufficient information to warrant an investigation, require the department to make its best effort to commence an investigation of an allegation of imminent risk of physical harm to the child within 2 hours, but no later than 72 hours after receiving any report. SB 47 was held in the Senate Public Safety Committee.
- g) AB 391 (Jones Sawyer), Chapter 434, Statutes of 2023, would require an agency receiving a report from a nonmandated reporter to ask the reporter to provide specified information, including their name, telephone number, and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect.
- h) AB 1544 (Lackey), of the 2023-24 Legislative Session, would authorize a police or sheriff's department to which a report of suspected child abuse or severe neglect is made on or after January 1, 2024, to forward to the Department of Justice a report in writing of its investigation of known or suspected child abuse or severe neglect that is determined to be substantiated. AB 1544 was held in the Senate Public Safety Committee.
- i) AB 1799 (Jackson), of the 2023-24 Legislative Session, would have authorized a mandated reporter who knows or reasonably suspects that a child has been the victim of general neglect to make a report to one or more community-based agencies or service providers that will provide the parent, guardian, or Indian custodian of the child with services and supports the reporter reasonably believes will ameliorate the conditions impacting that individual's ability to provide adequate food, shelter, medical care, or supervision to the child. AB 1799's Senate amendments were voted down in the Assembly Public Safety Committee.
- j) AB 2085 (Holden), Chapter 770, Statutes of 2022, redefines general neglect for purposes of CANRA by excluding a person's economic disadvantage.

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Law Center of California (Sponsor)

Dependency Legal Services (Co-Sponsor)

11:11 Media Impact

Alliance for Children's Rights

California Lawyers Association, Family Law Section

Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)

Los Angeles Dependency Lawyers, INC.

Public Counsel
1 Private Individual

Opposition

None submitted.

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