

ASSEMBLY THIRD READING  
AB 1688 (Carrillo)  
As Amended March 12, 2026  
Majority vote

## 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.

### Major Provisions

- 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 the notice to consist of notification 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) 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.
- 4) 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.

## COMMENTS

*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:

- 1) 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)
- 2) Business address and daytime telephone number of the mandated reporter

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

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

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

Information about the involved parties:

- 1) Names, addresses, and telephone numbers of the child's parents or legal guardians
- 2) The relationship between each parent or guardian to the child
- 3) 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
- 4) 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:

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

incident

Current law requires that 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.

### **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."

### **Arguments in Support**

Children's Law Center of California, a co-sponsor, writes, "[This bill] is a vital 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."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee on April 29, 2026:

- 1) Estimated General Fund (GF) costs to counties of an unknown amount, potentially in the mid-tens of thousands of dollars annually to meet the notification requirements. Costs will depend on the number of reported incidents of abuse in foster homes or licensed facilities and

the amount of time needed to identify contact information and prepare and send notices to multiple attorneys. For context, data from 2022 indicates approximately 170 children were victims of abuse by their foster parents. If a social worker spent three hours on each of the 170 cases, annual costs would be approximately \$51,000.

Although these are state-mandated costs, they are not reimbursable, but instead must be funded by the state pursuant to Proposition 30, which requires legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment (including child welfare services and foster care) to apply to local agencies only to the extent the state provides annual funding for the cost increase.

- 2) Estimated one-time automation costs to CDSS of an unknown amount but likely in the low-to mid-hundreds of thousands of dollars to generate a notice of the report to attorneys.

## VOTES

### **ASM HUMAN SERVICES: 6-0-1**

**YES:** Lee, Castillo, Calderon, Elhawary, Jackson, Tangipa

**ABS, ABST OR NV:** Celeste Rodriguez

### **ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

### **ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

## UPDATED

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