
THIRD READING

Bill No: AB 1688
Author: Carrillo (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/16/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE HUMAN SERVICES COMMITTEE: 5-0, 6/29/26
AYES: Becker, Ochoa Bogh, Laird, Pérez, Weber Pierson

ASSEMBLY FLOOR: 76-0, 5/22/26 - See last page for vote

SUBJECT: Child abuse or neglect: reporting

SOURCE: Children's Law Center of California
Dependency Legal Services

DIGEST: This bill mandates information sharing regarding substantiated abuse or neglect that occurred in an out-of-home placement or removal of a child from an out-of-home placement due to abuse or neglect with attorneys who represent the parents of the child in dependency court or with a tribal representative, as well as with attorneys or representatives for children who may not be involved with the allegations but are residing in a placement where abuse or neglect occurred, as specified.

Senate Floor Amendments of 08/21/26 shift responsibility for substantiating a report of abuse or neglect to the county welfare agency, provide a limited definition of out-of-home placement, require that the notice provided to attorneys not include any personal information, as specified, hinge notification to attorneys on the county welfare agency's substantiation of the report rather than when the agency receives the substantiated report, and authorize the State Department of Social Services to implement, interpret, or make specific the provisions of this bill by means of all-county letters or similar written instructions without taking any further regulatory action, as specified.

ANALYSIS:

Existing law:

- 1) Establishes Child Abuse and Neglect Reporting Act (CANRA) to protect children from abuse and neglect by requiring certain individuals, known as mandated reporters, to report known cases of child abuse or neglect to designated agencies. (Penal (Pen.) Code, §§ 11164 *et seq.*)
- 2) Requires mandated reporters 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. (Pen. Code, § 11165.9; Pen. Code, § 11166, subd. (a).)
- 3) 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. Code, §§ 11165.1-11165.6.)
- 4) 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. (Pen. Code, § 11166, subd. (a).)
- 5) Requires an agency that receives a report from a mandated reporter that contains either a report of abuse to have occurred in facilities licensed to care for children by the California Department of Social Services (CDSS) or a report of death of a child who was, at the time of death, living at, enrolled 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 – to, within 24 hours, notify the licensing office with jurisdiction over the facility and to send the licensing agency a copy of its investigation. (Pen. Code, § 11166.1, subd. (a).)
- 6) 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 CANRA. (Pen. Code, § 11166.1, subd. (b).)

- 7) 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. Code, § 11166.1, subd. (b).)
- 8) Requires that a child's counsel makes representations of the child's interests and empowers counsel to make or cause to have made any further investigations that they deem in good faith to be reasonably necessary to ascertain the facts, including investigating the interests of the child beyond the juvenile proceedings and reporting those interests to the court should the child need to be protected. (Welfare & Institutions Code, § 317, subd. (e).)

This bill:

- 1) Provides that, when a county welfare agency substantiates a report for an incident that occurred in an out-of-home placement, or a child is removed from an out-of-home placement due to abuse or neglect, 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 and, in the case of an Indian child, the tribal representative.
- 2) Requires that the above notice to the attorney who represents a parent or legal guardian of a child consist of notice that a report has been substantiated, does not disclose the identity of the reporting party or any person named or reference in the report, including the personal information or confidential information concerning a child, victim, witness, or other person except as otherwise authorized by law, and does include the name of the child at issue.
- 3) Provides that if the county welfare agency substantiates a report abuse or neglect occurred in a placement, or a child has been removed from an out-of-home placement due to abuse or neglect, all attorneys who represent a child with an open dependency case in that placement shall receive the notice.
- 4) Requires that the notice to all attorneys who represent children in that placement, as specified above, states only that a report has been substantiated, and forbids the disclosure of the identity of the reporting party or any person named or reference in the report, any information regarding the substance of the report, information contained in an unfounded or inconclusive report, certain

personal information, and confidential information concerning a child, victim, witness, or another person except as authorized by law.

- 5) Defines “out-of-home placement” to be inclusive of placement in foster care or congregate care, placement in a short-term residential therapeutic program facility, or a relative placement.
- 6) Does not apply to a parent whose parental rights have been terminated, as specified.
- 7) Authorizes the State Department of Social Services to implement, interpret, or make specific the provisions of this bill using all-county letters or similar written instructions, without taking any further regulatory action, and requires those letters or instructions to have the same force and effect as regulations.

Background

Current Reporting Requirements. 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) 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. A report filed that alleges suspected abuse or neglect, known as the Suspected Child Abuse Report (SCAR), must include specific information about the involved parties and incident and must be cross reported between law enforcement and child welfare.

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. According to the Child Maltreatment 2024 report published by ACF, California recorded 44,943 total substantiated victims of maltreatment across the state. Further, 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.

Current Rights to Representation. Under existing law, attorneys are provided to parents and children of those with dependency cases. 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. 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.

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. Alleged abuse or wrongdoing occurring in a placement directly impacts a child's interest and may affect the outcome of dependency proceedings.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations:

Up to \$2.4 million for county social workers to send required reports. (General Fund). Estimated one time information technology upgrade costs of \$825,000 to CDSS. (General Fund)

SUPPORT: (Verified 8/21/26)

California Alliance of Child and Family Services
California Lawyers Association, Family Law Section
California Public Defenders Association
Children's Law Center of California
Dependency Legal Services
Public Counsel

OPPOSITION: (Verified 8/21/26)

None received

ASSEMBLY FLOOR: 76-0, 5/22/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo,

Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Chen, Gabriel, Celeste Rodriguez

Prepared by: Natalia DaSilva Telles / PUB. S. /916-651-4118
8/24/26 11:01:36

**** **END** ****