

CONCURRENCE IN SENATE AMENDMENTS

AB 1688 (Carrillo)

As Amended August 21, 2026

Majority vote

SUMMARY

Requires a county welfare agency, within 36 hours, to notify the attorney representing a child's parent in dependency court when the agency substantiates a report of abuse or neglect that occurred in the child's out-of-home placement or when a child is removed from a placement due to abuse or neglect. Requires the agency to provide the same notice to all attorneys representing children with open dependency cases in that placement. Limits the notice to the fact that a report has been substantiated, barring disclosure of the reporting party's identity, anyone named in the report, and personal or confidential information.

Senate Amendments

- 1) Narrow conditions for when parent's counsel is notified from whenever an agency receives a report about a child in protective custody to now include two circumstances: when the county welfare agency has substantiated a report for an incident that occurred in an out-of-home placement, or when a child is removed from an out-of-home placement due to abuse or neglect.
- 2) Limit duty to notify specifically to county welfare agencies instead of any agency.
- 3) Add the requirement for a tribal representative to also receive notice to parent's counsel in the case of an Indian child.
- 4) Replace the requirement for a copy of the report to other children's attorneys with a notice of the report within 36 hours.
- 5) Enumerate what the notice may and may not contain.
- 6) Allow the California Department of Social Services (CDSS) to implement, interpret, or make specific the bill's changes by all-county letter or similar written instruction without further regulatory action.
- 7) Make conforming and technical changes.

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 specified information about the incident, person reporting, the involved parties, information regarding a description of the incident and narrative, and must be cross reported between law enforcement and child welfare.

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.

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.

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

The California Public Defenders Association writes, "Meaningful representation is best served when attorneys receive timely access to information affecting their clients. Dependency proceedings involve some of the most consequential decisions our courts make, including decisions that may result in the separation of families or the permanent termination of parental rights. Timely access to information allows attorneys to advise clients, investigate concerns, engage supportive services, and advocate effectively on behalf of children and families."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee on August 13, 2026, 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).

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

ASSEMBLY FLOOR: 76-0-4

YES: 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

ABS, ABST OR NV: Arambula, Chen, Gabriel, Celeste Rodriguez

UPDATED

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