

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2304 (Lackey) – As Amended March 23, 2026

SUBJECT: Social workers

SUMMARY: Specifies that county social workers who are guilty of specified crimes related to stealing, falsifying, altering or destroying public records or documents are punishable by felony imprisonment, or in a county jail or by both a fine and imprisonment. Requires a social worker to secure care for a child who has been taken into temporary custody as specified, if it appears that the child requires immediate emergency medical, or surgical care in an emergency. Requires the care to be provided by a licensed physician without a court order. Specifically, **this bill:**

- 1) Includes a social worker employed by a county in the requirement that a person who is not an officer having the custody of any record, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in their hands for any purpose, who is guilty of any of crimes related to stealing, removing, secreting, destroying, mutilating, defacing, altering, or falsifying public records, documents, or certificates, is punishable by imprisonment as specified, or in a county jail not exceeding one year, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.
- 2) Requires a social worker to secure care for a child who has been taken into temporary custody, has a dependency petition in juvenile court, or has already been adjudged a dependent of the court, if it appears that the child requires immediate emergency medical, surgical, or other remedial care in an emergency situation. Requires the care to be provided by a licensed physician and surgeon or, if the child needs dental care in an emergency situation, by a licensed dentist, without a court order.

EXISTING LAW:

- 1) Specifies that if a minor is taken into temporary custody and is in need of medical, surgical, dental, or other remedial care, the social worker may, upon the recommendation of the attending physician and surgeon or, if the person needs dental care and there is an attending dentist, the attending dentist, authorize the performance of the medical, surgical, dental, or other remedial care. (Welfare and Institutions Code [WIC] § 369(a)(1))
- 2) Requires the social worker to notify the parent, guardian, or person standing in loco parentis of the person, if any, of the care found to be needed before that care is provided, and if the parent, guardian, or person standing in loco parentis objects, requires that care to be given only upon order of the court in the exercise of its discretion. (WIC § 369(a)(2))
- 3) Authorizes the court, if it appears to the juvenile court that a person concerning whom a petition has been filed with the court is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize the remedial care or treatment for that person, upon the written recommendation of a licensed physician and surgeon or, if the person needs dental care, a licensed dentist, and after due notice to the parent, guardian, or person standing in

loco parentis, if any, to make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care for that person. (WIC § 369(b))

- 4) Authorizes the court, if a dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of a social worker of the county where the dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the dependent child, to, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the social worker may authorize the medical, surgical, dental, or other remedial care for the dependent child, by licensed practitioners, as necessary. (WIC § 369(c))
- 5) Authorizes care to be provided by a licensed physician and surgeon, or, if the child needs dental care in an emergency situation, by a licensed dentist, without a court order and upon authorization of a social worker if it appears that a child otherwise described within 1) through 4) above, requires immediate emergency medical, surgical, or other remedial care in an emergency situation. (WIC § 369(d))
- 6) Specifies that every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in their hands for any purpose, is punishable by imprisonment pursuant to 2) below for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:
 - a) Steal, remove, or secrete;
 - b) Destroy, mutilate, or deface.
 - c) Alter or falsify. (Government Code § 6200)
- 7) Requires a specified punishable felony where the term is not specified in the underlying offense to be punishable by a term of imprisonment in a county jail for 16 months, or two or three years. Requires a specified punishable felony to be punishable by imprisonment in a county jail for the term described in the underlying offense. (Penal Code § 1170(h))

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

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

Background: *Child Welfare Services (CWS) System.* The purpose of California's CWS system is to protect children from abuse and neglect and provide for their health and safety. When children are identified as being at risk of abuse, neglect or abandonment, county juvenile courts hold legal jurisdiction; these children are served by the CWS system through the appointment of a social worker. Through this system, there are multiple opportunities for the custody of the child, or their placement outside of the home, to be evaluated, reviewed and determined by the judicial system, in consultation with the child's social worker, to help provide the best possible services to the child. The CWS system seeks to help children who have been removed from their homes reunify with their parents or guardians, whenever appropriate. However, the court may

determine that an alternate permanent placement is more fitting and give preference to relatives or nonrelative extended family members. As of January 1, 2026, in California there are 36,999 youth placed in foster care.

Gabriel Fernandez: The Author has introduced this bill in honor of Gabriel Fernandez, an 8-year-old boy from Palmdale, California who tragically died in May of 2013 after he was brutally abused and tortured by his mother and her boyfriend. Upon his death, it was discovered that his skull was fractured and 12 of his ribs were broken, although this was just among many of the horrific abuses he suffered in his short life. His mother pleaded guilty to first-degree murder and was sentenced to life in prison without the possibility of parole. Her boyfriend was also convicted of first-degree murder and sentenced to death.

After calls from Gabriel's teacher, who reported the visible signs of abuse to the county child abuse hotline, the allegations of abuse were investigated by the county, who, despite multiple visits to the boy's home, did not remove him from his mother's custody and decided to end the investigation. Instead, Gabriel's family was recommended for voluntary family maintenance which allows children to remain in the home while the family works to resolve their issues. In addition, caseworkers were sent to the Fernandez home every two weeks, along with providing family and individual counseling sessions. Despite the ongoing abuse, the decision was made by the county to close the case.

Nearly three years after his death, four former social workers with the Los Angeles County Department of Children and Family Services (DCFS) were eventually charged with one felony count each of child abuse and falsifying public records in connection with his death. According to prosecutors from the Los Angeles County District Attorney's Office, the social workers and their supervisors allegedly filed reports that failed to document clear signs of escalating physical abuse, omitted the fact that Gabriel's parents had stopped participating in mandatory services, and it was suggested that some documents were incomplete at the time of the events but updated with new entries with details after Gabriel had died. These charges were later dismissed and DCFS issued a statement that stated in part, "Over the years, the Los Angeles County Department of Children and Family Services has taken significant steps to mitigate risk and improve our capacity countywide in order to best serve vulnerable children and families and as a department we remain committed to ensuring that reform continues."

County Child Welfare Social Workers are professionals employed by county child welfare agencies who have been assigned to supervise or provide services for a minor in the juvenile dependency system. Existing law assigns these social workers with several authorities regarding a minor's health including routine care authorizations, or emergency interventions. Currently, for children who are either in temporary custody, are the subject of a court petition, or are already a dependent of the court, if it appears they require immediate emergency care, that care is permitted to be provided without a court order and upon authorization of a social worker. It is not required. *This bill* would require a social worker to secure care for a child under these circumstances.

While state law provides the legal authority for medical screenings, individual county policies such as the LA County DCFS Policy¹ mandate the use of specific forms such as the DCFS Body Chart that requires social workers to complete this form "any time marks or bruises are observed

¹ <https://policy.dcfslacounty.gov/Policy?id=5955>

and/or when investigating physical abuse allegations." The chart is required to record the location, color, and relative size of marks, and it must be placed in the child's physical case file and uploaded to the Child Welfare Services/Case Management System . The Author contends that in Gabriel's case, even though the four social workers and supervisors assigned were called out to see him multiple times for various injuries, they did not take the necessary precautions needed.

This bill would include social workers employed by a county in the requirement that a person who is guilty of any crimes related to stealing, removing, destroying, altering, or falsifying public records or documents is punishable by imprisonment or by a fine of up to \$1,000, or both.

Author's Statement: According to the Author, "The death of Gabriel Fernandez served as a wakeup call to focus our collective conscious on the systemic failure to protect innocent children. It revealed that there are many cracks within the child welfare system that malign the interest of children. Over the years, multiple people have made the statement that if he was just seen by one medical professional, all of this could have been prevented. [This bill] helps to ensure this statement isn't said about another child by requiring social workers to have children seen by a medical professional in emergency situations."

Equity Implications: The provisions of *this bill* seek to require county social workers to secure emergency treatment for youth involved with the CWS system, which could reduce discretionary delays that affect children in the child welfare system. In a traditional family, a parent can immediately consent to emergency care. For foster youth, a social worker currently has the power to authorize care, but not a statutory requirement to secure it immediately. By establishing a mandatory duty, *the bill* would create a uniform standard of care, ensuring that a child's access to life-saving medical intervention is determined by clinical urgency rather than a caseworker's subjective interpretation or unconscious bias. While both foster youth and non-foster youth theoretically have equal health rights, the state acts as the *in loco parentis* for foster youth, creating unique structural barriers that do not exist for children in traditional families. The provisions of this bill could address this disproportionality.

Policy Considerations: This bill includes social workers employed by a county in the requirement that a person who is guilty of any crimes related to stealing, removing, destroying, altering, or falsifying public records or documents is punishable by imprisonment or by a fine of up to \$1,000, or both. The term "social workers employed by a county" within the Government Code is overly broad and does not specifically address social workers working with youth involved in the CWS system.

Should this bill move forward, the Author may wish to consider narrowing this category to specifically apply to social workers who work with youth in the CWS system.

Proposed Committee Amendments:

- Narrow "social worker employed by a county" to "social worker employed by a county child welfare department."

Double referral: Should this bill pass out of this Committee it will be heard in the Assembly Committee on Public Safety.

Arguments in Support: Echoria Advocacy states, “Gabriel’s Law reflects ongoing efforts to strengthen child welfare protections in California. Over the years, different versions of this legislation have been introduced to address gaps in the system that can place children at risk of abuse and neglect. Each iteration has aimed to clarify the responsibilities of social workers in emergency situations, ensure timely medical intervention for children in need, and establish accountability for falsifying or mishandling official records.

“The current version builds upon prior proposals by codifying clear mandates for social workers and enhancing enforcement provisions to prevent systemic failures like those that led to the tragic death of Gabriel Fernandez.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 2654 (Lackey) of 2022 would have reconvened the California State Child Death Review Council by removing the requirement for funds to be appropriated in order to be operative. *AB 2654 was held on the Assembly Appropriations Committee suspense file.*

AB 31 (Lackey) of 2021, would have established the Office of the State Child Protection Ombudsperson within the California Department of Social Services for the purpose of reviewing individual casework, observing management structures, and suggesting systematic alteration of CWS. *AB 31 was placed on the Assembly Appropriations Committee suspense file.*

AB 1450 (Lackey) of 2019, would have authorized a police or sheriff’s department receiving a report of, or investigating an open case for, known or suspected child abuse or severe neglect to forward a substantiated report of child abuse or severe neglect to the Department of Justice for inclusion in the Child Abuse Central Index. *AB 1450 failed passage in the Senate Public Safety Committee.*

AB 1911 (Lackey) of 2018, would have required every county to establish an online database for specified agencies to track the reporting of allegations of child abuse and neglect by 2029. *AB 1911 failed passage in the Assembly Public Safety Committee.*

REGISTERED SUPPORT / OPPOSITION:

Support

Echoria Advocacy
65 private citizens

Opposition

None on file.

Analysis Prepared by: Jessica Langtry / HUM. S. / (916) 319-2089