

Date of Hearing: April 21, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2304 (Lackey) – As Amended April 16, 2026

**SUMMARY:** Clarifies that, in situations where a child taken into temporary custody needs emergency care, the social worker shall secure the needed care for the child, rather than being simply authorized to secure it; and also clarifies that, for purposes of acts relating to public records, a social worker employed by a county child welfare department is punishable consistent with those who are not officers, as specified.

**EXISTING LAW:**

- 1) States 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 his or her hands for any purpose, is punishable by imprisonment 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. (Gov. Code, § 6200.)
- 2) Provides that every person not an officer, as specified, who is guilty of any of the acts specified in that section, is punishable by a wobbler. (Gov. Code, § 6201.)
- 3) States that every officer authorized by law to make or give any certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false. (Gov. Code, § 6203, subd. (a).)
- 4) Provides that, notwithstanding any other limitation of time specified, or any other provision of law, prosecution for a violation of this offense shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later. (Gov. Code, § 6203, subd. (b).)
- 5) States that if a person is taken into temporary custody, as specified, 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. (Welf. & Inst. Code, § 369, subd. (a)(1).)

- 6) Establishes that if it appears that a child, as specified, requires immediate emergency medical, surgical, or other remedial care in an emergency situation, that care may 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. (Welf. & Inst. Code, § 369, subd. (d)(1).)
- 7) Specifies that if the court orders the performance of a medical, surgical, dental, or other remedial care, the court may also make an order authorizing the release of information concerning that care to a social worker, parole officer, or other qualified individual or agency caring for or acting in the interest and welfare of the child under order, commitment, or approval of the court. (Welf. & Inst. Code, § 369, subd. (e).)
- 8) States that defined laws do not limit the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the child by order of the court, in providing a medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state. (Welf. & Inst. Code, § 369, subd. (g).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **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. AB 2304 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.”
- 2) **Effect of the Bill:** AB 2304 would establish that a social worker with care or custody of a child in specified situations would be required to provide the needed care, rather than simply be permitted to acquire the care for the child. Additionally, this bill would explicitly include social workers employed by a county child welfare department 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 a wobbler.

The author notes that under existing law, “social workers are authorized to have a child seen for medical treatment in an emergency if they believe the child appears to be in need . . . However, it is not mandated in current law.” This appears to be accurate as current law uses the permissive term “may” when referencing whether care can be sought for a child in need rather than “shall.”

The author additionally addresses the use of “body charts,” which are used to precisely document physical injuries or abuse. While use of these charts serves as sound, evidence-based practice for documenting injury, the author states, “[I]n 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.”

By updating the law to establish a required course of conduct for social workers who have temporary care or custody of an injured child, and clarifying how the law applies to social workers in these cases, AB 2304 may help better address, or even prevent, future tragic outcomes.

- 3) **Need for the Bill:** AB 2304 would modify existing law to require certain conduct when in temporary custody of a child in specific situations. Existing law assigns these social workers with several authorities regarding a minor's health, including routine care authorizations and emergency interventions. (See Welf. & Inst. Code, § 369.) 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. (Welf. & Inst. Code, § 369, subd. (d)(1).) However, taking this action is not required under existing law.

The author notes the tragic case of Gabriel Fernandez and suggests 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 necessary precautions. Gabriel Fernandez, an 8-year-old boy from Palmdale, California, tragically died in May of 2013 after he was brutally abused and tortured by his mother and her boyfriend.<sup>1</sup> Upon his death, it was discovered that his skull was fractured and 12 of his ribs were broken, which was not even the full extent of abuse suffered by Fernandez.<sup>2</sup>

According to the Assembly Human Services Committee Analysis for this bill:

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.

The horrifying case of Gabriel Fernandez arguably demonstrates failure across various times and with the multiple points of contact he had in his life outside the home. The updates to the law offered by AB 2304 may contribute to ensuring this type of case is not seen again.

- 4) **Argument in Support:** According to *Echoria Advocacy*, "AB 2304 clarifies when a child requires immediate emergency medical, surgical or other remedial care in an emergency situation, social workers shall have a child seen by the appropriate medical professionals. This bill additionally clarifies existing law that social workers can be held accountable for falsifying records.

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<sup>1</sup> *Mother, Boyfriend Sentenced For Torture-Murder of 8-Year-Old Gabriel Fernandez* (June 7, 2018) Los Angeles County District Attorney's Office  
<[https://da.lacounty.gov/sites/default/files/press/060718\\_Mother\\_Boyfriend\\_Sentenced\\_For\\_Torture-Murder\\_of\\_8-Year-Old\\_Gabriel\\_Fernandez.pdf](https://da.lacounty.gov/sites/default/files/press/060718_Mother_Boyfriend_Sentenced_For_Torture-Murder_of_8-Year-Old_Gabriel_Fernandez.pdf)> [as of Apr. 15, 2026].

<sup>2</sup> *Ibid.*

“In 2013, 8-year-old Gabriel Fernandez was tortured and killed by his mother and her boyfriend. Despite multiple reports of abuse from teachers and others, social workers failed to act: his body charts were incomplete, and records were falsified. His mother and her boyfriend were ultimately convicted of murder.

“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.

“For these reasons stated above I/we support AB 2304.”

- 5) **Argument in Opposition:** None submitted.
- 6) **Related Legislation:** AB 1688 (Carrillo), of the 2025-26 Legislative Session, would have required an employee of those agencies to additionally send a copy of the mandated report about the child to the attorney who represents a parent or legal guardian of the child, as specified. AB 1688 is pending hearing in the Assembly Appropriations Committee.
- 7) **Prior Legislation:**
  - a) SB 848 (Perez), Chapter 460, Statutes of 2025, required a comprehensive school plan to instead include child abuse or neglect reporting procedures and would additionally require a comprehensive school safety plan, when it is next reviewed and updated, or by no later than July 1, 2026, to include procedures specifically designed to address the supervision and protection of children from child abuse or neglect and sex offenses.
  - b) AB 1192 (Carrillo), of the 2025-26 Legislative Session, would have required an employee of an agency that received a mandated report to send a copy of the mandated report about the child to the attorney who represents a parent or legal guardian of the child, as specified. AB 1192 was held in the Assembly Appropriations Committee.
  - c) AB 391 (Jones-Sawyer), Chapter 434, Statutes of 2023, required 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.
  - d) AB 1913 (Addis), Chapter 814, Statutes of 2024, required, among other things, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools to provide annual training to their employees on the prevention of abuse, including sexual abuse, of

children on school grounds, by school personnel, or in school-sponsored programs, as provided.

- e) 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. SB 47 was held in the Senate Public Safety Committee.
- f) AB 1544 (Lackey), of the 2023-24 Legislative Session, would have would authorized 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.
- g) 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 was heard for presentation only in this committee.
- h) AB 1450 (Lackey), of 2019-20 Legislative Session, was substantially similar to AB 1544. AB 1450 failed passage in the Senate Public Safety Committee.
- i) AB 1911 (Lackey), of 2018-19 Legislative Session, 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

##### **Opposition**

None submitted.

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