

ASSEMBLY THIRD READING

AB 2304 (Lackey)

As Amended April 16, 2026

Majority vote

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.

Major Provisions

- 1) Includes a social worker employed by a county child welfare department 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.

COMMENTS

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 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.

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

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.

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."

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

According to Los Angeles Dependency Lawyers, Inc., "The bill shields social workers from accountability for falsifying documents related to the care of the children within their temporary custody, and this lack of accountability puts children's health and safety at risk."

FISCAL COMMENTS

According to the Assembly Appropriations Committee on May 6, 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: 7-0-0

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

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

VERSION: April 16, 2026

CONSULTANT: Jessica Langtry / HUM. S. / (916) 319-2089

FN: 0003019