

CONCURRENCE IN SENATE AMENDMENTS

AB 2304 (Lackey)

As Amended August 13, 2026

Majority vote

SUMMARY

Specifies that social workers employed by a county child welfare department who are guilty of specified crimes related to falsifying or altering public records or documents are punishable by felony imprisonment. Requires a social worker to take reasonable steps to obtain emergency care for a child who has been taken into protective custody, as specified, if it reasonably appears that the child requires immediate emergency care.

Senate Amendments

- 1) Specify this act shall be known, and may be cited, as Gabriel's Law.
- 2) Clarify that if a child in protective custody reasonably appears to require immediate emergency care in an emergency situation, the social worker is required to take reasonable steps to "obtain emergency care" instead of "securing" that care.
- 3) Clarify that the care may obtain care without a court order.
- 4) Define "obtain emergency care" to mean to summon emergency medical services, arrange transportation to a provider if no other person is available to do so, or otherwise take reasonable steps to connect a child with a licensed provider, and to authorize care. "Obtain emergency care" does not require a person to personally transport the child, to remain present during the provision of care to the child, or to personally provide follow-up care to the child.
- 5) Require the social worker to notify the child's tribe as soon as reasonably possible when securing emergency care if the social worker knows, or there is reason for the social worker to know, that the child is an Indian child.

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 take reasonable steps to obtain emergency 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 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 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

According to the Los Angeles District Attorney's Office, "[This bill] would also include social workers employed by a county child welfare department within the meaning of a person covered under Government Code Section 6201 that shall be punished by a wobbler penalty for stealing, removing, secreting, destroying, mutilating, defacing, altering or falsifying any public records or documents.

"This bill has been introduced 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. 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 place vulnerable children at risk.

"Far too often in cases involving the unnecessary and senseless death of a child in the child welfare system we hear statements that only if the child was seen by just one medical professional, this tragedy could have been avoided. 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."

Arguments in Opposition

Los Angeles Dependency Lawyers, Inc asserts that, "This bill interferes with child protection by shielding social workers from accountability for acts of wrongdoing. Social workers for county child welfare agencies in the state of California are able to obtain health and other related care for children within their temporary care and custody pursuant to the Welfare and Institutions Code. This bill seeks to exclude social workers as "officers" as defined in the CA Government Code to shield them from accountability for bad acts. However, as government employees acting on behalf of the state to care for children, social workers are not, and should not be allowed to falsify documents regarding children. This bill would deny families accountability when social workers engage in such bad acts. As a result, we oppose this bill."

FISCAL COMMENTS

According to the Senate Committee on Appropriations, "Unknown ongoing costs, potentially hundreds of thousands, for county social workers to obtain emergency care (General Fund and

federal funds). Costs to counties would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates."

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

ASSEMBLY FLOOR: 78-0-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, 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, 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: Quirk-Silva, Celeste Rodriguez

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

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