
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1143 **Hearing Date:** March 24, 2026
Author: Caballero
Version: February 18, 2026
Urgency: No **Fiscal:** No
Consultant: ML

Subject: *children’s advocacy centers: recordings*

HISTORY

Source: County Welfare Directors Association

Prior Legislation: SB 603 (Rubio), Ch. 717, Stats. of 2023
AB 477 (Rubio), Ch. 93, Stats. of 2021
AB 2741 (Garcia), Ch. 353, Stats. of 2020

Support: None known

Opposition: California District Attorneys Association

PURPOSE

The purpose of this bill is to clarify that children’s advocacy centers must release recordings of forensic interviews taken in the course of an investigation to child welfare agencies authorized to investigate child abuse and neglect.

Existing law defines “child abuse or neglect” to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child, or the endangering of the person or health of a child, and unlawful corporal punishment or injury against a child. Specifies that “child abuse or neglect” does not include a mutual affray between minors. “Child abuse or neglect” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Pen. Code, §11165.6.)

Existing law makes specified persons mandated reporters who shall make reports of suspected child abuse or neglect to any police department or sheriff, designated county probation departments, or a county welfare department. (Pen. Code, §§ 11165.7, 11165.9.)

Existing law allows that each county may use a children’s advocacy center to implement a coordinated multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment and sets forth standards that a children’s advocacy center must meet. (Pen. Code, § 11166.4.)

Existing law provides that the multidisciplinary team at a children’s advocacy center shall include one representative from each of the following disciplines: law enforcement, child

protective services, district attorney's offices, medical providers, mental health providers, victim advocates, and in the case of an Indian child, a representative from the child's tribe. (Pen. Code, § 11166.4, subd. (b)(1).)

Existing law provides that the files, reports, records, communications, and working papers used or developed in providing services through a children's advocacy center are confidential and not public records. (Pen. Code, § 11166.4, subd. (d).)

Existing law provides that notwithstanding any other law providing for the confidentiality of information or records relating to the investigation of suspected child abuse or neglect, the members of a multidisciplinary team associated with a children's advocacy center, including agency representatives, child forensic interviewers, and other providers at the children's advocacy center, are authorized to share with other multidisciplinary team members any information or records concerning the child and family for the sole purpose of facilitating a forensic interview or case discussion or providing services to the child or family. Requires that the shared information or records shall be treated as confidential to the extent required by law by the receiving multidisciplinary team members. (Pen. Code, § 11166.4, subd. (e).)

Existing law provides that, among the standards that a children's advocacy center must meet, the children's advocacy center shall verify that interviews conducted in the course of investigations are conducted in a forensically sound manner and occur in a child-focused setting designed to provide a safe, comfortable, and dedicated place for children and families. (Pen. Code, § 11166.4, subd. (b)(8).)

Existing law requires that a children's advocacy center or other identified multidisciplinary team member custodian ensure that all recordings of child forensic interviews be released only in response to a court order. Requires the court to issue a protective order as part of the release of such recordings, unless the court finds good cause that the disclosure of the recording shall not be subject to such an order. Requires the protective order to include all the following language:

- That the recording be used only for the purposes of conducting the party's side of the case, unless otherwise ordered by the court.
- That the recording not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that does not reveal the identity of the child, unless otherwise ordered by the court.
- That the recording not be given, displayed, or in any way provided to a third party, except as otherwise permitted or as necessary in preparation for or during trial.
- That the recording remain in the exclusive custody of the attorneys, their employees, or agents, including expert witnesses by either party, who shall be provided a copy and instructed to abide by the protective order.
- That, if the party is not represented by an attorney, the party, the party's employees and agents, including expert witnesses, shall not be given a copy of the recording but shall be given reasonable access to view or listen to the recording by the custodian of the recording. In a criminal case involving an in pro per defendant, if the court has appointed an investigator, the court may order a copy of the recording be provided to the investigator with a protective order consistent with this section and further order the investigator to return the recording to the court upon conclusion of the criminal case.

- That upon termination of representation, or upon disposition of the matter after all appeals and writs of habeas corpus have been exhausted, attorneys promptly return all copies of the recording. (Pen. Code, § 11166.4, subd. (b)(9)(A)(i)-(vi).)

Existing law provides that notwithstanding the above, the children’s advocacy center or other identified multidisciplinary team member custodian shall release or consent to the release or use of any recording, upon request, to any of the following:

- Law enforcement agencies authorized to investigate child abuse, or agencies authorized to prosecute juvenile or criminal conduct described in the forensic interview.
- County counsel evaluating an allegation of child abuse. (Pen. Code, § 11166.4, subd. (b)(9)(B)(i)-(ii).)

Existing law recognizes the inherent privacy interest that a child has with respect to the child’s recorded voice and image when describing highly sensitive details of abuse or neglect and provides that any and all recordings of child forensic interviews are not subject to a Public Records Act Request and are exempt from any such request. (Pen. Code, § 11166.4, subd. (b)(9)(E)(i).)

Existing law provides the recording shall not become a public record in any legal proceeding. (Pen. Code, § 11166.4, subd. (b)(9)(E)(ii).)

Existing law requires a court to order the recording be sealed and preserved at the conclusion of a criminal proceeding. (Pen. Code, § 11166.4, subd. (b)(9)(E)(iii).)

Existing law provides that as used in this section “recording” includes audio, video, digital, or any other manner in which the child’s voice or likeness is memorialized. (Pen. Code, § 11166.4, subd. (g).)

This bill requires that the children’s advocacy center or other identified multidisciplinary team member custodian release or consent to the release or use of any recording of a forensic interview, upon request, to child welfare agencies authorized to investigate child abuse and neglect, in addition to the above agencies.

COMMENTS

1. Need For This Bill

According to the author:

SB 1143 makes a narrow but important clarification to strengthen California’s multidisciplinary response to child abuse. Many counties rely on children’s advocacy centers (CACs), to conduct coordinated, often recorded forensic interviews that reduce the need to repeatedly question child victims. However, ambiguity in current law can limit child welfare agencies’ access to these recordings. SB 1143 simply clarifies that child welfare agencies, as investigative partners, may receive and review recorded interviews when needed—supporting stronger coordination, well informed decisions, and helping to prevent unnecessary re-traumatization of vulnerable children.

2. Distribution of Recordings of Interviews at Children's Advocacy Centers

Existing law allows each county to use children's advocacy centers to coordinate a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment. (Pen. Code, § 11166.4.) The multidisciplinary team at a children's advocacy center must include one representative from each of the following disciplines: law enforcement, child protective services, district attorney's offices, medical providers, mental health providers, victim advocates, and in the case of an Indian child, a representative from the child's tribe. (Pen. Code, § 11166.4, subd. (b)(1).)

Children's advocacy center teams may conduct forensic interviews in the course of their investigations. (Pen. Code, § 11166.4 (b)(8).) These interviews can be recorded for investigative purposes so they can be referenced later. Because interviews are recorded, the child victim generally only needs to be interviewed once about their abuse, which is intended to limit the risk of re-traumatization from repeated questioning.

Existing law provides that such recordings are generally confidential and may only be shared pursuant to a court order. (Pen. Code, § 11166.4, subd. (b)(9)(A).) However, existing law further states that the children's advocacy center or its members may share any information or records concerning the child and family with members of the Center's multidisciplinary team, but only for the purposes of facilitating a forensic interview, case discussion, or providing services to the child or family. (Pen. Code, § 11166.4, subd. (e).) Existing law also provides that children's advocacy centers or their team member custodian of the recording must release or consent to the release or use of any recording, upon request, to law enforcement agencies authorized to investigate child abuse, agencies authorized to prosecute juvenile or criminal conduct described in the forensic interview, or county counsel evaluating an allegation of child abuse. (Pen. Code, § 11166.4, subd. (b)(9)(B)(i)-(ii).)

Existing law is ambiguous as to whether recordings of forensic interviews may be shared with child welfare agencies, for two reasons. First, it is not clear whether "county counsel evaluating an allegation of child abuse" encompasses child welfare agencies. (Pen. Code, § 11166.4, subd. (b)(9)(B)(ii).) "County counsel" might include counsel employed at a child welfare agency. Second, it is not clear whether the recordings qualify as "information or records" as described in Penal Code section 11166.4, subdivision (e), which may be shared with all members of the multidisciplinary team.

Proponents of this bill assert that some counties interpret existing law to mean the recordings cannot be shared with anyone other than those specifically enumerated in Penal Code section 11166.4, subdivision (b)(9)(B), namely, law enforcement and county counsel. This interpretation precludes sharing the recordings with county welfare agency staff such as social workers, even though they are members of a Center's multidisciplinary team. As a result, social workers at child welfare agencies may sometimes be limited to relying on written notes and reports, rather than actual video, when investigating claims of abuse and neglect.

This bill attempts to remedy this ambiguity by clarifying that children's advocacy centers must release such interview recordings to child welfare agencies authorized to investigate child abuse and neglect, upon request.

Notably, there is no specified limitation on the uses of these recordings for those agencies specifically enumerated in Penal Code section 11166.4, subdivision (b)(9)(B). By contrast, under the current scheme, children's advocacy centers may share "any information or records" with any member of the multidisciplinary team, but only for the purpose of conducting a forensic interview, staff discussion, or providing services to the child and their family. This bill would allow child welfare agency staff, in addition to law enforcement and county counsel, to use the interview recordings for other purposes. Such purposes may include, for example, conducting dependency investigations and making recommendations regarding visitation.

3. Argument in Opposition

The California District Attorneys Association writes:

MDIC interviews are a critical part of investigating and prosecuting child abuse cases. Criminal investigation and prosecution of such serious crimes involving some of our most vulnerable victims often requires a significant amount of confidentiality, case building, and interagency cooperation. Often the suspects and defendants are the caregivers or guardians of the children, which can create tension between a welfare agency's goals of reunification and continuity of care and law enforcement's concern for the child's and public's safety.

An alternative approach would be to give the MDIC custodian the discretion to release MDIC recordings to child welfare agencies if it would not impact an ongoing criminal investigation or case or endanger the safety of the child. This would appropriately expand the scope of existing 11166.4, subdivision (e) which currently allows for discretionary disclosure only between MDIC team members.

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