
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 741 **Hearing Date:** June 10, 2025
Author: Ransom
Version: February 18, 2025
Urgency: No **Fiscal:** Yes
Consultant: SU

Subject: *Department of Justice: child abuse reporting*

HISTORY

Source: California Court Appointed Special Advocate Association

Prior Legislation: AB 1544 (Lackey), not heard in Senate Public Safety, 2023
AB 1450 (Lackey), failed passage in Senate Public Safety, 2019
AB 2005 (Santiago), vetoed, 2018
AB 1911 (Lackey), failed passage in Assembly Public Safety, 2018
AB 717 (Ammiano), Ch. 468, Stats. of 2011

Support: Judicial Council of California

Opposition: None known

Assembly Floor Vote: 75 - 0

PURPOSE

The purpose of this bill is to have the Department of Justice (DOJ) monitor the Child Abuse Central Index (CACI) and notify the Court Appointed Special Advocate (CASA) program if a child abuse investigation record involving a CASA employee or volunteer is submitted.

Existing law requires specified local agencies to send the DOJ reports of every case of child abuse or severe neglect that they investigate and determine to be substantiated. (Pen. Code, § 11169, subd. (a).)

Existing law directs the DOJ to maintain an index, referred to as the CACI, of all substantiated reports of child abuse and neglect submitted as specified. (Pen. Code § 11170, subds. (a)(1) & (a)(3).)

Existing law states that the CACI shall be continually updated by the DOJ and shall not contain any reports that are determined to be not substantiated. (Pen. Code, § 11170, subd. (a).)

Existing law requires DOJ to disclose information contained in the CACI to multiple identified parties for purposes of child abuse investigation, licensing, and employment applications for positions that have interaction with children, including prosecutors, a law enforcement agencies, county welfare departments, tribal agencies, and county probation departments, the State Department of Social Services, and county licensing agencies. (Pen. Code, § 11170, subd. (b).)

Existing law requires DOJ to make information contained in the CACI available to a CASA program that is conducting a background investigation of an applicant seeking employment with the program or a volunteer position. (Pen. Code, § 11170, subds. (b)(5).)

Existing law defines a CASA program as a local court-appointed special advocate program that has adopted and adheres to the guidelines established by the Judicial Council and which has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers to be appointed by the court to help define the best interests of children in juvenile court dependency and wardship proceedings. (Pen. Code, § 11105.04, subd. (e).)

Existing law provides that a CASA program may submit to the DOJ fingerprint images and related information of employment and volunteer candidates for the purpose of obtaining information as to the existence and nature of:

- Any record of child abuse investigations contained in the CACI;
- State or federal level convictions; or,
- State or federal level arrests for which the DOJ establishes that the applicant was released on bail or on their own recognizance pending trial. (Pen. Code, § 11105.04, subd. (a).)

Existing law states that when requesting state-level criminal offender record information, the designated CASA program shall request subsequent arrest notification for all employment and volunteer candidates. (Pen. Code, § 11105.04, subd. (b).)

Existing law requires the DOJ to charge a fee sufficient to cover the cost of processing the requests for federal level criminal offender record information, but prohibits DOJ from charging a fee for state level criminal offender record information. (Pen. Code, § 11105.04, subd. (d)(1-2).)

This bill requires the DOJ to monitor the CACI and notify the CASA program if a child abuse investigation record involving a CASA employee or volunteer is added to the CACI.

This bill allows the DOJ to increase the fee for a CASA candidate's criminal history information sufficient to cover the cost of processing subsequent child abuse investigation notifications from the CACI.

COMMENTS

1. Need for This Bill

According to the author:

The safety, protection, and well-being of children in foster care is paramount, and thus it is imperative to extend subsequent notices for CACI information to CASA programs in California. Primarily, this change will enhance child safety, but it will also reduce the financial and administrative burdens on the 44 local CASA programs serving California courts. By taking these steps, we can further strengthen the state's commitment to safeguarding these most vulnerable individuals: the children and youth in California's foster care system.

2. Court Appointed Special Advocate (CASA) Program

A CASA program is a local court-appointed special advocate program that has adopted and adheres to the guidelines established by the Judicial Council, and which has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers to be appointed by the court to help define the best interests of children in juvenile court dependency and wardship proceedings. (Pen. Code, § 11105.04, subd. (e).)

According to the California CASA Website, the “California Court Appointed Special Advocate Association ensures that children & youth in the foster care system have a voice and the services they need for a stable future.” “A CASA volunteer, or Court Appointed Special Advocate, works one-on-one with a foster youth, advocating for their best interest. Having a stable relationship with a supportive adult can help children who have experienced abuse and neglect do well, even when they have faced significant trauma and hardship.” (<https://www.californiacasa.org/> [as of 6/1/25].)

3. Child Abuse Central Index (CACI)

The CACI was created in 1965 as a centralized system for collecting reports of suspected child abuse. This is not an index of persons who necessarily have been convicted of any crime; it is an index of persons against whom reports of child abuse or neglect have been made, investigated, and determined by the reporting agency (local welfare departments and law enforcement) to meet the requirements for inclusion, according to standards that have changed over the years.

Access to CACI initially was limited to official investigations of open child abuse cases, but in 1986 the Legislature expanded access to allow the Department of Social Services (DSS) to use the information for conducting background checks on applications for licenses, adoptions, and employment in child care and related services positions.

DOJ provides the following summary of CACI on its website:

The Attorney General administers the Child Abuse Central Index (CACI), which was created by the Legislature in 1965 as a tool for state and local agencies to help protect the health and safety of California's children...

Investigated reports of child abuse are forwarded to the CACI. These reports contain information related to substantiated cases of physical abuse, sexual abuse, mental/emotional abuse, and/or severe neglect of a child.

The information in the Index is available to aid law enforcement investigations, prosecutions, and to provide notification of new child abuse investigation reports involving the same suspects and/or victims. Information also is provided to designated social welfare agencies to help screen applicants for licensing or employment in child care facilities and foster homes, and to aid in background checks for other possible child placements, and adoptions. Dissemination of CACI information is restricted and controlled by statute.

Information on file in the Child Abuse Central Index include:

- Names and personal descriptors of the suspects and victims listed on reports;
- Reporting agency that investigated the incident;
- The name and/or number assigned to the case by the investigating agency; and
- Type(s) of abuse investigated.

It is important to note that the effectiveness of the index is only as good as the quality of the information reported. Each agency that submits a report of substantiated child abuse or severe neglect is responsible for the accuracy, completeness and retention of the original reports. The CACI serves as a “pointer” back to the original submitting agency. (See <<http://oag.ca.gov/childabuse>> [as of 5/16/25].)

DOJ is not authorized to remove suspect records from CACI unless requested by the original reporting agency. (<https://oag.ca.gov/childabuse/selfinquiry> [as of 5/16/25].)

CACI was previously fraught with problems and the subject of extensive litigation. In *Humphries v. Los Angeles County* (9th Cir. 2009) 554 F.3d 1170, the Ninth Circuit held that an erroneous listing of parents who were accused of child abuse on the CACI without notice and an opportunity to be heard would violate the parents' due process rights. Specifically, “[t]he lack of any meaningful, guaranteed procedural safeguards before the initial placement on CACI combined with the lack of any effective process for removal from CACI violates the [parents'] due process rights.” (*Id.* at 1200.) The court ruled that, “California must promptly notify a suspected child abuser that his name is on the CACI and provide ‘some kind of hearing’ by which he can challenge his inclusion.” (*Id.* at 1201.)

Following the *Humphries* decision, the Legislature made significant changes to the program to establish some procedural safeguards. (See AB 717 (Ammiano), Chapter 468, Statutes of 2011.) First, the standard for the inclusion of report on CACI was changed from “determined not to be unfounded” to “determined to be substantiated.” Second, persons listed on the CACI were given the right to a hearing to challenge the listing. Third, police and sheriffs’ departments were barred from forwarding reports to CACI. In addition to these statutory changes, a settlement decision in *Gomez v. Saenz* established due process requirements regarding reports of abuse submitted to CACI by social service agencies. These requirements resulted in the adoption of the Department of Social Services regulations now applicable when child welfare agencies submit reports onto CACI.

It should be noted, that although the California Department of Justice also maintains criminal history information for individuals, CACI listings are separate and not part of a person’s criminal history, because as noted above, CACI is an index of allegations, not of convictions. The entities with whom DOJ can share information regarding inclusion in the CACI is regulated by statute and includes: state law enforcement agencies, county welfare departments, tribal agencies, or probation departments conducting child abuse investigations; the Department of Social Services and county licensing agencies; child death review teams; investigative agencies or probation departments responsible for child placements; organizations hiring for jobs or volunteer roles that will involve direct contact with children, such as school staff, workers in day care centers or crisis nurseries, and others. (Pen. Code, § 11170, subd. (b).)

Under existing law, the DOJ is already required to provide information included in the CACI to a CASA program which is conducting a background check on a job applicant or volunteer. (Pen. Code, § 11170, subd. (b).) This bill would require that DOJ proactively monitor CACI and subsequently notify CASA programs if a person is added to the CACI index after they are hired or are working as a volunteer. This bill allows DOJ to increase its fee to cover associated costs.

While the safety of the children being served through CASA programs is imperative, should guardrails be in place to prevent sharing of information with CASA when the subject is no longer affiliated with the program? If the individual is no longer employed by, or volunteering with, a CASA program, the program should not be privy to this information. In a similar context, with regards to obtaining subsequent arrest information (not CACI information) for persons employed by, or volunteering with, youth organizations, any youth organization that requests subsequent arrest notification must immediately notify DOJ to terminate that that service when they know that the individual for whom the service is requested is no longer in their former position. The organization is also required to verify, not less than every six months, whether the person is still affiliated. And when the organization does receive subsequent arrest information for an individual either unknown to them, or no longer affiliated, the organization is required to immediately return that information to the DOJ. (See Pen. Code, § 11105.3, subd. (j).)

Should similar requirements be put in place for CASA programs for the trade-off of obtaining subsequent CACI information without having to request it from DOJ?

4. Argument in Support

According to the Judicial Council,

AB 741 would aid CASA programs in ensuring that their employees and volunteers can safely fulfill their court appointed duties. A CASA is a trained volunteer appointed by a judicial officer to provide advocacy for a child who is under the jurisdiction of the juvenile court. CASA volunteers serve as the “eyes and ears” of the judge for children in foster care. Volunteers spend time with children, monitor needed services, and provide child-focused recommendations to the court based on the best interest of the children they serve. Currently, there are 45 CASA programs providing services to the local superior courts in 52 of California’s 58 counties with approximately 11,000 active CASA volunteers serving 13,000 children and youth statewide.

While CASA programs currently receive notices from the Department of Justice, the FBI, and the Department of Motor Vehicles of any changes in the background screening results of any volunteer or employee, they do not get subsequent notices from California’s Child Abuse Central Index which includes reports of substantiated child abuse investigations. As a result, all CASA volunteer and employees must be re-fingerprinted every four years to ensure that they can continue their work with children. This procedure delays vital information that could be used by a CASA program to prevent harm to a child if a volunteer or staff member is alleged to have hurt a child. Further, it is a financial expense and an administrative burden to the local CASA programs. AB 741 would remedy this gap by authorizing ongoing CACI notifications to CASA programs to ensure that they have the information they need to protect the children they serve.

CASA volunteers play a vital role in ensuring that juvenile courts have comprehensive information about the needs and status of the children and youth that they are appointed to serve. AB 741 will support the juvenile courts in ensuring that these volunteers pose no danger to the children that they serve and thus enhance the quality of the court appointed service.

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