
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 1688 **Hearing Date:** June 16, 2026
Author: Carrillo
Version: March 12, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *Child abuse or neglect: reporting*

HISTORY

Source: Children's Law Center of California
Dependency Legal Services

Prior Legislation: AB 601 (Jackson), held in Senate Appropriations, 2025
AB 970 (McKinnor), held in Assembly Public Safety, 2025
AB 1192 (Carrillo), held in Assembly Appropriations, 2025
AB 670 (Calderon), Ch. 585, Stats. of 2021

Support: California Alliance of Child and Family Services; California Lawyers
Association, Family Law Section; California Public Defenders Association;
Public Counsel

Opposition: Riverside County Sheriff's Office

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to share information regarding incidents of reasonably suspected abuse or neglect, alleged to have occurred in a facility licensed to care for children by the State Department of Social Services, with attorneys who represent the parents of the child in dependency court, as well as with attorneys for children who may not be involved with the allegations but are residing in a placement where abuse or neglect has been alleged.

Existing law establishes Child Abuse and Neglect Reporting Act (CANRA) to protect children from abuse and neglect by requiring certain individuals, known as mandated reporters, to report known cases of child abuse or neglect to designated agencies. (Pen. Code, §§ 11164 *et seq.*)

Existing law defines mandated reporters and enumerates exceptions for certain professionals. (Pen. Code, § 11165.7, subd. (a); Pen. Code § 11166, subd. (d).)

Existing law requires mandated reporters make a report to any agency whenever in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment the mandated reporter has knowledge of or observes a child whom they know, or reasonably suspect, has been the victim of child abuse or neglect. (Pen. Code, § 11165.9; Pen. Code, § 11166, subd. (a).)

Existing law enumerates the types of conduct that must be reported, establishes confidentiality for reporters, and authorizes the agency receiving the report to evaluate and determine if an investigation and removal of the child from their home shall take place. (Pen. Code, §§ 11165.1-11165.6.)

Existing law requires the initial report to be made by telephone to the agency immediately or as soon as is practicably possible, and to prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. (Pen. Code, § 11166, subd. (a).)

Existing law requires an agency that receives a report from a mandated reporter that contains either a report of abuse to have occurred in facilities licensed to care for children by the California Department of Social Services (CDSS) or a report of death of a child who was, at the time of death, living at, enrolled or regularly attending a facility licensed to care for children by CDSS – unless the circumstances of the child’s death are clearly unrelated to the child’s care – to, within 24 hours, notify the licensing office with jurisdiction over the facility and to send the licensing agency a copy of its investigation. (Pen. Code, § 11166.1, subd. (a).)

Existing law requires any employee of an agency who has knowledge of, or observes in their professional capacity or within the scope of their employment, a child in protective custody whom the employee knows or reasonably suspects has been the victim of child abuse or neglect to, within 36 hours, send to the attorney who represents the child in dependency court, a copy of the report prepared in accordance with the CANRA. (Pen. Code, § 11166.1, subd. (b).)

Existing law requires the court to appoint counsel for a parent if they are unable to afford one and their child has been placed in out-of-home care. (Welf. & Inst. Code, § 317, subds. (a),(b).)

Existing law requires the court to appoint counsel for the child placed in out-of-home care unless the court finds that the child would not benefit from such an appointment. (Welf. & Inst. Code § 317, subd. (c).)

Existing law requires the child’s counsel to make representations of the child’s interests and empowers counsel to make or cause to have made any further investigations that they deem in good faith to be reasonably necessary to ascertain the facts, including investigating the interests of the child beyond the juvenile proceedings and reporting those interests to the court should the child need to be protected. (Welf. & Inst. Code, § 317, subd. (e).)

Existing law requires the agency to maintain a copy of the written report and for all information requested by the attorney for the child to be provided by the agency within 30 days of the request. (Pen. Code, § 11166.1, subd. (b).)

This bill expands the 36-hour notification requirement for reports of neglect or abuse alleged to have occurred in CDSS-licensed facilities to require notice of the report be given to the attorney who represents a parent or legal guardian of the child in dependency court.

This bill requires that the notice states only that a report has been made and shall not disclose any information concerning the substance of the report.

This bill specifies that the notification requirement does not apply to a parent whose parental rights have been terminated or a parent who is not entitled to reunification services.

This bill requires that if neglect or abuse was alleged to have occurred in a placement, all attorneys who represent children with an open dependency case in that placement to receive notice of the report.

COMMENTS

1. Need For This Bill

According to the author:

Each year, 60,000 children move in and out of the foster care system in California, with more than half residing in Southern California. These youth have often experienced abuse, neglect, and trauma, which can have lasting effects on their well-being. However, gaps in reporting requirements leave them vulnerable to further harm. AB 1688 reinforces California's commitment to protecting foster youth by strengthening notice requirements to ensure that all relevant parties are informed. Greater transparency in reporting cases of abuse or neglect is essential to safeguarding foster youth, and this bill reflects our shared responsibility to protect the most vulnerable children in our state.

2. Current Reporting Requirements

California's child welfare services system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, Child Protective Services (CPS) is tasked with investigating the allegations reported to agencies by mandated reporters and others.

When there is alleged abuse in a facility licensed by CDSS or a report of the death of a child who was living in a CDSS licensed facility during the time of death, agencies are required to notify CDSS' licensing office within 24 hours of receiving a report of abuse.

Under existing law, a report filed that alleges suspected abuse or neglect, known as the Suspected Child Abuse Report (SCAR), must include all of the following and must be cross reported between law enforcement and child welfare:

- Full name of the mandated reporter (non-mandated reporters who make voluntary reports are not required to provide their names and the identity of all reporters is confidential);
- Business address and daytime telephone number of the mandated reporter;
- Professional capacity or category that makes the person a mandated reporter (e.g., teacher, physician, social worker, licensed clinical social worker, law enforcement officer);
- Whether the mandated reporter personally witnessed the incident;
- The specific information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect; and,
- The source or sources of that information.

The following child-specific information, if known to the reporter, must also be included:

- Child's name (last, first, middle);

- Child's date of birth or approximate age;
- Child's sex and ethnicity;
- Child's home address;
- Child's present location at time of report;
- School name, class, and grade (if applicable); and,
- Whether the child has a disability.

Information about the involved parties:

- Names, addresses, and telephone numbers of the child's parents or legal guardians;
- The relationship between each parent or guardian to the child;
- Name, address, telephone number, and other relevant personal information about the person(s) the mandated reporter knows or reasonably suspects to have abused or neglected the child; and,
- The suspect's relationship with the child (e.g., parent, caregiver, other household member, non-household member).

Information regarding a description of the incident and narrative:

- Date, time, and specific location of the incident or the most recent known incident;
- Type of abuse or neglect alleged (physical abuse, sexual abuse, emotional abuse, general neglect, severe neglect, exploitation);
- Description of the injuries or condition(s) observed, including observable evidence;
- Description of similar prior incidents involving the same victim or suspect, if known; and,
- Any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

Current law requires that when an agency receives a report of reasonably suspected abuse or neglect, there is a process to determine whether that child is in protective custody, meaning there is an open dependency case, or they are already in a foster care placement. If protective custody status is confirmed, the agency has 36 hours to send a copy of the report to the attorney representing the child in dependency court.

3. Current Rights to Representation

Under existing law, attorneys are provided to parents and children of those with dependency cases. In all stages of dependency proceedings, parents are entitled to appointed counsel if they are unable to afford private representation, and children are entitled to independent legal counsel. County public defender offices, conflict panels, or contracted nonprofit law offices typically provide representation, depending on the county, with funding administered at the county level, with significant variation in caseloads, compensation rates, and quality across California's 58 counties.

The child's attorney has an independent duty to investigate and advocate for the child's legal interests, which can differ from the child's expressed wishes. Children may also have a Court Appointed Special Advocate (CASA), in addition to legal counsel, and those roles are distinct and non-duplicative. Where the child's expressed preferences conflict with the attorney's assessment of the child's best interests, the attorney must exercise independent professional

judgment consistent with applicable Rules of Professional Conduct. Under current law, the child's attorney in a dependency case receives a copy of the SCAR within 36 hours of its submission to an agency.

The parent's attorney is appointed to represent the parent's legal interests throughout the dependency proceedings which are centered on reunification with the child or, where reunification is not pursued, on protecting the parent's legal rights regarding termination of parental rights, visitation, and case planning. Because the parent's primary legal interest in most dependency cases is reunification, the parent's attorney may raise placement-related arguments whenever the placement directly affects the feasibility or quality of reunification services and contact.

4. Effect of this Bill

Increased Transparency in Foster Care Placements

CDSS monitors the safety of youth in foster care by specifically tracking reports made against foster parents, kinship caregivers, or congregate care staff in order to ensure that children are safer in their placements than they were in their original homes.

The Children's Bureau, part of the federal Office of the Administration for Children and Families (ACF), found, in 2022, that 169 California children were victims of abuse or maltreatment by their foster parents. Nationally, six children were killed by foster parents in that same year. According to the Child Maltreatment 2024 report published by ACF, California recorded 44,943 total substantiated victims of maltreatment across the state. Further, according to the California Child Welfare Indicators Project, the rate of maltreatment in California occurring specifically while children were in foster care was 8.57 per 100,000 days of care. This rate is better than the national performance standard of 9.07, but still troubling to have any child re-traumatized as wards of the state. Similarly, the American Medical Association Journal of Ethics tracked an alarming disparity of treatment based on the child's racial, ethnic, or class disparities.¹

Currently, there is not a process or requirement to provide notice of reasonable suspicion of allegations of abuse or neglect to the attorneys of other children placed in the home where the alleged abuse is occurring. Currently, there is not a process or requirement to provide notice of reasonable suspicion of allegations of abuse or neglect to the attorneys of the parents of children placed in homes where alleged abuse is occurring.

This bill expands this requirement by requiring the agency to provide, within 36 hours, notice of the report to the attorney representing the parent(s) of the foster youth, as well as the attorneys for any other child in the same placement where the abuse or neglect has been alleged to have taken place.

¹American Medical Association Journal of Ethics, (Feb. 2023). *How Should Clinicians and Health Care Organizations Promote Equity in Child Abuse and Neglect, Suspicion, Evaluation and Reporting?*
<https://journalofethics.ama-assn.org/article/how-should-clinicians-and-health-care-organizations-promote-equity-child-abuse-and-neglect-suspicion/2023-02>

This bill specifies that a placement includes placement in foster care, congregate care, in an Short-Term Residential Therapeutic Program, or with a relative. Under this bill, the notification requirement does not apply to parents whose parental rights have been terminated.

This bill increases transparency and access to justice for children living in CDSS placements, ensuring safe out-of-home care for all children.

Higher Quality Legal Representation for Families in Dependency Proceedings

Children are often unable to articulate wrongdoing or abuse that they may observe. Attorneys of children in dependency proceedings are charged not only to generally represent a child's interests, but to also report to the court any other interests of the child that may need to be protected by the court through the institution of other administrative or judicial proceedings.

Attorneys are therefore charged with investigating and analyzing the child's interests. Alleged abuse or wrongdoing occurring in a placement directly impacts a child's interest and may affect the outcome of dependency proceedings. Attorneys for parents involved in dependency proceedings, likewise, have an interest in understanding placement quality when arguing for reunification, as parents have a right to protect and advocate for the safety of their child.

Without all the facts, attorneys may be unable to zealously advocate for the parents and children that they represent.

5. Argument in Support

According to Children's Law Center of California:

Currently, California law under Penal Code Section 11166.1 requires social service agencies to notify a minor's attorney when there is a reasonable suspicion that the minor has been abused or neglected. However, this requirement does not extend to the attorneys of other foster children residing in the same placement or to the attorneys of the abused child's parents. As a result, children may continue to be placed at risk, and parents are left unaware of crucial information affecting their children's well-being.

AB 1688 will address these deficiencies by implementing two key reforms:

1. Notifying a Minor's Attorney When Another Child in the Same Placement is Suspected to Have Been Abused

- If abuse is suspected in a foster home, all attorneys representing foster children residing in that placement must be notified.
- This allows attorneys to take appropriate action, such as filing for removal, requesting court intervention, or conducting their own investigation, to ensure their client's safety.

2. Notifying a Parent's Attorney When There is a Reasonable Suspicion That Their Child Has Been Abused in Out-of-Home Care

- Parents have a fundamental right to protect and advocate for their children's safety.
- Without proper notification, parents and their legal counsel are left unaware of potential harm occurring in foster care, limiting their ability to intervene or seek appropriate legal remedies.

Foster care is intended to be a refuge for children who have experienced abuse or neglect. Yet, data reveals that some foster placements fail in their fundamental duty to protect these children:

- In 2022, the Children's Bureau reported that **169 California children** were victims of abuse or maltreatment by their foster parents.
- Nationally, **six children lost their lives** due to abuse by foster parents that same year.

These statistics underscore the need for robust oversight and accountability. Attorneys for foster children and their parents play an indispensable role in safeguarding children's welfare, but they cannot fulfill this role without access to essential information.

AB 1688 aligns with Welfare and Institutions Code Section 317(e), which tasks children's attorneys with making recommendations concerning their client's welfare. It is impossible for attorneys to fulfill this duty if they are unaware of abuse occurring in their client's placement.

By expanding the current notification framework, AB 1688 ensures that attorneys have the information they need to:

- Advocate for a child's removal from an unsafe placement
- Seek court intervention to address systemic failures
- Provide parents with the opportunity to protect their children

6. Argument in Opposition

According to Riverside County Sheriff's Office:

As written, AB 1688 requires notification to be issued within 36 hours of a report of suspected abuse or neglect being received, regardless of whether the allegation has been investigated, corroborated, or determined to be credible. A report may ultimately be found to be unfounded, mistaken, or unsupported by the facts. Nevertheless, local agencies would be required to initiate notification to multiple attorneys before any meaningful assessment of the allegation can occur.

[...]

From an operational standpoint, AB 1688 creates substantial implementation challenges. The bill assumes that the investigating agency will be able to identify all attorneys entitled to notice and provide notification within the prescribed timeframe. However, neither the bill nor existing law establishes a reliable mechanism for law enforcement agencies to obtain that information. In reality,

dependency courts, county welfare departments, and attorneys of record are in a far better position to identify counsel representing the various parties in dependency proceedings. AB 1688 effectively transforms local law enforcement agencies into notification clearinghouses for dependency counsel despite law enforcement having neither primary responsibility for dependency case management nor direct access to the information necessary to efficiently carry out that function.

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