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**CA Governor Signs Law Mandating Public Access to Records of Children Who Die of Abuse or Neglect**

*Oct. 11, 2007* – Gov. Arnold Schwarzenegger today signed SB 39, which mandates public disclosure of findings and information about children who have died of abuse or neglect. The goal of the bill is to promote public scrutiny of cases in order to improve child welfare policy and practice to ensure children’s safety. The bill was authored by Sen. Carole Migden (D-San Francisco).

“Little is known about these children, the suffering they endured prior to their deaths, and the steps that might have been taken to protect them,” said Bill Grimm, senior attorney at the National Center for Youth Law, which co-sponsored the legislation with the Children’s Advocacy Institute. “This new law will make it possible to get information that is vital to reform, while protecting the privacy rights of those involved.”

California’s new law is unique in that it allows public access to portions of a child’s actual case file, rather than a summary of information provided by the child protective agency responsible for the child’s safety. In addition, there is a presumption under the new law that the entire case file will be released upon request to the juvenile court.

“This really is one of the only laws – if not *the* only law – in the country that allows this degree of access,” said Grimm. He said most states release summaries of case information or allow access to a child’s case file only under certain circumstances.

In 2002, the last year data is available, an estimated 140 children in California died due to abuse and neglect, and another 191 died under suspicious circumstances. Just in the past week, two children from the Bay Area are believed to have died of abuse.

Under the new law, the public will have timely access to specified information in juvenile court records. The law lays out a three-tiered system for the release of records:

1) Reasonable suspicion - Within five days of a child’s death that is reasonably suspected to be the result of abuse or neglect, the county welfare agency must, upon request, release minimal information about the child, including:

- \* Child’s name and gender
- \* Date of death
- \* Whether the death is under investigation by child welfare officials or law enforcement
- \* Whether the child was in foster care or at home with his or her parent/guardian at the time of death.

2) Substantiation – If the suspected abuse or neglect is substantiated, documents relating to the circumstances surrounding the death must be released, upon request. These documents include:

- \* All previous referrals to the child welfare agency regarding abuse or neglect
- \* Emergency response referral information
- Reports made by the child welfare agency to law enforcement
- \* All health records, excluding mental health records, relating to the child's death and previous injuries
- \* Police reports regarding the person believed to have inflicted the abuse
- \* Records pertaining to foster parents' licensing and training, if the child was in foster care at the time of death

3) Court procedure for releasing documents – The law sets forth an expedited judicial procedure for release of other documents, favoring the release unless statutory grounds for confidentiality exist. No balancing or weighing of interests is required except where interests of another child are involved.

Among the bill's supporters are the California Newspaper Publishers Association, the California Nurses Association, and the County Welfare Directors Association of California.