



May 17, 2016

To The Honorable Holly J. Mitchell
Chair, Senate Budget Subcommittee 3

Honorable Members, Senate Budget Subcommittee 3

From Cathy Senderling-McDonald
Deputy Executive Director, CWDA

Tia Orr
Director of Government affairs - Private sector and income inequality
SEIU State Council

Re: Near-Fatalities Reporting TBL - SUPPORT MAY REVISION

The County Welfare Directors Association of California (CWDA) and SEIU State Council support trailer bill language proposed in the May Revision by the Administration to bring the state into compliance with federal requirements related to the reporting of information on near-fatalities that occur to children as the result of abuse or neglect.

The Child Abuse Prevention and Treatment Act (CAPTA) is the overarching federal law regarding state and federal activities to address child abuse and neglect. CAPTA was originally enacted in 1974 and has been amended numerous times since then. CAPTA first was amended to require states to develop procedures for the release of specified information about child fatalities that occur as a result of abuse or neglect. In 2007, California enacted a comprehensive set of requirements related to the public release of information related to child fatalities. SB 39 (Migden) went beyond the requirements of CAPTA for fatalities that occur as a result of abuse or neglect. The statute was carefully negotiated and the end product balanced the public's right to know relevant information about child fatalities that occur due to abuse or neglect, with the right of privacy for the family and, especially, for other surviving children in the family.

CAPTA was more recently amended to require states to develop procedures for the release of information related to near fatalities that occur to children as the result of abuse or neglect. According to federal guidance issued to states, a state may determine its procedures for how to release information in accordance with parameters in the law, and can release the full investigation; a summary of the investigation; or a statement of findings and information about the incident, among other options.

The proposed trailer bill language, which has been reviewed and approved by the federal Administration for Children and Families as bringing California into compliance with CAPTA, would require counties to release information about near-fatalities in the form of a written summary. The written summary allows the counties to provide information in a way that preserves the privacy of the living child for whom they continue to care, while accomplishing the goals of the public information sharing requirements in CAPTA. Specifically, this process provides the qualitative information needed for the public to ascertain the circumstances and ensures the public has access to relevant information related to the incident in order to help prevent these incidents from being repeated. Written summaries are a result of careful internal review of the entire case, and thus reflect context, and are also consistent with how other states inform the public about near-fatalities that occur as a result of abuse or neglect.

The enactment of this statute will preserve the state's ability to continue drawing down \$4.8 million in federal child abuse prevention funding, and bring the state into compliance with the federal requirements for this reporting.

We appreciate the Administration's thoughtful balancing of the public's right to know certain relevant information about these types of incidents with the need to protect privacy for the affected children who are still alive and trying to recover from serious injuries and trauma.

For these reasons, we support the proposed trailer bill language.

cc: Jennifer Troia, Office of the Senate President Pro Tempore
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