

AMENDED IN SENATE APRIL 13, 2021  
AMENDED IN SENATE MARCH 10, 2021

**SENATE BILL**

**No. 537**

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**Introduced by Senator Rubio  
(Coauthor: Senator Eggman)**

February 17, 2021

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An act to ~~amend Section 300 of, and to add Sections 16515 and 16515.1 to,~~ add Section 300.4 to, and to add and repeal Section 16515 of, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Rubio. Child welfare: domestic violence.

*Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent of the court under certain circumstances, including when the child suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of the failure or inability of their parent or guardian to adequately supervise or protect the child, or a parent willfully or negligently fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law prohibits a child from being found to be a dependent solely due to the lack of an emergency shelter for the family.*

*This bill would also prohibit a child from being found a dependent solely due to the parent or guardian being a victim of domestic violence, unless the court finds the conditions described above are met.*

*Existing law governs the provision of child welfare services, which is defined to mean public social services that are directed toward the accomplishment of specified purposes, including protecting and promoting the welfare of all children, preventing the unnecessary*

*separation of children from their families, and restoring to their families children who have been removed.*

*This bill would require the State Department of Social Services, on or before July 1, 2022, to convene a workgroup to examine the nexus between child welfare and domestic violence and the impacts of child welfare policy on families experiencing domestic violence. The bill would require the membership of the workgroup to include interested parties and stakeholders, as specified, and would require the workgroup, among other things, to examine policies and procedures related to child welfare engagement in cases in which domestic violence is present in a child's home, review best practices and recommendations from research related to child welfare and domestic violence, and identify gaps in the child welfare system in which additional training, oversight, or policy changes may be needed to achieve improved outcomes for children and families experiencing domestic violence. The bill would require the department, on or before December 31, 2022, and based on the findings of the workgroup, to submit a report to the Legislature containing recommendations on ways to improve outcomes for children and families referred to the child welfare system who are experiencing domestic violence.*

~~Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent of the court under certain circumstances, including when the child suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of the failure or inability of their parent or guardian to adequately supervise or protect the child, or a parent willfully or negligently fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law prohibits a child from being found to be a child so described solely due to the lack of an emergency shelter for the family.~~

~~This bill would also prohibit a child from being found to be a child as described above solely due to the parent or guardian being a victim of domestic violence.~~

~~Existing law governs the provision of child welfare services, which is defined to mean public social services that are directed toward the accomplishment of specified purposes, including protecting and promoting the welfare of all children, preventing the unnecessary separation of children from their families, and restoring to their families children who have been removed. Existing law requires the State Department of Social Services to select and award a grant to a private~~

~~nonprofit or public entity for the purpose of establishing a statewide multipurpose child welfare training program designed to provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. Existing law requires the training to include, among other topics, information regarding the dynamics and effects of domestic violence upon families and children.~~

~~This bill would require each county child welfare agency to coordinate and communicate with domestic violence agencies in order to ensure various things, including that a county child welfare agency knows where and how to access expertise and resources to most effectively intervene in cases invoking child abuse or neglect and involving domestic violence. The bill would require the State Department of Social Services to collect and analyze specified data relating to reports of child abuse or neglect in which domestic violence is involved in a report to be annually submitted to the Legislature, and would require a county child welfare services agency to provide that specified data regarding its county to the department. By imposing duties on local officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes-no*.~~

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. (a) The Legislature finds and declares both of*
- 2     *the following:*
- 3         *(1) Families that experience domestic violence are often brought*
- 4         *to the attention of the child welfare system. The intersection*
- 5         *between domestic violence and the welfare of a child is often*
- 6         *complex, with multiple agencies involved in determining the best*
- 7         *course of action to aid the child and the family.*
- 8         *(2) Individuals working in the child welfare system and domestic*
- 9         *violence advocates have come together to better understand this*

1 nexus and to work together to address the impact of domestic  
2 violence on children, and the effects of child welfare policy on  
3 families experiencing domestic violence.

4 (b) It is the intent of the Legislature to ensure that child welfare  
5 policy reflects the most current understanding of domestic violence  
6 and trauma, and that both the parents and children are provided  
7 with the support they need, including support to prevent entry into  
8 the child welfare system or support to reunify as a family.

9 SEC. 2. Section 300.4 is added to the Welfare and Institutions  
10 Code, to read:

11 300.4. A child shall not be found to be a person described by  
12 subdivision (b) of Section 300 solely due to the parent or guardian  
13 being a victim of domestic violence unless the court finds the  
14 conditions stated in subdivision (b) of Section 300 are met. For  
15 purposes of this section, “domestic violence” has the same meaning  
16 as defined in Section 6211 of the Family Code.

17 SEC. 3. Section 16515 is added to the Welfare and Institutions  
18 Code, to read:

19 16515. (a) On or before July 1, 2022, the department shall  
20 convene a workgroup to examine the nexus between child welfare  
21 and domestic violence and the impacts of child welfare policy on  
22 families experiencing domestic violence.

23 (b) The membership of the workgroup shall include interested  
24 parties and stakeholders, including, but not be limited to,  
25 representatives from all of the following:

26 (1) County child welfare agencies.

27 (2) Domestic violence support organizations.

28 (3) Child advocacy organizations.

29 (4) Organizations representing county child welfare workers.

30 (5) Individuals who have had both experience with domestic  
31 violence and interaction with the child welfare system.

32 (c) At a minimum, the workgroup shall do all of the following:

33 (1) Examine policies and procedures related to child welfare  
34 engagement in cases in which domestic violence is present in a  
35 child’s home.

36 (2) Review best practices and recommendations from research  
37 within California and in other states related to child welfare and  
38 domestic violence.

39 (3) Review available data, and identify additional data needed,  
40 to track involvement and outcomes for children and families

1 *referred to the child welfare system under circumstances in which*  
2 *domestic violence is present in the home.*

3 *(3) Identify gaps in the child welfare system in which additional*  
4 *training, oversight, or policy changes may be needed to achieve*  
5 *improved outcomes for children and families experiencing domestic*  
6 *violence.*

7 *(d) (1) Based on the findings of the workgroup, the department,*  
8 *on or before December 31, 2022, shall submit a report to the*  
9 *Legislature containing recommendations on ways to improve*  
10 *outcomes for children and families referred to the child welfare*  
11 *system who are experiencing domestic violence.*

12 *(2) The report to be submitted to the Legislature pursuant to*  
13 *subdivision (a) shall be submitted in compliance with Section 9795*  
14 *of the Government Code.*

15 *(e) This section shall remain in effect only until January 1, 2027,*  
16 *and as of that date is repealed.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, March 10, 2021. (JR11)**