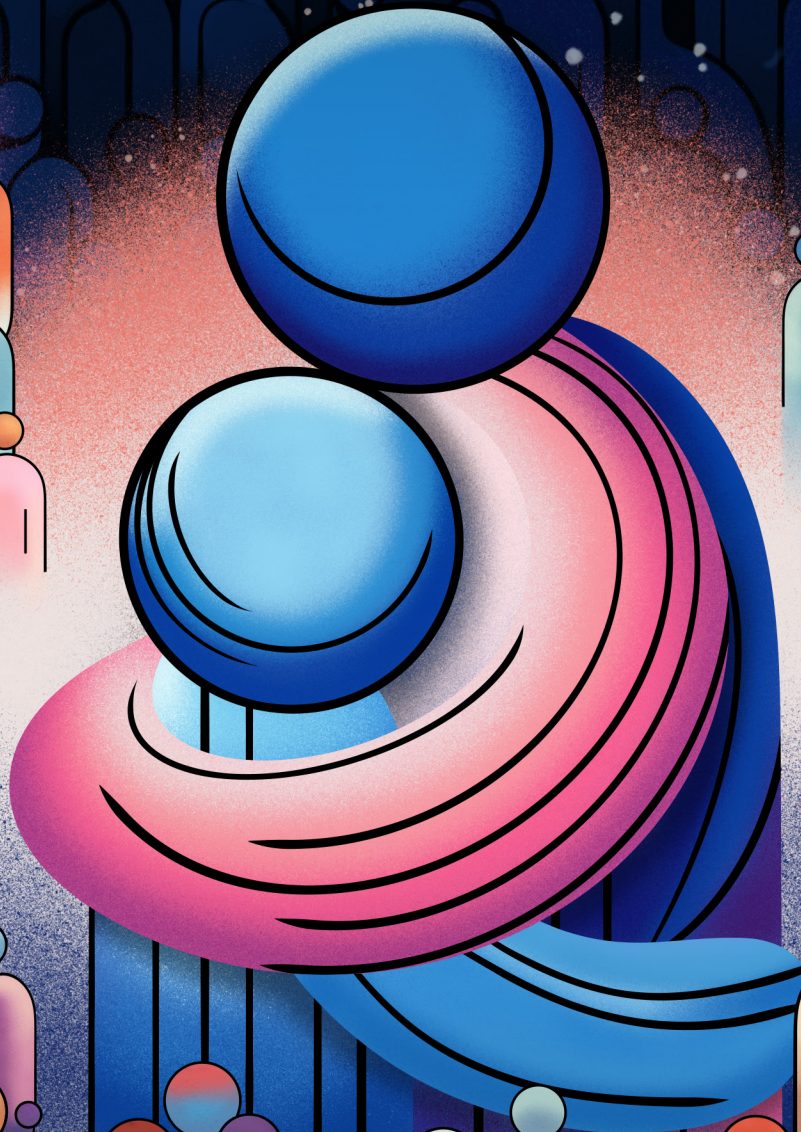


UCLA School of Law
Criminal Justice Program

THE TIES THAT BIND:

**Relationships Between Law Enforcement
and the Department of Children and Family
Services in Los Angeles County**



Leah Zeidler-Ordaz
Contributor: Jess Johnson

July 2024

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Acknowledgments

We are grateful to the UCLA Luskin Institute on Inequality and Democracy, which funded the research and writing of this report. Thank you to Alicia Virani and Ingrid Eagly of the Criminal Justice Program at UCLA Law, and Reimagine Child Safety Coalition member Karen Bowdre, for their feedback, consultation, and support on this report. We would also like to thank Maya and Tianna,* who shared their lived experiences with us and breathed life into this report.

Finally, we would like to thank the Reimagine Child Safety Coalition for their vision and dedication to transforming the ways we support and care for children and families in our community.

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Introduction

The 2020 national uprisings in response to the murder of George Floyd by Minneapolis Police Officer Derek Chauvin brought renewed attention to the impacts of policing in the United States, specifically on Black communities. This moment encouraged a closer look at policing practices and the ways in which a law enforcement approach has spread to hospitals, educational institutions, and responses to mental health crises, to name a few. At the same time, advocates and community members renewed a call to action against the child welfare system— as an institution that functions similarly to law enforcement and harms families of color across the country. Some activists and academics have begun using the term *family policing system* instead of child welfare system to illuminate its parallels with law enforcement.¹

In California, each county has a child protective services agency called the Department of Children and Family Services (DCFS). DCFS is the agency that investigates allegations that a parent or guardian has abused or neglected a child. DCFS case workers, who respond to allegations and conduct investigations, may require families to participate in services designed to address the issues underlying the reason for the investigation.² Additionally, case workers have the power to remove children from their home and file cases in dependency court, which could lead to the termination of the parents' legal right to care and custody of their children. In recognition of the potential for an extreme and traumatizing outcome for families who are referred to the dependency courts, termination of parental rights is also called the “civil death penalty.”³

Nowhere is the connection between policing and child protective services more evident than in local partnerships between law enforcement agencies and DCFS. There is a lack of transparency about the nature of DCFS and law enforcement collaborations and exactly how they work together or what the outcomes are for families who are subject to contact with both agencies. Research indicates that the relationships between law enforcement and DCFS are regional in scope and highly individualized.⁴ Thus, policy analysis and data collection should occur locally to inform communities about the nature and impacts of these partnerships.

This report sheds light on the federal, state, and local laws and regulations that encourage collaboration between DCFS and law enforcement agencies. It also examines at a more granular level the way that collaborations and partnerships occur in Los Angeles County. To do so, the report relies on a range of information, including the narratives of individuals in the child welfare system, existing research, and analysis of national, state, and local laws and policies that govern the child welfare system. It also reviews publicly available documents, including documents obtained through public records requests from Los Angeles County's DCFS and the Los Angeles County District Attorney's Office in 2021.

The collaborations and partnerships explored in this report include:

1. Mandated reporting laws that require certain professionals, like police, teachers, medical professionals, and others who work regularly with children, to report suspected child abuse or neglect;
2. Cross-reporting laws that require DCFS, law enforcement, and other agencies to share the contents of mandated reports and information gathered during investigations with each other;
3. Cooperative arrangements that govern working relationships between local law enforcement, Probation, and DCFS via Child Death Review Teams, Children’s Advocacy Centers, and Child Abuse Multi-Disciplinary Teams (MDTs);
4. Concurrent investigations that occur when DCFS and law enforcement work together to collect information and evidence related to suspected child abuse or neglect, or a crime; and,
5. Los Angeles County policies and practices that enable law enforcement and DCFS to collaborate locally.

Although this report focuses heavily on California, and specifically Los Angeles County-based collaborations, it also includes information that may help those in other jurisdictions learn more about the relationships between law enforcement and child protective service agencies in their states and communities.



Youth & Family Narratives About the Impact of Law Enforcement and DCFS Partnerships

This section features the narratives of two people whose families were subject to concurrent law enforcement and DCFS investigations in Los Angeles County, to enable better understanding of how DCFS and law enforcement impact the lives of youth and their families.

Maya's Story⁵

DCFS has been investigating my family all my life starting around when I was one and a half years old. When I was ten, I was removed from my parents' care and their parental rights were terminated. I now have a daughter of my own, who was removed from my care when she was nine. I feel like I am dealing with PTSD from being removed from my own mom when I was ten and from my daughter being removed from me when she was about to turn ten. In spite of everything that happened when I was a kid and as a teen mom, I worked two jobs, got emancipated, and graduated on time. By the time I was eighteen, I had my own apartment, was working three jobs, and going to college majoring in wildlife and fisheries. I wanted to become a veterinarian, but since DCFS took my daughter, I've lost all interest in everything and haven't graduated.

When my daughter was nine, I was in Los Angeles for a vacation with her and my current husband (not her father). We had just pulled into a 7/11 parking lot and were waiting for a parking spot because the parking lot was full. Two sheriff's cars pulled up, one parked in front of our car and the other was behind us. A sheriff's deputy approached our car saying it was a traffic stop, but we were in the parking lot and weren't moving.

I believe they racially profiled me and my husband. We hadn't done anything. We had just pulled into the parking lot and were about to park the car. Our car has tribal license plates and the sheriff said they were invalid. My husband and I are both Indigenous. My husband gave the sheriff his tribal ID, but the sheriff said it was invalid. The sheriff said we were Black, so couldn't be Indigenous. I am not Black. My husband gave the sheriff his California ID, the sheriff ran the information and nothing came back. He should have left us alone, but didn't. He said that the identification was fraudulent and that all of our paperwork was fraudulent. My husband told the sheriff, "I showed you that I am Indigenous. You are supposed to be following the Constitution." The sheriff then told us we didn't know what we were talking about. I was very upset.

At this point the sheriff had his hand inside the driver's side window where my husband was sitting. There were five sheriffs surrounding the car. My husband had stopped talking and then said the sheriffs weren't following the law and were racist. Without warning, the police broke the driver side window and pepper sprayed into the car. My daughter was in the car, and the police knew this. They had asked if my daughter was the only child in the car when they approached us.

The pepper spray flew directly into my daughter's face because we had the air conditioning on. My daughter started screaming in pain and jumped out of the car. The officers pulled my husband and me out of the car. I was in shock, it was unbelievable. If they were willing to pepper spray us and break our window, there was no telling what else they would do. I was scared for my life, for my family's life. They did not try to help my daughter and told her she had to rinse her own eyes out. They arrested me and my husband and took my daughter. There was no conversation with the sheriffs about what was happening with my daughter, they never asked me if someone could come get her. She was nine. I kept trying to reassure her and tell her, "Mommy loves you," and that I hoped she would be okay.

I first learned about the DCFS case when the DCFS social worker came to the jail. I gave her the names of other friends and family members that could take care of her while we were in jail, but I'm from the Bay Area and that's where everyone lives. My husband's mom lives in Los Angeles County and I gave the social worker her name. My husband is not the father of my daughter. At the time, his mom was in the process of becoming a licensed foster parent but needed to finish taking a few more classes. The social worker would not let my daughter go with his mom because she hadn't finished taking the classes and wasn't a blood relative of my daughter.

There was no criminal case filed against me or my husband for what happened at the 7/11. The sheriffs weren't involved in the DCFS case after they took my daughter and called DCFS. The social worker said we had physically abused my daughter. Our daughter was not abused and they had no proof to make that claim. In court, my daughter was denied her ICWA rights, even though she is Indigenous. Now my daughter is in the process of getting adopted after three years of going to court and I'm still fighting for her. Had the sheriffs never stopped us, there would have been no DCFS case.

Before my daughter was taken away, we were always together. She changed my life. I felt like I was on a path to destruction because I was in foster care. That no one gives a damn. With my daughter, there was someone who loves me because I love them. I graduated high school, went to college and graduated and she was doing all of this with me. She'd go to class with me. She was very quiet, we bonded a lot. If you were sad, she would try and cheer you up. She was my innocence before it got taken from me dealing with the system. I still miss her and love her every day. I cry for her. I have a spiritual connection with her. My emotional well-being and mental capacity were hurt in ways I never thought were possible. Sometimes I think I'm a good person and sometimes I think I'm not because I can't convince DCFS to follow the law and I can't convince the court to follow the law. I cry when I get out of bed in the morning, but then get up so that I can still take care of my other child, who is still with me. I love and miss my daughter dearly and I'm still waiting for her to be returned home to her family in San Francisco.

I want people to know if you have ever been in foster care, be careful: once a foster youth, always a foster youth, they mean that. No one cares until it happens to them.

Tianna's Story⁶

I'm originally from Georgia and when my parents got divorced, my mom brought us to California to live with my grandma. I moved to California with my mother, baby brother, and two younger sisters. We were only there for two months before I was removed from my mom's care by DCFS.

After my parents divorced, they worked out an informal custody agreement. My dad was coming to pick us up for a visit and my mom sent us outside to go see him. There was no indication that this wouldn't be a normal visit with my dad. My mom stayed inside, like any other visit.

While we were outside, my uncle's friend pulled up and my dad shot him seven times. My dad then grabbed my brother and went on the run. My sister and I witnessed all of this. I remember running into my grandma's house banging on the window to be let in. My aunt was on the phone calling the cops and my mom was standing there in shock. My mom let us in the house. I remember screaming hysterically, "he did it" or "he was shot." I don't think I really registered what was happening, but just remember it being something really bad. The police showed up at our house and I went outside. The police officer came and talked to me on my grandma's porch without my mom or any adult present.

Hours after the shooting, the police came back around three or four in the morning. They had me, my siblings, and mom get in the back of the police car and take us down to the station. The police officers made my mom go downstairs and took us up to the detectives' office. We were in there for an hour or two without any adult we knew. I remember feeling really cold and nervous. My little sister was screaming that she just wanted to go with my mom. My mom wasn't with us. I don't think she knew she could say that she wanted to be with us or that she didn't want the police to talk to us alone. I was six and a half or seven the time, in no way should I have been questioned without an adult.

The police kept asking me why my dad shot him. I said I didn't know. They repeatedly asked me what happened and what led up to the shooting. The police asked me if my mom or dad ever hit me. I said no. I did say that sometimes I move too much when I get my hair done and my aunt will pinch me and it really hurts. I also told them my uncle gets really angry and yells.



After we finished talking to the police, we were walked down to where my mom was waiting. My mom, grandma, and aunt had been questioned as well. My mom was distraught. I don't think she knew her rights. There was a criminal case against my dad for the shooting and kidnapping, but nothing against my mom. A social worker had come to the police station. The next thing I knew, the police were telling us we had to go with this lady. I remember saying, "no, I'll just stay here with my mom." DCFS told us no. My mom started crying. We were removed from my mom's care after this incredibly traumatic event. DCFS gave us each a teddy bear. I wanted my mom, not a damn teddy bear.

It was ridiculous that we were taken in the first place. No one predicts something like that was going to happen. No one thinks someone is going to shoot someone. My mom did everything right. We were happy and healthy. She was trying to maintain our relationship with our dad.

Going to dependency court was the worst part of all this. I was in foster care for three years. While I was in foster care, I didn't get to see my mom that much because I was placed in Lancaster and then in San Bernardino. My mom lives in South Central and didn't have a car. DCFS wouldn't tell my mom the time of the visits. She would still show up to every single visit, and never missed a court date. While we were in foster care, my siblings and I were sometimes placed in different foster homes. Sometimes it would be all four of us or sometimes just two. I was abused in foster care and went to the emergency room multiple times. In one of my foster homes, I was molested and my foster mom walked in on it. None of this would have happened if they didn't take me away from my mom. If they had invested and given her resources instead of taking her kids away, none of this would have happened. I can't imagine all the trauma and experiences I wouldn't have to carry with me if I was never in foster care.

Because of all this harm, I developed health issues, so the court ordered me back home with my mom. Once I was back with my mom, my health issues stopped, and the abuse stopped. I had never been abused before I was in foster care.



Laws, Policies, and Agencies that Enable Law Enforcement and Child Protective Services Collaborations

This section discusses federal and state laws and policies that encourage law enforcement and child protective services collaborations in California and in Los Angeles County, as well as examples of state and local agency collaborations.

Federal

Although there are several federal laws that govern child protective services and law enforcement collaborations in specific situations,⁷ the main federal law that outlines the nature of these collaborations is the Child Abuse Prevention and Treatment Act (CAPTA). The Children's Bureau is the federal agency tasked with devising state law guidance on CAPTA and tracking data. Both CAPTA and the Children's Bureau are discussed in detail below.

The Child Abuse Prevention and Treatment Act

CAPTA was enacted in 1974 and uses federal funds to incentivize states to create programs and services to prevent and treat child abuse and neglect.⁸ Some of these programs and services include (1) mandated reporting laws; (2) multidisciplinary teams and intra-agency collaborations; (3) surveillance technology; (4) child abuse investigations and prosecutions; and (5) trainings for child protective services and law enforcement, as well as other agencies, in order to strengthen collaborations.

Mandated reporting laws are laws requiring certain professionals who work with children to report known or suspected instances of child abuse and neglect.⁹ CAPTA provides funding to states that have mandated reporting laws, mechanisms for enforcement of those laws, and procedures for investigations into reports of suspected child abuse or neglect.¹⁰ As of 2019, every state and the District of Columbia had mandated reporting laws, and most state's laws designated law enforcement officers as mandated reporters.¹¹ Mandated reporting laws in California are discussed in more detail later in this report.

Mandated reporting laws are generally passed in conjunction with cross-reporting laws, or laws that require child protective service agencies, law enforcement, and other social service agencies to share the contents of mandated reports and information gathered during investigations with each other. Every state and the District of Columbia has laws that outline the procedures for cross-

reporting among different agencies, and most states have laws which provide for some level of information sharing between law enforcement and child protective services agencies specifically.¹²

As mentioned, CAPTA's provisions also incentivize states to create multidisciplinary teams and pass laws that facilitate intra-agency collaborations between child protective services and law enforcement to "enhance" investigations.¹³ Multidisciplinary teams are collaborations between multiple agencies that provide different types of responses within their subject-matter expertise to children who are abused or neglected.¹⁴ These responses include investigating allegations, interviewing child victims and families, conducting medical exams, and providing services such as counseling and therapy. Often, the agencies that are part of a multidisciplinary team will have a formal agreement and written protocol that dictates the extent of their collaborations and shared processes.¹⁵

CAPTA provides funds for the development and updating of technology to advance child protective services and law enforcement collaborations at the local, state, and federal level. The goal of these technological updates is to help child protective services and law enforcement at all levels track reports of child abuse and neglect from intake through final disposition, and to encourage the exchange of information during child protection services and law enforcement investigations both within and across state lines.¹⁶

Additionally, CAPTA contains numerous references to funding and supporting programs to assist states in the investigation and prosecution of child abuse and neglect. Some of this funding is earmarked specifically to aid in the investigation and prosecution of particular types of abuse and neglect cases, including cases of child sexual abuse and exploitation, child deaths that result from abuse, and cases involving children with disabilities or who have serious health-related problems.¹⁷ Funds are also promised to states that enact reforms designed to improve the investigation, prosecution, and judicial handling of child abuse cases, particularly child sexual abuse and exploitation, and the creation of protocols or processes that limit additional trauma to the child victim.¹⁸ CAPTA also provides funding to states to "improve systems response," which is in part defined as increasing penalties and requiring mandatory sentencing for certain offenses involving children.¹⁹

Through CAPTA, states receive funding to provide trainings and resources to strengthen child protective services and law enforcement collaborations, including projects that train law enforcement, court officials, child protective services agents, and other professionals on child welfare issues and establishing multidisciplinary programs and teams.²⁰ Additionally, CAPTA created a national clearinghouse to disseminate information on training resources available to law enforcement.²¹ The clearinghouse also contains technical assistance resources to states for prosecution of child physical and sexual abuse cases and for psychological services to child victims.²²

As will be discussed later in this report, CAPTA has a direct influence on California's statutory framework, leading to laws and practices encouraging local child protective services and law enforcement collaborations.

The Children's Bureau

The Children's Bureau is an office of the federal Administration for Children and Families, which sits within the U.S. Department of Health and Human Services.²³ The Children's Bureau was established in 1912 but had different mandates until the passage of CAPTA. Early in the agency's history, it focused on a broad range of issues including maternal and infant mortality rates, the development of juvenile courts, and the regulation of foster and adoption systems.²⁴ Once CAPTA was passed, the Children's Bureau was given the specific mission of improving the lives of children and families. The Children's Bureau pursues this mission through programs that prevent child abuse and neglect, increase the number of adoptions, and strengthen foster care.²⁵ The Children's Bureau also provides trainings and technical assistance to states and collects and shares data on state child welfare outcomes.²⁶

One of the Children's Bureau's mandates is to distribute grant funds to state and tribal child welfare systems. One such grant is the Children's Justice Act (CJA) grant, which allocates \$17 million per year to state programs that support the investigation, prosecution, and judicial handling of child abuse cases.²⁷ The CJA grant designates funding every year to states to promote communication and data sharing between law enforcement and child protection agencies, as well as other child welfare personnel.²⁸ Additionally, this grant may be used to establish and enhance child advocacy centers,²⁹ create trainings to promote multidisciplinary collaborations, and build collaborations between law enforcement and child protection agencies.³⁰

In February 2023, the Administration for Children and Families issued a Program Instruction, which shows tentative allocations of CJA funds to the states for the fiscal year. According to the Program Instruction, California was allocated the most CJA funds of any state, \$1.7 million, to implement programs that support the investigation, prosecution, and court involvement of families.³¹ Additionally in 2021, the Children's Bureau distributed \$100 million to states in American Rescue Plan funds to be used towards "improving" child protective services systems.³² Some of the federal government's parameters for the use of these funds include: (1) creating and building child abuse multidisciplinary teams; (2) developing interstate and intrastate protocols to investigate child abuse and neglect allegations; (3) creating and updating intrastate and interstate technology and databases to track and surveil families with child welfare cases; and (4) strengthening and enhancing mandated reporting protocols.³³ California was tentatively allocated the most supplemental funds of any state for these purposes, \$12 million.³⁴

California

This section discusses the ways in which California law enforcement and child protective services agencies share information, including how and what types of information are shared via mandated reports and through special types of cooperative arrangements outlined in state law.

The California Department of Social Services is the statewide agency responsible for developing state law guidance, and assisting and monitoring counties in implementing programs and services for children and families involved with the child welfare system.³⁵ Fifty-eight individual county agencies, each referred to as the Department of Children and Family Services (DCFS), administrate and operate their own child protective services programs.³⁶ As of October 2023, 68,710 children were receiving DCFS services in California.³⁷

Mandated Reporting and Cross-Reporting

As stated previously, CAPTA requires states to have mandated reporting laws and mechanisms to enforce those laws.³⁸ California law allows anyone to make a report of child abuse or neglect to DCFS, but also designates certain professionals as mandated reporters. The Child Abuse and Neglect Reporting Act (CANRA), which was passed in 1980, is California's mandated reporting law.³⁹ CANRA requires mandated reporters to make a report either to a law enforcement agency⁴⁰ or their county's DCFS "whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect."⁴¹ Pursuant to CANRA, law enforcement officers are mandated reporters.⁴²

A mandated reporter is required to share the following identifying information when making a report: their name, business address, phone number, and profession.⁴³ Counties can receive mandated reports by telephone, fax, e-mail, or online.⁴⁴ Law enforcement agencies and DCFS are authorized to cross-report the allegations that are the basis of a mandated report, and the mandated reporter's identity.⁴⁵ The identity of a mandated reporter is otherwise confidential, meaning that parents or families that are the subject of the mandated report and the attorneys representing those parents cannot obtain that information in most instances.⁴⁶

Under California law, law enforcement agencies are required to share reports with DCFS that are the result of a parent or guardian's abuse or neglect, or their failure ". . . to adequately protect the minor from abuse or neglect."⁴⁷ Law enforcement must also share all mandated and permissive reports made to them with the county District Attorney (DA)'s office, except in cases of general neglect, which are only reported to DCFS.⁴⁸ General neglect is defined as a parent or guardian's negligent failure to provide "adequate food, shelter, medical care, or supervision where

no physical injury to the child has occurred.”⁴⁹ In 2022, the legislature amended the language defining general neglect to make clear that the definition requires a child to be at substantial risk of suffering serious physical harm or illness from the neglect, and that it does not include a parent’s economic disadvantage.⁵⁰

Similarly, each county’s DCFS is required to share most reports of suspected child abuse or neglect with local law enforcement agencies and the DA’s office, creating reciprocal information-sharing pathways between these agencies.⁵¹ DCFS is not required to notify law enforcement or the DA’s office of a mandated report concerning general neglect or a mandated report where the only allegation is that a pregnant person who tests positive for drugs at birth is placing their child at risk and cannot provide their child with regular care due to their substance use.⁵²

In Los Angeles County, DCFS, law enforcement, and the DA’s office cross-report information through use of the Electronic Suspected Child Abuse Reporting System (eSCARs), which is discussed later in this report.

Cooperative Arrangements

California’s Penal Code and Welfare and Institutions Code contain the procedures DCFS and law enforcement must follow in investigating allegations of child abuse and neglect. The legislature’s intent in creating these procedures is to encourage each county’s development of “cooperative arrangements [between DCFS and local law enforcement] in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases.”⁵³

State law outlines three ways in which law enforcement, DCFS, and other county agencies can form cooperative arrangements: (1) interagency child death review teams; (2) children’s advocacy centers; and (3) child abuse multidisciplinary teams. Each is briefly discussed below.

Interagency Child Death Review Teams (CDRTs)

Child death review teams (CDRTs) are multidisciplinary teams that generally include the county medical examiner or coroner, law enforcement agencies, DCFS, county District Attorneys, and medical providers.⁵⁴ The function of CDRTs are (1) identifying and investigating suspicious child deaths and facilitating communication among the agencies involved in the investigations; (2) providing services to siblings and other family members; (3) improving agency and system coordination; and (4) preventing future child deaths based on the collection and analysis of data, and the development of recommendations.⁵⁵

California law provides guidelines for the establishment of CDRTs in each county. A statewide body, the California State Child Death Review Council (the Council), was tasked with overseeing and coordinating state and local agencies in addressing child deaths that result from abuse or neglect.⁵⁶ However, the Council does not exist as of the writing of this report because of a lack of funding.⁵⁷ State law requires the Council to be comprised of representatives from state social services and health care agencies, as well as representatives from law enforcement entities such as the Department of Justice, the California Homicide Investigators Association, and the California District Attorneys Association.⁵⁸ Additionally, three regional representatives are authorized to sit on the Council.⁵⁹

Law enforcement agencies and DCFS are mandated to cross-report all cases of child death suspected to be related to child abuse or neglect to the statewide Council, and enter suspicious child deaths into a statewide database.⁶⁰ If it is later found that the child's death is not related to abuse or neglect, DCFS must update the entry into the database, but is not required to remove the entry.⁶¹ As of this report's publication, it is unclear whether this statewide database exists, how it is used, or who has access to it, because it is unclear how many counties have operating CDRTs.⁶²

Los Angeles County does have a CDRT created by the Inter-Agency Council on Child Abuse and Neglect (ICAN), which was established by the County Board of Supervisors in 1977.⁶³ ICAN established the nation's first CDRT in 1978.⁶⁴ Los Angeles County's CDRT includes representatives from DCFS, the Los Angeles Police Department and county Sheriff's Department, as well as other state and local agencies and community organizations.⁶⁵ The CDRT produces a yearly report on child deaths in Los Angeles County, including data analysis and recommendations on how to prevent future deaths.⁶⁶

Children's Advocacy Centers (CACs)

In California, children's advocacy centers (CACs) are county-level agencies that operate independently of DCFS with the purpose of coordinating multi-agency investigations and treatment of children who have experienced physical or sexual abuse, exploitation, or maltreatment.⁶⁷ One goal of CACs is to lessen the trauma children experience through abuse investigations by sharing information to avoid duplicative interactions with investigators.⁶⁸ Providers who work with CACs can offer case management and counseling services, conduct forensic interviews, and prepare children to testify in court.⁶⁹

CACs can also house multidisciplinary personnel teams, but state law requires those teams to include law enforcement, DCFS, and district attorneys as members.⁷⁰ In order to facilitate the investigation of allegations, CACs are authorized to share information and records with CAC-affiliated multidisciplinary team members concerning the child and the person who is the subject of a CAC-based investigation.⁷¹ There are sixty-seven CACs across California, with six located in Los Angeles County.⁷²

Multidisciplinary Teams

Multidisciplinary teams (MDTs) are teams of individuals from different governmental agencies or with different professional roles or expertise that provide a coordinated response to allegations of abuse or neglect and collaborate to share information to conduct child welfare and criminal investigations. California law provides for various types of MDTs in which DCFS and law enforcement may collaborate.⁷³ Counties are encouraged, but not required, to create and administrate these MDTs locally.⁷⁴

Some MDTs outlined in state law are designated to respond to particular types of child abuse including parental drug use, drug manufacturing, or drug or sex trafficking.⁷⁵ Additionally, MDTs can be formed for the express purpose of investigating: (1) reports of suspected child abuse or neglect from health practitioners about an injury related to a firearm, or assaultive or abusive conduct; (2) reports made by mandated reporters; or (3) reports about a child who is suffering serious emotional damage or is at substantial risk of suffering serious emotional damage.⁷⁶

MDTs can also be formed for the purpose of facilitating joint investigations among different agencies, including DCFS and law enforcement, that are engaging in the more generalized purpose of “prevention, identification, management, or treatment of child abuse or neglect.”⁷⁷ State law authorizes members of a MDT to exchange information that would otherwise be confidential under state law if a member of the MDT “reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse.”⁷⁸ Additionally, discussions or disclosures of information shared among members of an MDT are considered confidential and are not admissible in civil, criminal, or juvenile court proceedings unless required by law.⁷⁹ In other words, state law facilitates information sharing between law enforcement officers or DCFS case workers who are members of MDTs, but appears to also shield those participants from sharing information gathered from their investigations with third parties, which could include those families who are subject to investigation.

Los Angeles County

In Los Angeles County, the DCFS is the agency responsible for investigating allegations of child abuse, managing the foster care system, and facilitating adoptions. DCFS was established in Los Angeles County in 1984 and is overseen by the county’s Board of Supervisors. As of the writing of this report, Los Angeles County’s DCFS is the largest local child welfare agency in the nation. In July 2023, DCFS had approximately 14,477 children under its supervision, which was about thirty-four percent of all children in the foster system in California.⁸⁰

There are many ways in which DCFS and law enforcement collaborate on the local level. The county's Child Protection Hotline is used to ensure mandated reporters' compliance with CANRA. Law enforcement, DCFS, and the DAs office cross-report suspected cases of child abuse or neglect using the Electronic Suspected Child Abuse Reporting System (eSCARS), a local database. Additionally, DCFS has policies that authorize their staff to conduct collaborative investigations with law enforcement and encourage case workers to request law enforcement accompany them on home visits. DCFS also has formal agreements with several law enforcement agencies to work together on MDTs and to co-locate case workers within law enforcement facilities. Each collaboration is further explored below.

Mandated Reporting Protocols and the Child Protection Hotline

The primary way in which families come under DCFS oversight is when a person calls Los Angeles County's Child Protection Hotline ("Hotline") to report suspected child abuse or neglect.⁸¹

A mandated reporter will call the Hotline if the allegation is urgent, or if not urgent, will use DCFS's online reporting system.⁸² Once a mandated reporter has called the Hotline, they must also submit a written report to DCFS within 36 hours, which can be done using the online reporting system.⁸³

The Hotline is used as a tool for an initial assessment of the allegation.⁸⁴ Once a call is made to the Hotline, the call is either "evaluated in" or "evaluated out."⁸⁵ An "evaluated out" determination means that the call does not meet the criteria for an investigation by DCFS, whereas a referral that is "evaluated in" does meet the criteria for an in-person DCFS investigation.⁸⁶ Almost all mandated reports made to the Hotline are cross-reported using eSCARS to law enforcement and the DAs office. Even if DCFS staff designate a report to be evaluated out, it may still be cross-reported to law enforcement if there is a possible criminal allegation, e.g., if the report is about a crime that is not related to child abuse or neglect, or if emotional abuse as a result of domestic violence is alleged.⁸⁷

If the phone call is determined to require an investigation by DCFS, then a report is taken and is sent to a DCFS regional office.⁸⁸ There are twenty-two regional offices located in Los Angeles County.⁸⁹ During 2021, DCFS received 70,279 referrals affecting 131,261 children.⁹⁰ Of those referrals, 46,771, or sixty-four percent, received an in-person response, while 25,980, or thirty-six percent, were evaluated out.

As part of the in-person response, an emergency response worker may make a home visit to the family with law enforcement, known as a concurrent investigation. This will be discussed in more detail later in this report.

The Electronic Suspected Child Abuse Reporting System (eSCARS)

Los Angeles County maintains an electronic data sharing system called the Electronic Suspected Child Abuse Reporting System (eSCARS) that can be accessed by DCFS, the Los Angeles County DAs office, the Los Angeles County Sheriff's Department (LASD), the Los Angeles Police Department, and the county's forty-four other local law enforcement agencies.⁹¹ These agencies use eSCARS to cross-report Suspected Child Abuse Reports (SCARs) that are made to the Hotline or are otherwise reported to any of the participating agencies.⁹²

According to an eSCARS training for DCFS staff, the goals of eSCARS is to: (1) facilitate compliance with CANRA; (2) maintain and provide DCFS, law enforcement, DAs, and City Attorneys with access to all SCARS previously entered into eSCARS; (3) expedite DCFS's child welfare and law enforcement's criminal investigations; and (4) support criminal prosecution.⁹³

The following illustrates how a mandated report is entered into eSCARS and cross-reported to law enforcement. First, a mandated reporter makes a report to the Hotline. The Hotline staff who takes the report gathers information, including the name of the mandated reporter; a description of the child victim, their parents/guardians, and the alleged perpetrator; and a narrative of the alleged incident as written or relayed by the mandated reporter.⁹⁴ All reports made to the Hotline are entered into a statewide database, the Child Welfare Services/Case Management System (CWS/CMS), and this database generates a SCAR for all allegations of child abuse or neglect.⁹⁵ When the SCAR includes allegations of sexual abuse, physical abuse, severe neglect, emotional abuse related to domestic violence, or exploitation, it is immediately electronically transmitted to law enforcement and the DAs office via eSCARS.⁹⁶ Allegations of general neglect or caretaker absence are not supposed to be shared with law enforcement.⁹⁷ In fiscal year 2022-2023, general neglect and caretaker absence allegations constituted thirty-five percent of reports made to DCFS.⁹⁸ This means that sixty-six percent of reports were cross-reported to DCFS, law enforcement, and the DA's office using eSCARS. Once law enforcement and DCFS receive the SCAR, each agency will then investigate the allegations.

The DAs office has the responsibility to ensure that SCARS are being properly reported and investigated.⁹⁹ SCARs are handled by the DA's eSCARS unit, which regularly audits the entries of law enforcement and DCFS to ensure that information is being updated regularly and that all findings and outcomes are logged.¹⁰⁰ Additionally, if a criminal case is filed as a result of an investigation, the DA will update eSCARS with the assigned DA's contact information and case number, and continue to check for new SCARS entered throughout the course of a case.¹⁰¹

For each child DCFS investigates as a possible victim of child abuse, the case worker must determine if the abuse is substantiated. The case worker does this by entering one of three different notations into eSCARS:

- » **Substantiated:** A report determined by the investigator to constitute child abuse or neglect as defined in Penal Code section 11165.6, based on evidence that makes it more likely than not that child abuse or neglect occurred.
- » **Unfounded:** A report determined by the investigator to be false, inherently improbable, to involve an accidental injury, or which does not constitute child abuse or neglect as defined in Penal Code section 11165.6.
- » **Inconclusive:** A report determined by the investigator not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Penal Code section 11165.6, has occurred.¹⁰²

On the law enforcement side, once a SCAR is reviewed or investigated, the SCAR is updated with one of four possible outcomes: (1) Crime Suspected; (2) Crime Suspected No Child Abuse; (3) No Crime Suspected; (4) No Investigation.¹⁰³ Each outcome is defined in DCFS's eSCARS User Guide as follows:

- » **Crime Suspected** – SCARs that have been investigated by law enforcement in which a child abuse-related crime is suspected
- » **Crime Suspected, No Child Abuse** – SCARs that have been investigated by law enforcement in which evidence of a crime is found, though not a child abuse-related crime
- » **No Crime Suspected** – SCARs that have been investigated by a law enforcement agency in which no crime occurred or there is insufficient evidence to conclude a crime has occurred
- » **No Investigation** – SCARs where law enforcement has determined that no investigation is warranted (e.g., an allegation that is not criminal, but may still constitute child abuse or neglect)¹⁰⁴

Below is a chart detailing the total number of SCARs submitted to eSCARS over a five-year period, along with every Los Angeles County-based law enforcement agency’s self-reported outcomes.

Year	Number of SCARs resulting in: Crime Suspected	Number of SCARs resulting in: Crime Suspected, No Child Abuse	Number of SCARs resulting in: No Crime Suspected	Number of SCARs resulting in: No Investigation	Total Number of SCARs submitted to eSCARS
2017	17,076 (29%)	4,984 (8%)	33,046 (55%)	4,605 (8%)	59,711
2018	12,560 (23%)	9,558 (17%)	29,673 (53%)	4,137 (7%)	55,928
2019	11,608 (22%)	10,468 (19%)	27,699 (51%)	4,482 (8%)	54,257
2020	10,107 (24%)	9,789 (24%)	19,084 (46%)	2,329 (6%)	41,309
2021	11,733 (27%)	9,360 (22%)	19,229 (45%)	2,657 (6%)	42,979

Chart 1’s data consistently shows that over the past five years, about half the reports shared with law enforcement did not warrant any law enforcement involvement at all since the investigations concluded that no crime, either child abuse related or otherwise, was suspected. Additionally, law enforcement declined to investigate, on average, seven percent of cases that were shared with them using eSCARS.

Beyond the information contained in mandated reports, the eSCARS database includes information about previous law enforcement investigation findings, multi-generational abuse, documented patterns of domestic violence relationships, and prior eSCARS investigation history.¹⁰⁵ DCFS’s stated purpose for having this information is to identify patterns of past abuse to aid in future investigations.¹⁰⁶ Once a record is entered into eSCARS, it cannot be deleted or expunged.¹⁰⁷ Since eSCARS was launched in 2009, it presumably contains hundreds of thousands of records.

The Los Angeles County eSCARS system has served as a model for other counties in California. In 2016, Santa Barbara, Yolo, and Fresno counties received federal Children’s Justice Act grant funds from the state to build their own eSCARS platforms.¹⁰⁸ Los Angeles County DCFS consulted these counties on the development of their eSCARS systems.¹⁰⁹ As of the publication of this report, the state continues to provide funds to counties to build eSCARS programs.¹¹⁰ The expansion of this system is alarming given the vast amount of information it holds on families, and its potential to be inaccurate, out of date, or misinterpreted.¹¹¹

Concurrent Investigations

DCFS policy requires case workers to perform concurrent investigations with law enforcement in certain cases, including physical abuse, sexual abuse, severe neglect, domestic violence and “*any type of referral* where law enforcement and DCFS mutually agree to conduct a concurrent investigation.”¹¹²

Policy also dictates that law enforcement and DCFS should share information and coordinate investigations “from the earliest opportunity.”¹¹³ In a concurrent investigation, DCFS can share with law enforcement:

- » Information “to the extent permitted by law,”
- » Documents such as medical reports, therapist reports, and police reports, and
- » Subsequent incidents of suspected child abuse or neglect that occur after the initial referral.¹¹⁴

Law enforcement is instructed to share a family’s criminal history and their previous contacts with the family, including incidents related to drugs, domestic violence, or gang affiliation, with DCFS.¹¹⁵ DCFS is also authorized to affirmatively assist in law enforcement investigations through sharing the existence and location “of potential forensic evidence to law enforcement,” including cell phones, computer hardware and software, photographs, and “other items which corroborate the child’s allegation.”¹¹⁶ All of this information can be shared without a court order, and in cases where DCFS takes a child into temporary custody, without a warrant.¹¹⁷

During the course of the investigation, the case worker is required to stay in touch with law enforcement and both agencies will continue to share information and updates, including copies of the crime report and any photographic evidence, as well as any additional disclosures made by the children and their location if they were removed from the home. DCFS case workers must also arrange for the children to participate in any related criminal proceedings, and both agencies must inform each other of the outcomes of their investigations.¹¹⁸

Other Ways Law Enforcement Is Involved in DCFS Investigations

In addition to law enforcement’s role as a collaborator or co-investigator, state law and local policy outline ways in which law enforcement can be involved in DCFS investigations. State regulation and DCFS policy allow DCFS case workers to request law enforcement accompany them when a case worker plans to place a youth in temporary custody or believes they are not safe conducting

a home visit.¹¹⁹ Additionally, state law requires law enforcement to contact DCFS when an officer takes a minor into temporary custody. Los Angeles County’s policies on physical safety concerns and temporary custody issues are discussed below.

Physical Safety Concerns

DCFS policies about investigating families who are already under DCFS supervision contain provisions stating that “prior to any face-to-face contact,” case workers must conduct a personal safety assessment.¹²⁰ This requires a DCFS case worker to self-assess their safety by reviewing internal case files and documents for any safety warnings or alerts.¹²¹ If the case worker has concerns about their safety after this review, then they are to consult with their supervisor or manager in order to develop a personal safety plan.¹²² These plans may include requesting law enforcement assistance to provide an escort for a home visit, obtain call logs, or run a background check for criminal history.¹²³ Case workers are also given the option to create a safety plan that pairs them up with a co-worker, rather than law enforcement, to conduct a home visit.¹²⁴ The safety plan and the reasons why the case manager is concerned for their personal safety must be documented.¹²⁵

DCFS policy provides two examples of what may be considered a personal safety concern, one being “threats/acts of violence by a client” and the other being “gang activity.”¹²⁶ It is concerning that this policy authorizes case workers to contact police when they suspect gang activity without providing any further definition.. Although this phrase appears to be racially neutral, the term “gang” is often mobilized as a proxy for race –potentially leading case workers, influenced by their own biases, to call law enforcement to the doors of families of color for what they perceive to be gang activity.¹²⁷

Placing a Child in Temporary Custody

In California, DCFS case workers must have a warrant, or a court order, to conduct an investigative search, to physically remove a child from their home on the suspicion of abuse or neglect before a court hearing, and to detain a child from their family after a court hearing.¹²⁸ If the case worker is serving a removal or detention warrant and is concerned for their safety or has a court order authorizing law enforcement to force entry into a home, law enforcement is required to be present with DCFS.¹²⁹ When a search is conducted pursuant to an investigatory warrant, DCFS policy requires the case worker to bring law enforcement, but it is unclear what law enforcement’s role in serving the warrant entails.

Law enforcement and DCFS can collaborate to take a child into temporary custody without a warrant if the parent consents to the removal, or if exigent circumstances exist. Exigent circumstances are defined as when a case worker reasonably believes the child has been left without a parent or guardian to care for them or is being abused or neglected, and the child is in imminent danger of serious physical harm or sexual abuse; in need of immediate medical care for a serious medical condition; or the physical environment poses an imminent risk to the child's health or safety.¹³⁰

A law enforcement officer can take a child into temporary custody without a warrant when the officer has reasonable cause to believe that the child is being abused or neglected, and if they also believe that the child may need medical care, is in immediate danger of abuse, was left alone, or is found somewhere that poses an immediate threat to their health or safety.¹³¹ Once law enforcement takes a child into custody, they must contact DCFS if a parent or guardian cannot be reached.¹³² The case worker must then “immediately investigate the circumstances of the child and the facts surrounding the child's being taken into custody...”¹³³ This is a separate, independent assessment outside of the law enforcement officer's investigation.¹³⁴ If after the investigation, the case worker decides to release the child back to their parent or guardian, the case worker must notify law enforcement as soon as possible.¹³⁵

Multi-Agency Response Team & Co-Located DCFS Case Workers

In Los Angeles County, DCFS has established several formal partnerships with local law enforcement agencies. The term “formal partnerships” refers to relationships between DCFS and law enforcement outlined using a Memorandum of Understanding (MOU). An MOU is a contractual agreement that lays out the responsibilities of two or more parties in relation to each other. It can be a binding legal agreement if the parties specify, but it is generally considered to be a document that defines a collaboration among parties. Two examples of formal partnerships between DCFS and law enforcement are described below.

Multi-Agency Response Team (MART)

In Los Angeles County, the Multi-Agency Response Team (MART) is a multidisciplinary team comprised of emergency response DCFS case workers and law enforcement.¹³⁶ MART operates pursuant to a state law that encourages law enforcement and social service agency collaborations in circumstances where narcotics are being manufactured, trafficked, or used in a child's presence or where a child lives, stating that these collaborations are for the sole purpose of “safeguarding the welfare of children endangered by parental drug use.”¹³⁷

Although state law provides MART with the narrow purpose of protecting children endangered from parental drug use, DCFS policy authorizes MART investigations that are much broader in scope. Case workers assigned to MART “work[] in collaboration with law enforcement to provide emergency protective services to children identified in homes associated with high levels of illegal gang, firearm and narcotic activity, as well as investigating other high profile ‘intelligence sensitive’ child endangerment cases.”¹³⁸ In addition to gang, firearm, and narcotics cases, DCFS policy also states that MART case workers will respond with law enforcement to registered sex offender and child pornography matters, homicide, human trafficking, terrorism, prostitution rings, organized crime activities, and fugitive apprehension matters. MART also responds to what appear to be much less serious matters, such as parole or probation compliance searches, assisting government agencies with abatement proceedings, and truancy sweep requests.¹³⁹

These less serious matters readily call into question whether a team comprised of both law enforcement and DCFS is needed to respond in these cases. A joint response may encourage these agencies to involve families in both the criminal legal system and the dependency system when the situation does not warrant it. For example, using law enforcement as a means to enforce truancy laws to criminalize families and youth who are chronically absent from school has not been found to be an effective means of addressing truancy, and actually increases the likelihood of school pushout or dropout.¹⁴⁰ Similarly, having DCFS respond to a family struggling with truancy issues and threatening them with removal of their children likely does not effectively address any underlying issues that may be leading to a family’s struggle with ensuring their child attends school. Considering this research, a policy that authorizes both agencies to collectively respond to issues of truancy is excessive.

Information obtained through public records act requests by the author provides some insight into the number of operations conducted, the cost, and the race/ethnicity of children removed by MART case workers per year. In fiscal year 2019, DCFS MART case workers participated in 1,220 law enforcement operations at a cost of \$4.3 million.¹⁴¹ During those MART operations, DCFS removed 409 children from their homes, a rate of removal of one child for every three operations.¹⁴² Across race and ethnicity, most removed children were disproportionately children of color: Hispanic/Latinx children comprised sixty-one percent of those removed, and Black children were sixteen percent of those removed.¹⁴³

Data on the legal outcomes for families who have dependency cases filed as a result of MART operations were not available at the time of publication, however, attorneys who have represented those parents or guardians report that police and case workers will interrogate and remove all children from a household, even if the children are in the custody of someone whose presence in the house is unrelated to the reason for the MART operation.¹⁴⁴ Attorneys have stated that parents in those situations “are guilty of abuse or neglect by association” and are “automatically assumed [by case workers and dependency court judges] to be guilty.”¹⁴⁵

Co-Location of DCFS Case Workers at Los Angeles County Sheriff's Department (LASD) Facilities

DCFS has co-location programs with several local law enforcement agencies, where DCFS case workers are placed at law enforcement sites across the county. Co-location partnerships between DCFS and various law enforcement agencies has existed in some form since 2005.¹⁴⁶ However, after the murder of 10-year-old Anthony Avalos in 2018 was widely publicized,¹⁴⁷ the County Board of Supervisors directed the County's Office of Child Protection (OCP) to create recommendations to prevent similar tragedies, which included the establishment and expansion of co-location partnerships between DCFS and law enforcement, particularly the Los Angeles County Sheriff's Department (LASD).

OCP, which was created in 2015 to facilitate partnerships among local agencies to improve the county's child welfare system, made several recommendations in a report referred to as the Anthony A. report.¹⁴⁸ One of the Anthony A. report's major recommendations was to increase collaboration between DCFS and LASD in the Antelope Valley where Anthony's death occurred, and the continued co-location of DCFS case workers at various law enforcement stations.¹⁴⁹ The county has touted the benefits of these co-location programs as being to "support ...mutual efforts to maximize child safety,"¹⁵⁰ and "to expedite a coordinated response [between law enforcement and DCFS], reduce further trauma to children, and assist with the placement of children when necessary."¹⁵¹ As of January 2024, DCFS has placed twenty-eight case workers within thirteen law enforcement sites in Los Angeles County, including Azusa and Long Beach police stations, as well as several Los Angeles County Sheriff's Department (LASD) stations.¹⁵² Five DCFS case workers are also placed at the Los Angeles Regional Office of the California Department of Justice.¹⁵³

As part of a public record response, DCFS provided an MOU that contained information regarding its partnership with LASD. As of January 2024, there were seventeen co-located DCFS case workers distributed across the following seven LASD sites:¹⁵⁴

- » LASD Industry Station, City of Industry (One DCFS staff)
- » LASD Century Station, Lynwood (Two DCFS staff)
- » LASD Norwalk, Norwalk (One DCFS staff)
- » LASD Lancaster, Lancaster (Two DCFS staff)
- » LASD Palmdale, Palmdale (Three DCFS staff)
- » LASD Human Trafficking Bureau (Seven DCFS staff)
- » LASD Training Academy and Regional Services Center (One DCFS staff)

According to the MOU, co-located DCFS case workers are assigned to work with LASD deputies through three different programs: the Multi-Disciplinary Response Team (MART); Emergency Response Command Post (ERCP), and Regional Offices.¹⁵⁵ MART case workers participate in MART operations with LASD deputies; ERCP case workers respond to after-hours calls of alleged child abuse or neglect; and Regional Office case workers respond to calls of alleged child abuse or neglect that occur during normal business hours and engage in investigations with LASD's eSCARS unit when called upon.¹⁵⁶ Regardless of the program they are assigned to, co-located case workers are generally required to "conduct joint investigations when possible to assure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the [case worker]," and additionally, consult with LASD staff on mandated reporting questions, provide trainings, receive youth who are placed by LASD deputies into temporary custody, and refer families to community based services.¹⁵⁷

As of August 2019, LASD and DCFS collaborated through the co-location program 261 times in the Antelope Valley.¹⁵⁸ Little is known about the outcomes of co-locating DCFS staff at law enforcement agencies, including whether the co-location of DCFS case workers resulting from the Anthony A. report recommendations has prevented further child deaths.



Issues Raised by Law Enforcement and Child Protective Service Collaborations

The major reason why proponents believe law enforcement and child protective services collaborations are beneficial is that no single agency has the skills, resources, or training necessary to keep children safe.¹⁵⁹ For example, child protective services and law enforcement agencies collect different data about families that proponents argue is critical to both agencies' understanding and evaluation of child safety.¹⁶⁰ Further, collaborative relationships are thought to mitigate the trauma and harm of investigations to children through the streamlining of evidence collection and interviews.¹⁶¹ Proponents of these relationships have paid less attention to potential drawbacks of these partnerships, some of which are explored below.

Law Enforcement and Child Protective Services Collaborations May Exacerbate Racial and Economic Disparities at All Stages of the Child Welfare Process

When law enforcement works with child protective services, it may result in the separation of more families, particularly poor, Black, and Indigenous families.

Research has found that law enforcement involvement in child protective services investigations leads to higher substantiation¹⁶² rates of abuse and neglect allegations, and likely contributes to racial inequalities in the child welfare system.¹⁶³ According to a 2019 analysis of national data, law enforcement are responsible for one-fifth of all reports of child abuse and neglect investigated by local child welfare agencies.¹⁶⁴ When a police officer reports that a child is subject to abuse or neglect, thirty-nine percent of those reports are substantiated as compared to twenty-two percent of allegations from all other sources.¹⁶⁵ These national data are roughly congruent with Los Angeles County. In 2019, thirty-two percent of law enforcement reports were substantiated, which was the highest substantiation rate of all categories of professionals in Los Angeles County who made mandated reports.¹⁶⁶ This could be due to special training or increased discernment from law enforcement. However, this may also be a result of authority bias—the tendency of people to believe and to be influenced by the opinion of an authority figure, in this instance, law enforcement. Unfortunately, there is currently no research available that addresses the possible influence of authority bias on DCFS case workers' substantiation of reported cases.¹⁶⁷ The impact of individual bias in determining outcomes for families referred to DCFS, especially families of color, raises serious concerns about whether the possible benefits of mandated reporting outweigh the well-known and data-supported harms.

What is known is that mandated reporting laws are associated with increased interactions of Black, Indigenous, and poor families with child protective services.¹⁶⁸ Since the decision to report is subjective to the individual reporter, racism, classism, and other structural biases can influence the decision-making process.¹⁶⁹

The high presence of law enforcement in particular communities may also be associated with racial disparities in child protective services investigations. Research shows that police officers file more reports of child abuse and neglect in counties with high overall arrest rates, which are more often low-income communities of color.¹⁷⁰ A recent study that produced models of expected police-initiated maltreatment reporting based on national data of race, arrest, child poverty, and population composition, found that in counties with high average arrest rates of Black people, police are expected to produce twenty-seven percent more reports of child abuse and neglect.¹⁷¹ In counties with high numbers of arrests of Indigenous people, police are predicted to have seventy-two percent more police-initiated reports of child maltreatment.¹⁷²

Emerging research supports the existence of a law enforcement-to-child protective services pipeline. In other words, higher police presence in a community creates more opportunities for members of that community to be funneled into the child welfare system. A family who has been referred to DCFS by law enforcement is more likely to be subject to investigation and substantiation of abuse or neglect allegations, leading to greater system involvement than families referred to child protective services by other means.

Additionally, the racial and socioeconomic disparities existing separately in both systems suggest that when law enforcement and child protective services work together these disparities may be compounded, creating a higher likelihood of inequitable outcomes for families of color. The possibility that families who are subject to both DCFS and law enforcement interventions are more likely to become court involved is particularly of concern given the disproportionate impact of criminal arrests and DCFS court referrals on Black and Indigenous families.

It is well documented that police more often stop, arrest, and use force against people of color and poor people.¹⁷³ In California, Black people are more than twice as likely to be searched during a stop than white people, and are subject to sixteen percent of all arrests, although they make up about six percent of California's population.¹⁷⁴ Similarly, nationwide, child protective services receives more reports of alleged abuse and neglect about Black and Indigenous parents.¹⁷⁵ Statistics show that Black children are at higher risk of experiencing a DCFS investigation than white, Hispanic/Latinx, Indigenous, or Asian/Pacific Islander children.¹⁷⁶

In California, half of all Black children, as well as half of all Indigenous children, experienced a DCFS investigation at some point during the first eighteen years of their lives, compared to only a quarter of white children.¹⁷⁷ In Los Angeles County, and in ten other large U.S. counties, Black children have more than a fifty percent chance of being investigated by child protective services agencies.¹⁷⁸ Not only are families of color more likely to be investigated, child protective service agencies are more likely to substantiate allegations of maltreatment of Black and Indigenous children, and more likely to remove them from the home.¹⁷⁹

Socioeconomic disparities also exist at all levels of the criminal legal and child welfare systems. Low-income people of color are more likely to be fined, arrested, and incarcerated.¹⁸⁰ Low-income families are also more likely to be reported and subject to DCFS investigations.¹⁸¹ Nearly 85% of

families investigated by child protective services report income below 200% of the poverty line and families living below the poverty line are three times more likely to have allegations of child maltreatment substantiated.¹⁸² This also suggests that DCFS and law enforcement collaborations could result in higher rates of agency intrusion into low-income families' lives.

Law Enforcement and Child Protective Services Collaborations May Unnecessarily Expose Families to Invasive Data Collection and Surveillance

Most collaborative child protective services and law enforcement interventions have as part of their purpose gathering and sharing information about families under dual investigation. In Los Angeles County, the immediate availability of certain types of data to law enforcement and DCFS via databases like eSCARS and the sheer number of concurrent investigations conducted in Los Angeles County (almost 43,000 in 2021) raises serious questions about the amount and reliability of data maintained on certain families, particularly Black, Indigenous, and low-income families, who are more likely to have historical and personal data stored and shared.

The first issue is how much data is accessible to DCFS and law enforcement about families and individuals that are investigated by either or both agencies. In Los Angeles County, law enforcement can provide DCFS with criminal history about individual family members; any prior calls for service connected to drug, domestic violence, or gang allegations; and information about active restraining orders.¹⁸³ DCFS can provide law enforcement with information that formed the basis of the mandated report, the family's previous DCFS involvement history, and medical reports and information.¹⁸⁴ On an ongoing basis, both agencies can share information gathered during their separate investigations.¹⁸⁵

One concern regarding such policies is that they authorize the sharing of information that DCFS would normally not have access to. For example, law enforcement can give DCFS criminal history information about individuals living in a household that are not decision-makers or caregivers for a child or even those "who are regularly present in the home."¹⁸⁶ Knowing other residents' prior criminal history could in some cases bias a DCFS worker against the family, leading to disparate outcomes. Law enforcement can also provide DCFS with criminal background information for relatives who may become caregivers for a child while a dependency proceeding is pending. The state legislature has already recognized the barriers that are created by criminal background checks on relative caregivers and passed a state law in 2021 that expanded eligibility for children to be placed with relative caregivers with criminal histories.¹⁸⁷ Additionally, some of the data DCFS may have access to could have little value in determining whether a crime or child abuse is currently occurring. For example, information about a minor misdemeanor theft charge or a conviction from years, or even decades ago, may have little to no bearing on a DCFS investigation into child abuse or neglect. This raises concerns about whether the amount of data shared

between agencies is unnecessarily broad and overly intrusive, and whether families are aware of the extent of data collected and how it is used.¹⁸⁸

It is also important to note that some of the information that DCFS and law enforcement exchange and maintain in their databases could be misleading and invite prejudicial treatment.¹⁸⁹ In general, law enforcement databases containing information about an individual’s criminal history or gang affiliation have been found to be inaccurate.¹⁹⁰ The data that law enforcement collects, such as arrest data, calls for service, and information on past crimes, has been found to be subjective and “embedded with political, social, and other biases.”¹⁹¹ The information law enforcement uses to determine that a person is a gang member are often drawn from preconceived notions of what a gang member looks like, who they associate with, and where they live, and has been used as justification for harassing and arresting Black and Latinx youth.¹⁹²

eSCARS contains data that may be misleading in evaluating a family’s criminal or child welfare history. For example, an allegation of child abuse or neglect that DCFS determines does not merit investigation may still be entered into eSCARS if it includes a *possible* non-child related crime.¹⁹³ In other words, DCFS staff, who are not trained in criminal law, can determine that a report of abuse or neglect *may* be a crime and enter it into eSCARS where it will permanently remain since these records cannot be deleted or expunged. The existence of the records and their associations with a family’s history may negatively influence a case worker or law enforcement officer’s perception of that family in a later investigation.

Another example of prejudicial or misleading data is the tracking of familial domestic violence data. eSCARS stores information about “patterns of abusive relationships,” in which a parent is in a relationship or series of relationships with someone who has been found to be abusive to children.¹⁹⁴ These types of histories may prejudice DCFS case workers against survivors of domestic violence, as studies suggest that allegations of domestic violence may put children at higher risk of DCFS removing the child from the home than other types of allegations.¹⁹⁵ Some advocates refer to the collection and permanent storage of misleading data, or data that leads to prejudicial treatment, as a “pre-crime approach,” in which families are marked and labelled as “red flags,” even if the information in these systems are incorrect or do not reflect a family’s current situation.¹⁹⁶

Law Enforcement and Child Protective Services Collaborations May Lead to Rights Violations and Encourage Misunderstandings of Each Agency’s Role

In some cases, DCFS and law enforcement collaborations may infringe on the civil rights of families. It is not clear whether and how families are informed of the differing goals of collaborative investigations conducted by DCFS and law enforcement. Law enforcement investigates with the

purpose of determining whether a crime was committed and who is responsible, which can lead to the prosecution of a person in the criminal legal system. In contrast, DCFS's stated mission is to promote child safety and well-being through the investigation of families for alleged child abuse and neglect, which leads to a civil case in the dependency court system. These two systems operate under different sets of laws and rules of evidence, in separate courts, and parents face distinct outcomes – a criminal conviction and possible incarceration, versus the removal of their child from the family home and the termination of the legal right to care for and make decisions on their child's behalf. When families are investigated in both the criminal and civil system arising from the same circumstances, it is not clear how often they (1) are advised of the differences between a criminal investigation and a child welfare investigation; (2) are aware of any differing rights provided during the investigation process; or (3) feel empowered to assert their rights without fear of retaliation by either agency.

In a criminal investigation, the Fourth Amendment requires law enforcement to obtain a warrant to search an individual's home, with some exceptions, and allows a person to refuse to consent to a warrantless search.¹⁹⁷ The law is still unsettled on whether a warrant is required for a home search conducted by child protective services, which is a civil investigation. While the majority of federal circuit courts have held that a warrant is required in these situations there are still two that have not reached this conclusion.¹⁹⁸ In California, case workers are required to have a warrant before conducting a home search, except when consent is provided or in exigent circumstances.¹⁹⁹ In a survey of state child welfare agencies, forty agencies responded “they would only obtain a warrant or court order to search a home—or call the police for help—in rare cases when they are denied entry. None said they keep any data on how often they get an entry order.”²⁰⁰ Even in states where child protective services agencies are required to have a warrant, case workers rarely attempt to obtain one, and have used coercion and manipulation to enter homes without a warrant.²⁰¹ This tactic likely succeeds in many cases because parents do not know when and if they can deny child protective services entry into their homes, whereas they may be more familiar with warrant requirements in the context of law enforcement given their prevalence in the media.²⁰²

Another way in which criminal investigations and child protective services investigations differ is that law enforcement officers are constitutionally required to give an advisement of rights to a person suspected of committing a crime and subject to a custodial interrogation.²⁰³ These rights are colloquially known as *Miranda* rights, which include the right to remain silent and the right to an attorney.²⁰⁴ The failure to provide a *Miranda* warning can result in the exclusion of evidence at trial.²⁰⁵ A similar protection has not been extended to civil child protective services investigations, and thus, case workers are not required to advise parents of their rights before questioning them. Recently, two states, Texas and New York, have considered legislation offering a *Miranda*-style right to parents, which requires case workers to advise parents of their rights on first contact during an investigation, and makes evidence inadmissible in a civil proceeding if the admonition is not provided.²⁰⁶ Texas's legislation passed, and the New York bill is still pending after being blocked in the state Senate.²⁰⁷ Although New York's state bill is still pending, New York City's child protective services agency plans to expand a pilot program launched in the fall of 2023 that

requires case workers to provide parents with a written notification of their rights at the outset of an abuse or neglect investigation.²⁰⁸

It is important to note that even if parents do know their rights, the threat of having their child removed “often results in parents feeling compelled to do or say things that they would not otherwise.”²⁰⁹ Parents who have elected not to provide any information in order to protect themselves from self-incrimination have had that refusal used against them in court as evidence that they are uncooperative and unfit.²¹⁰ Families have also expressed concerns that they will experience retaliation for exercising their rights. For example, a 2023 series of listening sessions conducted with Los Angeles County community members on mandated reporting found that over one-third of participants wanted to learn more about their rights as parents in the school setting, because they felt surveilled and that they were under threat of being reported to DCFS.²¹¹ One participant shared that they had witnessed a school administrator make a retaliatory mandated report about a mother advocating for her son’s educational rights, which brought DCFS and law enforcement to the mother’s door to remove her child from the home.²¹²

State Law and Local Policies May Encourage Unwarranted Law Enforcement Contact With Families

There are several examples of state and local policies that encourage law enforcement to initiate or be involved in DCFS investigations. For example, California’s mandated reporting statute does not specifically require or prohibit mandated reports to be made for domestic violence, leaving the determination of when to make a mandated report in those cases up to agencies employing mandated reporters, including local law enforcement. There is at least one law enforcement agency in Los Angeles County with a policy to contact DCFS every time an officer responds to a call for service for domestic violence and a child is present or living in the home. Such an overbroad policy likely results in unnecessary referrals of families to DCFS. In response, advocates are working on a state bill to better define mandated reporting around domestic violence, which includes language clarifying that a child’s witnessing domestic violence or living in a home where domestic violence is occurring are not in and of themselves sufficient basis for reporting child abuse or neglect.²¹³

At the local level, Los Angeles County’s DCFS policy on concurrent investigations is very broad in allowing law enforcement and DCFS to work together whenever they “mutually agree.” This language provides unfettered discretion to case workers and law enforcement officers to co-investigate any type of abuse or neglect allegation, which in turn could encourage unnecessary law enforcement and DCFS contact with families. Additionally, DCFS’s policy on law enforcement assistance is worded so broadly as to allow individual case workers or supervisors to have informal policies of using law enforcement escorts every time they conduct a home visit, which means law enforcement could be involved in investigations when the situation does not

warrant it. Even if law enforcement attends a home visit on the pretense of accompanying a case worker solely for safety purposes, their mere presence at a home during an investigation could subject the family to a criminal investigation, as law enforcement may conduct invasive searches or seizures of property without a warrant in homes where they've established suspicion of a crime based on their own observations.

Concurrent Law Enforcement and Child Protective Services Involvement May Compound Individual and Generational Harms to Children and Families

The impact of law enforcement and child protective services investigations on individuals, families, and children causes trauma that can negatively affect their well-being. People living in heavily policed communities experience negative mental and physical health effects as a result.²¹⁴ Studies of the effects of policing on Black youth have shown an association between police interactions and adverse mental health outcomes including fear for their lives and/or hopelessness, increased sexual risk behaviors, and substance use.²¹⁵ Data has shown that youth who are removed from their families and enter the foster system are at higher risk for poor health outcomes, such as post-traumatic stress, asthma, and cardiovascular disease, as well as dramatically worse education and employment outcomes.²¹⁶

Racial injustice and what Dorothy Roberts terms *group-based harm* are inherent in the child welfare system.²¹⁷ The over-representation of Black children in foster care and the surveillance and policing of Black families does not just harm individual families and children, it destroys the community and social bonds that Black people share, and reinforces harmful, racist stereotypes that perpetuate the status quo.²¹⁸ Black mothers who have had their children removed from their care and their parental rights terminated have described it as “dismembering families,” illustrating the violence that child protective services inflicts on them and how it destroys their opportunity to build generational bonds and to care for and love their children.²¹⁹

First-hand accounts, like the ones shared earlier in this report, indicate the need to better understand the traumatizing impacts of concurrent investigations by child protective services and law enforcement agencies. “Had the sheriffs never stopped us, there would have been no DCFS case,” should not accurately define the experience of many Black and Indigenous families.

Conclusion

The relationships between child protective services agencies and law enforcement are complex, understudied, and often localized. As such, studying how child protective services and law enforcement share information and collaborate requires analyzing the intersection of state and local law, policy, and practice.

As this report has shown, federal, state, and local decision-makers often presume that law enforcement collaborations with child protective services agencies are beneficial. Federal law, particularly CAPTA, and policies promulgated by federal child welfare agencies financially incentivize states to adopt laws that create programs and partnerships between law enforcement and child protective services agencies. All states, including California, receive federal funds tied to CAPTA's requirements. California has an expansive collection of laws and policies that: (1) create state and local bodies comprised of law enforcement agencies and DCFS that provide oversight and recommend policies on child welfare issues; (2) authorize law enforcement and DCFS to share vast amounts of information about families and individuals under investigation; (3) fund the creation of databases and networks to store and share information between agencies; and (4) encourage county DCFS agencies to create formalized partnerships with law enforcement agencies to investigate a broad range of issues that touch both the criminal legal and child welfare systems.

However, there is much data to show that law enforcement contact is a significant entry point for families, particularly families of color and low-income families, into the child welfare system. Additionally, there is some evidence that collaborations between agencies, via mandated reporting, data sharing, formalized partnerships, or co-investigations, is associated with higher rates of family separation, termination of parental rights, and trauma to families than the harm solely caused by one agency alone. More research must be done to better understand the scope and impact of law enforcement and child protective services partnerships not only in Los Angeles County, but in other jurisdictions across the country.

Glossary

- » **Case Worker:** State or local employees of a child welfare agency that investigate allegations of child abuse and neglect. Case workers develop case plans, which may contain a visitation schedule and/or require parents to complete certain programs or services. They also monitor and report on the compliance of parents with the case plan and are determine whether an investigation is referred to the courts for further intervention.
- » **Multi-Disciplinary Teams (MDTs):** Teams of individuals from different governmental agencies or with different professional roles or expertise that provide a coordinated response to allegations of abuse or neglect and collaborate to share information to conduct child welfare and criminal investigations.
- » **Child Death Review Teams (CDRTs):** Multidisciplinary teams comprised of multiple agencies that investigate child deaths caused by abuse and neglect, investigate how systems contribute to child deaths, and make recommendations that will prevent future child deaths. Most CDRTs include medical examiners or coroners, law enforcement agencies, child protective services, county District Attorneys, and medical providers.
- » **Child Protection Hotline (CPH):** Call centers that receive reports of child abuse or neglect. Hotline employees are often child protective services case workers for the state or locality that determine which calls should be referred for further investigation.
- » **Children’s Advocacy Centers (CACs):** In California, these agencies coordinate the investigation, treatment, and prosecution of child abuse cases with the goal of lessening traumatic impacts to children through use of multidisciplinary teams, which often include law enforcement agencies, child protective services agencies, mental and physical health professionals, and victims’ rights advocates.
- » **Child Welfare System:** A group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families. This term also includes laws and policies that regulate and define child abuse and neglect, as well as courts and court actors that adjudicate allegations of child abuse and neglect.
- » **Concurrent Investigations:** Investigations where child protective services agencies and law enforcement work together to collect information and evidence related to suspected child abuse or neglect.
- » **Cooperative Arrangements:** The local coordination of law enforcement agencies and the Department of Children and Family Services to investigate suspected child abuse or neglect cases through the use of interagency child death review teams, children’s advocacy centers, and the formation of multidisciplinary teams.

- » **Cross-Reporting Laws:** This term refers to laws that require child protective service agencies, law enforcement, and other social service agencies to share among each other the contents of mandated reports and information gathered during investigations.
- » **Department of Children and Family Services (DCFS):** Child protective services agency in California that investigates allegations that a parent or guardian has abused or neglected a child. DCFS has the power to require parents and guardians under investigation to participate in programs or services and may refer them to courts that determine whether their constitutional right to care and custody of their child should be terminated. Every California county has its own DCFS.
- » **Dependency Court:** In California, this court system determines the outcomes of child welfare cases, including whether to terminate a parent or guardian’s parental rights.
- » **Electronic Suspected Child Abuse Reporting System (eSCARS):** A Los Angeles County database that contains information gathered by law enforcement. The database is shared among local law enforcement agencies and the Department of Children and Family Services.
- » **Family Policing System:** This term is used to refer to the child welfare system by parents and youth with lived experience and advocates who believe it more accurately defines how child welfare agencies operate in families’ lives. This term encapsulates how the child welfare system is like law enforcement, in that it operates to control, surveil, and punish families, most often Black, Indigenous, and families of color.
- » **Children’s Bureau (CB):** An agency housed within the federal government’s Administration for Children and Families, which provides guidance on federal law, policy, and program regulations related to the states’ implementation of federal child welfare law. The CB also conducts research on child welfare outcomes and government grants.
- » **General Neglect:** California Penal Code section 11165.2 defines general neglect as a parent or guardian negligently failing to provide “adequate food, shelter, medical care, or supervision where no physical injury to the child has occurred but the child is at substantial risk of suffering serious physical harm or illness.” The definition also makes clear that general neglect does not include a parent’s economic disadvantage.
- » **Inconclusive Reports:** California Penal Code section 11165.12(c) defines an inconclusive child abuse report as a report where there is insufficient evidence to determine whether child abuse or neglect has occurred.
- » **Mandated Reporters:** California Penal Code section 11165.7 designates certain professionals, like police, teachers, medical practitioners, and others who

work regularly with children, to report suspected child abuse or neglect to child protective services agencies.

- » **Memoranda of Understanding (MOUs):**
An agreement that lays out the obligations of two or more parties. An MOU can be a binding legal agreement if the parties specify, but it is generally considered to be a document that defines a relationship among parties.
- » **Multi-Agency Response Team (MART):**
A partnership between Los Angeles County-based law enforcement agencies, the Department of Children and Family Services, and the Department of Mental Health that conducts operations on families with children where someone in the household is suspected of drug use, illegal firearm use/sales, gang involvement, or sex/drug trafficking.
- » **Permissive Reporters:** A person who voluntarily makes a report of alleged child abuse or neglect to a child protective services agency.
- » **Substantiated Reports:** California Penal Code section 11165.12(b) defines a substantiated child abuse report as a report containing evidence that makes it more likely than not that child abuse or neglect occurred.
- » **Termination of Parental Rights (TPR):**
A court order that permanently ends the legal parent/child relationship when the parents are found to be unfit by the dependency or family court.

- » **Unfounded Reports:** California Penal Code section 11165.12(a) defines an unfounded child abuse report as false, inherently improbable, involving an accidental injury, or not constituting child abuse or neglect.

Endnotes

1. VICTORIA COPELAND ET AL., STOP LAPD SPYING COALITION, “DCF(S) STANDS FOR DIVIDING AND CONQUERING FAMILIES”: HOW THE FAMILY POLICING SYSTEM CONTRIBUTES TO THE STALKER STATE 1 (2023), <https://stoplapdspying.org/wp-content/uploads/2023/05/Dividing-and-Conquering-Families.pdf> [<https://perma.cc/Q4LW-A9Q2>] [hereinafter DIVIDING AND CONQUERING FAMILIES]; DETTLAFF ET AL., HOW WE ENDUP: A FUTURE WITHOUT FAMILY POLICING 3 n.1 <https://upendmovement.org/wp-content/uploads/2021/06/How-We-endUP-6.18.21.pdf> [<https://perma.cc/MKV2-VUHJ>] (last visited Apr. 15, 2024).
2. Often, case workers are referred to as “social workers” or in California, “Children’s Social Workers,” but in many jurisdictions, case workers are not required to have a master’s in social work (MSW) or be licensed or trained in the profession of social work.
3. *The Problem*, MOVEMENT FOR FAM. POWER, <https://www.movementforfamilypower.org/our-mission-and-approach> [<https://perma.cc/7MBX-7Q94>] (last visited Apr. 15, 2024).
4. Theodore P. Cross et al., *Criminal Investigations in Child Protective Services Cases: An Empirical Analysis*, 40 CHILD MALTREATMENT 104, 112 (2014).
5. Interview by Jess Johnson with parent who experienced a concurrent DCFS and law enforcement investigation in L.A., Cal. (Mar. 2023).
6. Interview by Jess Johnson with young person who experienced a concurrent DCFS and law enforcement investigation in L.A., Cal. (Mar. 2023). Tianna’s name has been changed to protect her identity.
7. See Adam Walsh Child Protection and Safety Act, Pub. L. No. 109-248, 120 Stat. 587 (codified as amended in scattered sections of 42 U.S.C.); Justice for Victims of Trafficking Act, Pub. L. No 114-22, 129 Stat. 227 (codified as amended in scattered sections of 6, 18, 22, 28, 29, 31, 34, 39, 42 U.S.C.); Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. No. 113-183, 128 Stat. 1919 (codified as amended in scattered sections of 42 U.S.C.A.).
8. CHILDREN’S BUREAU, ABOUT CAPTA: A LEGISLATIVE HISTORY 1 (2019), <https://www.childwelfare.gov/pubPDFs/about.pdf> [<https://perma.cc/4L7Z-ERJQ>].
9. CHILDREN’S BUREAU, MANDATORY REPORTERS OF CHILD ABUSE AND NEGLECT 1 (2019), <https://www.childwelfare.gov/pubPDFs/manda.pdf> [<https://perma.cc/Z96E-WXJM>] [hereinafter MANDATORY REPORTERS].
10. 42 U.S.C. § 5106(b)(2)(B)(i), (b)(2)(B)(iv).
11. MANDATORY REPORTERS, *supra* note 9, at 2.
12. CHILDREN’S BUREAU, CROSS-REPORTING AMONG AGENCIES THAT RESPOND TO CHILD ABUSE AND NEGLECT 1 (2021), <https://www.childwelfare.gov/resources/cross-reporting-among-agencies-respond-child-abuse-and-neglect/> [<https://perma.cc/57NW-C84S>].
13. 42 U.S.C. § 5106a(a)(1)-(5).
14. James Leslie Herbert & Leah Bromfield, *Better Together? A Review of Evidence for Multi-Disciplinary Teams Responding to Physical and Sexual Child Abuse*, 20 TRAUMA VIOLENCE & ABUSE 214, 215 (2019).
15. *Id.*
16. 42 U.S.C. § 5106a(a)(1)-(5).
17. *Id.*
18. *Id.* § 5106(e)(1)(A); *Children’s Justice Act Fact Sheet*, CHILDREN’S BUREAU, <https://www.acf.hhs.gov/cb/grant-funding/childrens-justice-act> [<https://perma.cc/XG8A-AZDN>] (last updated Apr. 15, 2024) [hereinafter *CJA Fact Sheet*].
19. *CJA Fact Sheet*, *supra* note 18.

20. *Id.*
21. 42 U.S.C. § 5104(b)(7)(A).
22. *Id.* § 5104(b)(8)(B).
23. *Children’s Bureau*, YOUTH.GOV, <https://youth.gov/federal-links/childrens-bureau> [https://perma.cc/8CM8-WBZC] (last visited Apr. 15, 2024).
24. CHILDREN’S BUREAU, THE STORY OF THE CHILDREN’S BUREAU 6-8 (2012), <https://www.vassar.edu/stories/2017/assets/files/170301-story-of-cb.pdf> [https://perma.cc/YRT8-ZFNN].
25. CHILDREN’S BUREAU: AN OFFICE OF THE ADMINISTRATION FOR CHILDREN & FAMILIES, <https://www.acf.hhs.gov/cb> [https://perma.cc/CK6U-GQBG] (last visited Apr. 15, 2024).
26. 42 U.S.C. § 5106(e); *What We Do*, CHILDREN’S BUREAU, <https://www.acf.hhs.gov/cb/about/what-we-do> [https://perma.cc/NJV2-8A2Y] (last updated June 16, 2023).
27. *CJA Fact Sheet*, *supra* note 18.
28. OFF. ON CHILD ABUSE & NEGLECT, CHILDREN’S BUREAU, LOG No. AYCF-CB-PI-23-04, AVAILABILITY OF FISCAL YEAR (FY) 2023 CHILDREN’S JUSTICE ACT GRANTS TO STATES UNDER THE CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA) 5-7, 15 (2023), <https://www.acf.hhs.gov/sites/default/files/documents/cb/pi2304.pdf> [https://perma.cc/3T5D-5EFE] [hereinafter 2023 CJA GRANT APPLICATION].
29. For more information on Children’s Advocacy Centers (CACs), see *Cooperative Arrangements*.
30. 2023 CJA GRANT APPLICATION, *supra* note 28, at 5-7, 15.
31. *Id.* at 26-27.
32. CHILDREN’S BUREAU, LOG No. ACYF-CB-IM-22-03, SUPPLEMENTAL FUNDING UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 FOR THE CBCAP AND CAPTA STATE GRANT PROGRAMS; ACCOMPANIMENT TO DEAR COLLEAGUE LETTER XX-XX 1 (2022), <https://www.acf.hhs.gov/sites/default/files/documents/cb/IM-22-03.pdf> [https://perma.cc/T746-M7SM].
33. *Id.* at 5-7.
34. *Id.* at 12.
35. *Child Welfare Services/Case Management System (CWS/CMS)*, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, <https://www.cdss.ca.gov/inforesources/child-welfare-services-case-management-system> [https://perma.cc/RL5S-Y2R9] (last visited Apr. 15, 2024).
36. *Id.*
37. D. Webster et al., *Children Receiving Services from County Child Welfare Agencies by Service Component*, CALIFORNIA CHILD WELFARE INDICATORS PROJECT (CCWIP), <https://ccwip.berkeley.edu/childwelfare/reports/CaseServiceComponents/MTSG/r/ab636/s> [https://perma.cc/463Q-54B9] (last visited Apr. 15, 2024).
38. 42 U.S.C. § 5106(b)(2)(B)(i).
39. Child Abuse and Neglect Reporting Act (CANRA), CAL. PENAL CODE § 11164 et seq.
40. CAL. PENAL CODE § 11165.9.
41. *Id.* § 11166(a).
42. *Id.* § 11165.7(a).
43. *Id.* § 11167(a). Until recently, state law allowed non-mandated reporters to make anonymous reports to county child protection hotlines, meaning that they did not have to share their name or other identifying information when making a report. In 2023, AB 391 was passed, which now requires non-mandated reporters to provide their name, phone number, and “the information that gave rise to the suspicion of child abuse or neglect.” Assemb. B. 391, 2023 Leg., Reg. Sess. (Cal. 2023). The law is designed to prevent false and malicious reporting, particularly in instances of interpersonal or domestic violence.

44. CAL. PENAL CODE § 11166.02.
45. *Id.* § 11167(d)(1).
46. *Id.* Nonetheless, Penal Code section 11167(d)(1) provides exceptions, including that a mandated reporter’s identity to be disclosed to a prosecutor pursuing criminal prosecution for alleged abuse or neglect. A mandated reporter may also waive confidentiality, or their identity may be disclosed by court order.
47. CAL. SENATE SELECT COMM. ON CHILD. & YOUTH, SB 1195 TASK FORCE, CHILD ABUSE REPORTING LAWS, JUVENILE COURT DEPENDENCY STATUTES, AND CHILD WELFARE SERVICES 15-16 (1988), <https://www.ojp.gov/pdffiles1/Digitization/113845NCJRS.pdf> [<https://perma.cc/GJS2-U76D>]. *See also id.*, stating that law enforcement agencies are mandated to share reports with DCFS that are “alleged to have occurred as a result of the action of a person responsible for the child’s welfare, or as the result of the failure of a person responsible for the child’s welfare to adequately protect the minor from abuse when the person responsible for the child’s welfare knew or reasonably should have known that the minor was in danger of abuse.”
48. CAL. PENAL CODE § 11166(k). Permissive reporting is a report of alleged child abuse or neglect voluntarily made by a person to a child protective services agency.
49. *Id.* § 11165.2.
50. Assemb. B. 2085, 2021 Leg., Reg. Sess. (Cal. 2022).
51. CAL. PENAL CODE § 11166(j). Additionally, Section 11166(j) also enumerates that Probation and DCFS must immediately report any mandated reports of children alleged to be commercially sexually exploited.
52. *Id.* The drug testing exception to the rule that law enforcement should be notified of all mandated reports came out of the Substance-Exposed Infant Task Force, convened in 1990 by several Juvenile Court judges. The task force established three principles that became the basis of the exception, one of these being “Intervention in cases of [drug-exposed infants and their families] should focus primarily on health-based services, including drug treatment and counseling, rather than legal sanctions and law enforcement. This approach recognizes the disease of substance abuse.” CAL. SENATE SELECT COMM. ON CHILD. & YOUTH, TASK FORCE ON SUBSTANCE-EXPOSED INFANTS – CHILDREN & DRUGS (1990).
53. CAL. PENAL CODE § 11166.3(a).
54. Michael Durfee & Stephen J. Wirtz, *Child Death Review Teams*, in CHILD ABUSE AND NEGLECT: GUIDELINES FOR IDENTIFICATION, ASSESSMENT, AND CASE MANAGEMENT 243-248 (Kevin Coulter et al. eds., 2003).
55. CAL. PENAL CODE § 11174.32(a); *CDR Map Spotlight - California*, NAT’L CTR. FOR FATALITY REVIEW & PREVENTION, <https://ncfrp.org/cdr-map/spotlight-california/> [<https://perma.cc/5YZE-M9AJ>] (last updated May 2021).
56. CAL. PENAL CODE § 11174.34(b)(1). State law also requires the Council to conduct studies and share reports with the purpose of preventing child deaths. *Id.*
57. NAT’L CTR. FOR FATALITY REVIEW & PREVENTION, *supra* note 55. In 2022, Governor Newsom vetoed AB 2660, which would have provided funds to revive the Council and to establish a CDRT in every county.
58. CAL. PENAL CODE § 11174.34(b)(1).
59. *Id.*
60. CAL. PENAL CODE § 11174.34(k)-(l).
61. *Id.* § 11174.34(l).
62. Letter from Ed Howard, Senior Couns., Childs.’ Advoc. Inst., to Hon. Gavin Newsom, California Governor (Aug. 20, 2022), <http://www.cachildlaw.org/Misc/2660.gov.sig.letter.pdf> [<https://perma.cc/KP9V-5576>].
63. *Inter-Agency Council on Child Abuse & Neglect (ICAN)*, L.A. CNTY. CHILD ABUSE PREVENTION COUNCILS, <https://www.lachildabusecouncils.org/council/inter-agency-council-on-child-abuse-and-neglect/> [<https://perma.cc/TLM5-PJJ6>] (last visited Apr. 15, 2024).

64. L.A. CNTY. INTER-AGENCY COUNCIL ON CHILD ABUSE & NEGLECT, ICAN CHILD DEATH REVIEW TEAM REPORT 2022 2 (2022), <https://ican4kids.org/wp-content/uploads/2024/01/CDRT-Report-2024.pdf> [<https://perma.cc/KRE9-SDQK>].
65. *Id.* at 5.
66. *Reports*, L.A. CNTY. INTER-AGENCY COUNCIL ON CHILD ABUSE & NEGLECT, <https://ican4kids.org/resources/reports/> [<https://perma.cc/UJ32-LMHE>] (last visited Apr. 15, 2024).
67. CAL. PENAL CODE § 11166.4(a).
68. *What Is a Children’s Advocacy Center?*, CHILDS.’ ADVOC. CTRS. OF CALIFORNIA, <https://www.cacc-online.org/what-is-a-cac> [<https://perma.cc/SKP3-BJ7C>] (last visited Apr. 15, 2024).
69. *Our Story*, CHILDS.’ ADVOC. CTR., <http://childrensadvocacyctr.org/about/our-story/> [<https://perma.cc/HRP6-Y7UP>] (last visited Apr. 15, 2024).
70. CAL. PENAL CODE § 11166.4(b)(1).
71. *Id.* § 11166.4(e).
72. *Find a Center*, CHILDS.’ ADVOC. CTRS. OF CALIFORNIA, <https://cacc.coalitionmanager.org/contactmanager/contact/publicdirectory> [<https://perma.cc/FG3X-YAF4>] (last visited Apr. 15, 2024).
73. CAL. PENAL CODE §§ 13879.80, 13879.81; CAL. WELF. & INST. CODE §§ 16524.7 et seq., 18961.7(a).
74. *Id.*
75. CAL. PENAL CODE §§ 13879.80, 13879.81; CAL. WELF. & INST. CODE § 16524.7 et seq.
76. CAL. WELF. & INST. CODE § 18961.7(a).
77. *Id.* §§ 830, 18951, 18961.7.
78. *Id.* § 18961.7(b)(2)(C)(1).
79. *Id.* § 830(a).
80. D. Webster et al., *Child Population (0-17), Number in Care, and Prevalence Rates*, CALIFORNIA CHILD WELFARE INDICATORS PROJECT, <https://ccwip.berkeley.edu/childwelfare/reports/InCareRates/MTSG/r/rts/s> [<https://perma.cc/9KBK-HLK8>] (last visited Apr. 15, 2024).
81. *When to Call the Child Protection Hotline*, L.A. CNTY. DEP’T OF CHILD. & FAM. SERVS., <https://dcfs.lacounty.gov/contact/report-child-abuse/> [<https://perma.cc/5YN7-TUVT>] (last visited Apr. 15, 2024); L.A. CNTY. DEP’T OF CHILD. & FAM. SERVS., *Child Protection Hotline 0050-502.10*, in *Child Welfare Handbook (2023)*, <https://policy.dcfslacounty.gov/Policy?id=6149> [<https://perma.cc/V4UT-FZ6E>] [hereinafter *Child Protection Hotline Policy*].
82. *Id.*
83. CAL. PENAL CODE § 11166(a); *Submit Follow-up Suspected Child Abuse Report (SS 8572)*, L.A. CNTY. DEP’T OF CHILD. & FAM. SERVS., <https://mandreptla.org/cars.web/> [<https://perma.cc/WCM2-7B|8>] (last visited Apr. 15, 2024).
84. *Child Protection Hotline Policy*, *supra* note 81.
85. *Id.*
86. Evaluated out referrals include, but are not limited to, allegations “that do not constitute appropriate child abuse referrals,” such as allegations where no reasonable suspicion of abuse or neglect exists, allegations solely related to poverty or homelessness, and allegations of “disruptive” behavior in school, teen/parent conflict, or a youth’s “delinquent or criminal behavior.” *Id.*
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