

MOTION BY SUPERVISOR GLORIA MOLINA

August 24, 2010

Over the last week, significant concerns have been raised by members of this Board and the media regarding the County’s interpretation of its legal duties under State and Federal laws to protect the confidentiality of personal information of children, siblings and their families in cases of child deaths alleged to be caused by abuse or neglect.

All members of this Board support transparency and the County’s duty to disclose information in the public interest—particularly when such information involves the death of vulnerable children. Likewise, this Board has a duty to protect confidential child information, particularly when such information may compromise a criminal investigation or place siblings or family members at risk for their safety. The County should facilitate the release of the information on child fatalities to the full extent of the law.

The law provides a clear path for the release of this type of sensitive child death information both in the form of a request under Senate Bill 39 ("SB 39") and through the Juvenile Court. The failure to support “leaks” of sensitive personal and case information outside of these legal processes should not be construed as a rejection of transparency.

MOTION

Ridley-Thomas _____

Yaroslavsky _____

Knabe _____

Antonovich _____

Molina _____

What is required to restore public confidence is a clear public statement by an independent entity of the rights and responsibilities of all parties with regard to the release of this information and a clear protocol for the timely, efficient, consistent and credible implementation of these legal mandates.

I, THEREFORE, MOVE that this Board direct the Office of Independent Review (“OIR”) to report to this Board in one week in public session with the following:

- 1) A public report analyzing and explaining the requirements and timelines for the disclosure of child fatality information pursuant to SB 39 and Welfare and Institutions Code 827; and
- 2) A protocol to be used by the Department of Children and Family Services with oversight by OIR for responding to SB 39 requests and for tracking such requests; and
- 3) A status report on any pending requests, including any objections filed by law enforcement or other entities that may be preventing the disclosure of SB 39 or Welfare and Institutions Code 827 petitions.