

DEPARTMENT OF SOCIAL SERVICES

44 P Street, Sacramento, CA 95814



September 20, 1994

ALL-COUNTY LETTER NO. 94-80

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS
ALL COUNTY COUNSELS

<u>Reason for this Transmittal</u>	
<input checked="" type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order
<input type="checkbox"/>	Clarification Requested by One or More Counties
<input type="checkbox"/>	Initiated by CDSS

SUBJECT: WELFARE AND INSTITUTIONS CODE SECTIONS 16516 AND 16517 PERTAINING TO SOCIAL WORKER AND PROBATION OFFICER INTEGRITY

Assembly Bill (AB) 3617, Chapter 497, Statutes of 1992, added Welfare and Institutions Code (WIC) Sections 16516 and 16517 concerning social worker and probation officer integrity.

Welfare and Institutions Code Section 16516 provides that "no social worker or probation officer acting as an officer of the court ... shall, directly or indirectly, lobby for, act as a consultant to, enter into a business transaction with, acquire ownership of, or obtain a pecuniary interest in, any business, whether organized for profit or as a nonprofit entity, which has received any funds or income from court-ordered child welfare services." For the purposes of WIC Section 16516, court-ordered child welfare services include those services ordered by the court pursuant to WIC Sections 11450 and 16501.

Public law enforcement agencies or private entities may seek civil remedy in any court of competent jurisdiction. Any person who violates this restriction is subject to any of the following remedies, as ordered by the court, in its discretion:

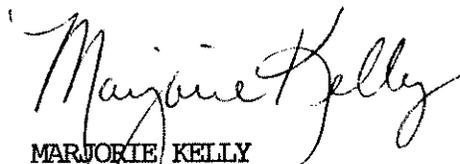
- o "Restitution of funds received in violation of WIC Section 16516.
- o Statutory damages of not less than one thousand dollars (\$1,000), not to exceed treble the amount of the funds received in violation of WIC Section 16516.
- o Actual damages resulting from a violation of WIC 16516.
- o Termination of the grant or contract.
- o Reasonable attorney's fees.
- o Any other relief which the court deems proper."

Welfare and Institutions Code Section 16517 provides that "no social worker or probation officer acting as an officer of the court shall make an out-of-home placement of a dependent or ward of the court with any of the following:

- o Any relative of the social worker or probation officer responsible for the placement of the child.
- o The spouse of any relative of the social worker or probation officer responsible for placement of the child."

Welfare and Institutions Code Section 16517 further provides that "no social worker or probation officer acting as an officer of the court shall receive compensation for the out-of-home placement of a dependent or ward of the court other than the compensation received as an employee of the county or the state."

If you have questions regarding this information, please contact Ms. Joelyn Walters at (916) 324-2504.



MARJORIE KELLY
Deputy Director
Children and Family Services Division

c: California Welfare Directors' Association