

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 717

Introduced by Assembly Member Ammiano

February 17, 2011

An act to amend Sections 11169 and 11170 of the Penal Code, relating to the Child Abuse Central Index.

LEGISLATIVE COUNSEL'S DIGEST

AB 717, as amended, Ammiano. Child Abuse Central Index.

Existing law, subject to exceptions, requires ~~specified local agencies~~ *a police department, a sheriff's department, a county probation department under certain circumstances, and a county welfare department* to forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect which is determined not to be unfounded, for purposes of inclusion by the department in the Child Abuse Central Index (CACI).

Existing law prohibits those agencies from forwarding reports to the department unless the agency has conducted an active investigation and determined that the report is not unfounded. Existing law further requires, if a report has previously been filed which subsequently proves to be unfounded, the department be notified of that fact and the department shall not retain the report.

This bill would instead apply those provisions to reports that are substantiated. ~~The bill would also provide that the Department of Justice, in responding to regulatory requests made by the State Department of Social Services, a county welfare department, a Court Appointed Special~~

~~Advocate program, a tribal court or a tribal child welfare agency of a tribe or consortium of tribes, an out of state agency, or any other licensing agency representative, shall only provide reports from the Child Abuse Central Index (CACI) of persons notified of the listing in the CACI and who were offered a hearing on or after March 2008. The bill would further require that the department, in responding to requests from law enforcement or county probation, provide information from the CACI for investigative purposes only and the information may not be used in any other capacity. The bill would also provide that on and after January 1, 2012, a police department or sheriff's department shall no longer forward to the Department of Justice that report.~~

Existing law charges the Department of Justice with maintaining CACI and *requires that* the index ~~shall~~ be continually updated by the department and ~~shall~~ not contain any reports that are determined to be unfounded.

This bill would instead provide that only information from reports that are reported as substantiated would be filed, and all other determinations would be removed from the centralized list. ~~The bill would require the department to furnish a report semiannually, as prescribed by the Attorney General, to authorized agencies required to report instances of known or suspected child abuse or severe neglect for the purpose of validating the accuracy, completeness, and retention of child abuse reports maintained in the CACI that were previously submitted by their agency. The bill would require the agencies to notify the department, within 60 calendar days from the date of the report, of the CACI records that no longer meet statutory requirements for retention in the repository, and if an agency fails to notify the department within 60 calendar days, the records contained in the report shall be deemed incomplete and would be deleted. The bill would also provide that if an agency fails to accurately maintain and update its previously submitted reports the agency may be held liable and responsible for any consequential action resulting from a violation of these provisions. The bill would also provide that any person who was listed on the CACI prior to January 1, 1998, and who did not receive notice regarding that listing, may request and be entitled to a due process hearing from the agency that requested his or her inclusion in the CACI within 3 years of first learning of his or her CACI listing. The bill would provide that any person who received notice of his or her CACI listing on or after January 1, 1998, but before March 1, 2008, may request and be entitled to a due process hearing from the agency that requested his or her~~

inclusion in the CACI. After that hearing, if it is determined that the person’s CACI listing was based on a report that was not substantiated, the agency would be required to notify the department of that result and the department shall remove that person’s name from CACI.

The bill would provide that any person listed in the CACI who has reached 100 years of age shall have his or her listing removed from the CACI. The bill would also require agencies, including police departments and sheriff’s departments, to retain child abuse or neglect investigative reports that result or resulted in a report filed with the Department of Justice for the same period of time that the information is required to be maintained on the CACI, as specified.

By imposing additional duties on local government agencies, this bill would impose a state-mandated local program.

~~Existing law requires the Department of Justice to make information in the CACI available to investigative agencies or probation officers, or court investigators, in connection with the placement of children who are subject to the jurisdiction of the courts. Existing law provides that upon receipt of relevant information concerning child abuse or neglect investigation reports contained in the index from the department, the agency or court investigator shall notify, in writing, the person listed in the CACI that he or she is in the index, and requires the notification to include the name of the reporting agency and the date of the report.~~

~~This bill would delete that notification requirement.~~

~~The bill would make additional conforming changes.~~

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 11169 of the Penal Code is amended to
- 2 read:
- 3 11169. (a) An agency specified in Section 11165.9 shall
- 4 forward to the Department of Justice a report in writing of every

1 case it investigates of known or suspected child abuse or severe
2 neglect that is determined to be substantiated, other than cases
3 coming within subdivision (b) of Section 11165.2. An agency shall
4 not forward a report to the Department of Justice unless it has
5 conducted an active investigation and determined that the report
6 is substantiated, as defined in Section 11165.12. If a report has
7 previously been filed which subsequently proves to be not
8 substantiated, the Department of Justice shall be notified in writing
9 of that fact and shall not retain the report. The reports required by
10 this section shall be in a form approved by the Department of
11 Justice and may be sent by fax or electronic transmission. An
12 agency specified in Section 11165.9 receiving a written report
13 from another agency specified in Section 11165.9 shall not send
14 that report to the Department of Justice.

15 ~~(b) The Department of Justice shall make available information~~
16 ~~on the Child Abuse Central Index (CACI) as follows:~~

17 ~~(1) Regulatory requests made by the State Department of Social~~
18 ~~Services, a county welfare department, a Court Appointed Special~~
19 ~~Advocate program, a tribal court or tribal child welfare agency of~~
20 ~~a tribe or consortium of tribes, an out-of-state agency, or any other~~
21 ~~licensing agency representative shall only receive reports of persons~~
22 ~~notified of the listing in the CACI and offered a hearing on or after~~
23 ~~March 1, 2008.~~

24 ~~(2) Requests made by law enforcement or county probation~~
25 ~~shall receive information for investigative purposes only and the~~
26 ~~information may not be used in any other capacity.~~

27 ~~(b) On and after January 1, 2012, a police department or~~
28 ~~sheriff's department specified in Section 11165.9 shall no longer~~
29 ~~forward to the Department of Justice a report in writing of any~~
30 ~~case it investigates of known or suspected child abuse or severe~~
31 ~~neglect.~~

32 (c) At the time an agency specified in Section 11165.9 forwards
33 a report in writing to the Department of Justice pursuant to
34 subdivision (a), the agency shall also notify in writing the known
35 or suspected child abuser that he or she has been reported to the
36 Child Abuse Central Index (CACI). The notice required by this
37 section shall be in a form approved by the Department of Justice.
38 The requirements of this subdivision shall apply with respect to
39 reports forwarded to the department on or after the date on which
40 this subdivision becomes operative.

1 (d) Any person who was listed on the CACI prior to January 1,
2 1998, and who did not receive notice regarding that listing, may
3 request and be entitled to a due process hearing from the agency
4 that requested his or her inclusion in the CACI within three years
5 of first learning of his or her CACI listing.

6 (e) Any person who received notice of his or her CACI listing
7 on or after January 1, 1998, but before March 1, 2008, may request
8 and be entitled to a due process hearing from the agency that
9 requested his or her inclusion in the CACI.

10 (f) Any person listed in the CACI who has reached 100 years
11 of age shall have his or her listing removed from the CACI.

12 (g) If, after a due process hearing pursuant to this section, it is
13 determined the person's CACI listing was based on a report that
14 was not substantiated, the agency shall notify the Department of
15 Justice of that result and the department shall remove that person's
16 name from CACI.

17 (h) Agencies, including police departments and sheriff's
18 departments, shall retain child abuse or neglect investigative
19 reports that result or resulted in a report filed with the Department
20 of Justice pursuant to subdivision (a) for the same period of time
21 that the information is required to be maintained on the CACI
22 pursuant to this section and subdivision (a) of Section 11170.
23 Nothing in this section precludes an agency from retaining the
24 reports for a longer period of time if required by law.

25 ~~(i)~~

26 (i) The immunity provisions of Section 11172 shall not apply
27 to the submission of a report by an agency pursuant to this section.
28 However, nothing in this section shall be construed to alter or
29 diminish any other immunity provisions of state or federal law.

30 SEC. 2. Section 11170 of the Penal Code is amended to read:

31 11170. (a) (1) The Department of Justice shall maintain an
32 index of all reports of child abuse and severe neglect submitted
33 pursuant to Section 11169. The index shall be continually updated
34 by the department and shall not contain any reports that are
35 determined to be not substantiated. The department may adopt
36 rules governing recordkeeping and reporting pursuant to this article.

37 (2) The department shall act only as a repository of reports of
38 suspected child abuse and severe neglect to be maintained in the
39 Child Abuse Central Index (CACI) pursuant to paragraph (1). The
40 submitting agencies are responsible for the accuracy, completeness,

1 and retention of the reports described in this section. The
2 department shall be responsible for ensuring that the CACI
3 accurately reflects the report it receives from the submitting agency.

4 (3) Only information from reports that are reported as
5 substantiated shall be filed pursuant to paragraph (1), and all other
6 determinations shall be removed from the centralized list. ~~The
7 department shall furnish a report semiannually, as prescribed by
8 the Attorney General, to authorized agencies required to report
9 instances of known or suspected child abuse or severe neglect
10 pursuant to Section 11169 for the purpose of validating the
11 accuracy, completeness, and retention of child abuse reports
12 maintained in the CACI previously submitted by their agency. In
13 order to maintain the integrity of the CACI, the agency shall notify
14 the department, within 60 calendar days from the date of the report,
15 of the CACI records that no longer meet statutory requirements
16 for retention in the repository and those records shall be deleted
17 from the CACI. Otherwise, if an agency fails to notify the
18 department within 60 calendar days, the records contained in the
19 report shall be deemed incomplete, and, therefore, deleted from
20 the CACI. Additionally, if an agency fails to accurately maintain
21 and update its previously submitted reports for CACI entry and
22 report that information to the department, that agency may be held
23 liable and responsible for any consequential action resulting from
24 a violation of this section, notwithstanding Section 11172. The
25 department shall remain harmless and will not be held as a party
26 liable for any violation of the agency's responsibility to notify the
27 department to delete CACI reports previously submitted as required
28 in this section.~~

29 (b) The provisions of subdivision (b) of Section 11169 apply
30 to any information provided pursuant to this subdivision.

31 (1) The Department of Justice shall immediately notify an
32 agency that submits a report pursuant to Section 11169, or a
33 prosecutor who requests notification, of any information maintained
34 pursuant to subdivision (a) that is relevant to the known or
35 suspected instance of child abuse or severe neglect reported by the
36 agency. The agency shall make that information available to the
37 reporting health care practitioner who is treating a person reported
38 as a possible victim of known or suspected child abuse. The agency
39 shall make that information available to the reporting child
40 custodian, Child Abuse Prevention and Treatment Act guardian

1 ad litem appointed under Rule 5.662 of the California Rules of
2 Court, or counsel appointed under Section 317 or 318 of the
3 Welfare and Institutions Code, or the appropriate licensing agency,
4 if he or she or the licensing agency is handling or investigating a
5 case of known or suspected child abuse or severe neglect.

6 (2) When a report is made pursuant to subdivision (a) of Section
7 11166, or Section 11166.05, the investigating agency, upon
8 completion of the investigation or after there has been a final
9 disposition in the matter, shall inform the person required or
10 authorized to report of the results of the investigation and of any
11 action the agency is taking with regard to the child or family.

12 (3) The Department of Justice shall make *relevant* information
13 from the CACI available to a law enforcement agency, *county*
14 *welfare department, or county probation department* that is
15 conducting a child abuse investigation ~~only for investigative~~
16 ~~purposes pursuant to paragraph (2) of subdivision (b) of Section~~
17 ~~11169.~~

18 (4) The department shall make available to the State Department
19 of Social Services, or to any county licensing agency that has
20 contracted with the state for the performance of licensing duties,
21 or to a tribal court or tribal child welfare agency of a tribe or
22 consortium of tribes that has entered into an agreement with the
23 state pursuant to Section 10553.1 of the Welfare and Institutions
24 Code, information regarding a known or suspected child abuser
25 maintained pursuant to this section and subdivision (a) of Section
26 11169 concerning any person who is an applicant for licensure or
27 any adult who resides or is employed in the home of an applicant
28 for licensure or who is an applicant for employment in a position
29 having supervisory or disciplinary power over a child or children,
30 or who will provide 24-hour care for a child or children in a
31 residential home or facility, pursuant to Section 1522.1 or 1596.877
32 of the Health and Safety Code, or Section 8714, 8802, 8912, or
33 9000 of the Family Code.

34 (5) The Department of Justice shall make available to a Court
35 Appointed Special Advocate program that is conducting a
36 background investigation of an applicant seeking employment
37 with the program or a volunteer position as a Court Appointed
38 Special Advocate, as defined in Section 101 of the Welfare and
39 Institutions Code, information contained in the index regarding
40 known or suspected child abuse by the applicant.

1 (6) For purposes of child death review, the Department of Justice
2 shall make available to the chairperson, or the chairperson's
3 designee, for each county child death review team, or the State
4 Child Death Review Council, information for investigative
5 purposes only that is maintained in the CACI pursuant to
6 subdivision (a) relating to the death of one or more children and
7 any prior child abuse or neglect investigation reports maintained
8 involving the same victims, siblings, or suspects. Local child death
9 review teams may share any relevant information regarding case
10 reviews involving child death with other child death review teams.

11 (7) The department shall make available to investigative
12 agencies or probation officers, or court investigators acting
13 pursuant to Section 1513 of the Probate Code, responsible for
14 placing children or assessing the possible placement of children
15 pursuant to Article 6 (commencing with Section 300), Article 7
16 (commencing with Section 305), Article 10 (commencing with
17 Section 360), or Article 14 (commencing with Section 601) of
18 Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions
19 Code, Article 2 (commencing with Section 1510) or Article 3
20 (commencing with Section 1540) of Chapter 1 of Part 2 of Division
21 4 of the Probate Code, information regarding a known or suspected
22 child abuser contained in the index concerning any adult residing
23 in the home where the child may be placed, when this information
24 is requested for purposes of ensuring that the placement is in the
25 best interest of the child. *Upon receipt of relevant information*
26 *concerning child abuse or neglect investigation reports contained*
27 *in the CACI from the Department of Justice pursuant to this*
28 *subdivision, the agency or court investigator shall notify, in writing,*
29 *the person listed in the CACI that he or she is in the index. The*
30 *notification shall include the name of the reporting agency and*
31 *the date of the report.*

32 (8) The Department of Justice shall make available to a
33 government agency conducting a background investigation
34 pursuant to Section 1031 of the Government Code of an applicant
35 seeking employment as a peace officer, as defined in Section 830,
36 information regarding a known or suspected child abuser
37 maintained pursuant to this section concerning the applicant.

38 (9) The Department of Justice shall make available to a county
39 child welfare agency or delegated county adoption agency, as
40 defined in Section 8515 of the Family Code, conducting a

1 background investigation, or a government agency conducting a
2 background investigation on behalf of one of those agencies,
3 information regarding a known or suspected child abuser
4 maintained pursuant to this section and subdivision (a) of Section
5 11169 concerning any applicant seeking employment or volunteer
6 status with the agency who, in the course of his or her employment
7 or volunteer work, will have direct contact with children who are
8 alleged to have been, are at risk of, or have suffered, abuse or
9 neglect.

10 (10) (A) Persons or agencies, as specified in subdivision (b),
11 if investigating a case of known or suspected child abuse or neglect,
12 or the State Department of Social Services or any county licensing
13 agency pursuant to paragraph (4), or a Court Appointed Special
14 Advocate (CASA) program conducting a background investigation
15 for employment or volunteer candidates pursuant to paragraph (5),
16 or an investigative agency, probation officer, or court investigator
17 responsible for placing children or assessing the possible placement
18 of children pursuant to paragraph (7), or a government agency
19 conducting a background investigation of an applicant seeking
20 employment as a peace officer pursuant to paragraph (8), or a
21 county child welfare agency or delegated county adoption agency
22 conducting a background investigation of an applicant seeking
23 employment or volunteer status who, in the course of his or her
24 employment or volunteer work, will have direct contact with
25 children who are alleged to have been, are at risk of, or have
26 suffered, abuse or neglect, pursuant to paragraph (9), to whom
27 disclosure of any information maintained pursuant to subdivision
28 (a) is authorized, are responsible for obtaining the original
29 investigative report from the reporting agency, and for drawing
30 independent conclusions regarding the quality of the evidence
31 disclosed, and its sufficiency for making decisions regarding
32 investigation, prosecution, licensing, placement of a child,
33 employment or volunteer positions with a CASA program, or
34 employment as a peace officer.

35 (B) If CACI information is requested by an agency for the
36 temporary placement of a child in an emergency situation pursuant
37 to Article 7 (commencing with Section 305) of Chapter 2 of Part
38 1 of Division 2 of the Welfare and Institutions Code, the
39 department is exempt from the requirements of Section 1798.18
40 of the Civil Code if compliance would cause a delay in providing

1 an expedited response to the agency's inquiry and if further delay
2 in placement may be detrimental to the child.

3 (11) (A) Whenever information contained in the Department
4 of Justice files is furnished as the result of an application for
5 employment or licensing or volunteer status pursuant to paragraph
6 (4), (5), (8), or (9), the Department of Justice may charge the person
7 or entity making the request a fee. The fee shall not exceed the
8 reasonable costs to the department of providing the information.
9 The only increase shall be at a rate not to exceed the legislatively
10 approved cost-of-living adjustment for the department. In no case
11 shall the fee exceed fifteen dollars (\$15).

12 (B) All moneys received by the department pursuant to this
13 section to process trustline applications for purposes of Chapter
14 3.35 (commencing with Section 1596.60) of Division 2 of the
15 Health and Safety Code shall be deposited in a special account in
16 the General Fund that is hereby established and named the
17 Department of Justice Child Abuse Fund. Moneys in the fund shall
18 be available, upon appropriation by the Legislature, for expenditure
19 by the department to offset the costs incurred to process trustline
20 automated child abuse or neglect system checks pursuant to this
21 section.

22 (C) All moneys, other than those described in subparagraph (B),
23 received by the department pursuant to this paragraph shall be
24 deposited in a special account in the General Fund which is hereby
25 created and named the Department of Justice Sexual Habitual
26 Offender Fund. The funds shall be available, upon appropriation
27 by the Legislature, for expenditure by the department to offset the
28 costs incurred pursuant to Chapter 9.5 (commencing with Section
29 13885) and Chapter 10 (commencing with Section 13890) of Title
30 6 of Part 4, and the DNA and Forensic Identification Data Base
31 and Data Bank Act of 1998 (Chapter 6 (commencing with Section
32 295) of Title 9 of Part 1), and for maintenance and improvements
33 to the statewide Sexual Habitual Offender Program and the
34 California DNA offender identification file (CAL-DNA) authorized
35 by Chapter 9.5 (commencing with Section 13885) of Title 6 of
36 Part 4 and the DNA and Forensic Identification Data Base and
37 Data Bank Act of 1998 (Chapter 6 (commencing with Section 295)
38 of Title 9 of Part 1).

39 (c) (1) The Department of Justice shall make available to any
40 agency responsible for placing children pursuant to Article 7

1 (commencing with Section 305) of Chapter 2 of Part 1 of Division
2 2 of the Welfare and Institutions Code, upon request, relevant
3 information concerning child abuse or neglect reports contained
4 in the index, when making a placement with a responsible relative
5 pursuant to Sections 281.5, 305, and 361.3 of the Welfare and
6 Institutions Code. Upon receipt of relevant information concerning
7 child abuse or neglect reports contained in the index from the
8 Department of Justice pursuant to this subdivision, the agency
9 shall also notify in writing the person listed in the CACI that he
10 or she is in the index. The notification shall include the location
11 of the original investigative report and the submitting agency. The
12 notification shall be submitted to the person listed at the same time
13 that all other parties are notified of the information, and no later
14 than the actual judicial proceeding that determines placement.

15 (2) If information is requested by an agency for the placement
16 of a child with a responsible relative in an emergency situation
17 pursuant to Article 7 (commencing with Section 305) of Chapter
18 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the
19 department is exempt from the requirements of Section 1798.18
20 of the Civil Code if compliance would cause a delay in providing
21 an expedited response to the child protective agency's inquiry and
22 if further delay in placement may be detrimental to the child.

23 (d) The department shall make available any information
24 maintained pursuant to subdivision (a) to out-of-state law
25 enforcement agencies conducting investigations of known or
26 suspected child abuse or neglect only when an agency makes the
27 request for information in writing and on official letterhead, or as
28 designated by the department, identifying the suspected abuser or
29 victim by name and date of birth or approximate age. The request
30 shall be signed by the department supervisor of the requesting law
31 enforcement agency. The written requests shall cite the out-of-state
32 statute or interstate compact provision that requires that the
33 information contained within these reports shall be disclosed only
34 to law enforcement, prosecutorial entities, or multidisciplinary
35 investigative teams, and shall cite the safeguards in place to prevent
36 unlawful disclosure of any confidential information provided by
37 the requesting state or the applicable interstate compact provision.

38 (e) (1) The department shall make available to an out-of-state
39 agency, for purposes of approving a prospective foster or adoptive
40 parent in compliance with the Adam Walsh Child Protection and

1 Safety Act of 2006 (Public Law 109-248), information regarding
2 a known or suspected child abuser maintained pursuant to
3 subdivision (a) concerning the prospective foster or adoptive
4 parent, and any other adult living in the home of the prospective
5 foster or adoptive parent. The department shall make that
6 information available only when the out-of-state agency makes
7 the request indicating that continual compliance will be maintained
8 with the requirement in paragraph (20) of subdivision (a) of Section
9 671 of Title 42 of the United States Code that requires the state to
10 have in place safeguards to prevent the unauthorized disclosure of
11 information in any child abuse and neglect registry maintained by
12 the state and prevent the information from being used for a purpose
13 other than the conducting of background checks in foster or
14 adoption placement cases.

15 (2) With respect to any information provided by the department
16 in response to the out-of-state agency's request, the out-of-state
17 agency is responsible for obtaining the original investigative report
18 from the reporting agency, and for drawing independent
19 conclusions regarding the quality of the evidence disclosed and
20 its sufficiency for making decisions regarding the approval of
21 prospective foster or adoptive parents.

22 (3) (A) Whenever information contained in the index is
23 furnished pursuant to this subdivision, the department shall charge
24 the out-of-state agency making the request a fee. The fee shall not
25 exceed the reasonable costs to the department of providing the
26 information. The only increase shall be at a rate not to exceed the
27 legislatively approved cost-of-living adjustment for the department.
28 In no case shall the fee exceed fifteen dollars (\$15).

29 (B) All moneys received by the department pursuant to this
30 subdivision shall be deposited in the Department of Justice Child
31 Abuse Fund, established under subparagraph (B) of paragraph (11)
32 of subdivision (b). Moneys in the fund shall be available, upon
33 appropriation by the Legislature, for expenditure by the department
34 to offset the costs incurred to process requests for information
35 pursuant to this subdivision.

36 (f) (1) Any person may determine if he or she is listed in the
37 CACI by making a request in writing to the Department of Justice.
38 The request shall be notarized and include the person's name,
39 address, date of birth, and either a social security number or a
40 California identification number. Upon receipt of a notarized

1 request, the Department of Justice shall make available to the
2 requesting person information identifying the date of the report
3 and the submitting agency. The requesting person is responsible
4 for obtaining the investigative report from the submitting agency
5 pursuant to paragraph (11) of subdivision (b) of Section 11167.5.

6 (2) No person or agency shall require or request another person
7 to furnish a copy of a record concerning himself or herself, or
8 notification that a record concerning himself or herself exists or
9 does not exist, pursuant to paragraph (1).

10 (g) If a person is listed in the CACI only as a victim of child
11 abuse or neglect, and that person is 18 years of age or older, that
12 person may have his or her name removed from the index by
13 making a written request to the Department of Justice. The request
14 shall be notarized and include the person's name, address, social
15 security number, and date of birth.

16 SEC. 3. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.