

Federal and California State Passed Legislation to Protect Children Against Abuse

Prevention of Child abuse is the goal for much of recent legislation. Partners in Prevention serves to implement the intentions of these laws through education and advocacy. Below please find samples of newly established laws we strive to translate into action.

Child Abuse and Neglect Reporting Act (CANRA):

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=11166

The Child Abuse and Neglect Reporting Act (CANRA) is a California law requiring certain people to report known or suspected child abuse or neglect.

ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3]

(Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1.)

(a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act.

(b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

1165.7.

(a) As used in this article, "mandated reporter" is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.

- (9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner or other person who performs autopsies.
- (29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image makes prints or images for a public agency.
- (30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

abuse and neglect identification and reporting, the employers shall provide their employees who

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

California Senate Bill No. 1178:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1178

CHAPTER 171

An act to add Section 33133.5 to the Education Code, relating to state educational agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 2016. Filed with Secretary of State August 22, 2016.]]

SB 1178, Vidak. Superintendent of Public Instruction: child abuse and neglect: poster.

Existing law requires the State Department of Education to adopt guidelines to be disseminated to parents or guardians of pupils that describe the procedures that a parent or guardian can follow in filing a complaint of child abuse with the school or a child protective services agency against a school employee or other person that commits an act of child abuse against a pupil at a school site.

This bill would require the Superintendent of Public Instruction to create a poster that notifies children of the appropriate telephone number to call to report child abuse or neglect. The bill would authorize the Superintendent to partner with various entities for purposes of design and content of the poster. The bill would require the poster to incorporate specified elements, including that it be produced in 5 different languages. The bill would require the Superintendent, on or before July 1, 2017, to post the downloadable versions of the poster on the department's Internet Web site. The bill would state that the Legislature encourages school districts, charter schools, and private schools to post the appropriate version or versions of the poster in an area of the school where pupils frequently congregate.

This bill would declare that it is to take effect immediately as an urgency statute.

California Assembly Bill No. 2016. (Erin's Law):

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2016

CHAPTER 809

An act to add Section 51900.6 to the Education Code, relating to pupil instruction.

[Approved by Governor September 29, 2014. Filed with Secretary of State September 29, 2014.]

AB 2016, Campos. Pupil instruction: sexual abuse and sexual assault awareness and prevention.

Existing law requires the State Department of Education to prepare and distribute to school districts guidelines for the preparation of comprehensive health education plans, and requires approval of district plans to be made in accordance with rules and regulations adopted by the State Board of Education. Existing law establishes the Instructional Quality Commission and requires the commission to, among other things, recommend curriculum frameworks to the state board.

This bill would require the state board, based upon recommendations by the Superintendent of Public Instruction, to consider including age-appropriate content for kindergarten and grades 1 to 12, inclusive, in sexual abuse and sexual assault awareness and prevention in the next revision of the health content standards. The bill would also require the state board, based upon recommendations by the commission, to consider including information in sexual abuse and sexual assault awareness and prevention in the Health Framework for California Public Schools when next revised.

The bill would authorize school districts, county offices of education, and charter schools to provide age-appropriate instruction, pursuant to the content standards adopted by the state board, for kindergarten and grades 1 to 12, inclusive, as applicable, in sexual abuse and sexual assault awareness and prevention. The bill would provide a procedure for excusing a pupil from that instruction.

S.534 – Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017:

<https://www.congress.gov/bill/115th-congress/senate-bill/534/text?format=txt>

Legislation authored by Diane Feinstein

Text: S.534 — 115th Congress (2017-2018)

[Congressional Bills 115th Congress]

An Act

To prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017".

TITLE I--PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

Sec. 101. Required reporting of child and sexual abuse.

California Assembly Bill No. 1207:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1207

[Approved by Governor October 01, 2015. Filed with Secretary of State October 01, 2015.]

AB 1207, Lopez. Mandated child abuse reporting: child day care personnel: training.

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates child day care facilities, as defined. The act requires that, as a condition of licensure and in addition to any other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care, have at least 15 hours of health and safety training, covering specified components, including preventative health practices courses, that may include identification and reporting of signs and symptoms of child abuse. A willful or repeated violation of the act is a misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment in county jail for a period not to exceed 180 days, or by both the fine and imprisonment, and a serious violation of the act is subject to daily civil penalties, as specified.

The Child Abuse and Neglect Reporting Act requires a mandated reporter, including a licensee, an administrator, or an employee of a licensed child day care facility, to report whenever he or she, in his or her professional capacity, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would, beginning January 1, 2018, require the department to develop and disseminate information to providers, administrators, and employees of licensed child day care facilities regarding detecting and reporting child abuse, and to provide training including statewide guidance on the responsibilities of those persons as mandated reporters, as provided. Beginning January 1, 2018, the bill would require those persons, as a condition of licensure, to complete that training provided by the department, as specified. Under the bill, a violation of its provisions would not be a misdemeanor or subject to civil fines as a serious violation under the California Child Day Care Facilities Act. Instead, the bill would authorize the department to revoke a facility's license if the facility fails to correct a violation of the bill's provisions within 90 days of receipt of a notice of deficiency from the department, as provided. The bill would make conforming changes.
