

AMENDED IN ASSEMBLY FEBRUARY 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1435

Introduced by Assembly Member Dickinson
(Coauthors: Assembly Members Alejo, Buchanan, and Hill)

January 4, 2012

An act to amend Section 11165.7 of, and to add Article 2.2 (commencing with Section 11163.10) to Chapter 2 of Title 1 of Part 4 of, the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1435, as amended, Dickinson. Child abuse reporting: athletic personnel.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of *up to* 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. *Existing law provides that an administrator or employee of a public or private youth center, youth recreation program, or youth organization is a mandated reporter.*

This bill would add athletic coaches, administrators, and directors, as defined, employed by or volunteering with a public or private organization to the list of individuals who are mandated reporters, as specified. This bill would require an organization, as defined, to provide initial training to each athletic coach, administrator, or director on

~~specified matters relating to child abuse and neglect, and also would require those individuals to complete continuing training every 2 years. provide that an administrator or employee of a public or private youth center, youth recreation program, or youth organization includes an athletic coach, athletic administrator, or athletic director of the center, program, or organization. The bill would require any public or private youth center, youth recreation program, or youth organization employing an athletic coach, athletic administrator, or athletic director to have provided initial training, by January 1, 2014, on specified matters relating to child abuse and neglect for those employees, as well as individuals who volunteer for the organization in that capacity. On and after January 1, 2014, the bill would require initial training to be provided within 6 months of the date an individual becomes employed, or volunteers, in that capacity. The bill would require these individuals to complete continuing training every 2 years.~~

~~The bill would make the provisions specified above effective on July 1, 2013.~~

By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, *and by imposing new training requirements on public organizations, including local government entities*, this bill would impose a state-mandated local program.

~~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 no reimbursement is required by this act for a specified reason.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Article 2.2 (commencing with Section 11163.10)~~
2 ~~is added to Chapter 2 of Title 1 of Part 4 of the Penal Code, to~~
3 ~~read:~~

4
5 ~~Article 2.2. Child Abuse Reporting: Athletic Personnel~~
6

7 ~~11163.10. For purposes of this article, the following apply:~~

8 ~~(a) “Athletic coach, administrator, or director” means a person~~
9 ~~who implements athletic policies, programs, or activities that are~~
10 ~~formulated or executed in conjunction with, or in contemplation~~
11 ~~of, athletic contests between two or more individuals, schools,~~
12 ~~teams, and other groups or entities, either public or private. The~~
13 ~~term includes volunteers a volunteer coach, administrator, or~~
14 ~~director of an organization that also has employed another~~
15 ~~individual as an athletic coach, administrator, or director, as~~
16 ~~described in subdivision (c).~~

17 ~~(b) Athletic policies, programs, and activities include, but are~~
18 ~~not limited to, the following:~~

19 ~~(1) Developing coaching philosophies.~~

20 ~~(2) Teaching sports psychology.~~

21 ~~(3) Teaching sports skills.~~

22 ~~(4) Teaching sport physiology, including physical training,~~
23 ~~fitness for sport, or developing a sports training program, including~~
24 ~~training on nutrition for athletes.~~

25 ~~(c) “Organization” means a public or private entity that employs~~
26 ~~a person as an athletic coach, administrator, or director to~~
27 ~~implement athletic policies, programs, or activities involving one~~
28 ~~or more individuals under 25 years of age.~~

29 ~~11163.11. An organization shall provide training for each~~
30 ~~athletic coach, administrator, or director on all of the following~~
31 ~~matters:~~

32 ~~(a) The identification of child abuse and neglect.~~

33 ~~(b) Activities that constitute inappropriate and illegal contact~~
34 ~~between a youth and athletic coach, administrator, or director.~~

35 ~~(c) The responsibilities of a person identified as a mandated~~
36 ~~reporter as set forth in Article 2.5 (commencing with Section~~
37 ~~11164), including, but not limited to, the following:~~

38 ~~(1) To whom a report is required to be made.~~

1 ~~(2) The information that is required to be included in a report.~~

2 ~~(3) The time in which a mandated reporter is required to file a~~
3 ~~report.~~

4 ~~11163.12. (a) An organization shall, by July 1, 2014, provide~~
5 ~~initial training to each person employed or volunteering as an~~
6 ~~athletic coach, administrator, or director on or before the effective~~
7 ~~date of this article.~~

8 ~~(b) On and after July 1, 2014, an organization shall provide~~
9 ~~initial training within six months of the date that an individual is~~
10 ~~employed as an athletic coach, administrator, or director, unless~~
11 ~~the individual received training within two years prior to the date~~
12 ~~that the individual is employed or begins volunteering by the~~
13 ~~organization.~~

14 ~~(c) Initial training shall consist of at least two hours of classroom~~
15 ~~or other interactive training and education.~~

16 ~~(d) An individual employed or volunteering as an athletic coach,~~
17 ~~administrator, or director who has completed initial training shall~~
18 ~~complete continuing training every two years. This training shall~~
19 ~~consist of at least one hour of classroom or other interactive~~
20 ~~training and education.~~

21 ~~11163.13. (a) The training required by this article shall be~~
22 ~~provided by individuals who are knowledgeable in the~~
23 ~~identification of child abuse and neglect, inappropriate and illegal~~
24 ~~contact between a youth and an adult, and statutory reporting~~
25 ~~requirements.~~

26 ~~(b) This article is intended to establish minimum training~~
27 ~~requirements. An organization may provide more extensive training~~
28 ~~that the organization believes is necessary and appropriate.~~

29 ~~11163.14. In the event that the provisions of this article conflict~~
30 ~~with Article 2.5 (commencing with Section 11164), the provisions~~
31 ~~and requirements of this article shall prevail.~~

32 ~~11163.15. This article shall take effect on July 1, 2013.~~

33 ~~SEC. 2.~~

34 ~~SECTION 1. Section 11165.7 of the Penal Code, as amended~~
35 ~~by Section 41 of Chapter 381 of the Statutes of 2011, is amended~~
36 ~~to read:~~

37 ~~11165.7. (a) As used in this article, “mandated reporter” is~~
38 ~~defined as any of the following:~~

39 ~~(1) A teacher.~~

40 ~~(2) An instructional aide.~~

- 1 (3) A teacher's aide or teacher's assistant employed by any
2 public or private school.
- 3 (4) A classified employee of any public school.
- 4 (5) An administrative officer or supervisor of child welfare and
5 attendance, or a certificated pupil personnel employee of any public
6 or private school.
- 7 (6) An administrator of a public or private day camp.
- 8 (7) An administrator or employee of a public or private youth
9 center, youth recreation program, or youth organization, *including*
10 *an athletic coach, athletic administrator, or athletic director of*
11 *the center, program, or organization.*
- 12 (8) An administrator or employee of a public or private
13 organization whose duties require direct contact and supervision
14 of children.
- 15 (9) Any employee of a county office of education or the State
16 Department of Education, whose duties bring the employee into
17 contact with children on a regular basis.
- 18 (10) A licensee, an administrator, or an employee of a licensed
19 community care or child day care facility.
- 20 (11) A Head Start program teacher.
- 21 (12) A licensing worker or licensing evaluator employed by a
22 licensing agency as defined in Section 11165.11.
- 23 (13) A public assistance worker.
- 24 (14) An employee of a child care institution, including, but not
25 limited to, foster parents, group home personnel, and personnel of
26 residential care facilities.
- 27 (15) A social worker, probation officer, or parole officer.
- 28 (16) An employee of a school district police or security
29 department.
- 30 (17) Any person who is an administrator or presenter of, or a
31 counselor in, a child abuse prevention program in any public or
32 private school.
- 33 (18) A district attorney investigator, inspector, or local child
34 support agency caseworker unless the investigator, inspector, or
35 caseworker is working with an attorney appointed pursuant to
36 Section 317 of the Welfare and Institutions Code to represent a
37 minor.
- 38 (19) A peace officer, as defined in Chapter 4.5 (commencing
39 with Section 830) of Title 3 of Part 2, who is not otherwise
40 described in this section.

1 (20) A firefighter, except for volunteer firefighters.

2 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
3 resident, intern, podiatrist, chiropractor, licensed nurse, dental
4 hygienist, optometrist, marriage and family therapist, clinical social
5 worker, professional clinical counselor, or any other person who
6 is currently licensed under Division 2 (commencing with Section
7 500) of the Business and Professions Code.

8 (22) Any emergency medical technician I or II, paramedic, or
9 other person certified pursuant to Division 2.5 (commencing with
10 Section 1797) of the Health and Safety Code.

11 (23) A psychological assistant registered pursuant to Section
12 2913 of the Business and Professions Code.

13 (24) A marriage and family therapist trainee, as defined in
14 subdivision (c) of Section 4980.03 of the Business and Professions
15 Code.

16 (25) An unlicensed marriage and family therapist intern
17 registered under Section 4980.44 of the Business and Professions
18 Code.

19 (26) A state or county public health employee who treats a minor
20 for venereal disease or any other condition.

21 (27) A coroner.

22 (28) A medical examiner, or any other person who performs
23 autopsies.

24 (29) A commercial film and photographic print processor, as
25 specified in subdivision (e) of Section 11166. As used in this
26 article, “commercial film and photographic print processor” means
27 any person who develops exposed photographic film into negatives,
28 slides, or prints, or who makes prints from negatives or slides, for
29 compensation. The term includes any employee of such a person;
30 it does not include a person who develops film or makes prints for
31 a public agency.

32 (30) A child visitation monitor. As used in this article, “child
33 visitation monitor” means any person who, for financial
34 compensation, acts as monitor of a visit between a child and any
35 other person when the monitoring of that visit has been ordered
36 by a court of law.

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

1 (A) “Animal control officer” means any person employed by a
2 city, county, or city and county for the purpose of enforcing animal
3 control laws or regulations.

4 (B) “Humane society officer” means any person appointed or
5 employed by a public or private entity as a humane officer who is
6 qualified pursuant to Section 14502 or 14503 of the Corporations
7 Code.

8 (32) A clergy member, as specified in subdivision (d) of Section
9 11166. As used in this article, “clergy member” means a priest,
10 minister, rabbi, religious practitioner, or similar functionary of a
11 church, temple, or recognized denomination or organization.

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

14 (34) Any employee of any police department, county sheriff’s
15 department, county probation department, or county welfare
16 department.

17 (35) An employee or volunteer of a Court Appointed Special
18 Advocate program, as defined in Rule 1424 of the California Rules
19 of Court.

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

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

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

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

31 (40) A clinical counselor intern registered under Section 4999.42
32 of the Business and Professions Code.

33 ~~(41) An athletic coach, administrator, or director, including a~~
34 ~~volunteer in that capacity, of a public or private organization, as~~
35 ~~specified in Section 11163.10.~~

36 (b) Except as provided in ~~paragraphs~~ *paragraph* (35) ~~and (41)~~
37 of subdivision (a), volunteers of public or private organizations
38 whose duties require direct contact with and supervision of children
39 are not mandated reporters but are encouraged to obtain training
40 in the identification and reporting of child abuse and neglect and

1 are further encouraged to report known or suspected instances of
 2 child abuse or neglect to an agency specified in Section 11165.9.

3 (c) Employers are strongly encouraged to provide their
 4 employees who are mandated reporters with training in the duties
 5 imposed by this article. This training shall include training in child
 6 abuse and neglect identification and training in child abuse and
 7 neglect reporting. Whether or not employers provide their
 8 employees with training in child abuse and neglect identification
 9 and reporting, the employers shall provide their employees who
 10 are mandated reporters with the statement required pursuant to
 11 subdivision (a) of Section 11166.5.

12 (d) School districts that do not train their employees specified
 13 in subdivision (a) in the duties of mandated reporters under the
 14 child abuse reporting laws shall report to the State Department of
 15 Education the reasons why this training is not provided.

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

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

23 (g) *(1) On or before January 1, 2014, any public or private*
 24 *organization specified in paragraph (7) of subdivision (a)*
 25 *employing an athletic coach, athletic administrator, or athletic*
 26 *director, shall provide initial training for those employees, as well*
 27 *as individuals who volunteer for the organization in that capacity,*
 28 *on the following matters:*

29 (A) *The identification of child abuse and neglect.*

30 (B) *Activities that constitute inappropriate and illegal contact*
 31 *between a youth and an athletic coach, athletic administrator, or*
 32 *athletic director.*

33 (C) *The responsibilities of a person identified as a mandated*
 34 *reporter in this section, including, but not limited to, all of the*
 35 *following:*

36 (i) *To whom a report is required to be made.*

37 (ii) *The information that is required to be included in a report.*

38 (iii) *The time within which a mandated reporter is required to*
 39 *file a report.*

1 (2) *Initial training shall be provided by persons knowledgeable*
2 *in the identification of child abuse and neglect, inappropriate and*
3 *illegal contact between a youth and an adult, and statutory*
4 *reporting requirements, and shall consist of two hours of classroom*
5 *or other interactive training and education.*

6 (h) *Commencing on and after January 1, 2014, an organization*
7 *specified in subdivision (g) shall provide initial training within six*
8 *months of the date that an individual becomes employed as an*
9 *athletic coach, athletic administrator, or athletic director, including*
10 *a volunteer acting in that capacity, unless the individual received*
11 *training within two years prior to the date the individual is*
12 *employed or begins volunteering. An athletic coach, athletic*
13 *administrator, or athletic director who has received initial training*
14 *pursuant to subdivision (g) shall complete continuing training*
15 *thereafter, once every two years, consisting of one hour of*
16 *classroom or other interactive training and education.*

17 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
18 ~~Section 6 of Article XIII B of the California Constitution because~~
19 ~~the only costs that may be incurred by a local agency or school~~
20 ~~district will be incurred because this act creates a new crime or~~
21 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
22 ~~for a crime or infraction, within the meaning of Section 17556 of~~
23 ~~the Government Code, or changes the definition of a crime within~~
24 ~~the meaning of Section 6 of Article XIII B of the California~~
25 ~~Constitution.~~

26 *SEC. 2. No reimbursement is required by this act pursuant to*
27 *Section 6 of Article XIII B of the California Constitution for certain*
28 *costs that may be incurred by a local agency or school district*
29 *because, in that regard, this act creates a new crime or infraction,*
30 *eliminates a crime or infraction, or changes the penalty for a crime*
31 *or infraction, within the meaning of Section 17556 of the*
32 *Government Code, or changes the definition of a crime within the*
33 *meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*

35 *However, if the Commission on State Mandates determines that*
36 *this act contains other costs mandated by the state, reimbursement*
37 *to local agencies and school districts for those costs shall be made*

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

O