

Introduced by Senator Vargas

February 24, 2012

An act to amend Section 11165.7 of the Penal Code, relating to child abuse and neglect.

LEGISLATIVE COUNSEL'S DIGEST

SB 1551, as introduced, Vargas. Child abuse and neglect: mandated reporting.

Existing law, the Child Abuse Neglect and Reporting Act, makes certain persons mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure of a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 11165.7 of the Penal Code is amended
2 to read:
3 11165.7. (a) As used in this article, "mandated reporter" is
4 defined as any of the following:
5 (1) A teacher.
6 (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~~ a public school.
- 4 (5) An administrative officer or supervisor of child welfare and
5 attendance, or a certificated pupil personnel employee of ~~any~~ a
6 public 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.
- 10 (8) An administrator or employee of a public or private
11 organization whose duties require direct contact and supervision
12 of children.
- 13 (9) ~~Any~~ An employee of a county office of education or the
14 State Department of Education, whose duties bring the employee
15 into contact with children on a regular basis.
- 16 (10) A licensee, ~~an~~ administrator, or ~~an~~ employee of a licensed
17 community care or child day care facility.
- 18 (11) A Head Start program teacher.
- 19 (12) A licensing worker or licensing evaluator employed by a
20 licensing agency as defined in Section 11165.11.
- 21 (13) A public assistance worker.
- 22 (14) An employee of a child care institution, including, but not
23 limited to, foster parents, group home personnel, and personnel of
24 residential care facilities.
- 25 (15) A social worker, probation officer, or parole officer.
- 26 (16) An employee of a school district police or security
27 department.
- 28 (17) ~~Any~~ A person who is an administrator or presenter of, or
29 a counselor in, a child abuse prevention program in ~~any~~ a public
30 or private school.
- 31 (18) A district attorney investigator, inspector, or local child
32 support agency caseworker unless the investigator, inspector, or
33 caseworker is working with an attorney appointed pursuant to
34 Section 317 of the Welfare and Institutions Code to represent a
35 minor.
- 36 (19) A peace officer, as defined in Chapter 4.5 (commencing
37 with Section 830) of Title 3 of Part 2, who is not otherwise
38 described in this section.
- 39 (20) A firefighter, except for volunteer firefighters.

- 1 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
2 resident, intern, podiatrist, chiropractor, licensed nurse, dental
3 hygienist, optometrist, marriage and family therapist, clinical social
4 worker, professional clinical counselor, or ~~any~~ other person who
5 is currently licensed under Division 2 (commencing with Section
6 500) of the Business and Professions Code.
- 7 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
8 or other person certified pursuant to Division 2.5 (commencing
9 with Section 1797) of the Health and Safety Code.
- 10 (23) A psychological assistant registered pursuant to Section
11 2913 of the Business and Professions Code.
- 12 (24) A marriage and family therapist trainee, as defined in
13 subdivision (c) of Section 4980.03 of the Business and Professions
14 Code.
- 15 (25) An unlicensed marriage and family therapist intern
16 registered under Section 4980.44 of the Business and Professions
17 Code.
- 18 (26) A state or county public health employee who treats a minor
19 for venereal disease or any other condition.
- 20 (27) A coroner.
- 21 (28) A medical examiner, or any other person who performs
22 autopsies.
- 23 (29) A commercial film and photographic print processor, as
24 specified in subdivision (e) of Section 11166. As used in this
25 article, “commercial film and photographic print processor” means
26 ~~any~~ a person who develops exposed photographic film into
27 negatives, slides, or prints, or who makes prints from negatives or
28 slides, for compensation. The term includes ~~any~~ an employee of
29 such a person; it does not include a person who develops film or
30 makes prints for a public agency.
- 31 (30) A child visitation monitor. As used in this article, “child
32 visitation monitor” means ~~any~~ a person who, for financial
33 compensation, acts as monitor of a visit between a child and ~~any~~
34 ~~other~~ another person when the monitoring of that visit has been
35 ordered by a court of law.
- 36 (31) An animal control officer or humane society officer. For
37 the purposes of this article, the following terms have the following
38 meanings:

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

4 (B) “Humane society officer” means ~~any~~ a 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~~ A custodian of records of a clergy member, as specified
13 in this section and subdivision (d) of Section 11166.

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

17 (35) An employee or volunteer of a Court Appointed Special
18 Advocate program, as defined in Rule ~~1424~~ 5.655 of the California
19 Rules of Court.

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

21 (37) ~~Any~~ A 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 (b) Except as provided in paragraph (35) of subdivision (a),
34 volunteers of public or private organizations whose duties require
35 direct contact with and supervision of children are not mandated
36 reporters but are encouraged to obtain training in the identification
37 and reporting of child abuse and neglect and are further encouraged
38 to report known or suspected instances of child abuse or neglect
39 to an agency specified in Section 11165.9.

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

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

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

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