
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2019 - 2020 Regular Session

AB 1963 (Chu) - Child abuse or neglect: mandated reporters

Version: June 25, 2020

Urgency: No

Hearing Date: August 13, 2020

Policy Vote: PUB. S. 7 - 0

Mandate: Yes

Consultant: Shaun Naidu

Bill Summary: AB 1963 would make human resource employees and adults who are in direct contact with and supervision of minors, as specified, mandated reporters under the Child Abuse and Neglect Reporting Act (CANRA).

Fiscal Impact: Unknown, potentially-significant workload cost pressures to the courts to adjudicate charges brought against new mandated reporters who do not report known or suspected child abuse or neglect. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. For example, the Budget Act of 2020 appropriated \$273.8 million from the General Fund to backfill continued reduction in fine and fee revenue for trial court operations. (General Fund*)

*Trial Court Trust Fund

Background: California first enacted a child abuse reporting law in 1963. It initially required medical professionals to report suspected child abuse to local law enforcement or child welfare authorities. Through the years, the Legislature has expanded the list of those individuals who are required to report (i.e., mandated reporters) and expanded the coverage to other at-risk individuals (e.g., dependent adults). Currently, there are 47 occupations that are required to report known or suspected child abuse or neglect. In 1980, the Legislature reenacted and substantively amended the reporting law. It is now titled the Child Abuse and Neglect Reporting Act and imposes a reporting requirement on individuals whose professions bring them into contact with children. Whenever a mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child who the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect, they must report the incident. Specifically, they are required to report the incident by telephone to a police or sheriff's department or a county probation or welfare department immediately or as soon as practically possible and then prepare and submit a written follow-up report within 36 hours of receiving the information concerning the incident. A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor that is punishable by incarceration of up to six months in county jail, a base fine of up to \$1,000, or both the incarceration and fine.

Proposed Law: This bill would require the following occupations to be mandated reporters under CANRA:

- A human resource employee of a business with five or more employees that employees minors. It would define "human resource employee" as the employee or

employees designated by the employer to accept any complaints of misconduct as required by law.

- An adult person whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace of a business with five or more employees. This requirement would not modify or limit the person's duty to report known or suspected child abuse or neglect when the person is acting in some other capacity that would otherwise make the person a mandated reporter.

AB 1963 would require employers of these new mandated reporters to provide their employees who are mandated reporters with training in the duties imposed by CANRA. The training must include training in child abuse and neglect identification and training in child abuse and neglect reporting. The training requirement may be met by completing the general online training for mandated reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

Related Legislation: AB 189 (Kamlager, Ch. 674, Stats. 2019) added specified persons and professionals providing autism services as mandated reporters.

AB 1145 (Cristina Garcia, 2019-2020 Reg. Sess.) would revise the criteria of what conduct constitutes "sexual assault" for purposes of CANRA. AB 1145 is pending in this Committee.

SB 360 (Hill, 2019-2020 Reg. Sess.) would narrow the penitential communication exception for clergy for purposes of mandatory reporting of known or reasonably-suspected child abuse or neglect. SB 360 is pending in the Assembly Committee on Public Safety.

Staff Comments: The fiscal impact of this bill cannot be known with certainty, as the actual impact will be dependent on numerous factors, including, but not limited to, judicial and prosecutorial discretion, the criminal history of a defendant, and the factors unique to each case. As the crime expanded upon by this bill is punishable as a misdemeanor with the potential for incarceration, certain rights to the defendants are attached to the proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation) which could lead to lengthier and more complex court proceedings. While it is not known how many charges ultimately would be filed, it generally costs about \$7,896 (in FY 2019-2020) to operate a courtroom for one eight-hour day. Consequently, if alleged violations of AB 1963 lead to the filing of cases that otherwise would not have been filed or resulted in a criminal action that, combined, take more than 50 hours of court involvement, the cost pressures of this measure to the courts would surpass the Suspense File threshold. As indicated above, while courts are not funded on a workload basis, an increase in workload could result in delayed services and would put pressure on the General Fund to fund additional staff and resources.

-- END --