

CONCURRENCE IN SENATE AMENDMENTS

AB 2669 (Nazarian)

As Amended August 11, 2022

2/3 vote. Urgency

SUMMARY

Exempts an organization that provides one-to-one mentoring to youth from the requirement that youth service organizations implement a policy requiring, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees, or volunteers are in contact with children, but only if that organization has implemented policies to ensure comprehensive screening of volunteers, and training and regular contact with both volunteers and parents or guardians.

Senate Amendments

- 1) Delay implementation until January 1, 2024, from the background check requirement for those youth service organizations which prior to January 1, 2022, did not require administrators, employees, or regular volunteers to undergo fingerprint-based background checks through the California Department of Justice.
- 2) Add an urgency clause.

COMMENTS

Need for this Bill: The proponents of this bill argue that it is needed because newly enacted Business and Professions Code (BP) Section 18975(c) which requires a youth service organization to develop and implement child abuse prevention policies, including, requiring to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children has unintended consequences. Specifically they argue that AB 506 (Lorena Gonzalez), Chapter 169, Statutes of 2021, which enacted this provision did not take into account organizations whose programming model is one on one mentoring. Specifically the proponents point to the Big Brothers Big Sisters organization, and say that it puts the work of the organization at risk.

It should be noted that BP Section 18975(c) does not contain an absolute mandate that there must always be two mandated reporters present whenever administrators, employees, or volunteers are in contact with children. Rather, the statute specifically states that this policy should be used "*to the greatest extent possible*." (BP Section 18975(c)(2), emphasis added.) Nevertheless, it is understandable why organizations whose programming model is one on one mentoring may be concerned relying on this language, particularly since BP Section 18975(e) provides that an insurer may request demonstrated compliance with this requirement before writing liability insurance for the organization.

This bill would exempt from this requirement an organization that provides one-to-one mentoring to youth that has adopted and implemented policies to ensure reporting under Child Abuse and Neglect Reporting Act (CANRA) and has adopted and implemented policies to ensure comprehensive screening of volunteers, training of volunteers and parents or guardians, and regular contact with volunteers and parents or guardians.

According to the Author

"AB 2669 is providing a fix to last year's AB 506. Simply, AB 2669 exempts a state or local chapter of a national one-to-one mentoring organization from requiring the presence of two mandated reporters, provided they have policies that ensure screening and training of volunteers, training of parents or guardians and regular contact with volunteers and parents or guardians.

"AB 2669 sustains all of the other provisions of AB 506 and reaffirms compliance with those provisions by all youth service organizations, including those that provide one-to-one mentoring."

Arguments in Support

According to the *California Association of Nonprofits*, "AB 2669 will fix an unforeseen negative consequence, which requires youth service organizations to have two mandated reporters present whenever a volunteer interacts with a child. This requirement directly conflicts with the successful one-to-one mentoring model that has been the hallmark of nonprofit organizations like Big Brother Big Sisters, turns one-to-one mentoring into three-to-one mentoring, and threatens a system that has been heralded for generations for improving the lives of millions of young people.

"AB 2669 will exempt a state or local chapter of a national one-to-one mentoring organization from requiring the presence of two mandated reporters, provided they have policies that ensure: 1) reporting of suspected incidents of child abuse, 2) screening and training of volunteers, 3) training of parents or guardians, and 4) regular contact with volunteers and parents or guardians.

"CalNonprofits supports AB 2669 because it will help ensure that youth service nonprofit organizations that provide one-to-one mentoring programs to youth can continue to do so, as long as they have strong policies in place that protect children from potential abuse. One-to-one mentoring programs provide a crucial service, with proven results, to California communities. We support laws, such as AB 2669, that hold nonprofits accountable and also create parameters that allow nonprofits to provide their much-needed services."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES:

ASM PUBLIC SAFETY: 7-0-0

YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

ASSEMBLY FLOOR: 66-0-12

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Megan Dahle, Daly, Davies, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Ramos, Reyes, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Villapudua, Voepel, Waldron, Akilah Weber, Wicks, Wilson, Wood, Rendon

ABS, ABST OR NV: Boerner Horvath, Cunningham, Flora, Gray, Grayson, Lackey, Medina, Mullin, Quirk-Silva, Luz Rivas, Valladares, Ward

SENATE FLOOR: 38-0-2

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Durazo, Roth

UPDATED

VERSION: August 11, 2022

CONSULTANT: Sandy Uribe / PUB. S. / (916) 319-3744

FN: 0003811