
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2669 **Hearing Date:** June 14, 2022
Author: Nazarian
Version: May 2, 2022
Urgency: No **Fiscal:** No
Consultant: MK

Subject: *Youth service organizations: child abuse and neglect prevention*

HISTORY

Source: Big Brothers, Big Sisters

Prior Legislation: AB 506 (Lorena Gonzalez) Chapter 169, Stats. 2021
AB 1963 (Chu), Chaptered 243, Stats. 2020
AB 189 (Kamlager-Dove), Chapter 674, Stats. 2019

Support: Big Brothers Big Sisters of Orange County and The Inland Empire, INC;
California Association of Nonprofits

Opposition: None known

Assembly Floor Vote: 66 - 0

PURPOSE

The purpose of this bill is to exempt 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.

Existing law establishes the Child Abuse and Neglect Reporting Act (CANRA) and states that the intent and purpose of the Act is to protect children from abuse and neglect. (Penal Code § 11164.)

Existing law defines "child" under CANRA to mean person under the age of 18 years. (Penal Code § 11165.)

Existing law defines "child abuse or neglect" under CANRA to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child as defined, and unlawful corporal punishment or injury, as defined. (Penal Code § 11165.6.)

Existing law enumerates close to 50 categories of mandatory child abuse reporters. Specific occupations that are mandated reporters include, but are not limited to, teachers, athletic coaches, social workers, peace officers, firefighters, physicians, psychologists, psychiatrists, emergency medical technicians, licensed family therapists, child visitation monitors, and clergy. (Penal Code § 11165.7 . (a).)

Existing law requires a mandated reporter to make a report to a specified agency 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 to report that incident immediately to a specified child protection agency by telephone, and further requires a written report be sent within 36 hours. (Penal Code § 11166 (a).)

Existing law makes it a misdemeanor for a mandated reporter to fail to report an incident of known or reasonably suspected child abuse or neglect as required by the CANRA. The offense is punishable by up to six months confinement in a county jail, or by a fine of \$1,000, or by both. (Penal Code § 11166 (c).)

Existing law states that if a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until a specified agency discovers the offense. (Penal Code § 11166 (c).)

Existing law provides that people seeking a license, employment or volunteer position with supervisory or disciplinary power over a minor may have a criminal background check through the DOJ. (Penal Code § 11105.3.)

Existing law requires an administrator, employee, or regular volunteer of a youth service organization to complete training in child abuse and neglect identification and training in child abuse and neglect reporting and to undergo a background check. (Bus. & Prof. Code § 18975 (a) & (b).)

Existing law 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. (Bus. & Prof. Code § 18975 (c).)

Existing law defines “youth service organization” as an organization that employs or utilizes the services of persons who, due to their relationship with the organization, are mandated reporters. (Bus. & Prof. Code § 18975 (e)(2).)

Existing law defines “regular volunteer” as “a volunteer with the youth service organization who is 18 years of age or older and who has direct contact with, or supervision of, children for more than 16 hours per month or 32 hours per year.” (Bus. & Prof. Code § 18975 (e)(1).)

This bill creates an exception to the requirement that a youth service organization have at least two mandated reporters present when in contact with or supervising children stating that it shall not apply to an organization that provides one-to-one mentoring to youth that has adopted and implemented the policies described in paragraph (1) 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.

COMMENTS

1. Need for This Bill

According to the author:

While last years chaptered AB 506 (current law) was widely supported, a problem with one provision was not identified until after the bill became law. The AB 506 (2021) requires that two mandated reporters be present any time a volunteer is in contact with a child. This requirement directly conflicts with the successful one-to-one mentoring model that has been the hallmark of Big Brother Big Sisters for 118 years. The new law 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.

2. Exemption to two volunteer requirement

The proponents of this bill argue that it is needed because newly enacted Business & Professions Code, section 18975, subdivision (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 (Gonzalez), 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.

Subdivision (c) of section 18975 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 but states that this policy should be used “*to the greatest extent possible.*” (Bus. & Prof. Code, § 18975 (c)(2), emphasis added.) However, organizations whose programming model is one on one mentoring are concerned relying on this language is problematic, particularly since subdivision (e) provides that an insurer may request demonstrated compliance with this requirement before writing liability insurance for the organization.

This bill creates an exception to the requirement that a youth service organization have at least two mandated reporters present when in contact with or supervising children stating that it shall not apply to an organization that provides one-to-one mentoring to youth that has adopted and implemented the policies described in paragraph (1) 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.

3. Argument in Support

The California Association of Nonprofits supports this bill stating:

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.

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