

## Governor Signs Bill Affecting Child Abuse Reporting Obligations

Over the past year, the impact of recent child abuse cases has affected educational institutions on local, state, and national levels. In California, state legislators proposed several changes to strengthen existing reporting laws and Governor Brown recently signed four such bills, one of which will become effective January 1, 2013. Although three of these bills, Assembly Bill (AB) 1435, AB 1434, and Senate Bill (SB) 1264 were signed into law, the new mandated reporter requirements will take effect under AB 1817, which incorporates all of the substantive amendments proposed by the other bills.

AB 1817 expands the list of education-related mandated reporters of suspected child abuse under the Child Abuse and Neglect Reporting Act (CANRA) (Pen. Code § 11165.7). Under existing law, the list of mandated reporters includes teachers, aides, classified employees, and other certificated employees. This bill adds to the list of mandated reporters as follows:

- ***K-12 Athletic Personnel.*** Athletic coaches, athletic administrators, and athletic directors employed by any public or private school serving any combination of kindergarten and/or grades 1 to 12.
- ***Postsecondary Personnel Interacting with Children.*** Employees or administrators of a public or private postsecondary institution, whenever those persons hold a position requiring contact with children on a regular basis, or requiring supervision of such positions, and employees or administrators who supervise others with such duties which bring the employee or administrator into contact with children on a regular basis when child abuse or neglect occurs on that institution's premises or at an official activity of, or conducted by, the institution. Notably, most community colleges have operated in accordance with a 2002 legal opinion issued by the California Community Colleges Chancellor's Office, which asserted that classified, academic, and counseling employees of community colleges were mandated reporters under CANRA.
- ***Postsecondary Athletic Personnel.*** Athletic coaches at a public or private postsecondary institution (including but not limited to an assistant coach or a graduate assistant involved in coaching), are now expressly added to the list of mandated reporters.

The CANRA requires a mandated reporter to make an immediate phone call followed up with a written report to law enforcement or other designated local agencies whenever the reporter, in his or her professional capacity or within the scope of his or her employment, knows of or observes a child whom the reporter knows or reasonably suspects has been the victim of child abuse or neglect. "Reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion that child abuse or neglect has occurred, based upon facts that could cause a reasonable person in a like position (drawing on his or her training and experience where appropriate) to have such a suspicion.

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The CANRA requires each mandated reporter to use his or her own judgment on whether a report is necessary, and an employer cannot prohibit a mandated reporter from submitting a report if he or she believes that it is required. Similarly, a mandated reporter may not rely on the advice of others, including legal counsel, to determine whether or not a report is mandated.

The CANRA provides mandated reporters with immunity from civil and criminal liability as a result of making a required or authorized report of known or suspected child abuse or neglect. If a mandated reporter fails to report an incident, he or she may be criminally prosecuted for violating the reporting requirement or subject to civil liability.

The CANRA is an important tool for school and community college districts to promote a safe and secure learning environment for students, and the expansion of this reporting requirement to staff members not previously listed serves as a reminder for educational institutions to ensure that their employees are properly trained to prevent and report suspected child abuse and neglect.

If you have any questions about this legislation or mandated child abuse reporting in general, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

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