

To: Assembly Committee on Family Law

From: Dee Pettack, Legislative Liaison

Date: December 8, 2015

Re: Statement in Opposition to Assembly Bill 489

Under current law, each school board must require every employee of the school district governed by the school board to receive training, provided by the Department of Public Instruction (the department), in identifying children who have been abused or neglected and the laws and procedures related to mandated reporters.

This bill expands this training requirement to apply to **all** school employees, contractors, or volunteers, other than children or students who have not yet graduated from high school, who work directly with children at least 40 hours in a school year, and who are affiliated with the school district governed by the school board. The bill also requires that this training include training in identifying children who are victims of human trafficking.

The department provides training for employees in identifying children who have been abused or neglected and welcomes the opportunity to have a conversation about incorporating instruction on identifying children who are victims of human trafficking into existing training and information provided to school districts. However, the department has concerns with the additional provisions in AB 489 including:

- Applying the training and reporting requirements to volunteers based on a 40-hour threshold will create new record keeping burdens on schools and could discourage volunteerism in schools or make it difficult for schools to find trained volunteers. Volunteers may have limited interaction with many different students during their service to the school and may lack the ability/willingness to assume the duties and legal liabilities associated with being a mandatory reporter.
- Removing the words “severe or frequent” from the phrase “severe and frequent bruising” within the definition of “physical injury,” could potentially result in over-reporting. (i.e., reporting suspected cases in which the bruising is just a result of normal child activity)
- This bill makes changes to the definition of “Physical Injury” and “Neglect.” While the bill expands what must be reported regarding physical injury and neglect, it fails to similarly expand what Child Protective Services (CPS) may investigate. This may result, in more referrals being made in which CPS is unable to investigate.
- This bill also removes poverty as an exemption when reporting neglect. As a result, children who may not have sufficient food, shelter, clothing, health care, etc. **solely** because they are living in poverty would have to be reported. Furthermore, CPS would not be able to investigate on that basis; again, resulting in more referrals being made in which CPS is unable to investigate.