

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: July 3, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller *Mark Fabian For* Council File No: 13-0002-S87
Chief Legislative Analyst Assignment No: 13-05-0464

SUBJECT: Resolution (Parks - Perry) to support AB 790, which would require every mandated reporter who has knowledge of suspected child abuse or neglect to make a report to the authorities

CLA RECOMMENDATION: Adopt Resolution (Parks - Perry) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for AB 790 (Gomez), which would require every mandated reporter who has knowledge of suspected child abuse or neglect to make a report to the authorities, regardless of their possible belief that another mandated reporter is responsible for making the report.

SUMMARY

On May 22, 2013, a Resolution (Parks - Perry) was introduced to support AB 790 (Gomez), legislation which would require that mandated reporters make a report to the authorities if they suspect that a child has been subjected to abuse or neglect, regardless of their possible belief that another mandated reporter will make the report. The Resolution states that, as child abuse and neglect are difficult to detect, and victims are often afraid to report their abuse, the state has mandated that certain individuals who work with children on a regular basis report any suspected abuse or neglect as soon as they become aware of it. The resolution further states that when two or more of these mandated reporters come into contact with a case of suspected child abuse or neglect, only one of them is required to make a report.

The Resolution states that the group reporting provision creates the possibility that the abuse will go unreported. The Resolution states that AB 790 would require that all mandated reporters alert the authorities in cases of suspected abuse, thereby reducing the chance that abuse or neglect goes unreported. The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 790, which would require every mandated reporter who has knowledge of suspected child abuse or neglect to make a report to the authorities, regardless of their possible belief that another mandated reporter is responsible for making the report.

BACKGROUND

Under the current law, individuals whose professional duties or responsibilities ensure regular contact with children are considered mandated reporters. These individuals are responsible for reporting to authorities any instances of suspected child abuse or neglect that they become aware of in the course of their employment. Mandated reporters include teachers and healthcare workers, among others. Currently, the law provides that when two or more mandated reporters

become aware of suspected abuse or neglect at the same time, they may designate one person from the group to make the report to the authorities on behalf of all members of the group. The law requires that a report by phone be made as soon as possible, and that a written report be submitted within 36 hours of the verbal report.

While the current law significantly assists the state in combating child abuse and neglect, the group reporting system leaves open the possibility that abuse or neglect may not be reported in cases where a group's designee fails to alert the authorities. To address this concern, AB 790 removes the provision in the current law that allows for group reporting, except as it applies to healthcare providers. AB 790 would require all mandated reporters who are not healthcare providers that become aware of suspected abuse or neglect to make a report. AB 790 also requires that a mandated reporter include the names of other mandated reporters who are aware of any suspected abuse or neglect in their report to the authorities.

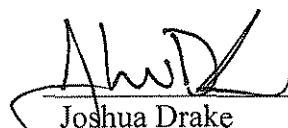
The provisions in AB 790 would reduce the possibility that abuse or neglect goes unreported, and ensure that all mandated reporters alert the authorities to any child abuse or neglect they know of that might be occurring. The law enforcement community has indicated its support for this legislation, as has the Police Department.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

02/21/2013	Bill introduced
04/10/2013	Passed in committee
04/29/2013	Passed in Assembly, referred to the Senate
05/09/2013	Referred to the Committee on Public Safety
06/11/2013	Passed in committee, referred to the Committee on Appropriations


Joshua Drake
Analyst

GFM:MF:jwd

Attachment: Resolution (Parks - Perry)

13-002-587

MAY 22 2013

RESOLUTIONS, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, child abuse and neglect are often difficult to detect, as victims are often afraid to report their abuse; and

WHEREAS, in an attempt to address this issue, California has mandated that certain individuals are required to report any signs of abuse or neglect to authorities; and

WHEREAS, these individuals are referred to as mandated reporters, and are individuals who, through the course of their employment, come into regular contact with children, such as teachers, doctors, and social workers; and

WHEREAS, when two or more mandated reporters become aware of child abuse, current law states that only one of the mandated reporters is required to make a report to the authorities; and


WHEREAS, this could result in no report being made, enabling the continued abuse of the victim; and

WHEREAS, AB 790 (Gomez) would require all mandated reporters who become aware of suspected child abuse or neglect to each make a report to the authorities, regardless of whether they are part of a group of mandated reporters that has learned of the suspected abuse or believe that another mandated reporter will contact the authorities; and

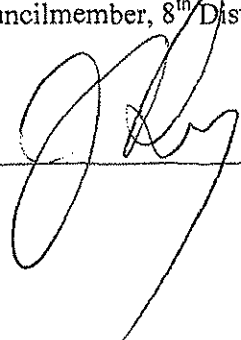
WHEREAS, AB 790 would significantly reduce the chance that any suspected abuse or neglect would go unreported;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for AB 790, which would require every mandated reporter who has knowledge of suspected child abuse or neglect to make a report to the authorities, regardless of their possible belief that another mandated reporter is responsible for making the report.

PRESENTED BY


BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY



MAY 22 2013

jwd

ORIGINAL