

KNOW THE LAW

New Training Requirements For California Child Care Providers Regarding Mandated Child Abuse Reporting

1. Who needs to take the training under AB 1207?

After the law goes into effect on January 1, 2018, you must take the training if you are a licensee, administrator, or employee of a licensed child care facility, including child care centers and family child care homes.

2. Do I need to take the training if I am a license-exempt child care provider?

No. However, we strongly encourage you to take the training because children in the 0-5 age group are the most vulnerable to abuse and neglect. Anyone can take the free online training at <http://mandatedreporterca.com/>.

3. When does the law go into effect?

January 1, 2018.

4. When do I need to take the training?

- Child care licensee applicants - If you apply to obtain your child care license on or after January 1, 2018, then you must complete the training before getting your license.
- Child care administrators and employees hired on or after January 1, 2018 - If you become an administrator (without a child care license) or an employee of a licensed child care on or after January 1, 2018, then you must take the training within 90 days from the start of your employment.

5. How often do I need to take the training?

Every two years following the date from which you completed your first training.

6. What happens if I don't take the training?

If the Community Care Licensing Division (“Licensing”) finds that you did not take the training during inspection or upon request, then it will issue you a “notice of deficiency.” You’ll then have 45 days to

take the training to correct the deficiency. If you fail to take the training within 45 days, Licensing may revoke your child care license.

7. What is the cost of the training?

It is free and online.

8. Where can I take the training?

The free online training is available on the Department of Social Services website at <http://mandatedreporterca.com/>. You must first take the “General Training Module” and then the “Child Care Professionals” training. Taking both sections of the training meets the requirement under AB 1207.

You may also take other trainings on recognizing and reporting child abuse and neglect, including an in-person training, but you must first get the training approved by Licensing. We suggest that you get Licensing’s approval in writing. Many Resource and Referral agencies offer child abuse and neglect trainings for child care providers free of cost or at low cost.

9. Is the training part of the required 15 hours (16 hours as of January 1, 2016) of prelicensure training?

No. The current pre-licensure training does not include the training required by AB 1207.

10. How long will it take to complete the training required by AB 1207?

Child care providers who have taken the available English and Spanish versions of the training have told us they took the training in about two hours. Even though the training website says the General Training Module may take up to four hours and the one for Child Care Professionals may take up to three hours, the amount of time it takes will likely be shorter based on feedback from child care providers.

11. What proof do I need to show that I took the training?

AB 1207 says, “The licensee of a licensed child day care facility shall obtain proof from an administrator or employee of the facility that the person has completed mandated reporter training in compliance with this subdivision.”

The printed out certificate you receive after taking the online training will be sufficient proof for Licensing. Other trainings also typically offer certificates to show that you have taken that training.

If you obtain permission from Licensing to take a different training than the approved online one, ask Licensing what documentation you will need as proof to show that you took the training. You can find the number to your local Licensing office here: <http://www.cclid.ca.gov/res/pdf/cclistingMaster.pdf>

12. What will the training cover?

The training will cover topics including how to recognize signs of child abuse and neglect, and how to comply with the law in reporting child abuse and neglect. The topics covered will include, but are not limited to:

- How to recognize signs of child abuse and neglect, including behavioral signs a child may show as a result of abuse and neglect.
- Reporting requirements for child abuse and neglect, including guidelines on how to make a suspected child abuse report when suspected abuse or neglect takes place outside a child day care facility, or within a child day care facility, and to which enforcement agency or agencies a report is required to be made.
- Information that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months in jail and/or by a \$1,000 fine.
- Information that mandated reporting duties are individual and no supervisor or administrator may impede or inhibit a mandated reporter from making a suspected child abuse report. A supervisor or administrator who impedes or inhibits the duties of a mandated reporter will be subject to punishment under the penal code.
- Information on childhood stages of development in order to help determine whether a child's behavior or physical symptoms are developmentally within range for his or her age and ability, or are signs of abuse or neglect. Information on protective factors that may help prevent abuse, including dangers of shaking a child, safe sleep practices, psychological effects of repeated exposure to domestic violence, safe and age-appropriate forms of discipline, how to promote a child's social and emotional health, and how to support positive parent-child relationships
- Information on recognizing risk factors that may lead to abuse, such as stress and social isolation, and available resources for families to help prevent child abuse and neglect.
- When to call for emergency medical attention to prevent further injury or death.
- Information on how a child care provider might communicate with a family before and after making a suspected child abuse report.¹

13. Is the training in my language?

The approved free online training is currently available in English and Spanish.

14. Will the training be available in more languages?

Yes. The Department of Social Services must comply with the Dymally-Alatorre Bilingual Services Act of 1973, part of which requires that it provide training materials in any non-English language spoken by five percent or more of members of the public served by the Department. The percentage of non-English speaking people served by each state and local agency is determined by a survey issued every two years.

The Department, by choice, can also provide the training materials in any other language, even when the five percent threshold requirement is not met. In addition, the Department may also choose to provide language access by use of qualified bilingual employees, interpreters, translated aids or guides, or other available bilingual resources to ensure that child care providers understand the training.

15. What if the training is not offered in my primary language?

¹ These requirements come from the bill itself, Assembly Bill 1207, Chapter 414 (Cal. 2015), available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1207

If the training is not offered in your primary language, contact the Department to ask whether it can provide you the training materials or other forms of translation in your primary language. Also find out whether the language you speak meets the five percent requirement and if it does, ask the Department when the training will be provided in your language.

If the training is not offered in your primary language and you have limited English proficiency, you are not required to take the training. Please call the Child Care Law Center or ask someone to call us on your behalf to report any language access problems to the training.

16. Why will I be required to take training in recognizing and reporting child abuse and neglect?

The requirement to take the training in recognizing and reporting child abuse and neglect comes from the passage of AB 1207 on October 1, 2015. AB 1207 was passed in response to the fact that child care providers are mandated reporters, yet previously received no training on this subject.

Licenseses, administrators, and employees of licensed child care centers and family child care homes are mandated reporters – professionals legally obligated under the state penal code to report suspected child abuse and neglect to the appropriate local government agency or agencies. Child care licensing law also requires mandated reporters in child care to make reports of suspected child abuse or neglect to Licensing.²

However, prior to AB 1207, child care professionals were not required to take training in how to recognize the signs of child abuse or neglect, or their legal duty to report it.³ Child care providers are the least likely of all mandated reporters to report child abuse even though they work with the population at highest risk of abuse and neglect (children ages 0-5), and spend more time with these children than anyone else outside their families.

From the statewide survey that Child Care Law Center conducted, the majority of child care providers expressed confusion about how to make a suspected child abuse report, and thought training would be useful and should be required. The Child Care Law Center sponsored AB 1207 to address this need for training.

17. How will the training be useful to me?

Proper CPS intervention is a key deterrent to recurring child abuse and neglect.⁴ Comprehensive training in recognizing and reporting child abuse and neglect also offers child care providers tools for supporting families, including those who present risk factors for child maltreatment, possibly preventing child abuse

² Cal. Code Regs. tit. 22, §§ 102416.2(c)(1)(requirement for family child care homes), 101212(d)(1)(A) - (D)(requirement for child care centers, "Events reported shall include the following: (A) Death of any child from any cause.(B) Any injury to any child that requires medical treatment. (C) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child.(D) Any suspected physical or psychological abuse of any child.").

³ Cal. Penal Code § 11165.79(a)(10) ("A licensee, an administrator, or an employee of a licensed community care or child care facility" are mandated reporters), (a)(14)("An employee of a child care institution, including but not limited to, foster parents, group home personnel, and personnel of residential care facilities" are mandated reporters), (b) (employers are strongly encouraged, but not required, to train employees who are mandated reporters on their duty to report suspected child abuse or neglect); Cal. Health & Safety Code § 1598.866(a)(3) (required health and safety training for "at least one director or teacher at each day care center, and each family day care home licensee who provides care," may include identification and reporting of signs and symptoms of child abuse) (Law prior to Oct. 1, 2015).

⁴ See Victor Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States Within 120 Years*, *Journal of Aggression, Maltreatment & Trauma* (2004) 14-17, available at <http://bit.ly/1tHw381>; see Victor Vieth et al., *Lessons From Penn State: A Call to Implement a new Pattern of Training for Mandated Reporters and Child Protection Professionals* 1, 5 *Centerpiece*, Vol. 3, Issues 3 & 4 (2012), available at <http://bit.ly/1tUasUG>; see Aileen McKenna, *Reluctant to Report: The Mandated Reporter Practices of Child Care Providers*, *Western Michigan University* (2010) 1 (Ph.D. dissertation explaining why child care providers are the professionals least likely to report suspected child abuse and neglect. McKenna states "the failure to report abuse and neglect can have fatal consequences (Besharov, 1990). Studies in Texas, Colorado, and North Carolina revealed that over 40% of child fatalities attributed specifically to child maltreatment had not been reported prior to their death. This was despite the fact that these children had been seen by a public or private agency around the time of their death).

before it occurs. It will also empower child care providers to become proactive reporters when they recognize signs of abuse and neglect.⁵

18. If I suspect that a child in my care has been abused or neglected, who do I call?

You must call the local Licensing office and child welfare office.⁶

You can look up your local Licensing office at: <http://www.cclid.ca.gov/res/pdf/cclistingMaster.pdf> and child welfare office (often referred to as “CPS”) child abuse hotline number at: http://www.childsworld.ca.gov/res/pdf/CPSE_mergNumbers.pdf.

If you are unsure about whether a report is necessary, it is best practice to still call the local Licensing office and child welfare office. The agent who answers the phone will let you know whether a report is necessary.

Note that some child care providers have told us that they have heard from various sources that if the suspected child abuse took place outside the child care facility, they only need to call CPS and not Licensing. The law requires that you call and report to BOTH agencies, and makes no mention of where the abuse took place as a factor in determining where to make the report.

In cases of emergency, call the police first. If you see physical injuries (even seemingly minor physical injuries), and/or the child shows strange behavior, such as dizziness, slurred speech, extreme fatigue that may be a result of suspected physical abuse, we highly recommend calling for emergency medical attention (911) as the child may have serious internal injuries.

19. What happens if I don't make a report of suspected child abuse or neglect?

The licensee of the child care can lose her/his child care license. A mandated reporter who fails to make a report of suspected child abuse or neglect is also subject to a misdemeanor punishable by up to six months in jail and/or by a \$1,000 fine. If a mandated reporter intentionally conceals his or her failure to make a report, the punishment may be more severe.

20. Where can I find the AB 1207 language?

You can find the bill text here:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1207

⁵ Theresa Dolezal et al., Academy on Violence and Abuse, Hidden Costs in Health Care: The Economic Impact of Violence and Abuse 9 (March 2009), available at <http://bit.ly/1tUaZgi>

⁶ Cal. Penal Code § 11165.9 (Suspected child abuse and neglect reports can be made to any police or sheriff's department, authorized county probation department, or county welfare department. Any of those agencies must accept a report, even if that agency lacks jurisdiction to investigate the report, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency that lacks jurisdiction takes a report, that agency must immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction. Agencies that are required to receive reports of suspected child abuse or neglect may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person unless otherwise authorized pursuant to this section, and must maintain a record of all reports received.). See Cal. Code Regs. tit. 22, §§ 102416.2(c)(1)(requirement for family child care homes), 101212(d)(1)(A) - (D)(requirement for child care centers, “Events reported shall include the following: (A) Death of any child from any cause.(B) Any injury to any child that requires medical treatment. (C) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child.(D) Any suspected physical or psychological abuse of any child.”).

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