

Mastering Mandated Child Abuse Reporting

How to Carry Out Your Reporting
Duties While Avoiding Common
Myths and Misconceptions

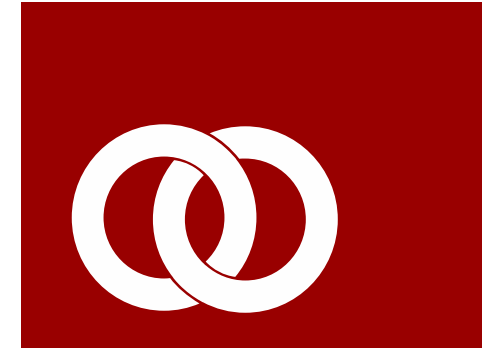
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CAMFT's Legal Hotline



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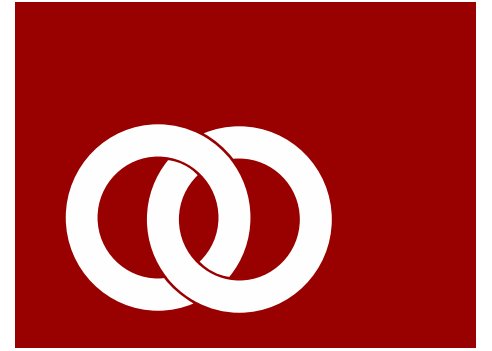


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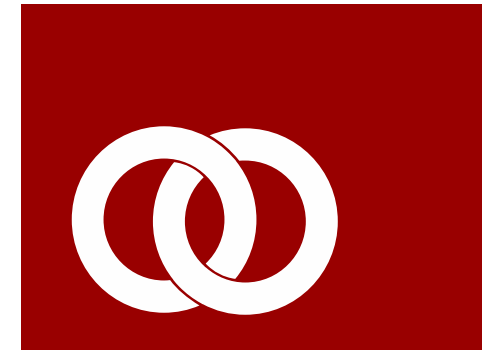
CAMFT's Legal Hotline



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Disclaimer

The information presented in this workshop is for educational purposes only.

It is not intended to serve as legal advice or as a substitute for independent legal advice.

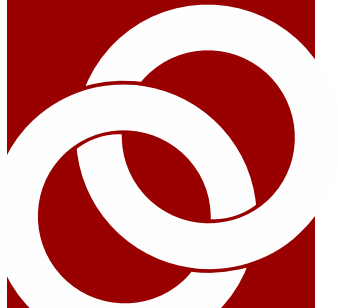
Mastering Mandated Reporting Workshop Overview



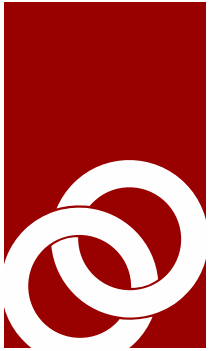
- **Introduction**
 - A Fundamental Tension
 - CANRA: California's Mandated Child Abuse Reporting Law
- **CANRA's Who, What, Where, and When**
 - The "Who" of CANRA
 - The "When" of CANRA
 - The "Where" of CANRA
 - The "What" of CANRA

Introduction

A Fundamental Tension

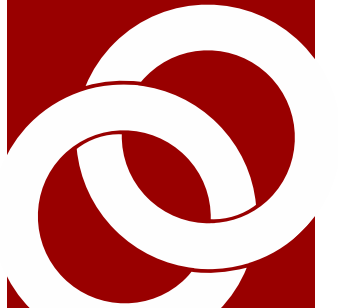


A Fundamental Tension Therapist-Patient Confidentiality vs. Public Safety



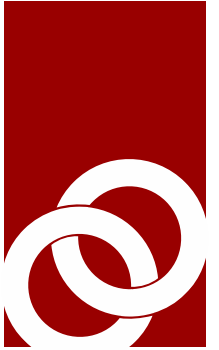
Introduction

CANRA: California's Mandated Child Abuse Reporting Law



CANRA

California's Child Abuse Reporting Law



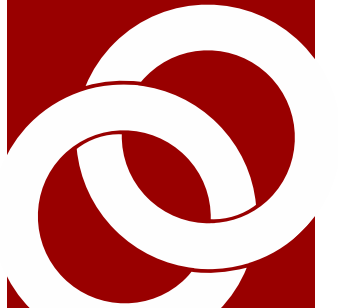
- The Child Abuse and Neglect Reporting Act (**CANRA**) is **California's mandated child abuse reporting law**.
- The law is **designed to protect minors from abuse and neglect**.
 - CANRA requires all parties participating in child abuse / neglect investigations to “**consider the needs of the child victim and...do whatever is necessary to prevent psychological harm to the child victim.**”

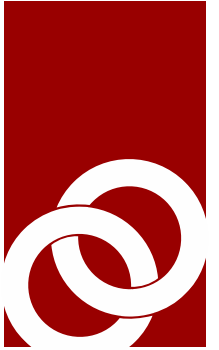


See California Penal Code Section 11164

The “Who” of CANRA

CANRA’s Who, What, Where, and When





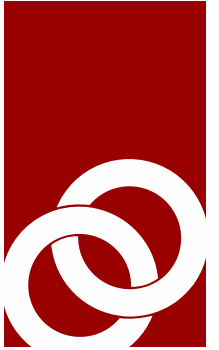
The “Who” of CANRA

Who are “Mandated Reporters”?

California Penal Code Section 11166(a)

Under CANRA, **mandated reporters** are professionals from various statutorily specified fields **charged with the duty to make reports** (i.e. “mandated reports”) to certain government agencies (e.g. law enforcement and CPS agencies) **when the mandated reporters have knowledge of, or observe children that the mandated reporters know, or reasonably suspect have been the victims of child abuse or neglect.**





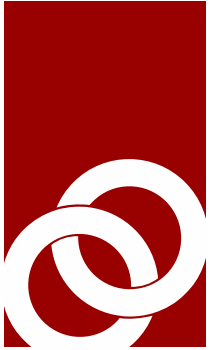
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The “Who” of CANRA

Who are “Mandated Reporters”?

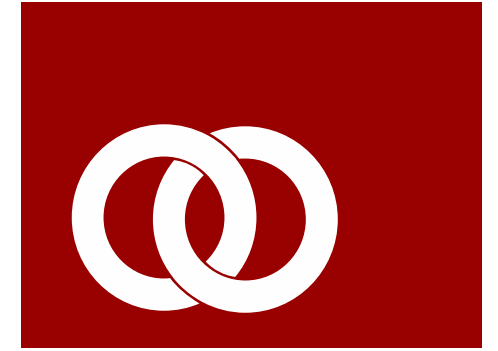
Note: Mandated reporters are **only required to make such reports** when they are **acting within:**

- 1) **Their professional capacities;** and/or
- 2) **The scopes of their employment.**
 - *See California Penal Code Section 11166(a)*

This means that **mandated reporters are not required to report** known or reasonably suspected **child abuse and/or neglect occurring in their personal lives** (though they have the option to make such reports).



Mastering CANRA Reasonable Suspicion

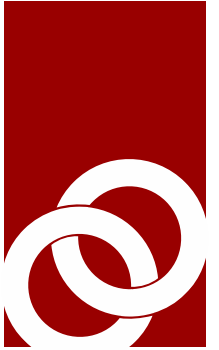


California Penal Code Section 11166(a)(1)

Per CANRA, a mandated reporter has a “**reasonable suspicion**” that child abuse or neglect has taken place if “it is **objectively reasonable** for a person to **entertain a suspicion, based upon facts that could cause a reasonable person in a like position**, drawing, when appropriate, on the person’s **training and experience**, to **suspect child abuse or neglect**.”

- Generally speaking, this standard is **not intended to be a high bar**. **CANRA** is written in a way that **tends to encourage over-reporting**.
 - That said, ***a lower bar is still a bar***. Reporting without knowledge or a reasonable suspicion of reportable child abuse or neglect typically **constitutes a breach of confidentiality**.

Mastering CANRA Reasonable Suspicion



California Penal Code Section 11166(a)(1)

Under CANRA, “reasonable suspicion” does not require:

- **Certainty** that child abuse or neglect has occurred; or
- a **specific medical indication** of child abuse or neglect.

*****Any “reasonable suspicion” is sufficient*****

- In some instances, a reasonable suspicion may be solely based on a patient’s statements or those of a credible third party.

***Note:* A minor’s pregnancy is not, in and of itself, a basis for a reasonable suspicion of sexual abuse.**

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Mastering CANRA Reasonable Suspicion

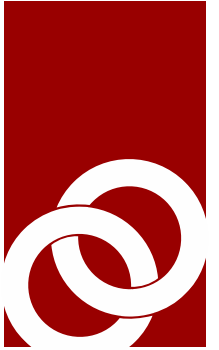


California Penal Code Section 11166(a)(2)

Mandated reporters are **required to report known or reasonably suspected child abuse** to appropriate agencies **even if the child has passed away**:

- **Regardless of whether the possible abuse was a factor contributing to the death; and**
- **Even if suspected child abuse was discovered during an autopsy.**





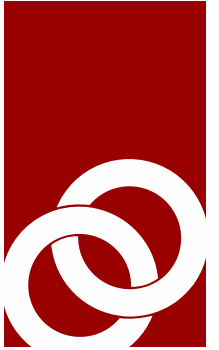
Reasonable Suspicion

Mandated Reporters Are Not Required to Investigate Alleged Abuse or Neglect

CANRA does not require mandated reporters **to investigate allegations of child abuse or neglect** to rule in or rule out reasonable suspicions that the abuse or neglect occurred. Rather, **based on the information available to the mandated reporter:**

- If the mandated reporter has a **reasonable suspicion** of child abuse or neglect, **they must make a report.**
- If the mandated reporter **DOES NOT** have such a reasonable suspicion, they **can not** make a report.
 - However, mandated reporters should strongly consider **documenting their rationale for not reasonably suspecting child abuse or neglect.**





Practice Pointer

Mandated Reporters May Ask Follow-Up Questions for Clinical Purposes



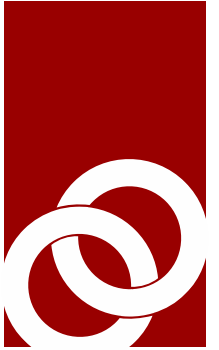
That said, **where clinically appropriate or necessary, therapists may ask their patients follow-up questions** regarding abuse and/or neglect allegations.

If appropriate, **prior to asking such follow-up questions, therapist may wish to remind their patients:**

- 1) That they are **mandated reporters**; and
- 2) They **may have to make mandated reports** depending on the **patients' responses**.

Such reminders can **empower patients to make informed decisions** regarding how much, if any, follow-up information they would like to give their therapists regarding the alleged abuse or neglect.

Mastering CANRA Reasonable Suspicion



California Penal Code Section 11166(a)

To discharge their mandated reporting duties, mandated reporters must report known or reasonably suspected child abuse to appropriate agencies:

- **Verbally** (by phone); and
- **In writing** (by submitting a Suspected Child Abuse Report (“SCAR” report) form.

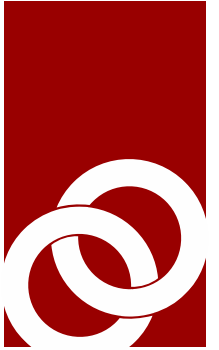
Note: We will discuss the required time frame for making mandated reports later in this workshop.

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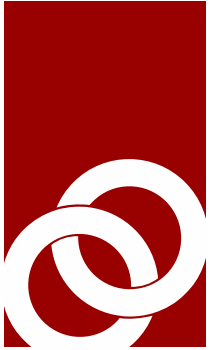


Practice Pointer

Child Abuse and/or Neglect Reported During Intake



- In some instances, **patients (or their parent(s) or guardian(s))** may disclose child abuse or neglect during intake calls and sessions.
 - Their **therapists' clinical judgment** determines whether that abuse or neglect is reportable.
 - Some therapists may determine that **with such little experience with the patient (or the parent(s) / guardian(s))** it is not possible at that time to determine whether the person is telling the truth, whether they are experiencing a break with reality, whether they are exaggerating, etc. (i.e. **no reasonable suspicion**).
 - Other therapists **may form reasonable suspicions** based on individuals' **tones and demeanors**, the **details** included in their accounts, the **therapists' experience** with abuse and/or neglect survivors, etc.



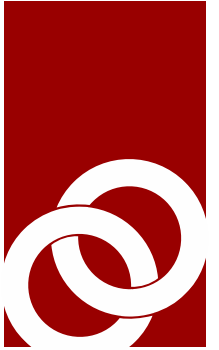
Practice Pointer

Inform Patients of Limits of Confidentiality at the *Very Beginning* of Intake Calls and Sessions

CAMFT Code of Ethics Rule 3.6 LIMITS OF CONFIDENTIALITY

Marriage and family therapists are **encouraged to inform clients/patients of significant exceptions to confidentiality** such as **child abuse reporting**, elder and dependent adult abuse reporting, and clients/patients dangerous to themselves or others.





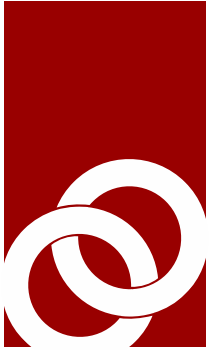
Reasonable Suspicion Legal Immunity

Mandated reporters **can not be held criminally or civilly liable for making reports required by CANRA.** (See *California Penal Code Section 11172.*)

- Reporters are protected by this immunity **even if it is later discovered that the reasonably suspected abuse did not actually occur.**
 - As long as it was **reasonable for the mandated reporter to suspect the alleged abuse when they made the report**, they receive the immunity.



Reasonable Suspicion Criminal Liability for Failing to Make Mandated Reports



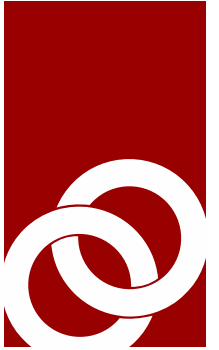
California Penal Code Section 11166(b)

- A mandated reporter's **failure to report known or reasonably suspected child abuse or neglect**, under CANRA, is guilty of a **misdemeanor** punishable by:
 - Up to **six months imprisonment** in a county jail; and/or
 - a **\$1,000 fine**
- A mandated reporter's **intentional concealment** of their **failure to report abuse or severe neglect known by the mandated reporter** is considered a **continuing offense** until discovered by the appropriate agency.
 - *This essentially **delays the statute of limitations period** for the crime.*

Note: Therapists must report criminal convictions to the Board within 30 days of the convictions.



Reasonable Suspicion BBS Discipline for Failing to Make Mandated Reports

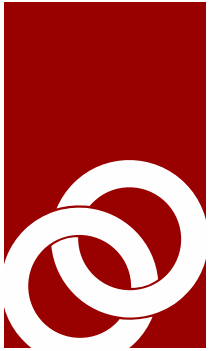


California Business and Professions Code Section 4982(w)

The BBS can **revoke or suspend a practitioner's license (or registration)** or take other disciplinary action if the practitioner **fails to comply with CANRA's child abuse reporting requirements.**



Reasonable Suspicion Civil Liability for Failing to Make Mandated Reports



A mandated reporter may face a **civil lawsuit for failing to make a mandated report** if the mandated reporter's failure to report known or reasonably suspected abuse **causes harm to the victim(s)**.

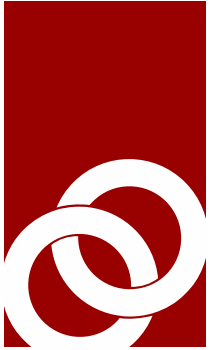


The “Who” of CANRA

Who are “Mandated Reporters”?



- **LMFTs, AMFTs, MFT trainees, and other health care providers listed in California Penal Code Section 11165.7 are considered mandated reporters, under CANRA.**
- However, CANRA lists various professionals from other fields as mandated reporters as well.



The “Who” of CANRA

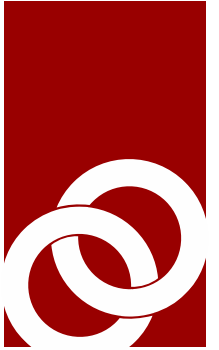
Who are “Mandated Reporters”?



CANRA identifies **almost 50 categories of professionals as mandated reporters**, including, but not limited to:

- **Teachers;**
- **Classified employees of public schools;**
- **Firefighters (except volunteer firefighters);**
- **Peace officers;**
- **Certain DA inspectors and investigators;**
- **Certain local child support agency caseworkers;**

See California Penal Code Section 11165.7(a)



The “Who” of CANRA

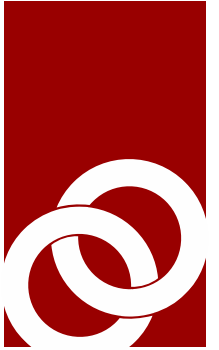
Who are “Mandated Reporters”?



CANRA identifies **almost 50 categories of professionals as mandated reporters**, including, but not limited to:

- **Parole officers;**
- **Social workers;**
- **Probation officers;**
- **Public assistance workers;**
- **Coroners; and**
- **Animal control officers**

*See California Penal Code Section
11165.7(a)*



The “Who” of CANRA

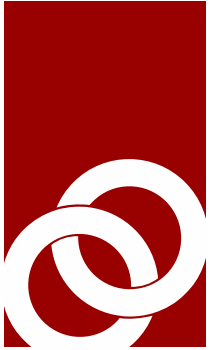
Who Receives Mandated Reports?

California Penal Code Section 11165.9

Mandated reporters **MUST** make their reports to any of the following entities:

- 1) **California police departments or sheriffs' departments;**
 - Excluding school district police or security departments
- 2) **California county welfare departments** (e.g. CPS, CWS, and DCFS agencies); OR
- 3) **California county probation departments** (if designated by their respective counties to receive mandated reports).





The “Who” of CANRA

Who Receives Mandated Reports?

California Penal Code Section 11165.9

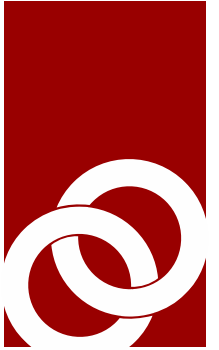
These agencies are required to accept mandated reports **even if the agency to whom the report is being made does not have:**

- **Subject matter jurisdiction;** or
- **Geographical jurisdiction**

to investigate the reported abuse or neglect.

Exception: An agency **does not have to accept a mandated report** if it can ***immediately* electronically transfer** the call to an **agency with proper jurisdiction.**





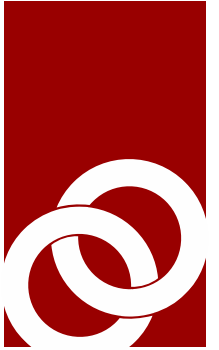
The “Who” of CANRA

Who Receives Mandated Reports?

California Penal Code Section 11165.9

When an agency **accepts a mandated report** regarding a matter over which the agency **lacks jurisdiction**, the agency must **immediately refer the case** by telephone, fax, or electronic transmission **to an agency with proper jurisdiction**.





The “Who” of CANRA

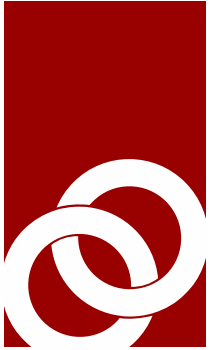
Who Receives Mandated Reports?

Agencies that are required to receive mandated **cannot refuse to accept reports** of suspected child abuse or neglect from mandated reporters **unless otherwise authorized by CANRA**. (See *California Penal Code Section 11165.9*.)

- For example, in **certain instances** in which:
 - The infant’s parent(s) **can not provide regular care** for the infant **due to substance use**,

The report **can only be made to a county welfare or probation department** (i.e. the report **can not be made to a law enforcement agency**). (See *California Penal Code Section 11165.13*.)



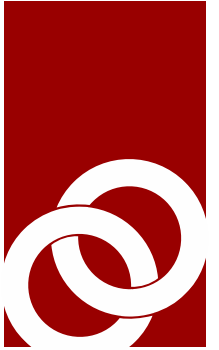


The “Who” of CANRA

Who Receives Mandated Reports?

- However, **agencies are not generally permitted to refuse to receive reports** simply because they **disagree with a mandated reporter’s professional judgment** that alleged child abuse or neglect is reportable (i.e. known or reasonably suspected by the mandated reporter to have occurred).





Reporting Procedures Unsuitable Homes and Institutions

California Penal Code Section 11166(f)

Any **mandated reporter** who **knows or reasonably suspects** that:

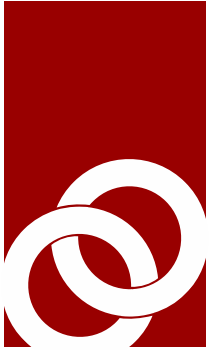
- The **home or institution** in which a child resides is **unsuitable for the child**
- **Because of abuse or neglect** of the child

shall **bring the condition to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect...**



Practice Pointer

Confidentiality of Mandated Reporters' Identities



California Penal Code Section 11167(d)(1)

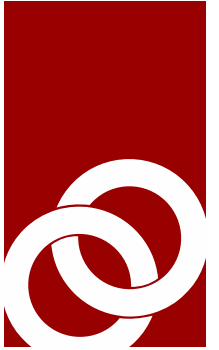
The **identity** of individuals who make **mandated reports**, under CANRA, are to be kept **confidential** and **disclosed only among**:

- 1) Agencies receiving or investigating mandated reports; and/or**
- 2) Law enforcement representatives and other relevant personnel specified in [CANRA].**



Practice Pointer

Confidentiality of Mandated Reporters' Identities



California Penal Code Section 11167(d)(2)

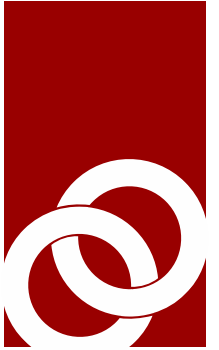
No agency or person listed in this section of **CANRA** is permitted to **disclose the identity of any mandated reporter** to the mandated reporter's **employer** without:

- The **mandated reporter's consent**;
or
- A **court order**.



Practice Pointer

Confidentiality of Mandated Reporters' Identities



When making mandated reports in **particularly sensitive circumstances**, the mandated reporter may wish to:

- 1) Inform the CPS or law enforcement representative receiving the initial phone report; and**
- 2) Add a note to the written follow-up report**

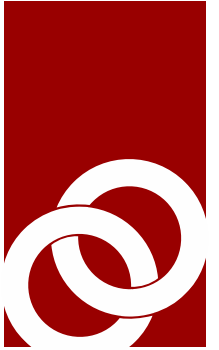
requesting that their **identity as the mandated reporter be kept confidential**, as required by Penal Code Section 11167(d).



The “Who” of CANRA What is a “Child”?



The “Who” of CANRA Who is a “Child”?



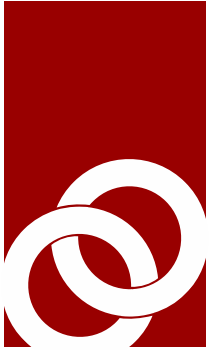
California Penal Code Section 11165

As used in CANRA, a “**child**” is a person **under the age of 18 years**.

- *CANRA requires therapists and other mandated reporters to report reasonably suspected instances of child abuse and neglect.*

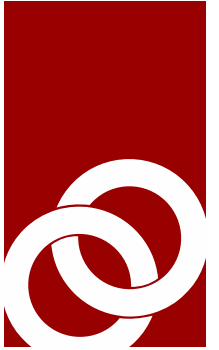


The “Who” of CANRA *Who isn't a “Child”?*



- **Eighteen-year-olds** who are still in high school.
- **Young adults** who are **living with and/or supported by their parents or guardians**.
 - Reasonably suspected abuse and/or neglect of these individuals is **not reportable as *child* abuse**, under **CANRA**.
 - However, such abuse may be reportable under the **Elder and Dependent Adult Civic Protection Act** if the **victim qualifies as a dependent adult**.

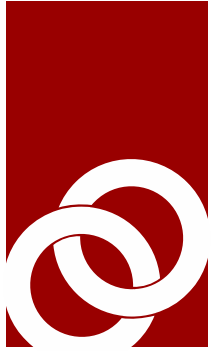
The “Who” of CANRA *Who isn't a “Child”?*



- Note: Although mandated reporters **can not report child abuse that adults experienced when they were minors**, they are still required to report known or reasonably suspect abuse of **current minors**.
 - *E.g. If a 20-year-old woman with a 15-year-old brother tells her therapist that five years ago, her father drove drunk with she and her brother in the car.*

Practice Pointer

Mandated Reporters' Reporting Duties Are Not Limited to Their Patients



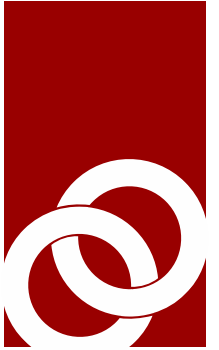
CANRA requires therapists to report known or reasonably suspected abuse and/or neglect of current minors ***even if the minors are not the therapists' patients.***

As will be discussed later in this workshop, **therapists are not required to know or obtain information such as:**

- The **victim's name or contact information;**
- The **name(s) and contact information of the victim's parent(s) and/or guardian(s);** or
- The **alleged perpetrator's name or contact information**

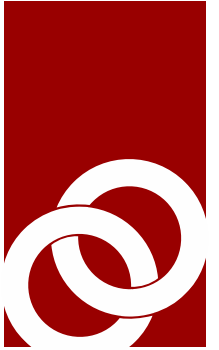
to report known or reasonably suspected abuse or neglect of current minors.

The “Who” of CANRA Who isn't a “Child”?



- Abuse and/or neglect occurring **prior to a child's birth** is **not reportable** as child abuse, under CANRA. This includes, but is not limited to:
 - **Domestic violence occurring during pregnancy;**
 - **Alcohol and drug use occurring during pregnancy.**

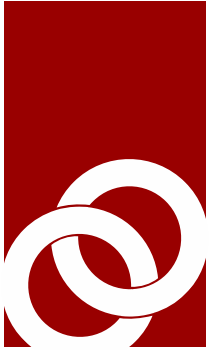
The “Who” of CANRA Who isn't a “Child”?



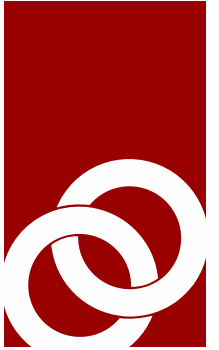
Similarly, a **positive toxicology screen at the time of an infant’s delivery is not in and of itself a sufficient basis for reporting child abuse or neglect.** (See *California Penal Code Section 11165.13.*)

- That said, **if there is an indication of maternal substance abuse, entities, such as county health departments, county welfare departments, and hospitals are required to assess the needs of the mother and child,** (See *Id.; Health and Safety Code Section 123605.*)

The “Who” of CANRA Who isn't a “Child”?



- In such scenarios, **mandated reporters may be required to make reports if other facts and/or factors give them knowledge or reasonable suspicions of child abuse an/or neglect.**
- That said, if a report based on risk to a child **solely relates to the parent's inability to provide the child with regular care due to the parent's substance abuse**, the report must be made **only to a county:**
 - **Welfare department; or**
 - **Probation department.**
 - **The report can not be made to a law enforcement agency.**



Practice Pointer

Inform Patients of Limits of Confidentiality

CAMFT Code of Ethics Rule 3.6 LIMITS OF CONFIDENTIALITY

Marriage and family therapists are **encouraged to inform clients/patients of significant exceptions to confidentiality** such as **child abuse reporting**, elder and dependent adult abuse reporting, and clients/patients dangerous to themselves or others.



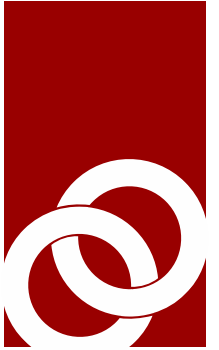
The “When” of CANRA

CANRA’s Who, What, Where, and When



The “When” of CANRA

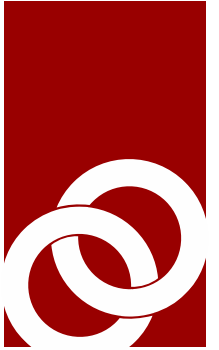
What is the Timeline for Making Mandated Reports?



If a mandated reporter **knows or reasonably suspects** that a current minor has experienced abuse or neglect, under CANRA, the mandated reporter must:

- 1) Make an **initial report by telephone** to the agency **immediately or as soon as is practicably possible**; and
- 2) Prepare and send, fax, or electronically transmit a **written followup report** **within 36 hours of receiving the information** concerning the incident.



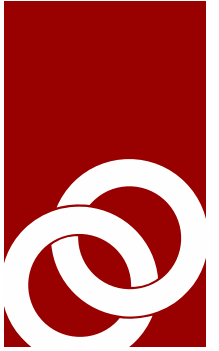


Practice Pointer

Therapists Are Not Required to Notify Patients When Filing Mandated Reports



- The law **does not require therapists to inform their patients (or the victims of the alleged child abuse or neglect) that the therapists have filed mandated reports.**
 - Given that there are nearly 50 categories of mandated reporters, **in some cases the patients may not know who filed the reports.**
 - *Remember, the **identity of individuals who file mandated reports** are generally to be kept **confidential**.*
 - However, in some cases, therapists may deem **patient notification of mandated reports** to be **clinically appropriate and/or necessary.**

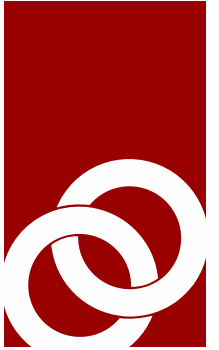


Practice Pointer

Therapists Are Not Required to Notify Patients' Parents When Filing Mandated Reports



- CANRA requires therapists to make mandated reports to **California police or sheriffs' departments, county welfare departments, or (in some cases), county probation departments.**
 - The law **does not require, or otherwise permit, therapists to notify the patients' or the victims' parent(s) or guardian(s)** of known or reasonably suspected child abuse or neglect.

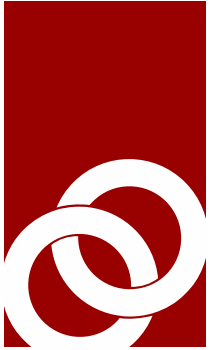


Practice Pointer

Therapists Are Not Required to Notify Patients' Parents When Filing Mandated Reports



- Where clinically appropriate, therapists **may inform minor patients' parent(s) or guardian(s)** that they have made mandated reports:
 - **With patient permission** (including a release signed by the minor patient if the minor is 12 or older and mature enough to intelligently participate in the treatment); or
 - If a **confidentiality exception** applies.



Practice Pointer

Therapists Are Not Required to Notify Patients' Parents When Filing Mandated Reports

Example of a Potentially Relevant Confidentiality Exception

Both HIPAA and California law generally authorize therapists who **believe in good faith** that individuals or the public are facing **serious and imminent threats** may disclose information to **third parties (including parents or guardians)** they believe are reasonably able to **prevent or lessen the serious and imminent threats**.

See 45 CFR 164.512(j)(1)(i)(A; California Civil Code Section 56.10(c)(19).





Practice Pointer

Therapists Are Not Required to Notify Patients' Parents When Filing Mandated Reports

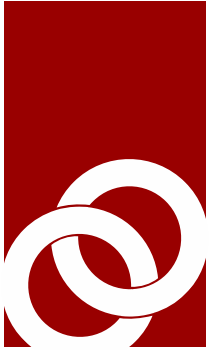


In some instances, **minor patients may prefer to disclose information** regarding the alleged abuse and/or neglect to **their parent(s) or guardian(s)** with their **therapists present.**

- Where appropriate, **therapists may wish to offer this option** to minor patients.

Practice Pointer

Follow-Up Calls with Child Abuse or Neglect Investigators

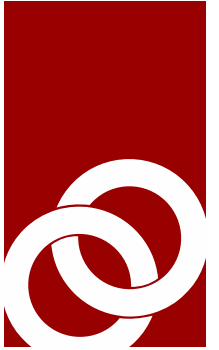


- Sometimes therapists **may receive calls** from CPS representatives, law enforcement officers, or similar government agents **investigating mandated reports** of child abuse or neglect *made by the therapists*.
 - In such circumstances, therapists have **discretion to participate** in such follow-up calls. However, they are generally **not required to do so**.
 - Unless, for example, an investigator has a **warrant signed by a judge** or a **court order** compelling a therapist to comply.
 - Therapists who agree to participate in these calls **must limit the information they disclose** to information **relevant to the reports they filed**.



Practice Pointer

Follow-Up Calls with Child Abuse or Neglect Investigators



Note: If the government agent is investigating a child abuse or neglect report filed by *another mandated reporter*, the therapist can not disclose information (or even acknowledge who they are treating / have treated) **without:**

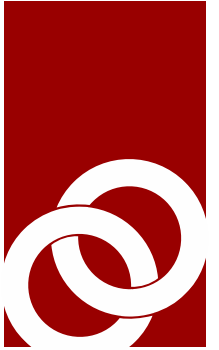
- A **release (or releases) of information** signed by the appropriate party / parties;
- A **warrant signed by a judge**; or
- A **court order**.



The “Where” of CANRA

CANRA’s Who, What, Where, and When





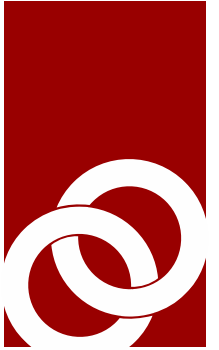
Recap

Who are “Mandated Reporters”?

California Penal Code Section 11166(a)

Under CANRA, **mandated reporters** are professionals from various legally specified fields **charged with the duty to make reports** (i.e. “mandated reports”) to certain government agencies (e.g. law enforcement and CPS agencies) **when the mandated reporters have knowledge of, or observe children** that the mandated reporters **know or reasonably suspect have been the victims of child abuse or neglect**





Recap

Who Receives Mandated Reports?

California Penal Code Section 11165.9

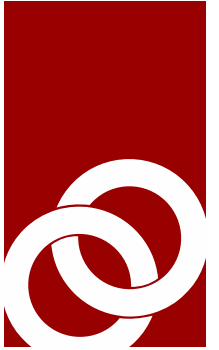
Mandated reporters **MUST** make their reports to any of the following entities:

- 1) **California** police departments or sheriffs' departments;
 - Excluding school district police or security departments
- 2) **California** county welfare departments (e.g. CPS, CWS, and DCFS agencies); OR
- 3) **California** county probation departments (if designated by their respective counties to receive mandated reports).



The “Where” of CANRA

Protocols for Reports of Abuse Occurring Out-of-State



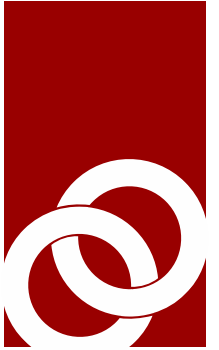
Accordingly, **CANRA** only permits **mandated reporters to initiate mandated reports** with specified CPS, law enforcement, and probation departments ***located in California.***

- The California legislature **generally lacks the authority** to require **out-of-state agencies to comply with California laws**, like CANRA, or receive mandated reports from California mandated reporters.
- However...



Practice Pointer

Child Abuse and Neglect Occurring Out-of-State Can Be Reportable



- California mandated reporters' **child abuse and neglect reporting duties are not limited to abuse occurring in California**. Reportable abuse or neglect occurring in other states or countries **must be reported**.
 - *Note: Elder and dependent adult abuse reporting operates differently. These forms of abuse are only reportable if the victim was a California resident at the time of the abuse.*
- That said, **CANRA has special rules for reporting out-of-state abuse.**



The “Where” of CANRA Protocols for Reports of Abuse Occurring Out-of-State



California Penal Code Section 11165.9

California agencies authorized to receive mandated reports “**shall accept report[s]** of suspected child abuse or neglect...**even if the agency to whom the report is being made lacks:**

- **Subject matter; or**
- **Geographical jurisdiction**

to investigate the reported case, **unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction.**



The “Where” of CANRA Protocols for Reports of Abuse Occurring Out-of-State



*Essentially, **agencies authorized to receive mandated reports** must either:

- **Accept the reports;** or
- **Transfer the mandated reporters’ calls** to agencies with proper jurisdiction (without hanging up on the mandated reporters).



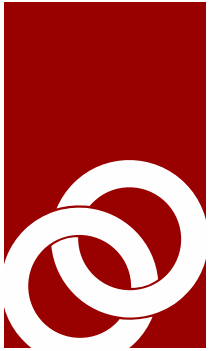
The “Where” of CANRA Protocols for Reports of Abuse Occurring Out-of-State



- **Mandated reporters who are told by California reporting agencies to hang up and file the reports with out of state agencies may need to:**
 - **Inform the agency representatives** they are speaking with about the **two options CANRA gives them** when they receive reports that are **not within their agencies’ jurisdiction** (see **previous slide**); and
 - **Ask to speak to the representatives’ managers or supervisors** (if the previous option does not work).



The “Where” of CANRA Protocols for Reports of Abuse Occurring Out-of-State

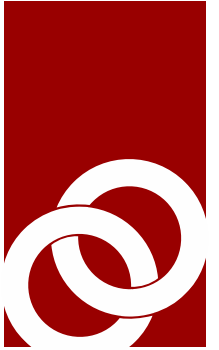


- If a mandated reporter's **call is transferred to another state or country's child abuse reporting agency**, the mandated reporter must **make the initial phone report and submit the written follow-up report to that agency**.
 - Note: The mandated reporter may need to **ask the out-of-state reporting agency representative** they speak with about **their agency's protocols for receiving written follow-up reports**.



Reporting Procedures

Joint Reporting



California Penal Code Section 11166(h)

When **two or more mandated reporters**:

- **Jointly have knowledge of a known or reasonably suspected instance of child abuse or neglect; and**
- **When there is agreement among them...**

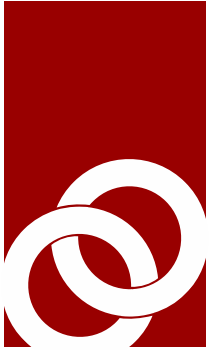
The **telephone report may be made by a member of the team selected by mutual agreement** and a **single report may be made and signed by the selected member of the reporting team.**

Note: Therapist mandated reporters should strongly consider **documenting the person selected to file the joint report** and the individual's **confirmation that they made the report.**



Reporting Procedures

Joint Reporting

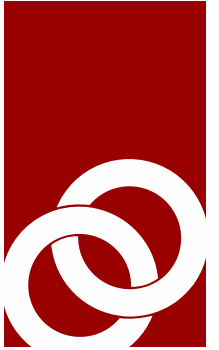


California Penal Code Section 11166(h)

Any member of the reporting team who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

- Note: When making **joint reports**, mandated reporters should **indicate the individuals on whose behalf the reports are being made**:
 - During the **initial phone reports**; and
 - Within the **written follow-up reports**.





Practice Pointer

Mandated Reporters Can Disagree

- The law requires mandated reporters to **report** known or **reasonably suspected** instances of abuse or neglect of current minors.
 - “Reasonable suspicion” is based on the therapists’ clinical judgment.
- Consulting with other therapists can help shape mandated reporters’ reasonable suspicions in trickier scenarios.
 - However, the law does not expect mandated reporters to share the same reasonable suspicions or clinical judgments.



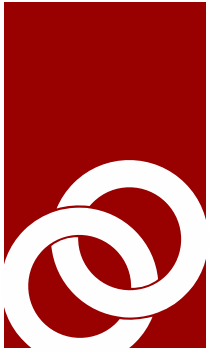
The “What” of CANRA

CANRA’s Who, What, Where, and When



The “What” of CANRA

What Should Mandated Reporters Document Regarding CANRA Reporting?



- If a mandated reporter knows or reasonably suspects that child abuse or neglect *has* occurred, they must make a report to one of the California agencies specified in CANRA.
 - *The mandated reporters may wish to document what information contributed to their knowledge or reasonable suspicion of child abuse or neglect in the record.*



The “What” of CANRA

What Should Mandated Reporters Document Regarding CANRA Reporting?



- If a mandated reporter **does not know or reasonably suspect that child abuse or neglect occurred** in a given scenario (or **lacks sufficient information** to form such a reasonable suspicion), they **can not make a mandated report**.
- The mandated reporter ***should strongly consider documenting:***
 - Their ***rationale for not reasonably suspecting abuse or neglect;***
 - That the reporter will ***monitor the situation and report in the future should new information give them reasonable suspicions of child abuse or neglect.***



What DOES NOT Belong in the Record Suspected Child Abuse Reports

California Penal Code § 11167.5

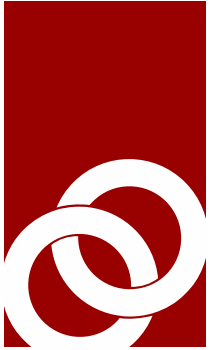
Filed **suspected child abuse reports** (“**SCAR**” reports) are confidential. These reports may only be released to specific individuals and entities in accordance with CANRA including, but not limited to:

- **CPS agencies;**
- **Certain law enforcement agencies;**
- **Court appointed minors’ counsel;**
- **The Department of Justice;**
- **Licensed adoption agencies; and**
- **Coroners and medical examiners who are conducting post-mortem examinations of deceased minors**

Note: Improper disclosure of a SCAR report constitutes a criminal misdemeanor and may subject the therapist to civil liability. CANRA immunity does not extend to mandated reporters who breach confidentiality by disclosing CPS reports to inappropriate parties. (See Cuff v. Grossmont Union High School District).

Accordingly, therapists may wish to consider storing these reports separately from their corresponding patient records.





The “What” of CANRA

What Should Be Included In Mandated Reports of Child Abuse and/or Neglect?

California Penal Code Section 11167(a)

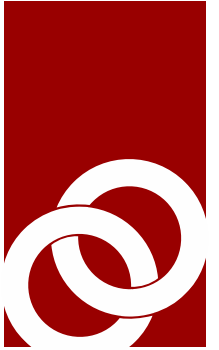
Under CANRA, reports of known or reasonably suspected child abuse or neglect...shall include the:

- 1) **Name, business address, and telephone number of the mandated reporter;**
- 2) **The capacity that makes the person a mandated reporter; and**
 - *For most, if not all, therapists that capacity will be LMFT, AMFT, MFT trainee, LCSW, LPCC, etc.*
- 3) **the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect and the source or sources of that information.**



The “What” of CANRA

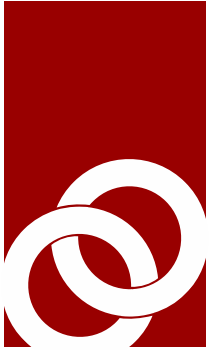
What is “Child Abuse and Neglect,” Under CANRA?



Mandated reporters must make reports when they know or reasonably suspect that conduct in question meets the criteria for one of the specific abuse or neglect reporting categories in CANRA.

The “What” of CANRA

What is “Child Abuse or Neglect,” Under CANRA?



California Penal Code Section 11165.6

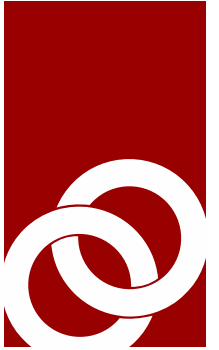
As used in CANRA, the term “**child abuse or neglect**” includes:

- 1) Physical injury or death inflicted by other than accidental means upon a child by another person;**
- 2) Sexual abuse;**
- 3) Neglect;**
- 4) The willful harming or injuring of a child or the endangering of the person or health of a child; and**
- 5) Unlawful corporal punishment or injury.**



The “What” of CANRA

What is “Child Abuse or Neglect,” Under CANRA?



California Penal Code Section 11165.6

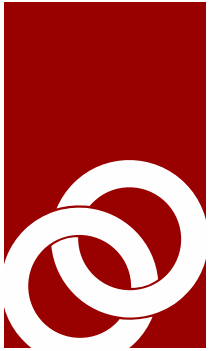
“Child abuse or neglect” does not include:

- 1) A mutual affray between minors;**
- 2) Reasonable and necessary force used by a **peace officer** acting within the course and scope of their employment as a peace officer.**



Practice Pointer

Some Concerning Conduct Involving Minors is Not Reportable



- Some inappropriate parenting decisions, upsetting school experiences, and other concerning conduct involving minors does not meet the criteria for any of the reporting categories (which we will be discussing).
 - Mandated reporters should not assume that concerning conduct will fit one of these categories.



Practice Pointer

Some Concerning Conduct Involving Minors is Not Reportable



Where concerning conduct **does not meet child abuse and neglect reporting criteria**, therapists may choose to focus on:

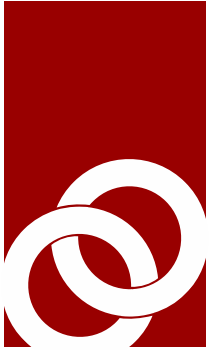
- **Safety planning;**
- **Providing crisis hotlines and other resources;** and
- Take other steps to **support the patient clinically.**

Note: Just because conduct does not trigger a therapist's mandated reporting requirement does not mean the victim, their parent(s) / guardian(s), etc. can not report it themselves.



Practice Pointer

Illegal Activity Involving Minors is Not Always Reportable

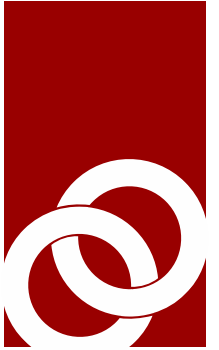


- **Illegal activity** involving minors is **not reportable** *in and of itself*. Such conduct is **only reportable** if:
 - It involves one or more of the abuse or neglect categories; and.
 - At least one **victim** of the conduct is **currently a minor**.



Practice Pointer

Illegal Activity Involving Minors is Not Always Reportable



Examples

Parents allowing their **eleven-year-old** to **have beer** with dinner.

- **Not reportable in and of itself** but the therapist must **use their clinical judgment** and **consider the facts and circumstances**.

Parents allowing their **16-year-old** to **drive after drinking two pitchers of beer**.

- Likely falls into the **child endangerment** reporting category (potentially **general neglect** as well).



The “What” of CANRA
What is *Non-Accidental*
Physical Injury or Death
Inflicted Upon a Child



The “What” of CANRA

What is Non-Accidental Physical Injury or Death Inflicted Upon a Child

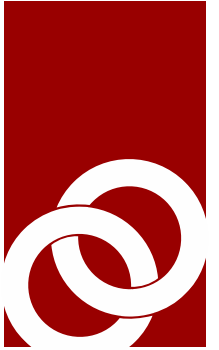


California Penal Code 11165.6

CANRA's definition of the term “**child abuse or neglect**” includes:

- **Physical injury or death**
- Inflicted by **other than accidental means**
- Upon a **child**
- By **another person**
 - E.g. minors engaging in **self-harm** or **attempting / completing suicide** is **generally not reportable**, under CANRA





Practice Pointer

Mutual Affrays Are Not Reportable

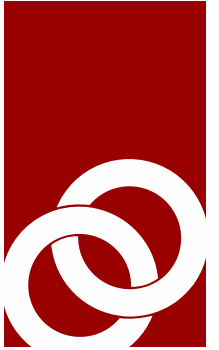
California Penal Code Section 11165.6

Mutual affrays between minors are exempted from CANRA's definition of the term "[c]hild abuse or neglect."

CANRA does not specifically define the term "mutual affray," but Black's Law Dictionary generally defines the term "**affray**" as a "**noisy fight in a public place...**"

AFFRAY, Black's Law Dictionary (11th ed. 2019)





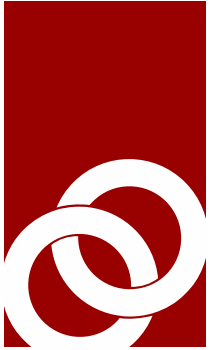
Practice Pointer

Mutual Affrays Are Not Reportable

Key Issues to Consider Before Reporting Situations Involving Fights Between Minors



- **Between Minors**
 - A fight involving a minor and an adult **does not qualify** for this child abuse reporting exemption.
- **Mutuality**
 - Is this a *mutual* affray or is **one minor attacking the other?**



Practice Pointer

Mutual Affrays Are Not Reportable

Key Issues to Consider Before Reporting Situations Involving Fights Between Minors



- **Age and Maturity**
 - If there is a **significant chronological or maturational age difference** between the minors, is that really a ***mutual*** affray?
- **Fights Between Siblings**
 - Are parents not usually around to intervene in these fights (i.e. **does the therapist need to consider a neglect report?**)

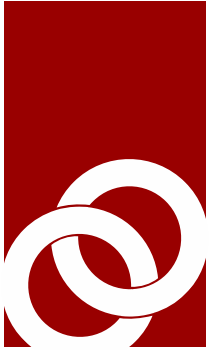
The “What” of CANRA

What is *Sexual Abuse*



The “What” of CANRA

What is “Sexual Abuse”?



California Penal Code Section 11165.1

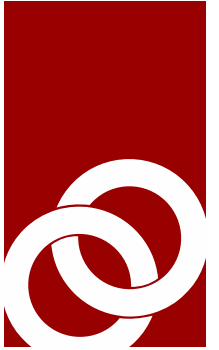
Pursuant to CANRA, the “**sexual abuse**” reporting category encompasses two separate subcategories:

- **Sexual Assault** (as defined in Penal Code Section 11165.1(a)); and
- **Sexual Exploitation** (as defined in Penal Code Section 11165.1(b)).



The “What” of CANRA

What is “Sexual Abuse”?

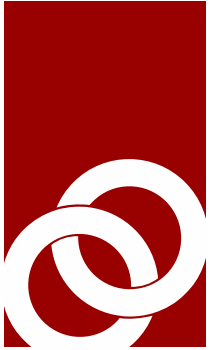


California Penal Code Section 11165.1

Pursuant to CANRA, the “**sexual abuse**” reporting category encompasses two separate subcategories:

- **Sexual Assault** (as defined in Penal Code Section 11165.1(a));
- **Sexual Exploitation** (as defined in Penal Code Section 11165.1(b)).





The “What” of CANRA

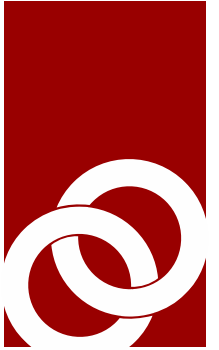
What is Sexual Assault?

California Penal Code Section 11165.1(a)

Under CANRA, **Sexual assault** includes conduct constituting **one of the following statute violations**:

- **Rape** (Penal Code Section 261);
- **Statutory Rape** (subdivision (d) of Penal Code Section 261.5);
- **Rape in Concert** (Penal Code Section 264.1);
- **Incest** (Penal Code Section 285);
- **Sodomy** (Penal Code Section 286);
- **Oral Copulation** (Penal Code Section 287 or former Penal Code Section 288a);
- **Lewd or Lascivious Acts Upon a Child** (subdivision (a) or (b) of, or paragraph (1) of subdivision (c) of, Penal Code Section 288);
- **Sexual Penetration** (Penal Code Section 289); or
- **Child Molestation** (Penal Code Section 647.6).





The “What” of CANRA

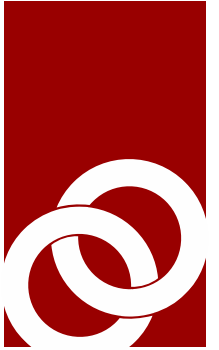
What is Sexual Assault?

California Penal Code Section 11165.1(b)

Conduct constituting sexual assault includes, but is not limited to:

- 1) **Penetration**, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- 2) **Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.**
- 3) **Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose,**
 - Exception: Acts performed for valid medical purposes.





The “What” of CANRA

What is Sexual Assault?

California Penal Code Section 11165.1(b)

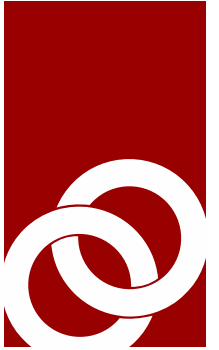
Conduct constitution sexual assault includes, but is not limited to:

- 4) **The intentional touching of the genitals or intimate parts**, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, **of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification**
 - Exceptions:
 - Acts which may **reasonably be construed to be normal caretaker responsibilities;**
 - **Interactions with, or demonstrations of affection** for, the child; or
 - Acts **performed for a valid medical purpose.**
- 5) **The intentional masturbation of the perpetrator’s genitals in the presence of a child.**



“Sexual Assault” Reporting Categories

Rape



California Penal Code Section 261(a)

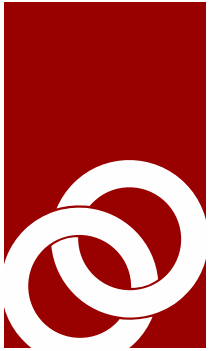


(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

- 1) If a person **who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.** Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. **This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.**

“Sexual Assault” Reporting Categories

Rape



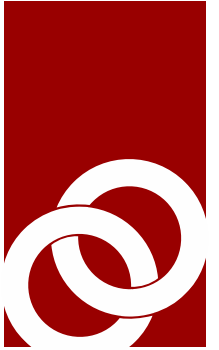
California Penal Code Section 261(a)



- (a) Rape is an act of sexual intercourse** accomplished under any of the following circumstances:
- 2) If it is accomplished against a person’s will by means of **force, violence, duress, menace, or fear of immediate and unlawful bodily injury** on the person or another.
- (b)** For purposes of this section (i.e. Penal Code Section 261):
- (1) “Duress”** means a **direct or implied threat of force, violence, danger, or retribution** sufficient to **coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted.** The **total circumstances**, including the **age of the victim**, and the victim’s **relationship to the defendant**, are factors to consider in appraising the existence of duress.
 - (2) “Menace”** means **any threat, declaration, or act** that shows an **intention to inflict an injury upon another.**

“Sexual Assault” Reporting Categories

Rape



California Penal Code Section 261(a)

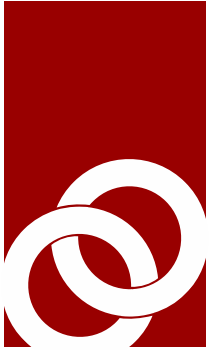
(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

- 3)** If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.



“Sexual Assault” Reporting Categories

Rape



California Penal Code Section 261(a)

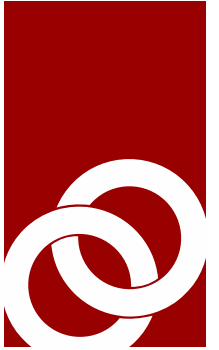
(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

- 4)** If a person is at the time **unconscious of the nature of the act**, and this is **known to the accused**. As used in this paragraph, “**unconscious of the nature of the act**” means **incapable of resisting** because the victim meets **any one of the following conditions**:
- Was **unconscious or asleep**.
 - Was **not aware, knowing, perceiving, or cognizant** that the act occurred.
 - Was **not aware, knowing, perceiving, or cognizant** of the **essential characteristics** of the act due to the perpetrator’s **fraud** in fact.
 - Was **not aware, knowing, perceiving, or cognizant** of the **essential characteristics** of the act **due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose** when it served no professional purpose.



“Sexual Assault” Reporting Categories

Rape



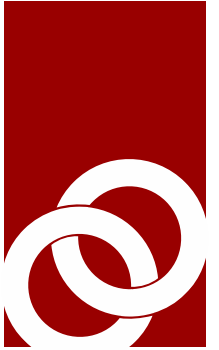
California Penal Code Section 261(a)



- (a) Rape is an act of sexual intercourse** accomplished under any of the following circumstances:
- 5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.**
 - 6) If the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.**
 - As used in this paragraph, “**threatening to retaliate**” means a **threat to kidnap or falsely imprison**, or to **inflict extreme pain, serious bodily injury, or death**.

“Sexual Assault” Reporting Categories

Rape



California Penal Code Section 261(a)



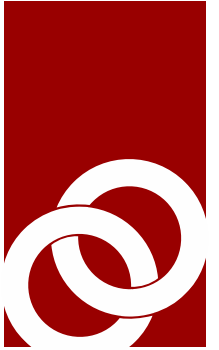
(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

7) If the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

- **Note:** The perpetrator **does not actually have to be a public official** for this criteria to be met.
- As used in this paragraph, “**public official**” means a **person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another.**

“Sexual Assault” Reporting Categories

Statutory Rape



California Penal Code **Section 261.5(d)**

Any person **21 years of age or older** who **engages in an act of unlawful sexual intercourse with a minor** who is **under 16** years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.



Helpful Resource

CAMFT's Consensual Sexual Activity Reporting Table



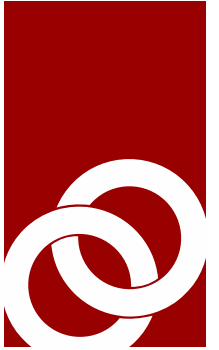
Read The Therapist	+
Legal Articles	-
Legal Department Staff Articles	
Article Category	
Chronological Article List	
Advertising	+
CAMFT Certified Supervisors	

Under CANRA, a "Child" refers to a minor involved in sexual activity with another person.	Definitions and Comments	YES M.R.	NO M.R.
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1. Sexual intercourse and/or voluntary sodomy, oral copulation, sexual penetration, or other lewd or lascivious acts in which the child's partner is younger than 14-years-old and of a similar age, and there are no indications of abuse or exploitation.	See Planned Parenthood Affiliates of California v. John K. Van De Kamp (1986) 181 Cal. App. 3d 245 (1986); See also, In re Jerry M. 59 Cal. App. 4th 289. The Planned Parenthood court held that consensual sexual activity between minors under 14 who are of similar ages is not reportable if there is no indication of abuse. Additionally, per AB 1145, sexual assault does not include voluntary conduct in violation of sodomy, oral copulation, or sexual penetration laws if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.		X
2. Sexual intercourse and/or voluntary sodomy, oral copulation, sexual penetration, or other lewd or lascivious acts in which the child's partner is younger than 14-years-old.	See Planned Parenthood Affiliates of California v. John K. Van De Kamp (1986) 181 Cal. App. 3d 245 (1986). The Planned Parenthood court held	X	

[Click Here](#) to view [CAMFT's Consensual Sexual Activity Reporting Table](#)

“Sexual Assault” Reporting Categories

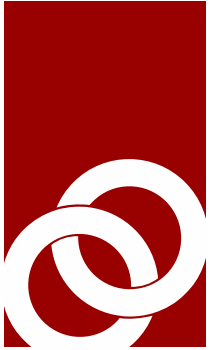
Rape in Concert



California Penal Code Section 264.1(a)

The provisions of Section 264 notwithstanding, when the **defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim,** committed an act described in Section 261 (**rape**) or 289 (**sexual penetration**), either **personally or by aiding and abetting the other person**, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years.





“Sexual Assault” Reporting Categories Incest

California Penal Code Section 285

Persons being within the **degrees of consanguinity** within which **marriages are declared by law to be incestuous and void**, who:

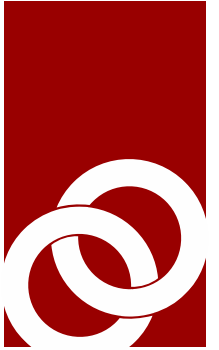
- **Intermarry** with each other; or
- **Being 14 years of age or older**, commit **fornication or adultery with each other**, are punishable by imprisonment in the state prison.

Note: “**Consanguinity**” generally refers to individuals who share a **common ancestor** (i.e. **blood relation**).



“Sexual Assault” Reporting Categories

Incest



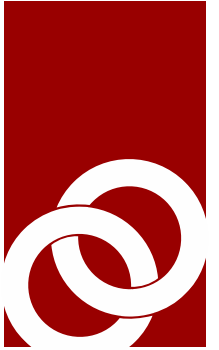
California Family Code Section 2200

Marriages between:

- **Parents and children;**
- **Ancestors and descendants** of every degree;
- **Siblings** of the **half** as well as the **whole blood**; and
- **Uncles or aunts** and **nieces or nephew;**

are **incestuous**, and **void** from the beginning, whether the relationship is legitimate or illegitimate.





“Sexual Assault” Reporting Categories Incest

In other words, if therapist knows or reasonably suspects that: 1) a **minor and a relative** share a **blood relation** specifically **listed in Family Code 2200** (See previous slide); and 2) **the minor and the relative:**

- **Intermarry** with each other; or
 - *No age requirement*
- Commit **fornication or adultery** with each other,
 - *Only applies if the minor and their relative are 14 or older.*

the therapist is **required to make a child abuse report.**





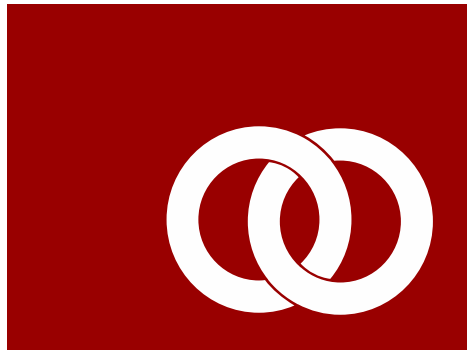
Helpful Resource

CAMFT's Consensual Sexual Activity Reporting Table

Read The Therapist	+
Legal Articles	-
> Legal Department Staff Articles	
> Article Category	
> Chronological Article List	
Advertising	+
CAMFT Certified Supervisors	

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[Click Here](#) to view [CAMFT's Consensual Sexual Activity Reporting Table](#)



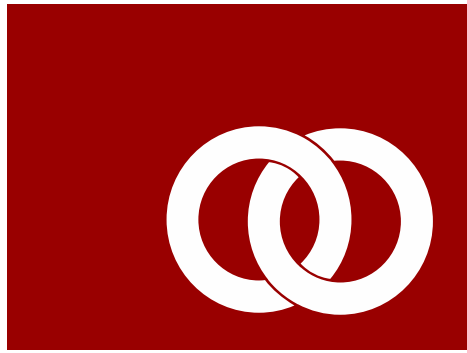
“Sexual Assault” Reporting Categories Lewd or Lascivious Acts Upon a Child

California Penal Code Section 288

This section **generally** defines the crime of “**lewd or lascivious acts upon a child**” as:

- 1) A person who willfully and lewdly commits any **lewd or lascivious act** upon or with the body, or any part or member thereof, of a **child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child; or**
- 2) A person who willfully and lewdly commits any **lewd or lascivious act** upon or with the body, or any part or member thereof, of a **child with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child if the person is ten or more years older than the child and the child is 14 or 15 years old.**





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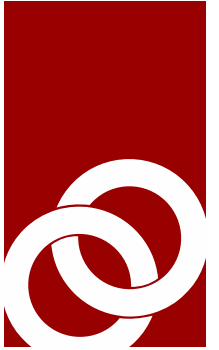


Lewd or Lascivious Acts Upon a Child *Planned Parenthood Affiliates of California v. John K. Van De Kamp*



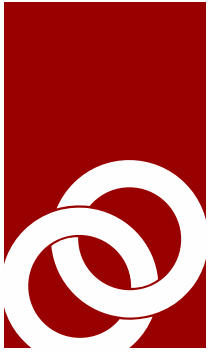
- The California Attorney General issued a formal opinion that included the interpretation that CANRA rendered **any sexual activity involving minors under 14 to be reportable.**
 - In the opinion, the AG concluded, among other things, that “**indicia of past or present sexual activity ipso facto render the minor [under 14] a child abuse victim.**”
(See *Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal.App.3d 245, 261.)
- **Planned Parenthood Affiliates of California and two doctors**, challenged this interpretation on various grounds, including **patient privacy.**

Lewd or Lascivious Acts Upon a Child *Planned Parenthood Affiliates of California v. John K. Van De Kamp*

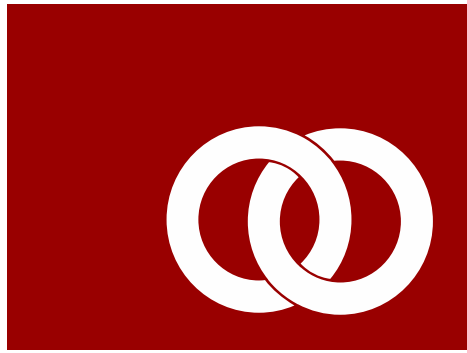


- The California Court of Appeal sided with Planned Parenthood et. al, stating “We must decide **whether the law requires a professional**, who has no knowledge or suspicion of actual abuse, to nevertheless **report a minor as a child abuse victim** solely because the minor is **under the age of 14** and has indicated that he or she **engages in voluntary, consensual sexual activity with another minor of similar age.** **We hold the reporting law imposes no such requirement.**” (*Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal.App.3d 245, 255.)

Lewd or Lascivious Acts Upon a Child
Planned Parenthood Affiliates of California
v. John K. Van De Kamp



- In sum, we must construe the reporting law as showing no legislative intent to require the reporting of voluntary sexual activity among minors under age 14. (*Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal.App.3d 245, 276.)



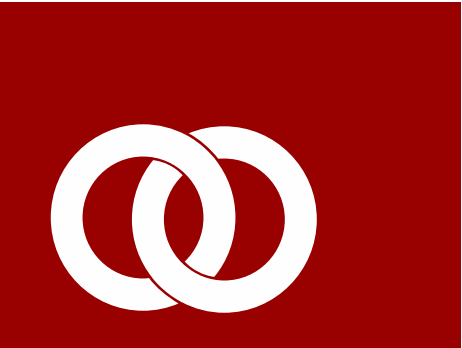
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 - ***Planned Parenthood Case Exception / Clarification: Consensual sexual activity between minors under 14 and of similar ages is not reportable*** (if there are no indications of abuse).
- 2) A person who willfully and lewdly commits any **lewd or lascivious act** upon or with the body, or any part or member thereof, of a **child with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child if the person is ten or more years older than the child and the child is 14 or 15 years old.**





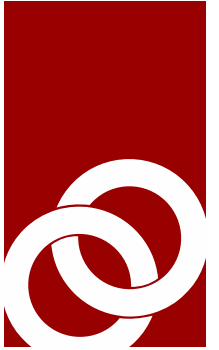
Helpful Resource

CAMFT’s Consensual Sexual Activity Reporting Table

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See [*Reporting Consensual Sexual Activity With and Between Minors* by Catherine Atkins, JD](#)

“Sexual Assault” Reporting Categories Sodomy, Oral Copulation, and Sexual Penetration



- **Sodomy** (Penal Code Section 286);
- **Oral Copulation** (Penal Code Section 287 or former Penal Code Section 288a);
- **Sexual Penetration** (Penal Code Section 289)

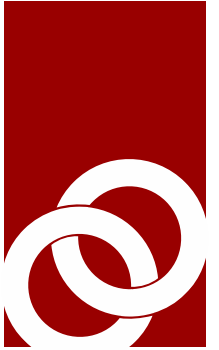
These acts are **generally legal between consenting adults**, when **performed in private places**, etc.

Note: “**Sexual Penetration**” generally refers to certain acts of **sexual penetration** involving **foreign objects, substances, instruments, or devices**, or by any **unknown objects**. (See Penal Code 289)

For more information, see the CAMFT article [Minors, Mandated Reporting, and Consensual Sexual Activity](#) by Bradley Muldrow, JD.



“Sexual Assault” Reporting Categories Sodomy, Oral Copulation, and Sexual Penetration



- Historically, CANRA required mandated reporters to report known or reasonably suspected acts of **nonconsensual or consensual sodomy, oral copulation, and sexual penetration** involving minors.
 - This requirement had a **discriminatory impact on LGBTQ minors.**



Sodomy, Oral Copulation, and Sexual Penetration AB 1145



- Effective January 1, 2021, **AB 1145** updates the **child abuse reporting requirements** for **voluntary / consensual sodomy, oral copulation, and sexual penetration** involving minors.
- Pursuant to this new law, **CANRA** has been **modified** to provide that, **for mandated reporting purposes, sexual assault “does not include voluntary conduct** in violation of [Penal Code] Section[s] 286 [**sodomy**], 287 [oral copulation], or 289 [**sexual penetration**], or former Section 288a [also **oral copulation**], if there are **no indicators of abuse**.
- Exception: If the conduct is between a **person 21 years of age or older** and a **minor who is under 16 years of age.**”

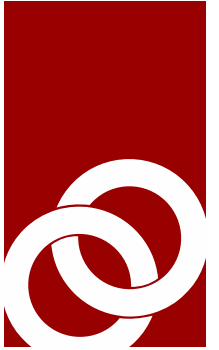
Sodomy, Oral Copulation, and Sexual Penetration AB 1145



- However, CANRA still requires mandated reporters to report known or reasonably suspected instances of lewd or lascivious acts upon current minors.
 - **AB 1145 did not modify this requirement.**
- With these rules in mind, and in light of case law interpreting CANRA's lewd or lascivious acts reporting requirement, the following slides will provide a **breakdown of how mandated reporters can approach reporting consensual sexual activity involving minors under the lewd or lascivious acts reporting category**, based on the ages of the individuals participating:

Reporting Lewd and Lascivious Acts Upon a Child

Scenario 1

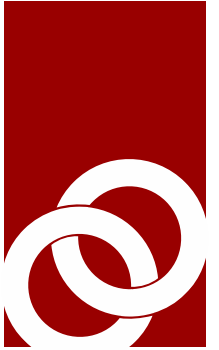


Scenario 1: Consensual Sexual Activity in Which Both / All Participants Are Under 14 Years Old

- In *Planned Parenthood Affiliates of California v. John K. Van De Kamp*, the California Court of Appeal held that **consensual sexual activity between minors under 14 who are of similar ages is not reportable if there is no indication of abuse.**
- Accordingly, if **minors who are under 14 and of similar ages** are engaged in **consensual sexual activity** (with **no indication of abuse**), this sexual activity would **not be reportable- even if the sexual activity includes sodomy, oral copulation, or sexual penetration.**

Reporting Lewd and Lascivious Acts Upon a Child

Scenario 1

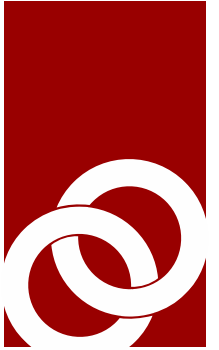


Scenario 1: Consensual Sexual Activity in Which Both / All Participants Are Under 14 Years Old

- *However*, CANRA requires therapists and other mandated reporters acting in their professional capacities to **report reasonably suspected instances of minors under 14 engaging in consensual sexual activity**, including **voluntary sodomy, oral copulation, and sexual penetration**, if: 1) the minors are **not of similar ages**; or 2) there are **indicators that the sexual activity involved abuse**.

Reporting Lewd and Lascivious Acts Upon a Child

Scenario 2



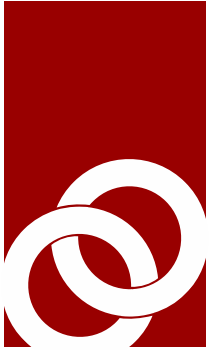
Scenario 2: Consensual Sexual Activity Involving a Minor Under 14 and a Person 14 Years Old or Older

- CANRA requires therapists and other mandated reporters acting in their professional capacities to report **reasonably suspected instances of lewd or lascivious acts upon children**, which may involve **consensual sodomy, oral copulation, or sexual penetration**, if the acts involved the participation of **minors under 14 and individuals 14 years old or older**.



Reporting Lewd and Lascivious Acts Upon a Child

Scenario 3



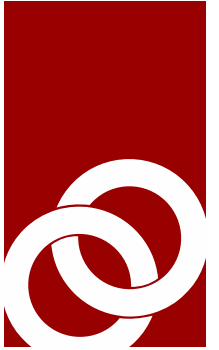
Scenario 3: Consensual Sexual Activity Involving a 14 or 15-Year-Old Minor and a Person Ten or More Years Older Than the Minor

- CANRA requires therapists and other mandated reporters acting in their professional capacities to **report reasonably suspected instances of lewd or lascivious acts upon children**, which may involve **consensual sodomy, oral copulation, or sexual penetration**, if the acts involved the participation of **children who are 14 or 15 years old and individuals at least ten years older than the children**.



Reporting Lewd and Lascivious Acts Upon a Child

Scenario 4



Scenario 4: Consensual Sodomy, Oral Copulation, and/or Sexual Penetration Involving a Minor 16 Years Old or Older and a Person 21 Years Old or Older

- Although sodomy, oral copulation, and sexual penetration are still listed as mandated reporting categories, under CANRA, **AB 1145 prohibits mandated reporters from reporting reasonably suspected instances of minors consensually engaging in these acts unless 1) the acts involve minors under 16 and persons 21 years old or older; or 2) there are indications that the sexual activity involved abuse.**





Helpful Resource

CAMFT's Consensual Sexual Activity Reporting Table

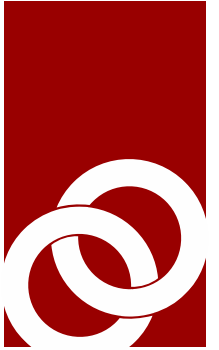
Read The Therapist	+
Legal Articles	-
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CAMFT Certified Supervisors	

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[Click Here](#) to view [CAMFT's Consensual Sexual Activity Reporting Table](#)

Practice Pointer

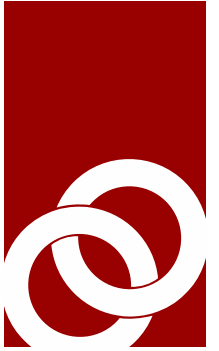
Minors Experiencing *Nonconsensual Sexual Activity* is *Always Reportable*



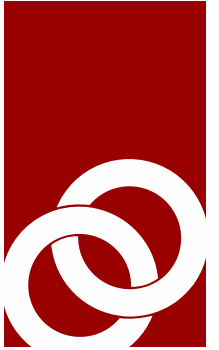
- The **previously discussed scenarios** highlight reporting requirements for various forms of ***consensual* sexual activity** involving minors.
- If a therapist or other mandated reporter acting in their professional capacity **reasonably suspects that a person currently under the age of 18 has been the victim of *nonconsensual* sexual activity**, CANRA requires the mandated reporter to report that nonconsensual sexual activity, under the “sexual assault” mandated reporting category, ***regardless of the perpetrator’s age***.

Practice Pointer

Access to Minors



- In some instances, **an adult patient** may inform their therapist that **someone who abused them during their childhood currently has access to minors**.
 - Therapists are **required to report** sexual abuse of current minors if they **know or reasonably suspect** that such abuse has occurred.
 - **Access to minors can be a key factor contributing to a therapist's knowledge or reasonable suspicion** that current minors have been sexually abused, but **a potential sexual abuser's access to minors *in and of itself* does not trigger a provider's mandated reporting obligation.**



The “What” of CANRA

What is Sexual Exploitation?

California Penal Code Section 11165.1

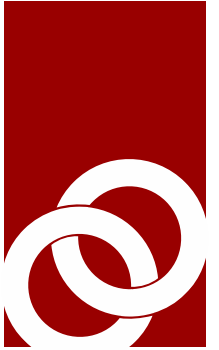
Pursuant to CANRA, the “**sexual abuse**” reporting category encompasses two separate subcategories:

- **Sexual Assault** (as defined in Penal Code Section 11165.1(a));
- **Sexual Exploitation** (as defined in Penal Code Section 11165.1(b)).



The “What” of CANRA

What is Sexual Exploitation?



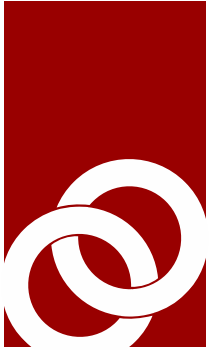
California Penal Code Section 11165.1(c)

CANAR definition of “sexual exploitation” generally includes **three subcategories of reportable conduct:**



What is Sexual Exploitation?

1) Preparing, Selling, or Distributing Matter Depicting Minors Engaged in Obscene Acts; or 2) Employing Minors to Perform Such Acts



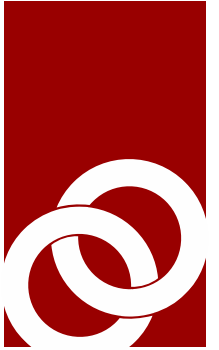
California Penal Code Section 11165.1(c)(1)

Conduct involving **matter depicting a minor engaged in obscene acts** in violation of:

- Penal Code Section 311.2 (**preparing, selling, or distributing obscene matter**); or
- Subdivision (a) of Penal Code Section 311.4 (**employment of minor to perform obscene acts**).

Note: “**Obscene acts**” generally consist of **nudity, erotic poses, sexual activity**, etc.





Practice Pointer

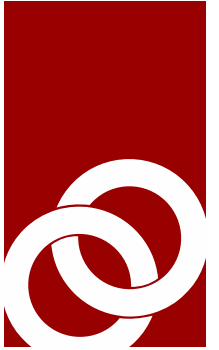
Is the Conduct Obscene?



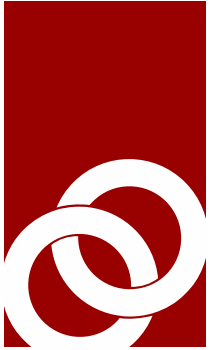
- In certain instances, a therapist **may not reasonably suspect that a questionable photo, video, or other depiction** of a minor is “**obscene.**” Depending on the circumstances, such depictions may include:
 - A photo of a **nude 18-month-old playing in a bathtub;**
 - A teen athlete **posting workout videos on Snapchat;**
 - A teen with an eating disorder or body dysmorphia **taking photos of their bodies related to their treatment or health.**

Practice Pointer

Is the Conduct Obscene?



- When determining **whether such depictions lead to reasonable suspicions of reportable sexual exploitation**; therapists should **consider the context of the depictions and other available information**, and **ask themselves questions, such as**:
 - Is this depiction **intended to be sexual in nature**?
 - Depictions that **some may find sexually appealing may not necessarily be obscene**.
 - E.g. A person may have a sexually inappropriate motive for viewing a video of a minor dancing or playing sports, but that in and of itself would not render the image obscene.
 - Is there **abuse or exploitation** involved?
 - Is someone **asking the minor to take the photo / video**? If so, **what is that person's intent**?
 - If the photo / video is **for a doctor or medical professional**, is the photo / video **related to the minor's treatment**? Has the minor been **asked to focus the photos videos on their private areas or pose in concerning ways**?
 - Is someone **paying the minor** to take / post the video?
 - In these instances, it can be also help to **obtain clinical consultation** from colleagues.



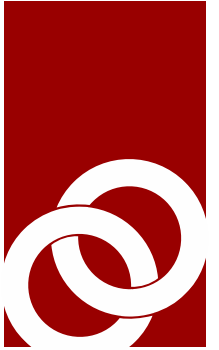
Practice Pointer

Animated and Morphed Images of Minors

Animated and 3-D Images

- Nude or otherwise obscene depictions of **animated or 3-D images of minors are generally not reportable** given that the minors in the depictions are **not human beings**.
 - CANRA's primary goal is **protecting actual children**.
- That said, **if an image / images of real children were used to create the animation / 3-D image**, a court may be **more likely to find the conduct to be sexually exploitative**.
 - This is particularly relevant if the image was **generated by AI**.





Practice Pointer

Animated and Morphed Images of Minors

Morphed Images

- “**Morphed images**,” for example, a child’s faced edited over the face of an adult engaged in sexual activity, are **generally viewed as sexually exploitative by courts**.
 - Courts have generally ruled that **sexual depictions that implicate the interests of children** (e.g. morphed images) constitute **sexual exploitation**.

Note: Therapists should **reach out to their malpractice carriers or obtain legal advice from private attorneys** if they are **unsure whether depictions they are made aware of in practice require child abuse reports** for sexual exploitation.



What is Sexual Exploitation?

Acts Involving 1) Child Prostitution; and/or 2) Live Sexual Performances and/or Modeling Involving Obscene Sexual Conduct



California Penal Code Section 11165.1(c)(2)

A person who knowingly:

- Promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or

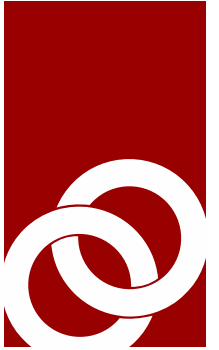
A person responsible for a child's welfare, who knowingly:

- Permits or encourages a child to engage in, or assist others to engage in,
 - 1) Prostitution or a live performance involving obscene sexual conduct; or
 - 2) to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct.

Note: For the purpose of this section, “person responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.



What is Sexual Exploitation? Acts Involving Child Pornography (Including Sexting)



California Penal Code Section 11165.1(c)(3)

A person who:

- **Depicts a child in;** or
- **Who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in**

an act of **obscene sexual conduct**.

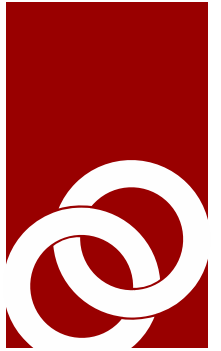
Exception: **Activities by law enforcement and prosecution agencies and other persons** described in subdivisions (c) and (e) of Section 311.3.

- E.g. law enforcement reviewing obscene images on a suspected child pornographer's computer, a medical professional photographing a minor's body for a legitimate medical purpose etc.



Practice Pointer

Sexting Involving Nude or Otherwise Obscene Photos, Videos, etc. of Minors is Reportable



- California Penal Code Section 11165.1(c) **does not include an exception for reporting sexual exploitation where the conduct:**
 - Is **consensual** (e.g. the minor took and/or sent the obscene photo / video themselves, etc.)
 - **Occurred between two minors** (e.g. two minors in a relationship sexting one another); etc.
- Therapists should **strongly consider expressly referencing sexting when discussing limits of confidentiality with patients and/or their representatives** at the outset of treatment.
 - This additional warning **need not be limited to minor patients.**
 - **Adult patients sometimes make offhanded references to sexting habits of their nieces and nephews, their friends', neighbors', and coworkers' children, etc.**



Example from CAMFT's Sample Informed Consent

Your Right to Confidentiality

As a psychotherapy patient, you have a right to confidentiality with respect to information related to our work together. Accordingly, information shared between us will generally remain confidential.

Exceptions to Confidentiality

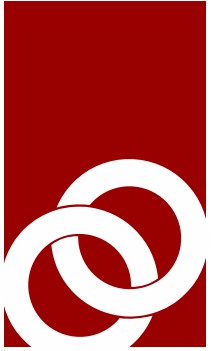
In certain, limited instances, the law requires me to disclose information pertaining to my work with you. For example, as a therapist I am required to report suspected child, elder, and dependent adult abuse. Please note that the legal definition of “child abuse” generally includes instances of “sexting” in which a person *of any age* captures, records, sends, receives, or possesses an image or video depicting a minor engaged in sexual or otherwise obscene conduct.

Similarly, in the event that I believe you present a serious and imminent danger to yourself, another person, or the public, I may be required to disclose information to emergency medical services, law enforcement, and/or another third party that can help to reduce or prevent that danger.

**CAMFT's Sample Informed Consent can be accessed online
via the [Sample Practice Forms](#) page on CAMFT's website.**

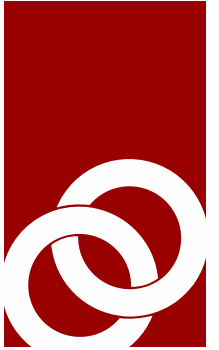
Practice Pointer

Minors Engaging in Live Sexual Performances (e.g. Skype / Facetime Sex, etc.) is Reportable as Sexual Exploitation



- Minors engaging in obscene sexual conduct over webcams, Facetime, Zoom, etc. can fall under the **live sexual performances** reporting category of **sexual exploitation** (See California Penal Code Section 1165.1(c)(2).)





Practice Pointer

Conduct Involving Child Pornography is Reportable Regardless of the Victim's Age



- Usually, child abuse and neglect is not reportable once the victim turns 18.
- However, **minors depicted in child pornography** (including photos / videos created and exchanged during sexting) will **always be minors within the depictions**.
 - Accordingly, **if a therapist** acting in their professional capacity, etc. **knows or reasonably suspects** that someone has:
 - **Intentionally viewed child pornography many years ago;**
 - **Intentionally sent or received photos / videos of a nude minor** back when they were in high school, etc.

the therapist would need to **report the conduct as sexual exploitation**, under CANRA.

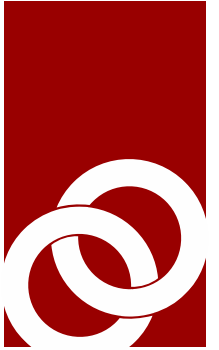
The “What” of CANRA

What is *Neglect*



The “What” of CANRA

What is Neglect?

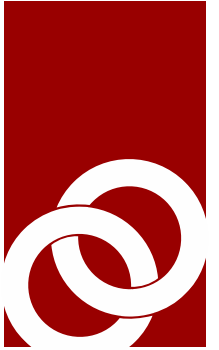


California Penal Code Section 11165.2

CANRA defines “neglect” as “the **negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare** under **circumstances indicating harm or threatened harm** to the child’s **health or welfare**. “Neglect” includes both **acts and omissions** on the part of the responsible person.”

- The law defines two separate forms of neglect:
 - **Severe Neglect;** and
 - **General Neglect.**





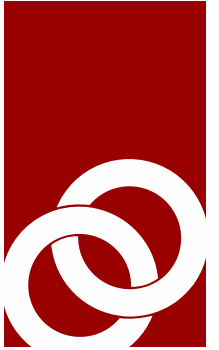
What is Neglect? Severe Neglect

California Penal Code Section 11165.2(a)

Under CANRA, “**severe neglect**” is the:

- **Negligent failure of**
- **A person having the care or custody of a child to**
- **Protect the child from:**
 - **Severe malnutrition; or**
 - **Medically diagnosed nonorganic failure to thrive.**





What is Neglect? Severe Neglect

California Penal Code Section 11165.2(a)

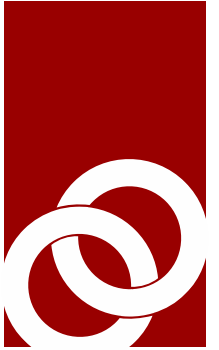
“**Severe neglect**” also means those **situations of neglect** where:

- Any **person** having the **care or custody of a child**
- **Willfully causes or permits** the person or health of the child to be placed in a situation such that their **person or health is endangered** as proscribed by Section 11165.3 (**Child Endangerment**), including:
 - The **intentional failure** to provide **adequate food, clothing, shelter, or medical care.**



What is Neglect?

General Neglect



California Penal Code Section 11165.2(b)

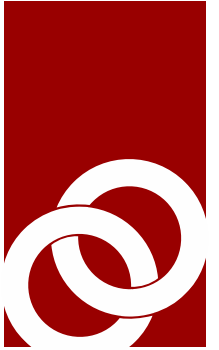
“General neglect” means:

- The **negligent failure** of
- A **person** having the **care or custody of a child**
- To provide **adequate food, clothing, shelter, medical care, or supervision** where
- **No physical injury** to the child has occurred but
- The **child is at substantial risk of suffering serious physical harm or illness.**
 - Exception: “General neglect” does not include a **parent’s economic disadvantage.**



Practice Pointer

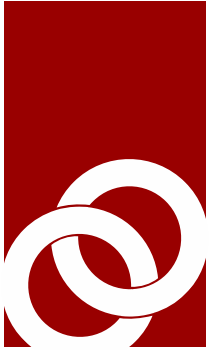
Minors Left Home Alone



- California law **does not set a specific age** at which **minors can be left home by themselves** (for a few hours, overnight, etc.)
- CANRA leaves the question of **what constitutes inadequate supervision** to mandated reporters' clinical judgment.
- **Potential questions** to consider:
 - Did the minor who was left home alone **experience severe malnutrition or medically diagnosed nonorganic failure to thrive?** (**Severe Neglect**)
 - Did the minor's caregiver endanger the minor's person or health (**Child Endangerment** or **Severe Neglect**)
 - Was the minor at **substantial risk of suffering serious physical harm or illness-** even if they were **not actually injured?** (**General Neglect**)

Practice Pointer

Mandated Reporters Do Not Have to Inform Parents / Guardians That They Have Made Reports



- Sometimes parents and guardians, particularly those involved in high-conflict divorces or separations, **want to know whether their minors' therapists have made mandated reports** regarding certain abuse or neglect allegations.
 - **CANRA does not require mandated reporters to disclose such information to parents or guardians.**
 - Moreover, depending on the confidentiality protocols the therapist established at the outset of treatment, providing such information **may breach the minor's confidentiality.**
 - In some instances, **declining to disclose** whether they have made mandated reports **can prevent parents and guardians from attempting to weaponize the therapists' reporting duties** against one another in court, etc.



CAMFT's Sample Informed Consent Setting Communication Protocols at the Outset of Treatment

Confidentiality and Treatment of Minors

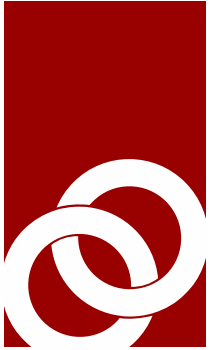
If a minor's parent(s) or guardian(s) give consent for me to treat the minor, I typically provide the parent(s) or guardian(s) with general updates about the minor's treatment. These updates may include the minor's diagnosis, treatment plan, progress in therapy, session attendance, or similar information. However, I generally do not share specific details about the minor's treatment or what the minor has shared with me during sessions unless: 1) the minor gives me permission to disclose such information and I believe the disclosure would be clinically appropriate; or 2) the minor is experiencing a crisis or other emergency circumstance that would authorize me to break confidentiality.

If the minor consents to their own treatment, the law generally prohibits me from communicating with their parent(s) or guardian(s) without written authorization from the minor unless the minor is experiencing a crisis or other emergency circumstance that would authorize me to break confidentiality.

Please feel free to reach out to me if you have questions about these policies or if you would like to discuss them further.

See [CAMFT's Sample Informed Consent](#)

Note: Don't forget to notify the minor of your policies regarding communication with their parent(s) or guardian(s) as well (and document that you've done so).



What is Neglect?

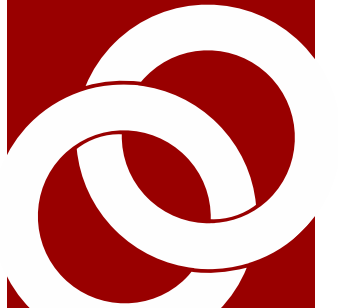
Neglect Reporting Exceptions

California Penal Code Section 11165.2(b)

- Per CANRA, a child:
 - 1) **Receiving treatment by spiritual means** as provided in Section 16509.1 of the Welfare and Institutions Code; or
 - 2) **Not receiving specified medical treatment for religious reasons**
- Shall not *for that reason alone* be considered a neglected child.
 - An informed and appropriate medical decision
 - Made by a parent or guardian
 - After consultation with a physician or physicians who have examined the minor
 - Does not constitute neglect.

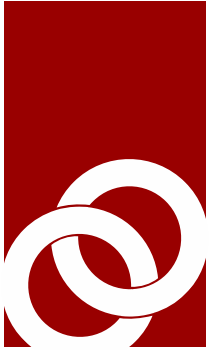


The “What” of CANRA
What is *The Willful Harming*
or Injuring of a Child or the
Endangering of the Person
or Health of a Child



The “What” of CANRA

What is Willful Harming or Injuring of a Child



California Penal Code Section 11165.3

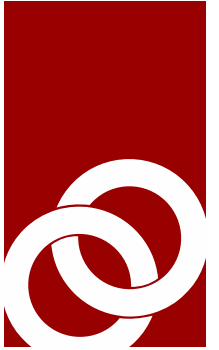
A situation in which **any person**

- **Willfully**
- **Causes or permits any child to suffer, or inflicts thereon**
- **Unjustifiable physical pain or mental suffering...**



Separate OPTIONAL Reporting Category

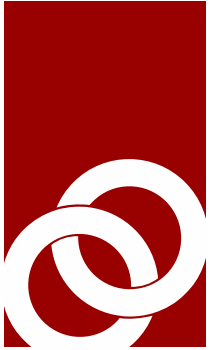
Serious Emotional Damage



California Penal Code Section 11166.05

Any mandated reporter who has **knowledge of or who reasonably suspects** that a **child**:

- **Is suffering serious emotional damage**; or is
- **At a substantial risk of suffering serious emotional damage**,
- **Evidenced by states of being or behavior**, including, but not limited to:
 - **Severe anxiety, depression, withdrawal, or untoward aggressive behavior** toward self or others, may make a report to an agency specified in CANRA (i.e. the **same protocols for mandated reports**).



Practice Pointer

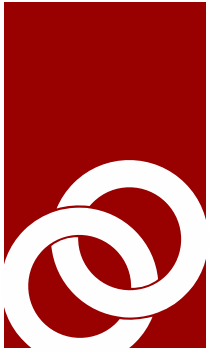
Minors Witnessing Domestic Violence

- Minors witnessing domestic violence is not reportable in and of itself.
 - However, these instances can be reported if they satisfy the requirements of:
 - Willful harming of a minor (mandated report)
 - Serious emotional damage (optional report)or other mandated reporting categories.



The “What” of CANRA

What is Endangering the Person or Health of a Child



California Penal Code Section 11165.3

A situation in which **any person...**

- Having the **care or custody of any child**
- **Willfully**
- **Causes or permits the person or health of the child**
- To be **placed in a situation** in which his or her **person or health is endangered.**

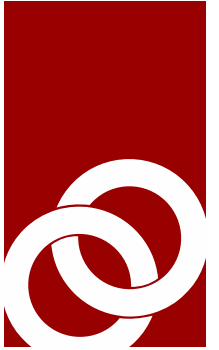


The “What” of CANRA
What is *Unlawful Corporal*
Punishment or Injury



The “What” of CANRA

What is Unlawful Corporal Punishment or Injury?



California Penal Code Section 11165.4

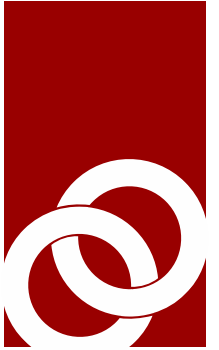
As used in CANRA, “**unlawful corporal punishment or injury**” means a situation where any person:

- **Willfully inflicts upon any child any cruel or inhuman corporal punishment or injury**
- **Resulting in a traumatic condition.**
 - **CANRA does not define “traumatic condition,” but we can gain insight from this term based on how it is defined elsewhere in the Penal Code.**



Defined Elsewhere in the Penal Code

Traumatic Condition



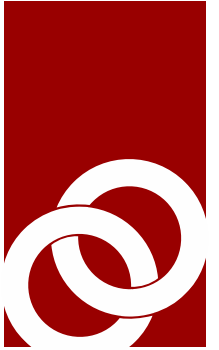
California Penal Code Section 273.5(d)

As used in this section, “traumatic condition” means a condition of the body, such as a **wound, or external or internal injury**, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force.

- For purposes of this section, “strangulation” and “suffocation” include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

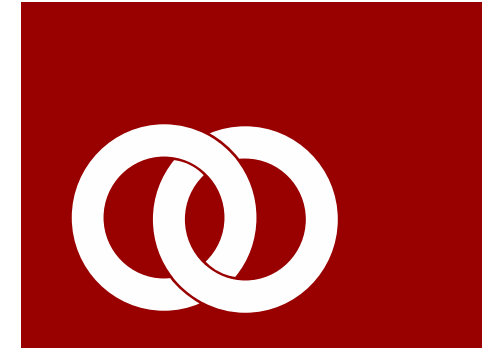


Unlawful Corporal Punishment “If It Leaves a Mark...”



- Some have used this interpretation of the term “**traumatic condition**” to create the following maxim regarding the reporting of unlawful corporal punishment, under CANRA:
 “If it leaves a mark, it must be reported.”
- However, the **California Court of Appeal** has interpreted CANRA’s unlawful corporal punishment reporting requirement differently...

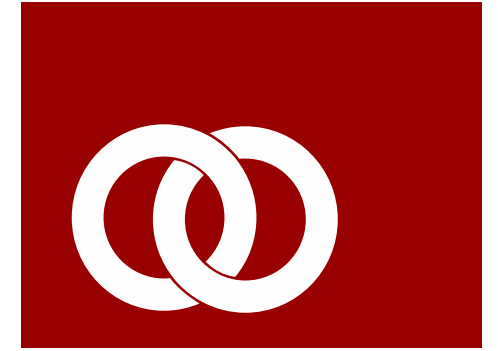
Unlawful Corporal Punishment or Injury *Gonzalez v. Santa Clara County Dept. of Social Services (2014)*



CANRA's Legislative Intent

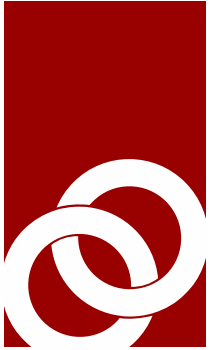
“In an uncoded statement of intention, the Legislature declared that ‘the **reporting of child abuse** and any subsequent action by a child protective agency involves a **delicate balance between the right of parents to control and raise their own children by imposing reasonable discipline and the social interest in the protection and safety of the child.** Therefore, it is the intent of the Legislature to require the reporting of child abuse which is of a **serious nature** and is not conduct which constitutes **reasonable parental discipline.**” (*Gonzalez v. Santa Clara County Dept. of Social Services* (2014) 223 Cal.App.4th 72, 87 (*citing* (Stats. 1980, ch. 1071, § 5, p. 3425).)

Unlawful Corporal Punishment or Injury *Gonzalez v. Santa Clara County Dept. of Social Services (2014)*



CANRA's Legislative Intent

“Here, as we have noted, the Legislature expressly declared its intention to preserve the right of parents to physically discipline their children. The failure to reiterate that intention in defining specific forms of child abuse **does not permit us to disregard it.**”
(*Gonzalez v. Santa Clara County Dept. of Social Services* (2014) 223 Cal.App.4th 72, 90.)



Unlawful Corporal Punishment or Injury *Gonzalez v. Santa Clara County Dept. of Social Services (2014)*

“...[A] **successful assertion of the parental disciplinary privilege** requires three elements:

- 1) A **genuine disciplinary motive**;
- 2) A **reasonable occasion for discipline**; and
 - E.g. Was the physical discipline a reasonable / sound punishment for the minor’s behavior?
- 3) A **disciplinary measure reasonable in kind and degree.**”

(Gonzalez v. Santa Clara County Dept. of Social Services (2014) 223 Cal.App.4th 72, 91.)

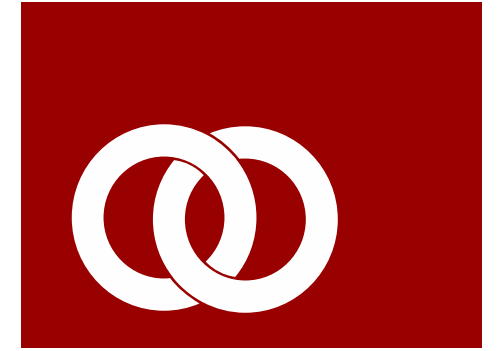
- If these criteria are met, the act of corporal punishment is not reportable.

See CAMFT’s Article [*The Myth of the Wooden Spoon*](#), by David Jensen, JD, for more information.



Practice Pointer

Gonzalez Court: Physical Discipline That Causes Bruising is Not Always Reportable



“We believe that **visible bruising** demarcates, or at least very nearly approaches, the outer limit for the quantum of “damage” to be tolerated. However, **we do not believe that it necessarily compels a finding of abuse unless there are grounds to find that[:]**

- [T]he parent **intended to inflict bruises,**
- [The parent] **knew his or her conduct would do so, or**
- [The parent] **should have known that bruises were likely to result**

from the **amount of force applied** and the **method of its application.**”

(Gonzalez v. Santa Clara County Dept. of Social Services (2014) 223 Cal.App.4th 72, 93.)

The “What” of CANRA

What is Unlawful Corporal Punishment or Injury?



California Penal Code Section 11165.4

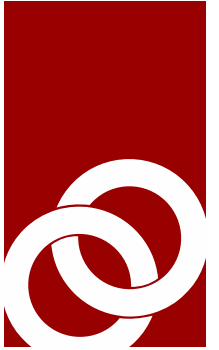
As used in CANRA, “unlawful corporal punishment or injury” does not include:

- An **amount of force** that is **reasonable and necessary** for a **person employed** by or **engaged in a public school** to:
 - **Quell a disturbance:**
 - Threatening physical injury to person or;
 - Damage to property
 - For purposes of **self-defense**; or
 - To **obtain possession of weapons** or other **dangerous objects within the control of the pupil**, as authorized by Section 49001 of the Education Code.



The “What” of CANRA

What is Unlawful Corporal Punishment or Injury?



California Penal Code Section 11165.4

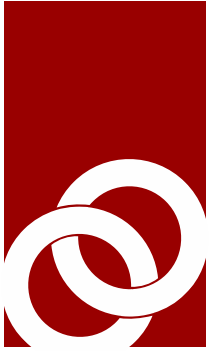
As used in CANRA, “unlawful corporal punishment or injury” does not include:

- It also does not include the **exercise of the degree of physical control authorized by Section 44807 of the Education Code**. This **Education Code** section provides, in relevant part:
 - A teacher, vice principal, principal, or any other certificated employee of a school district
 - Shall not be subject to criminal prosecution or criminal penalties
 - For the exercise, during the performance of his duties,
 - of the same degree of physical control over a pupil that a parent would be legally privileged to exercise
 - but which in no event shall exceed the amount of physical control reasonably necessary to
 - Maintain order;
 - Protect property;
 - Protect the health and safety of pupils, or
 - Maintain proper and appropriate conditions conducive to learning.



The “What” of CANRA

What is Unlawful Corporal Punishment or Injury?



California Penal Code Section 11165.4

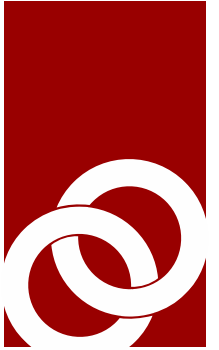
As used in CANRA, “unlawful corporal punishment or injury” does not include:

- An injury caused by:
 - Reasonable and necessary force
 - Used by a peace officer
 - Acting within the course and scope of his or her employment as a *peace officer*.



Practice Pointer

Employers Can Not Impede Workers' Mandated Reporting Duties



California Penal Code Section 11166(i)

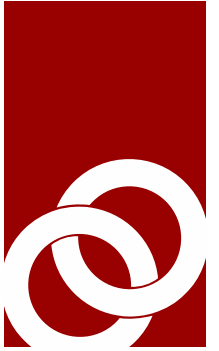
The reporting duties under CANRA are individual, and:

- **No supervisor or administrator may impede or inhibit the reporting duties, and**
- **No person making a report shall be subject to any sanction for making the report.**



Practice Pointer

Employers Can Not Impede Workers' Mandated Reporting Duties



California Penal Code Section 11166(i)

- **Employers and supervisors may establish protocols** for how those under their direction can **make reports**, so long as those protocols **comply with CANRA**.
- **Employers can not compel workers** under their employ who **make mandated reports to disclose their identities** to the employers.



Practice Pointer

Employers Can Not Impede Workers' Mandated Reporting Duties



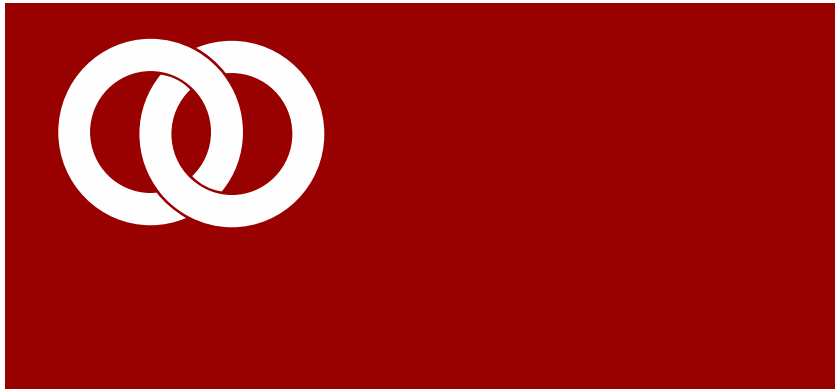
Note: Supervisees and newly licensed therapists should consider obtaining further consultation if their supervisors or other more experienced therapists disagree with their reporting decisions.

- Sometimes experienced therapists **make mistakes / misunderstand the law**, but it is generally imprudent to **discount their seasoned clinical judgments without further consideration.**

Further Reading Helpful CAMFT Articles



- *A Look at the Child Abuse and Neglect Reporting Act*, by Ann Tran-Lien, JD
- *Minors, Mandated Reporting, and Consensual Sexual Activity*, by Bradley J. Muldrow, JD
- *The Myth of the Wooden Spoon*, by David Jensen, JD
- *Reporting Consensual Sexual Activity With and Between Minors*, by Catherine Atkins, JD



Thank You for Attending!
Any Questions?