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AB-2669 Youth service organizations: child abuse and neglect prevention. (2021-2022)

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Assembly Bill No. 2669

CHAPTER 261

An act to amend Section 18975 of the Business and Professions Code, relating to youth service organizations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 06, 2022. Filed with Secretary of State September 06, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2669, Nazarian. Youth service organizations: child abuse and neglect prevention.

Existing law, which took effect January 1, 2022, requires administrators, employees, and regular volunteers of a youth service organization to undergo criminal background checks to identify and exclude any persons with a history of child abuse.

This bill would, until January 1, 2024, exclude from this background check requirement youth service organizations that, prior to January 1, 2022, did not require administrators, employees, or regular volunteers to undergo background checks.

Existing law requires a youth service organization to develop and implement child abuse prevention policies and procedures, including policies requiring, to the greatest extent possible, the presence of at least 2 mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children.

This bill would exclude an organization that provides one-to-one mentoring to youth that has developed and implemented policies to ensure reporting of suspected incidents of child abuse to persons or entities outside of the organization, comprehensive screening of volunteers, training of volunteers and parents or guardians, and regular contact with volunteers and parents or guardians from the requirement that at least 2 mandated reporters be present when administrators, employees, or volunteers are in contact with, or supervise, the children.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18975 of the Business and Professions Code is amended to read:

18975. (a) An administrator, employee, or regular volunteer of a youth service organization shall complete training in child abuse and neglect identification and training in child abuse and neglect reporting. The training requirement may be met by completing the online mandated reporter training provided by the Office of Child Abuse Prevention in the State Department of Social Services.

(b) (1) An administrator, employee, or regular volunteer of a youth service organization shall undergo a background check pursuant to Section 11105.3 of the Penal Code to identify and exclude any persons with a history of child abuse.

(2) Until January 1, 2024, paragraph (1) shall not apply to a youth service organization that, prior to January 1, 2022, did not require administrators, employees, or regular volunteers to undergo background checks pursuant to Section 11105.3 of the Penal Code.

(c) A youth service organization shall develop and implement child abuse prevention policies and procedures, including, but not limited to, both of the following:

(1) Policies to ensure reporting of suspected incidents of child abuse to persons or entities outside of the organization, including the reporting required pursuant to Section 11165.9 of the Penal Code.

(2) (A) Policies requiring, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children.

(B) This paragraph shall not apply to an organization that provides one-to-one mentoring to youth that has adopted and implemented the policies described in paragraph (1) and has adopted and implemented policies to ensure comprehensive screening of volunteers, training of volunteers and parents or guardians, and regular contact with volunteers and parents or guardians.

(d) Before writing liability insurance for a youth service organization in this state, an insurer may request information demonstrating compliance with this section from the youth service organization as a part of the insurer's loss control program.

(e) For purposes of this section:

(1) "Regular volunteer" means a volunteer with the youth service organization who is 18 years of age or older and who has direct contact with, or supervision of, children for more than 16 hours per month or 32 hours per year.

(2) "Youth service organization" means an organization that employs or utilizes the services of persons who, due to their relationship with the organization, are mandated reporters pursuant to paragraph (7) of subdivision (a) of Section 11165.7 of the Penal Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow nonprofit organizations that provide 1 to 1 mentoring services to be compliant with state child protection policies and to provide urgently needed protection from liability for those nonprofits, it is necessary that this act take effect immediately.