

# CANRA OVERVIEW FOR LOCAL SPORTS CLUBS/ORGANIZATIONS

*November 14, 2022*

California's Child Abuse and Neglect Reporting Act (CANRA), California Penal Code section 11164 *et seq.*, is a law intended to protect children from abuse and neglect. This overview is meant to assist you in complying with this critically important law.<sup>1</sup>

## **Who Is a Mandated Reporter?**

Many individuals working with sports clubs are classified as mandated reporters, including:

- Administrators and employees of youth recreation programs; and
- Administrators, board members, or employees whose duties require direct contact and supervision of children.

(Pen. Code, § 11165.7, subs. (a)(7)-(8).)<sup>2</sup> While volunteers with such organizations are not technically mandated reporters, they are “encouraged” to report child abuse or neglect. (*Id.*, § 11165.7, subd. (b).)

## **What Are Mandated Reporters Required to Report?**

A mandated reporter is required to make a report “whenever the mandated reporter, in the mandated reporter’s professional capacity or within the scope of the mandated reporter’s employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.” (*Id.*, § 11166, subd. (a).)

Penal Code section 11166(a)(1) defines “reasonable suspicion” as when it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position to suspect child abuse. When appropriate, the reporter can draw on their training and experience to determine whether reasonable suspicion exists. “‘Reasonable suspicion’ does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any ‘reasonable suspicion’ is sufficient.” (*Ibid.*)

“Child abuse or neglect” includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse; neglect; the willful harming, injuring, or endangering of a child; and unlawful corporal punishment or injury. (*Id.*, § 11165.6.)

---

<sup>1</sup> Note that while the information in these materials is meant to assist you in complying with CANRA, it is not a substitute for the statutory language itself and does not constitute legal advice. For any specific questions or concerns, we strongly encourage you to consult with qualified legal counsel. Further, while these materials are current as of the date indicated above, these requirements are subject to amendment and you and/or your attorney should review current legal requirements.

<sup>2</sup> For a full list of mandated reporters, please refer to California Penal Code section 11165.7.

In particular, “sexual abuse” includes sexual assault or sexual exploitation. (*Id.*, § 11165.1.) The definition of “sexual assault” includes rape, oral copulation, lewd or lascivious acts upon a child, sexual penetration, and child molestation. “Sexual assault” is further defined as acts including but not limited to: intentional touching of intimate parts or the clothing covering them for the purposes of sexual gratification and masturbation in the presence of a child. (*Id.*, § 11165.1, subs. (a), (b)(1), (4)-(5).)

The definition of “sexual exploitation” includes any conduct including matter depicting minors engaged in obscene acts, as well as knowingly promoting, aiding, assisting, employing, using, persuading, inducing, or coercing a child, or assisting others to engage in, a live performance involving obscene sexual conduct or to pose or model alone or with others for the purposes of preparing a film, photograph, or other pictorial depiction involving obscene sexual conduct. (*Id.*, § 11165.1, subs. (c)(1)-(2).)

### **How Does a Mandated Reporter Fulfill Their Reporting Obligation?**

When there is reasonable suspicion that sexual abuse or neglect occurred, a mandated reporter must—immediately, or as soon as is practicably possible—call a local law enforcement or child welfare agency to report it. (*Id.*, § 11166, subd. (a).) Within 36 hours of receiving the information concerning the incident, the mandated reporter shall also prepare and send, fax, or electronically transmit a written follow-up report. (*Ibid.*)

The mandated reporter may include any non-privileged documentary evidence relating to the incident in their report. (*Id.*, §§ 11166, subd. (a), 11165.9, subd. (a) [specific law enforcement agencies].) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter must—by fax or electronic transmission, immediately or as soon as is practicably possible—make a one-time automated written report on the form prescribed by DOJ (Suspected Child Abuse Report, BCIA 8572, available online at [https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf)) and shall also be available to respond to a telephone follow-up call from the agency with which the mandated reporter filed the report. (*Id.*, § 11166, subd. (b).)

### **What Information Must Be Included in the Report?**

Penal Code section 11167(a) details that mandated reports must include:

- The mandated reporter’s name, business address, and telephone number;<sup>3</sup>
- The capacity that makes the person a mandated reporter;
- The information that gave rise to the reasonable suspicion of child abuse or neglect; and
- The source or sources of that information.

---

<sup>3</sup> Any other reporter who is not a mandated reporter, *i.e.*, volunteers, any other person, or a mandated reporter acting in their personal, private capacity, is not required to include their name on the report. Pen. Code, § 11167, subd. (f); see also Pen. Code, § 11166, subd. (g).

The following information, if known, is also required:

- The child's name;
- The child's address;
- The child's present location, and if applicable, school, grade, and class;
- The names, addresses, and telephone numbers of the child's parents or guardians; and
- The name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child.

A mandated reporter is required to complete a report even if some of this information about the child is not known or certain to them.

**Can the Mandated Reporter Fulfill Their Obligation Under CANRA by Reporting the Suspected Abuse to the Local Club or Organization Board, Committee, U.S. Center for SafeSport, or the National Governing Body?**

No. CANRA reporting duties are individual to the mandated reporter, and cannot be fulfilled by another person or entity on behalf of the mandated reporter. (*Id.*, § 11166, subd. (i)(1).) Internal club policies shall not, under any circumstances, direct an employee to refrain from making a mandated report to law enforcement or a child welfare agency in order to allow the employee's supervisor to file or process the mandated report. (*Ibid.*)

**What are the Club's Obligations?**

**Clubs Must Obtain and Retain a Signed Statement from Employees Acknowledging CANRA Reporting Duties as a Prerequisite of Employment**

Before, and as a prerequisite to, employment, employers must obtain and retain a signed statement from employees who are mandated reporters that acknowledges their reporting duties. (*Id.*, § 11166.5, subs. (a)(1)-(2).) The mandated reporter "shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions." (*Id.*, § 11166.5, subd. (a)(1).) "The statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Section 11166 and of his or her confidentiality rights under subdivision (d) of Section 11167. The employer shall provide a copy of Sections 11165.7, 11166, and 11167 to the employee." (*Ibid.*) Only support or maintenance staff who do not work with, observe, or have knowledge of children as part of their official duties are exempt. (*Id.*, § 11166.5, subd. (a).)

**No Supervisor or Administrator May Impede or Inhibit Reporting Duties**

No supervisor or administrator may impede or inhibit CANRA reporting duties, and no person making a report shall be subject to any sanction for making the report. (*Id.*, § 11166, subd. (i)(1).) While an organization may employ internal procedures to facilitate reporting and to

apprise supervisors and administrators of reports, these procedures cannot be inconsistent with CANRA. For example, internal policies shall not:

- Direct an employee to allow the employee’s supervisor to file or process a mandated report under any circumstances;
- Require any mandated reporter to disclose their identity to the employer when making a report; or
- Provide that reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, or other person is a substitute for making a mandated report to a law enforcement or child welfare agency.

(*Id.*, § 11166, subds. (i)(1)-(3).)

**CANRA Encourages Training in Child Abuse and Neglect Identification and Reporting**

Employers are “strongly encouraged” to train their employees who are mandated reporters in child abuse and neglect identification and reporting. (*Id.*, § 11165.7, subd. (c).) The absence of training does not excuse a mandated reporter from performing their duties. (*Id.*, § 11165.7, subd. (f).)

Organizations are also encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect. (*Id.*, § 11165.7, subd. (g).)