PROBLEM

 Teens that identify as LGBT and others who engage in non-intercourse activities to preserve their virginity and many other normally developing adolescents must be reported as abusers under existing law, making them less likely to turn to an adult for counsel.

 For example, current law states that if a 17 year old boy is having voluntary traditional sex with a 17 year old girl, a mandated report is not required. However, if two 17 year old boys or two 17 year old girls were participating in other voluntary sexual acts, a mandated report is required. This creates discrimination with the way we treat our gay and lesbian youth.

 Under current law, teens are restricted from talking to a trusted adult about sex, because depending on their ages and type of sexual act, the teens may be reported as a child abuser. This leaves teens vulnerable to pregnancy, sexually transmitted diseases, and other harm that can come from lack of knowledge about sex. Current reporting requirements for mandated reporters of child abuse are confusing, inconsistent, and discriminatory.

 Because many reporters consider this unjust, some mandated reporters are not following the law, which endangers our children. A Department of Consumer Affairs legal opinion in 2013 only further confused the issue, appearing to offer some reporters leeway to use clinical judgment when determining what consensual acts to report. But because this opinion lacks the power of law, reporters are advised that the safest course of action is to follow the existing statute.

SOLUTION

 AB 1145 creates a clear, uniform, and non-discriminatory standard for mandated reporters to follow. Clear and consistent reporting requirements would ensure that reporters are more confident and knowledgeable about what needs to be reported and result in increased safety for our youth.

 AB 1145 would treat all voluntary sexual activity the same way that sexual intercourse is treated for the purposes of child abuse reporting. AB 1145 would make sure that our gay and lesbian youth are not discriminated for their sexual orientation. All activity that is exploitive or coercive in nature would remain a mandated report.

STATUS

 Assembly Appropriation Committee – set for hearing: Wednesday, April 25, 2019

SUPPORT

California Psychological Association (CPA)

California Public Defenders Association (CPDA)

OPPOSITION

None

CONTACT

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