

## ACTION REQUIRED

### Assembly Bill 1207 (Lopez), Chapter 414, Statutes of 2015

**Affects:** Child Care Centers (CCCs) and Family Child Care Homes (FCCHs)

**Subject:** Mandated Child Abuse Reporting: Child Day Care Personnel: Training

**Summary:** [Assembly Bill 1207](#) amended Penal Code [Section 11165.7](#) and amended Health and Safety Code [Section 1596.866](#) and added Health and Safety Code [Section 1596.8662](#).

### OVERVIEW

Beginning on January 1, 2018, this law requires all licensed providers, applicants, directors and employees to complete training as specified on their mandated reporter duties and to renew their training every two years. Volunteers are encouraged but not required to take the training.

At minimum the training must include information on the following subjects as specified by Health and Safety Code [Section 1596.8662\(a\)\(2\) and \(a\)\(3\)](#):

- Identification of child abuse and neglect, including recognition of behavioral signs
- Reporting requirements for child abuse and neglect at a CCC, FCCH, or any other setting, including how to report and to whom
- Criminal misdemeanor punishment for failure to report an incident of suspected child abuse or neglect (Penal Code Section 11166)
- Supervisors, administrators who impede or inhibit one's reporting duty shall be subject to punishment (Penal Code Section 11166.01)
- Reporters duties are individual and they shall not be sanctioned for making a report (Penal Code Section 11166)
- Childhood stages of development to help distinguish whether a child's behavior or physical symptoms are within range for their age and ability, or are signs of abuse or neglect
- Child safety and maltreatment prevention
- Protective factors that may help prevent abuse, including dangers of shaking a child, safe sleep practices, psychological effects of repeated exposure to domestic violence, safe and age-appropriate forms of discipline, how to promote a child's social and emotional health, and how to support positive parent-child relationships
- Recognizing risk factors that may lead to abuse, such as stress and social isolation, and available family resources to help prevent child abuse and neglect
- When to call for emergency medical attention to prevent further injury or death
- How a licensed child care provider, administrator, or employee of a licensed child day care facility might communicate with a family before and after making a suspected child abuse report

## **Effective January 1, 2018**

- Applicants must meet requirements as a precondition to licensure
- Existing licensees must meet requirements by March 30, 2018
- New employees shall have 90 days to complete training as required

This training requirement may be directly met by using the Department's Office of Child Abuse Prevention (OCAP) online training modules. The OCAP modules are free of cost and available at: <http://www.mandatedreporter.ca.com/> and are provided in English and Spanish. If no training is made available in a required person's primary language then those persons shall be exempt from this requirement.

Persons who would like to meet this requirement by using an alternate type of training other than the OCAP modules must first submit a request to and obtain approval from the Department.

### **IMPLEMENTATION**

All licensed providers, applicants, directors, and employees must have proof of training documentation. For applications submitted after January 1, 2018, proof of training documentation should be included with the application packet. Acceptable proof of training documentation will display a training completion date current within the past two years. Proof shall remain on file and accessible at the facility.

The Licensing Program Analyst (LPA) may verify documentation during an application review or by checking facility staff files during inspections. Proof of training may be established by an OCAP training certificate OR documentation of an alternate training provided with Department approval.

During an inspection the LPA will verify the proof of documentation for alternate trainings by:

- Checking that the person's required proof of training documentation includes their name and a date of completion within two years
- Verifying that the alternative trainer who provided the proof of training was approved by the Department

### **APPROVAL PROCESS FOR ALTERNATE TRAININGS**

Alternate trainings must meet all content and proof requirements specified by Health and Safety Code [Section 1596.8662](#). Persons who wish to use an alternate training other than the OCAP modules must submit a written request to their local regional licensing office.

Persons submitting the written request must include:

- Contact information including name, address and phone number for the organization providing the training
- Outline of content covered during the training
- Proof of training documentation must specify the date of completion

Persons who receive written approval for an alternate training from the Department should attach a copy of the approval to their proof of training documentation maintained at the facility.

The LPA should provide a written response within 10 days (if possible) to approve or deny an alternate training request. The Department's response should include the requestor's name; LPA name and regional office address; name and address of the alternate trainer; and the decision to deny or approve the request. In addition, the reply should advise the requestor to attach a copy of the approval to their proof of training documentation which must remain on file at the facility.

### **ENFORCEMENT**

If a licensed provider, applicant, director or employee does not have proof of training documentation on file as specified, then the LPA will issue a notice of deficiency and a **45-day** plan of correction per statute. Until regulations are implemented cite Health and Safety Code [Section 1596.8662\(b\)](#) as appropriate.