STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

BOARD OF PSYCHOLOGY – Administration
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MEMORANDUM

DATE	May 7, 2015
TO	Board of Psychology Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	**California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting - Penal Code Sections 261.5, 288, and 11165.1**

Background:

At our February, 2014 Meeting, the Board moved to ask for an opinion from the Attorney General (AG) clearly stating whether oral copulation and sodomy between minors of like age is reportable. It was our hope that Senator Steinberg would seek an opinion on behalf our licensees and the Board. However, staff learned in December 2014 that the request for an opinion was never forwarded to the AG.

On February 25, 2015, Assemblymember Garcia (D - AD 58) forwarded the Board's request for an official opinion to the AG. The opinion will also address issues regarding mandated reporting raised by the passage of AB 1775 Child Abuse and Neglect Reporting Act: sexual abuse (Melendez, Chapter 264, Statutes of 2014).

The questions laid out in the request to the AG are;

1. The Child Abuse and Neglect Reporting Act (CANRA; Pen. Code, sec. 11164 et seq.) requires "mandated reporters" to report instances of child sexual abuse, assault, and exploitation to specified law enforcement and/or child protection agencies. Does this requirement include the mandatory reporting of voluntary acts of sexual intercourse, oral copulation, or sodomy between minors of a like age?

2. Under CANRA is the activity of mobile device "sexting," between minors of a like age, a form of reportable sexual exploitation?

3. Does CANRA require a mandated reporter to relay third-party reports of downloading, streaming, or otherwise accessing child pornography through electronic or digital media?

Action Requested:

There is no action requested at this time.