California Board of
PSYCHOLOGY

1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
T (916) 574-7720   F (916) 574-8672   Toll-Free (866) 503-3221
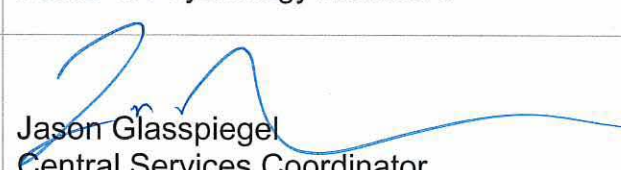www.psychology.ca.gov

MEMORANDUM

DATE	April 9, 2017
TO	Board of Psychology Members
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #4(c) – Update regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

Background:

In February of 2015, Assembly Member Garcia requested an opinion from the Attorney General (AG) regarding mandatory reporting requirements under CANRA, on behalf of the Board of Psychology.

The questions laid out in the request to the AG were:

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?

The issue became subject to litigation which placed the opinion on hold pending the disposition of the case.

On January 9, 2017, a decision was rendered by the Court of Appeal of the State of California, Second Appellate District. This decision affirmed the judgement of the Los Angeles County Superior Court trial.

On February 21, 2017, the plaintiffs in the Mathews v. Harris case filed a petition for review with the California Supreme Court.

On April 6, 2017, the Office of the Attorney General advised that their office will maintain the suspension of opinion number 15-201 until the litigation is concluded and they have a final disposition in the matter.

Action Requested:

This item is for informational purposes only. There is no action required.