
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 1737 **Hearing Date:** June 28, 2022
Author: Holden
Version: June 21, 2022
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Children's camps: safety*

HISTORY

Source: Author

Prior Legislation: AB 506 (Lorena Gonzalez) Chapter 506, Stats.2021
AB 1963 (Chu), Chaptered 243, Stats. 2020
AB 189 (Kamlager-Dove), Chapter 674, Stats. 2019

Support: County of Los Angeles Board of Supervisors

Opposition: Black Brant Group; Cal-Ore Wetlands and Waterfowl Council; California Collaboration for Youth; California Deer Association; California Hawking Club; California Houndsmen for Conservation; The California Library Association; California Rifle & Pistol Association, INC.; California Waterfowl Association; Camp Alandale; Camp Tawonga; City of Redwood City; County of Monterey; Delta Waterfowl; Meow Meow Foundation (unless amended); San Diego County Wildlife Federation; San Francisco Bay Area Chapter-Safari Club International; Wild Sheep Foundation, California Chapter

Assembly Floor Vote: 52 - 3

PURPOSE

The purpose of this bill is to create a Master Plan for Children's Camp Safety and to make people who are over the age of 18 who work at children's camps mandated reporters and are required to get background checks.

Existing law defines an organized camp as a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five or more days during one or more seasons of the year. (Health & Safety Code § 18897 (a).)

Existing law excludes from the definition of an organized camp a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp, childcare institution, or home finding agency. (Health & Safety Code § 18897(b).)

Existing law requires DPH to establish rules and regulations for organized camps. (Health & Safety Code § 18897.2.)

Existing law establishes requirements for the operation, regulation and enforcement of organized camps. (Health & Safety Code § 18897.3-18897.7; see 17 CCR 30700 et seq.)

Existing law prohibits the camp director and all camp counselors from having direct unsupervised contact with campers without first obtaining a satisfactory criminal history record check from the California Department of Justice, Bureau of Criminal Identification, or U.S. Department of Justice National Sex Offender Public Registry, and a voluntary disclosure statement that contains the same information as standard HR-4 Staff Screening of the Accreditation Standards for Camp Programs and Services, American Camp Association (2007 Edition), as specified. (17 CCR 30751.)

Existing law establishes CANRA, which generally is intended to protect children from abuse and neglect. (Penal Code § 11164.)

Existing law defines “mandated reporter” under CANRA as specific child-care custodians, health practitioners, law enforcement officers, and other medical and professional persons. (Penal Code, § 11165.7.)

Existing law requires any mandated reporter who has knowledge of or observes a child, their professional capacity or within the scope of their employment whom they know or reasonably suspect has been the victim of child abuse or neglect, to report it as specified, to any police or sheriff's department, a county probation department if designated by the county to receive mandated reports, or the county welfare department. (Penal Code, §§ 11166 (a) 11165.9.)

Existing law makes it a misdemeanor for a mandated reporter to fail to report an incident of known or reasonably suspected child abuse or neglect as required by the CANRA. The offense is punishable by up to six months confinement in a county jail, or by a fine of \$1,000, or by both. (Penal Code, § 11166 (c).)

Existing law states that if a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until a specified agency discovers the offense. (Penal Code § 11166 (c).)

Existing law provides that people seeking a license, employment or volunteer position with supervisory or disciplinary power over a minor may have a criminal background check through the DOJ. (Penal Code § 11105.3.)

Existing law requires any request for a criminal background check to include the fingerprints of the individual along with other specified information. (Penal Code § 11105.3 (b).)

Existing law requires an administrator, employee, or regular volunteer of a youth service organization to complete training in child abuse and neglect identification and training in child abuse and neglect reporting and to undergo a background check. (Bus. & Prof. Code § 18975, (a) & (b).)

Existing law requires a youth service organization to develop and implement child abuse prevention policies, including, requiring to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children. (Bus. & Prof. Code § 18975 (c).)

Existing law defines “youth service organization” as an organization that employs or utilizes the services of persons who, due to their relationship with the organization, are mandated reporters, as specified. (Bus. & Prof. Code § 18975 (e)(2).)

Existing law defines “regular volunteer” as a volunteer with the youth service organization who is 18 years of age or older and who has direct contact with, or supervision of, children for more than 16 hours per month or 32 hours per year. (Bus. & Prof. Code § 18975 (e)(1).)

This bill makes a camp operator, camp director, staff member, or counselor, 18 years or older of a children’s camp a mandated reporter and requires those people to get appropriate training in child abuse and neglect.

This bill requires, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees or volunteers are in contact with, or supervising children.

COMMENTS

1. Need for This Bill

According to the author:

Existing law requires the Director of the California Department of Public Health (CDPH) to adopt rules and regulations regarding the minimum standards for the operation of “organized camps”. Current regulations require that the “site operator” of an “organized camp” submit written notice to County Departments of Public Health (County Departments) 30 days prior to camp operation.

- A. Publicly available camp data: It is unknown if County Departments are inspecting written notices submitted by “site operators” of “organized camps” as required because there is no publicly accessible information on submissions and County Departments do not submit inspection information to CDPH for public review. Violations found by County Departments are also not publicly available which makes it difficult for parents to make an informed decision on which camp is best or safest for their child.
- B. Insufficient regulatory oversight: Organized camps are not required to submit descriptions of their operating procedures to a County Department if they submit a written verification indicating the American Camp Association (ACA) certifies them. A description of operating procedures includes important information such as; staff skill verification criteria and process, staff-to-participant supervision ratios, safety procedures, emergency procedures specific to location. Site operators of organized camps also do not have to submit a written verification that they have conducted background checks of camp staff if they submit written verification that the camp is ACA certified.
- C. Unclear regulatory enforcement: Anecdotal evidence suggests that when County Departments find serious regulatory violations at camps, they do not or are unable to effectively protect the welfare of children at camps. In one instance, the drowning of a 6-year old in the pool of a child day camp

operating in Los Angeles County did not warrant a pause in the camp's operations. The camp continued to host child campers and re-opened its pool three days later without correcting all pool safety violations cited by the Los Angeles County Department of Public Health. It is unclear what enforcement mechanisms are available to County Departments if camps are found to be out of compliance with current regulations.

- D. Insufficient "camp" definition: The definition of "camp" in Health and Safety Code 18897 only includes camps that operate for five days or more, which crucially leaves out "day camps" that children attend for less than five continuous days. Day camps constitute the large majority of camps attended by children in California. Because day camps fall into a legal/regulatory grey area at best, the vast majority of camps attended by children are not required to follow CDPH regulations regarding camps and do not submit anything to County Departments, regardless of ACA accreditation.

2. Master Plan

This bill provides that the Secretary of California Health and Human Services in coordination with the Director of Social Service to develop and implement a master plan for children's camp safety. The master plan shall focus on the development of a licensing and regulatory framework for California's children camps, as well as increasing access to high quality children's camp programming. This issue was discussed thoroughly in Senate Human Services.

3. Mandated reporters

The Child Abuse Reporting Act (CANRA) (Penal Code §§11164 et seq.) provides "a comprehensive reporting scheme aimed toward increasing the likelihood that child abuse victims [will] be identified." (*Ferraro v. Chadwick* (1990) 221 Cal.App.3d 86, 90.) "The Act requires persons in positions where abuse is likely to be detected to report promptly all suspected and known instances of child abuse to authorities for follow-up investigation." (*Ibid.*; accord, *James W. v. Superior Court* (1993) 17 Cal.App.4th 246, 253-254.)

The Act identifies over 40 separate categories of mandated reporters. A mandated reporter must report known or reasonably suspected child abuse or neglect to a designated agency under section 11165.9, specifically "any police or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive such reports, or county welfare department." Failure to make the required report is a misdemeanor.

This bill would add a person who is over the age of 18 who is a camp operator, camp director, staff member, or counselor at a children's camp to the list of mandated reporters. Should anyone over 18 be a mandated reporter? This bill has the Secretary of Health and Human Services and the Director of Social Services create a master plan for children's camp safety—would it be better to wait and see what recommendations they make?

4. Background checks and requirements

In addition to making people mandated reporters, this bill would require a person who is over the age of 18 who is a camp operator, camp director, staff member, or counselor at a children's camp to complete training in child abuse and neglect identification and training in child abuse and neglect reporting. The training may be met by completing the online mandated reporter training provided by the Office of Child Abuse or Prevention in the State Department of Social Services.

The bill also provides that the camp shall develop and implement child abuse prevention policies and procedures, including, but not limited to, both of the following:

- Reporting suspected incidents of child abuse to persons or entities outside the organization.
- Requiring, to the greatest extent possible, whenever administrators, employees, or volunteers are in contact with, or supervising children.

This language is similar to requirements in AB 506 (Lorena Gonzalez) Chapter 506, Stats.2021. Since that bill has taken effect it has already raised concerns among organizations that work with children for practical reasons. Many day camps for children are supported with volunteers who are high school aged so you may have an adult overseeing it but teenagers or college students helping to staff the camp. So will these camps need a second background checked adult or would the bill better specify that there should always be two volunteers of any type together so that one person is not alone with the kids? If they need to have a second adult, what will that do the cost of camps which are already out of reach for many families? Or for the low cost camps put on by local communities—would they even be possible? And for the camps that are staffed by college students, how will the camps practically be able to get staff if anyone over 18 needs to be background checked? Would the college student who wants to work at a camp in their home town but goes to College in a different part of the state or country be able to be background checked in time to work a summer camp? This bill has the Secretary of Health and Human Services and the Director of Social Services create a master plan for children's camp safety—would it be better to wait and see what recommendations they make?

5. Argument in Support

Los Angeles County Board of Supervisors supports this bill stating:

AB 1737 would strengthen and improve current safety practices at local children's camps by requiring them to have a full-time adult health supervisor, and for camp operators to register with the local agency jurisdiction where the camp is located at least 90 days before the start of operations. It also would require the local jurisdiction to annually make one scheduled inspection and at least one unscheduled inspection at these camps. AB 1737 also would require specified camp staff to complete training in child abuse and neglect identification and reporting, and to also undergo a background check. Finally, the bill would require the development and the maintenance of the camps' operating plans, which includes information on admission, discipline, and health and safety policies.

With the summer months approaching and the return of programs and activities of children's camps and aquatic programs, it is of utmost importance to protect and to prioritize children's health and safety. According to the Federal Centers for Disease

Control and Prevention, drowning is the leading cause of injury-related death for children between the ages of 1-4 and is the second leading cause for children between the ages of 1-14.

6. Argument in Opposition

The California Library Association opposes this bill stating:

CLA is grateful to Assemblymember Holden and his staff for the continuing discussions on AB 1737. Our Association understands that the original goal of AB 1737 was to provide greater safety checks and balances for children's camps, particularly those camps offering activities, such as rock climbing, weaponry, ziplines, horseback riding, etc. that could be perceived as "high-risk" activities. However, the definition of "children's camp" continues to remain too broadly stated and includes day camps run by entities that do not feature these types of high-risk program offerings.

The bill's definition of "children's camp" includes daytime or overnight experiences offered to more than five children between the ages of 3 and 17 for five days or longer during at least one season. CLA reads this broad definition to include regularly offered public library programs and events such as robotics camps, STEM, summer reading, and others. For example, in Nevada County a few years ago, the public library hosted a week-long day camp for K-12 students interested in computer coding. In Watsonville, the public library partnered with the Parks and Recreation Department for a summer tutoring camp which lasted an entire semester. At the Sacramento Public Library, a 6 week program called, "Adult 101: Life Skills covering basic budgeting, stress management, and online safety" has 300 teens between the ages of 16 and 18 years of age signed up for this popular program.

The continuing requirement pertaining to mandated reporter and abuse identification training, background and reference checks, and the requirement that at least two mandated reporters be present at all times, is not achievable for public libraries. CLA is strongly opposed to any legislation that will require public library directors and staff to serve as mandated reporters. One of the most popular programs at the public library is "Lunch at the Library," feeding children who are eligible for free and reduced lunch during the summer months. The lunch program is often operated in conjunction with summer reading camps and other summer-long enrichment activities. Library directors are regularly told that, in some cases, the meal that some of the children receive at the library may be their only meal of the day. To that end, should a public library director or staff member who witnesses an undernourished child at our "Lunch" and camp events, report that child to authorities for "neglect" and risk driving that child away from future "Lunch" services at the library?

CLA would respectfully recommend that the bill be amended to state that children's camps do not include a "*public library.*" (e.g. the page 5, lines 1-2 and repeated on the page 5, lines 29-30 (June 8 version): "A children's camp does not include a youth sports league or team, or a camp owned or operated by a local education agency, or a public library.") We believe that these proposed

amendments would eliminate any confusion regarding our well supervised public library programs for children and teens.

At this point in time, CLA must unfortunately “oppose” AB 1737 due to the impacts of Section 60003.5 upon the public library community. **CLA argues that without an exemption for public libraries or the elimination of 60003.5, public libraries will simply elect to shut down their summer programs because of this costly and administrative burden.**

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