

California Assembly Bill 506 of 2021 FAQs

The State of California recently enacted AB-506 which implements new background checks and training standards for California Youth Service Organizations such as Girl Scouts of California's Central Coast. The following FAQs provide additional guidance on compliance with AB-506.

Who is required to obtain a background check?

All Volunteers and Employees are required to undergo a background check.

Who is considered a GSCCC Mandated Reporting Volunteer?

- A "Volunteer" is any individual 18 years of age or older who volunteers his or her time and has direct contact with, or supervision of, minors for more than 16 hours per month or 32 hours per year.
- A volunteer Camp staff, whether paid or unpaid.
- Individuals/parents/guardians who volunteer at: (a) a day camp or a camping event; or (b) recurring activities and/or events where the individuals are in charge of children other than their own, including but not limited to troop meetings.
- Individuals/parents/guardians responsible for transporting Girl Scouts to Council or events, other than their children. If your Troop organizes carpooling to an outing, activity, and/or meeting, the drivers, and adult passenger(s).
- Individuals/parents/guardians who anticipate supervising Girl Scouts on an ongoing basis, regardless of the total hours spent. The Council wants to ensure that any ongoing supervisory activities do not exceed the hours minimum established by AB-506.

The following individuals are not normally considered a GSCCC Mandated Reporting volunteer and are not required to comply:

- Individuals/parents/guardians who are attending events as spectators or guests, including fundraisers, award events, or troop meetings.
- Individuals/parents/guardians who organize amongst themselves to carpool without troop oversight or involvement.
- Girl Scouts who are participants in Girl Scouting activities and therefore not volunteers, even if over 18.
- Individuals/parents/guardians providing minimal assistance at an event, such as assisting with clean-up after a meeting on an infrequent basis.
- If you are unsure whether you qualify as a GSCCC Mandated Reporting Volunteer, please check with your Council.

I am a parent and/or guardian of a Girl Scout. Am I considered GSCCC Mandated Reporting Volunteer subject to complying with AB-506?

No. Typically Girl Scout Troops generally meet twice per month for about an hour, meaning that you will not meet the hour's requirement of Mandated Reporting Volunteer. However,

in the event you take on a leadership or supervisory role or volunteer at events outside of the monthly meetings, that additional participation may qualify you as an GSCCC Mandated Reporting Volunteer. If you are unsure about your status, please contact your Council.

I am attending a camping trip with my child. Am I subject to AB 506?

If you are attending an overnight or camping event, even with your child, absent further direction, you will be required to comply with AB-506.

How does AB-506 affect non-Girl Scouts youth groups based in California who want to use GSCCC facilities?

As a youth group based in California, any California youth group is subject to AB 506. In the group's application to use GSCCC facilities, GSCCC must obtain confirmation of the youth group's compliance with AB-506, or an exemption, and ensure the non-Girl Scout group has no supervision or control over GSCCC personnel.

Any Employee or GSCCC Mandated Reporting Volunteer of a Girl Scout Troop/group who supervises any non-Girl Scout group must comply with AB-506.

By completing the California Child Abuse Mandated Reporting Training, am I considered a Mandated Reporter?

- Mandated Reporters are individuals whose professions qualify them as "mandated reporters" of child abuse and neglect as listed under California Penal Code Section 11165.7.
- Mandated Reporters are obligated under California law to report all known or suspected cases of child abuse or neglect to the appropriate local law enforcement or child welfare agency.
- Under AB-506, volunteers are not considered mandated reporters. However, AB 506 requires that volunteers complete mandated reporter training.
- AB-506 does not consider volunteers to be mandated reporters and therefore, they are not required, under California law, to report all known or suspected cases of child abuse or neglect. The training you receive from California may in fact state that volunteers are not mandated reporters. However, Girl Scouts does consider its volunteers to be mandated reporters for purposes of Girl Scouts policy. As such, Girl Scouts requires all of its volunteers to report all known and suspected cases of child abuse or neglect by the mandating training.

When Do Mandated Reporters Need to File a Report?

- Mandated reporters are required to make a telephone report immediately, or as soon as practicably possible, to Child Protective Services or an appropriate law enforcement agency when a mandated reporter knows or has reasonable suspicion of abuse or neglect of a child by any person. A written **Suspected Child Abuse Report ("SCAR")** must be completed within 36 hours of receiving information that prompted concerns. SCAR can be found on our **website**.
- To obtain contact information for Child Protective Services ("CPS") agencies for all counties, visit the California Department of Social Services website at <http://www.cdss.ca.gov>. Contacting CPS can help address the safety needs of

the child, protect the child from further harm, and facilitate the provision of services to the child and their family.

What are Examples of Suspected Child Abuse?

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health of a child, any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.
- Abuse occurs when a person downloads or accesses child pornography on the internet.

What is "Reasonable Suspicion" of Abuse?

- Reasonable suspicion exists when "it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. Reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical/physical indication of child abuse or neglect; any reasonable suspicion is sufficient." In the absence of clear physical indicators or verbal reports of abuse, mandated reporters may rely on direct observations of children and families or other credible information to assess when there is reasonable suspicion to make a report.
- It is important to maintain a clear distinction between determining whether there are grounds for reasonable suspicion and the decision to investigate the allegations. Making a report to CPS does not automatically trigger an investigation. Only a child protective agency or law enforcement agency can determine whether to conduct the investigation.
- Reports should be made in good faith and be based on common sense. A report of child abuse is serious and may have a lifelong impact on the child and their family. Never make a false or malicious report, but also keep in mind that making a report for investigation may help prevent further harm to the child and facilitate the provision of services to support the child and family.

Is there Any Liability for Failing to Report Suspected Abuse?

Under California law, if a person required to report fails to do so, that person may be charged with a criminal misdemeanor offense. California law provides a safe harbor for good faith reporting of suspected child abuse.

What Else Can Mandated Reporters do to Understand How to Get Through These Difficult Situations?

In addition to working to ensure that youths are participating in Girl Scouts in a safe

environment, mandated reporters can learn more about child abuse prevention efforts in their community, such as the California Office of Child Abuse Prevention (OCAP), Child Abuse Prevention Councils, and Family Resource Centers.

What forms do I need to submit for a background check?

- You will need to complete the Request for **Live Scan Service Form** (BCIA 8016). In addition to including your personal information, information will be provided to you by Council to complete the form. Once complete, you will take the form to a Live Scan operator where your fingerprints will be taken. Detailed instructions on how to fill out this form will be provided to you.
- In addition to the Request for **Live Scan Service Form**, you must also review and sign a **Background Check Consent Form**.

What is a Background Check Consent Form?

- After completing the background check and fingerprinting process, the results will be sent to the Custodian of Records (“COR”) at your Council. The COR is the only individual authorized to receive your results and will review and assess them to determine if you can serve as an Employee or XXXXX Volunteer.
- By signing the **Background Check Consent Form**, you are permitting the COR to share with Girl Scouts Councils whether you are authorized to participate in scouting activities. As individuals often move between Councils and troops, this limited information must be shared to ensure compliance with AB-506 and to protect the youth served by the Councils and Girl Scouting.
- By signing the **Background Check Consent Form**, you are also allowing the COR to share more detailed results of your background check with a designated Girl Scouting employee if the COR is unable to independently determine whether you may serve as an Employee or GSCCC Mandated Reporting Volunteer. Absent these limited circumstances, only whether you are authorized to participate in scouting activities will be shared with the Girl Scouts.
- Any individual with access to your background check information will maintain the confidentiality of that information as required by law.

Where can I get fingerprinted?

In California, fingerprinting must be performed by a certified fingerprint roller or qualified law enforcement personnel. The following link identifies Live Scan sites throughout California: <https://oag.ca.gov/fingerprints/locations>.

How much does it cost for fingerprinting and the background check?

Two costs are associated with the background checks – the Live Scan fee and the processing fee. The Live Scan fee varies depending on location but generally ranges between \$20 and \$50. A \$15.00 processing fee applies to federal background checks for a non-profit organization such as the Council. The processing fee is billed directly to Council by the DOJ

Will the Council cover the costs?

Yes, please send your receipt to AB506@girlscoutscoc.org and you will receive a check in 2-4 weeks.

How does the Live Scan process work?

The Live Scan operator will verify your identity, input your information into the system, capture your fingerprints electronically, and transmit the data to the Department of Justice. Once this process is complete, you will be provided with an applicant transaction identifier ("ATI") number. The ATI number is generated by the Live Scan device and used as a way to identify your transaction. You can check your background check status by going to <https://applicantstatus.doj.ca.gov/>. Both the ATI and your Date of Birth are required to check the status.

Is there anything that I should avoid when completing the fingerprinting and background check process?

You should avoid: (1) providing any incorrect information on the form; (2) submitting poor quality fingerprints (which the Live Scan operator should ensure against); and (3) failing to request both state and federal level background checks on the form. These mistakes may not only cause delays but may also require you to repeat the process, which means you will be required to pay the fees again.

How long does it take to receive results?

If no fingerprints are matching your fingerprints, the search is generally completed within 48 to 72 hours. If there is a match, the associated RAP sheet must be reviewed by a technician and can take much longer to complete.

Where Will the Background Check Results be Sent?

The results of the background check are sent to the COR at the Council requesting the background check.

Can I Contest the Contents of My Background Check?

You may challenge the accuracy or completeness of your FBI criminal history record. You will be afforded a reasonable amount of time to do so (or decline to do so) before being denied a benefit based on any information contained in your criminal history record, and that further guidance can be found at: <https://www.fbi.gov/about-us/cjis/background-checks>. The procedures for obtaining a change, correction, or update of a person's criminal history record can be found in Title 28, Code of Federal Regulations, Section 16.34.

Will Council Receive Future Notifications Regarding My Background Check?

As part of our continuing obligation to youth protection safety, the COR at the Council will receive continuing notifications of any subsequent arrests and/or convictions. Any subsequent arrest and/or conviction may result in termination of employment and/or exclusion from participating in any Girl Scouting activity.

Do you have additional questions?

If you have any additional questions about compliance with AB 506, please contact info@girlscoutsccc.org

AB-506 VOLUNTEER PROCESS

Volunteers and staff must be registered members of the Girl Scouts.

REQUIRED STATE MANDATED REPORTER TRAINING

All Employees, Registered Adult Volunteers, and Regular Volunteer positions identified as requiring training shall complete California-mandated training (2 hours) beginning January 1, 2022. The training is available at <https://mandatedreporterca.com/training/volunteers>

Regular Volunteer means a volunteer with the Girl Scouts who is 18 years of age or older and who has direct contact with, or supervision of, children more than 16 hours per month or 32 hours per year.

STATE TRAINING COMPLETED

- Email your state Mandated Reporter Training Certificate to info@girlscoutsccc.org

LIVESCAN BACKGROUND CHECK

- Fill out the [Request for Live Scan Service form](#).
- Find the Live Scan site nearest to you <https://www.certifixlivescan.com/> or <https://oag.ca.gov/fingerprints/locations>.

If you live in Ventura County, we are requesting that you go to LiveScan Ventura, located at 1900 S. Victoria #A, Ventura, CA 93003. Let them know you are with GSCCC, and we will be billed for your LiveScan so you pay nothing out of pocket. We have an account with them so we pay a lower fee as well.

- Bring the complete Request for Live Scan Service form to a service provider. You must use your Council's Live Scan form, as it includes your Council's routing information for your background check. Instructions on how to complete this form are available on the **Resources** page.
- Each individual must pay a fingerprint rolling fee (\$20 – \$40) and will be reimbursed after the receipt is received by council.