

Appendix A: Child Sexual Assault Reporting Requirements

Activity	Report Required	Source
<p>Minor under age 14: consensual sexual activity with minor partner under age 14 and of similar age, and additional facts do not suggest abuse.</p> <p>This includes minors under age 14 who seek medical treatment for STDs, pregnancy, or abortion, where practitioners believe these conditions are the result of consensual sexual activity, and additional facts do not suggest abuse.</p>	NO	<p><i>Planned Parenthood Affiliates of CA v. Van de Kamp</i></p> <p><i>People v. Stockton Pregnancy Control Medical Clinic</i></p> <p>67 Ops. Atty. Gen. 235, 6-1-84</p>
<p>Minor under age 14: Consensual sexual activity with partner age 14 or over, and additional facts do not suggest abuse</p>	YES	<p>Cal. Pen Code § 288(a) Cal. Penal Code § 11165.1(a) <i>In re Paul C.</i></p>
<p>Minor age 14 or 15: Consensual sexual activity with partner at least 10 years older, and additional facts do not suggest abuse</p>	YES	<p>Cal. Pen Code § 288(a) Cal. Penal Code § 11165.1(a)</p>
<p>Minor age 14 or over: consensual sexual activity with minor partner age 14 or over and of similar age, and additional facts do not suggest abuse.</p>	NO	<p>Imputed from lack of requirement for younger minors, legislative silence on the issue, and holding in <i>People v. Stockton</i></p>
<p>Minor under age 16: consensual sexual intercourse (statutory rape) with partner age 21 or older, and additional facts do not suggest abuse.</p>	YES	<p>Cal. Pen Code § 261.5(d) Cal. Penal Code § 11165.1(a)</p>
<p>Minors age 14 or over but younger than age 16: Consensual sexual activity with person under 21, and additional facts do not suggest abuse.</p>	NO	<p>Not specifically mandated by new reporting law</p>
<p>Minor age 16 or over: consensual sexual activity with adult of any age, and additional facts do not suggest abuse.</p>	NO	<p>Not specifically mandated by new reporting law</p>
<p>Other situations where provider knows or has a reasonable suspicion that there has been sexual assault, as defined in the statute.</p>	YES	<p>Cal. Penal Code § 11165.1(a)</p>

MANDATED REPORTING SIMPLIFIED

	DOMESTIC VIOLENCE	CHILD ABUSE & NEGLECT	CHILD ABUSE UNLAWFUL SEXUAL INTERCOURSE	DEPENDENT ADULT ELDER ABUSE
	Penal Code 11160-11163.5	Penal Code 11165-11174.3	Penal Code 261.5(definition) Penal Code 11165-11174.3	Welfare and Institutions code 15630-15632
WHO MUST REPORT?	Health providers employed in a health facility	Child care custodians, health practitioners, child protective agency personnel, child visitation monitors, firefighters, animal control officers or humane society officers, commercial film and photographic processors and clergy	Child care custodians, health practitioners, child protective agency personnel, child visitation monitors, firefighters, animal control officers or humane society officers, commercial film and photographic processors and clergy	Any person who has care of custody of an elder or dependent adult, including administrators, supervisors and any licensed staff of a public or private facility, or any elder or dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency
WHAT GETS REPORTED?	Any wound inflicted by a firearm or suspected to be the result of assaultive or abusive conduct	Suspected child abuse or neglect	<ul style="list-style-type: none"> • sexual conduct of person under 14 with older person • sexual conduct of person under 16 with person 21* • sexual conduct of 16 or 17 years old when possibility of abuse exists 	Suspected physical, psychological and financial abuse or neglect
TO WHOM IS REPORT SENT?	Local law enforcement	County welfare (child protective services agency), probation, or police or sheriff's department	County welfare (child protective services agency), probation or police or sheriff's department	County welfare (adult protective services agency) Local law enforcement
WHAT IS TIME FRAME FOR REPORTING?	<ol style="list-style-type: none"> 1. Report by telephone immediately 2. Written report within two working days 	<ol style="list-style-type: none"> 1. Report by telephone immediately 2. Written report within 36 hours 	<ol style="list-style-type: none"> 3. Report by telephone immediately 4. Written report within 36 hours 	<ol style="list-style-type: none"> 1. Report by telephone immediately 2. Written report within two working days

AB 327: CA Child Abuse Reporting

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