

The Layperson's Guide To California AB 506



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Lawyers, lobbyists and subject-matter experts provide a valuable service. But sometimes their information needs translation.

That's why our team at Ministry Pacific Insurance Services created this guide. In discussions over the past few years, we've seen brows furrow, eyes roll and a sense of exasperation as pastors, nonprofit leaders and volunteers try to understand and apply California AB 506.

This book for laypeople is our response. Please understand that we're not attorneys and are not giving legal advice. Rather, our goal is to help you on your journey toward compliance with the law. Specialized questions should still be directed to your legal counsel.

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AB 506: An introduction

California churches and organizations that serve youth are getting an education.

It's not in theology or nonprofit management. Instead, they're immersed in understanding state law concerning child abuse and neglect, Live Scan fingerprinting and mandated reporters.

Why?

The flurry of activity – and a great deal of confusion – is the result of a law that passed in 2021: AB 506.

Before we start: Who's in charge of our child safety policy?

We may have the idea that some outside entity is directing our church or nonprofit's care of children. However, this is not the case. Yes, we must comply with myriad federal, state and local laws on taxes, employment and zoning. There is, however, only a basic framework of law regulating church and nonprofit supervision of children. Until recently, this was generally confined to the state's designation of mandated reporters. A reporter is a person with an occupation (pastors, teachers, social workers, EMTs [and many more](#)) tasked with reporting

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child abuse and neglect. Beyond this, however, organizations were largely left to determine child safety policies on their own.

Many, but not all, took it upon themselves to create their own child protection standards, obtain background checks, and provide safety training. Primarily, They took action because it's the right thing to do.

Today there are several additional influencing factors:

- Insurers require child safety policies and training as a condition of underwriting.
- Formal policies and training are key components of a legal defense.
- Child abuse accusations destroy an organization's reputation and can ruin it financially.

Historically, for all these reasons and more, most organizations have worked to protect children through simple policies, screening and training. Now, however, California churches and many nonprofits have a state mandate as well. It's called AB 506.

How did we get here?

According to attorneys Gregory S. Love and Kimberlee D. Norris of MinistrySafe, "The legislative history of AB 506 makes it clear that lawmakers in California do not want a repeat of the sexual abuse crises encountered by Boy Scouts of America."¹

The legislation was introduced by former Assemblywoman Lorena Gonzalez in February of 2021. It passed and went

into effect Jan. 1, 2022.

In remarks to the media, Gonzalez cited the contemporaneous arrest of a local school employee, who was also a Boy Scouts camp worker, on child pornography charges.

"AB 506 was introduced precisely to root out abusers from organizations that exist to serve children, like the instructor teaching at the Boy Scouts of America summer camp."

– Former Assemblywoman Lorena Gonzalez, [*Voice of San Diego, July 30, 2021*](#)

In comments associated with the filing of her bill, Gonzalez added: "Over the past few years, horrific stories of abuses against children that went unreported for decades have finally come to light. ... It is not enough to hold abusers accountable after the fact. ... AB 506 would institute new requirements."²

1 MinistrySafe white paper, 2022, "New California Sexual Abuse Prevention Legislation AB2669 modifies AB506 requirements"

2 Assembly Floor Analysis, AB 506, June 28, 2021

Her legislation followed the filing of more than 82,000 abuse claims against the Boy Scouts of America. This mountain of litigation led the organization to file for bankruptcy. Proceedings resulted in a survivors' trust fund of more than \$2 billion.³

“The organization itself can't just say, ‘Well, we didn't know these volunteers.’ ... It adds a little teeth so we can prevent this from ever happening again.”

– Former Assemblywoman Lorena Gonzalez, [CBS 8, Feb. 10, 2021](#)

Her argument was persuasive: The bill unanimously passed the California Assembly and Senate and was signed by the governor.

Who does the law apply to?

The bill's language says it applies to “regular volunteers” and *all* employees of “youth service organizations.” If your organization serves children (anyone under age 18), this means you. Although you may not consider your church or nonprofit to be centered on youth, this is immaterial. If children are under your

The quest for loopholes

Some leaders of youth-serving organizations have ill-advisedly sought “legal” reasons why they don't have to comply with AB 506. *Let's be clear: If you are nonprofit or church that serves people under 18, the law applies to you. Period.* As a risk advisor, we appeal to you to take the high road. The protection of children is not an area where compromise should be sought.

supervision, the law applies to you. If the idea of supervision is confusing, consider this: The bill applies to people who have “*direct contact with*, or supervision of, children.” Although “regular volunteers” are identified, don't get hung up on “regular.” Include all volunteers who work with children. Why? The risk is too high to do anything less.

What does the new law mean to churches and nonprofits?

AB 506 requires Youth Service Organizations to take action in:

- (1) Screening staff and volunteers.
- (2) Training staff and volunteers.
- (3) Creating policies and procedures concerning identification and reporting of child abuse or neglect.

³ USA Today, September 8, 2022 <https://bit.ly/3WCLvm1>

Here's an overview of what these three mandates mean.

Screening

Employees and volunteers must undergo a background check – but not just any background check. Specifically, they must be fingerprinted through [California's Live Scan program](#). Fingerprints are compared digitally against the state's criminal database with the goal of identifying people who have committed crimes. Individuals who have a history of child abuse must be excluded from contact with children. Organizations must begin using Live Scan by Jan. 1, 2024.

Training

Volunteers who work with children and *all* employees must be trained in recognizing signs of child abuse and neglect.

Policies

Organizations must have policies and procedures designed to identify and prevent abuse and to ensure known or suspected incidents are reported immediately.

That's the 30,000-foot view. Now let's look at details.

The Fine Print

1. Background screening

Wisely, many churches have already taken the initiative to perform some sort of background check for volunteers. This was not previously mandated. Now it is.

AB 506 requires screening and training of everyone in contact with or supervising children. It applies to *all* employees as well as to volunteers who serve children at least 16 hours per month or 32 hours per year.

Experts caution against focusing on the number of volunteer hours. For one, is someone counting? Two, will you have verifiable records to prove the hours of service in court? If it comes to litigation, you can bet trial lawyers will do their own math on behalf of a plaintiff.

To avoid counting hours and coming up short, it's best to screen and train *all* volunteers who work with children. (All employees, regardless of whether they work with children, must also be trained and undergo a background check). Take the high road.

Performing the state's Live Scan background check satisfies one mandate of AB 506. However, that doesn't mean it's all you should do to identify potentially problematic volunteers.



The Live Scan process is not free. Each individual, organization, or a combination of the two, must pay for the background check.

Here's why:

- The state's Live Scan background check is limited to criminal offenses committed in California.
- To be sure volunteers are free from convictions in other states, the use of an additional screening service is necessary.
- Checking national sexual offender registries cannot be done via California's Live Scan process.

Bottom line: Live Scan only gives you a portion of the available data on volunteers' backgrounds. If we want the best for our kids, we should go the extra mile in terms of pre-employment and volunteer screening.

What's involved in the Live Scan mandate?

The difference between Live Scan and many other background services is that it's based on fingerprints, which can't be faked or forged.

- **Employees**

Employers must pay \$29 per employee for the Live Scan screening. The fingerprint rolling fee is an additional \$5-\$35 per person, with the fee being set by the individual Live Scan vendor.

- **Volunteers**

There is no charge for a volunteer's screening, but there is a rolling fee for each individual.

Generally, volunteers and employees must go to the location of the Live Scan office, but some vendors will come to your location for a registration event. It can't hurt to ask.

Becoming an "agency"

In order to get the confidential Live Scan results, each organization must apply to become what the state calls an Applicant Agency. Once you are certified as an agency, you will receive an ORI ("Originating Request Identifier") number. This number is what authorizes an organization to interact with the state's criminal justice database. In other words, without an ORI number, your organization can't comply with the Live Scan mandate.

It's up to you to take 100% of the initiative to submit the agency application, contact a Live Scan fingerprint vendor, and begin the training process.

Designating a records custodian

Finally, at least one person in each organization must be designated as the "Custodian of Records." This is the person who has access to the confidential data.

Although people who have been convicted of abusing children must be excluded from working with them, the Live Scan results may also reveal crimes of a non-abuse nature (DUI, assault, forgery) which could cause your organization to re-examine a volunteer's role (this is not a requirement of AB 506).

Staff and volunteer training

You may not be familiar with the term, "mandated reporter." [The state defines it this way](#): "Mandated reporters are individuals who are mandated by law to report known or suspected child maltreatment."

While everyone has a moral obligation to protect children, mandated reporters

have a legal one. Pastors (referred to as "clergy") and organization administrators are mandated reporters.

AB 506 requires volunteers who are in contact with or supervise children, and *all* employees, to undergo training based on the state's mandated reporter curriculum.

Note: Participating in the training does not make someone a mandated reporter.

Rather, the goal is to educate people to be aware of the signs of abuse and neglect and how to report it.

Abuse and neglect

Churches have traditionally focused on preventing child sexual abuse. AB 506 is rooted in that priority, but adds the broader categories of "abuse and neglect." The state's training, in part, defines abuse and neglect as:

- A physical, emotional, or psychological injury inflicted on a child by another person other than by accidental means.
- Sexual abuse, assault or exploitation.
- The negligent treatment or maltreatment of a child.
- The willful harming or endangerment of a child, including cruel or inhumane corporal punishment.

Gonzalez explained the reason for the training in the documents associated with her legislation:

“Volunteers who work closely with children are often the only adults present to witness and report abuse, but are not required to receive abuse prevention training or report suspected abuse to outside entities.”

— Former Assemblywoman Lorena Gonzalez, Hearing on AB 506, Senate Committee on Public Safety, June 22, 2021

Where is the abuse and neglect reporting training obtained?

It can be obtained at no cost from the state’s [Office of Child Abuse Prevention in the Department of Social Services](#).

However, the training *can* come from other sources as long as it covers the core content of California’s abuse and neglect training. Ministry Pacific recommends the training provided by [MinistrySafe](#). One advantage of

MinistrySafe’s curriculum is that it enables churches and organizations to track which individuals have participated in the training. Other systems, including the state’s, require this to be done manually.

Policies and procedures

Your church may have detailed written policies regarding child safety. Or it may not. AB 506 requires all churches to raise the standard in setting specific policies. The law states that organizations “shall develop and implement child abuse prevention policies and procedures.”

These must be designed to:

- Ensure reporting of suspected incidents of child abuse to legal authorities.
- Ensure “to the greatest extent possible” the presence of at least two mandated reporters wherever administrators, employees, or volunteers are in contact with, or supervising, children.

The caveat “*to the greatest extent possible*” is beneficial for churches and many nonprofits. Why? Because it’s nearly impossible to have two official, designated mandated reporters observing every child interaction.

The implication, however, is clear: Two vetted adults should *always* be present – even if they are not mandated reporters. Regardless of AB 506, this must be a non-negotiable foundation of every church and nonprofit child protection policy. In this age of scandal and litigation, putting a single volunteer or employee in a room with children is unthinkable. It doesn't take a crime, *but merely an accusation of one* to destroy a volunteer or ministry. As Solomon wrote: "Two are better than one."

The mentoring amendment

In 2022, AB 506 was amended for *a narrow and specific circumstance*. Some organizations contended the two-reporter requirement made it practically impossible to conduct confidential youth counseling and/or mentoring. As a result, an exemption was granted in AB 2669: "This bill would exclude an organization that provides one-to-one mentoring to youth."⁴

However, the exempted organization must have:

- Developed and implemented policies to ensure reporting of suspected incidents of child abuse.
- Comprehensive screening of volunteers.

- Training of volunteers and parents or guardians.
- Regular contact with volunteers and parents or guardians.

This is a narrowly-tailored exception that only applies to "one-on-one mentoring to youth."

Additional child protection policies

AB 506 says "a youth service organization shall develop and implement child abuse prevention policies and procedures . . . *not limited to*" the law's mandates.

Of course, this is extremely vague. However, if your church or nonprofit does not have written policies regarding the protection and care of children, *now is the time to act*. If you're not sure where to start, we recommend the resources of [MinistrySafe](#). Ministry Pacific also provides resources on child safety and a [sample child protection policy on our website](#).

Each church is unique, and your policies and procedures must be crafted accordingly. We encourage an independent review of your policies. [Church and Ministry Compliance Consulting](#) is a recommended resource.

⁴ AB 2669 Legislative Counsel's Digest

What will your legacy be?

We can view these mandates in one of two ways:

They're an unwelcome intrusion of state power that's going to cost us time and money.

... or ...

They're an opportunity to ensure every child is protected.

Since AB 506 is the law, it behooves us to take the second approach. It's also a way to show our communities that we take child protection seriously.

We may face the temptation, or suggestion, to cut corners and do the minimum; to delay and obfuscate. But if we look at history in reverse, we'll likely reach a different opinion.

Imagine a scenario where a child is sexually abused at your church or nonprofit. Or, given the context of AB 506, that the abuse occurred elsewhere but was *not reported* on your watch.

The harm done to the child and immediate family will reverberate through the church, community, state and perhaps beyond.



The reputational damage to your organization will be devastating. Who would be willing to entrust a child to your care after the headlines and conviction?

If only . . .

If only we had taken every step possible to create a welcoming and secure environment for our children.

Although things happen that are outside our control, knowing we did all we could is the best defense for our children, our conscience and in a court of law.

At Ministry Pacific, we're here to serve. Please let us know how we can be of assistance in helping you protect children and comply with state law.

Your protection is our ministry.

Resources

State of California

- [California Attorney General Background Screening Information](#)
- [State of California Mandated Reporter Training](#)
- [State of California Child Abuse Identification and Reporting Guidelines](#)
- [AB 506 legislative text](#)
- [AB 2669 legislative text](#)

Ministry Pacific

- [Sample child protection policy from Ministry Pacific](#)
- [Ministry Pacific California AB 506 resource page](#)

Consultants and services

- [Church & Ministry Compliance Consulting](#)
- [MinistrySafe training and protective systems](#)
- [Capital Live Scan](#)



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California AB 506

Volunteer and staff screening

Volunteers who work with children (children are defined as anyone under 18) and *all* employees must be fingerprinted and undergo a background screening through the state's Live Scan system.



Abuse and neglect training

Volunteers who work with children (and *all* employees) must participate in abuse and neglect identification and reporting training. The state's training program is an option, but not the only one. A program that covers the core topics of California's training is acceptable.



Writing child protection policies

Organizations must have policies and procedures designed to identify and prevent abuse and to ensure known or suspected incidents are reported immediately. This is the minimum state requirement, however, and organizations would be wise to have more thorough child protection policies.



Applying for state database access

Each organization must apply to become what the state calls an Applicant Agency. Each Agency receives an ORI ("Originating Request Identifier") number, which authorizes a church to interact with the state's criminal justice database. Bottom line: You must request access to confidential data.



Appointing a database custodian

At least one person in each organization must be designated as the "Custodian of Records." The custodian is the person who has access to the confidential criminal data provided by the state of California.





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