

Mandated Reporting

ALL ABOUT THE AUTHORS

With offices in Los Angeles, San Francisco, Fresno and San Diego, the law firm of **Liebert Cassidy Whitmore** represents public agency management in all aspects of labor and employment law, labor relations, and education law. The Firm's representation of cities, counties, special districts, transit authorities, school districts, and colleges throughout California, encompasses all phases of counseling and representational services in negotiations, arbitrations, fact findings, and administrative proceedings before local, state and federal boards and commissions, including the Public Employment Relations Board, Fair Employment and Housing Commission, Equal Employment Opportunity Commission, Department of Labor and the Office for Civil Rights. The Firm regularly handles a wide variety of labor and employment litigation, from the inception of complaints through trial and appeal, in state and federal courts.

The Firm places a unique emphasis on preventive measures to ensure compliance with the law and to avoid costly litigation. For more than thirty years, the Firm has successfully developed and presented training workshops and speeches on all aspects of employment relations for numerous public agencies and state and federal public sector coalitions, including the National League of Cities, National Association of Counties, International Personnel Management Association, United States Government Finance Officers Association, National Employment Law Institute, National Public Employer Labor Relations Association, California Public Employer Labor Relations Association, County Counsels' Association of California, League of California Cities, California State Association of Counties, Public Agency Risk Management Authority, the Association of California School Administrators, the California School Boards Association, and the California Association of Independent Schools.

This workbook contains generalized legal information as it existed at the time the workbook was prepared. Changes in the law occur on an on going basis. For these reasons, the legal information cited in this workbook should not be acted upon in any particular situation without professional advice.

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SECTION 1 INTRODUCTION

Employees who work with minors, or have direct contact with them, are obligated to report known or reasonably suspected child abuse or neglect. Teachers, lifeguards, instructional aides, school and youth organization administrators, community college instructors, and camp counselors are just some of the positions considered to be mandated reporters of child abuse and neglect in California.

This workbook provides a comprehensive overview of the California Child Abuse and Neglect Reporting Act (“CANRA”), the law regarding mandated reporting.¹ The workbook addresses some of the most common (and complex) questions related to a mandated reporter’s reporting obligation. The workbook also contains employer resources, including a statutorily required mandated reporter acknowledgement form, a reporting checklist and strategies for employers to use in the event that a child abuse investigation arises from a mandated report.

SECTION 2 WHO IS A MANDATED REPORTER?

Mandated reporters are defined generally as administrators and employees of public or private organizations whose duties require direct contact and supervision of children.² Specific examples include:

- Teachers and Administrators
- Instructional Aides and Teacher’s Aides and Assistants
- Classified Employees of Any Public School
- School Bus Drivers
- Supervisors of Child Welfare and Attendance
- Certificated Pupil Personnel Employees
- School District Police or Security
- Administrators of Public *or* Private Day Camps
- Administrators or Employees of a Public *or* Private Youth Center, Youth Recreation Center or Youth Organization.
- Peace Officers, Fire Fighters, Paramedics

This list is not exhaustive and further examples are set forth in the Penal Code.³

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Volunteers are not considered mandated reporters. However, they are encouraged to report known or reasonably suspected child abuse.

An employee is a mandated reporter *only* when, “in his or her professional capacity or within the scope of his or her employment” the person has knowledge of or reasonably suspects a child is the victim of abuse or neglect.⁴ “Professional capacity” does not refer to abuse at the place of employment, but rather refers to whether the mandated reporter learned of the information by virtue of his or her employment position.⁵ For example, if a minor approaches his or her teacher off-campus and confides that he or she is being abused, it is likely a mandated report must be filed.⁶ If, however, a minor approaches his or her neighbor, who also happens to be a teacher, and confides that he is being abused, the neighbor may, but is not required to make a report.⁷

SECTION 3 REASONABLE SUSPICION: WHAT TRIGGERS A REPORT

A mandated report must be filed where there is a “reasonable suspicion” of abuse or neglect.⁸ This section explains and provides an overview of the reasonable suspicion standard.

Not every suspicion of abuse or neglect requires a mandated report. Rather, the law is clear that in order to trigger the duty to report, a mandated reporter must actually know or have an objectively reasonable suspicion that abuse or neglect has occurred. The reasonable suspicion standard means a reasonable person in a similar position, drawing upon his or her training and experience, would suspect abuse or neglect.⁹ Reasonable suspicion does not require absolute certainty.

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Mandated reporters should not investigate allegations or suspicions of abuse but may rely on their own training and experience, may casually question the alleged victim, may observe body language and behavior and evaluate credibility, and may consider any other additional knowledge they may have to formulate reasonable suspicion of abuse or neglect.

Mandated reporters are often understandably concerned about properly applying the reasonable suspicion standard. LCW has found that hypothetical scenarios can be helpful in understanding the standard. Included in this workbook is Appendix A: “Reasonable Suspicion in Practice,” which provides a hypothetical situation regarding application of the reasonable suspicion standard.

"Child abuse" broadly includes any physical injury which is inflicted by other than accidental means on a child.¹⁰ It generally falls into one of three categories: physical abuse, sexual abuse, and emotional abuse. In addition, the CANRA requires mandated reporters to make reports of known or reasonably suspected child neglect. Each type of abuse, as well as neglect, has its own standards and definitions. A clear understanding of each category will assist mandated reporters in determining what constitutes a reasonable suspicion of abuse or neglect.

A. PHYSICAL ABUSE

1. WHAT IS PHYSICAL ABUSE?

Physical abuse means the willful harming or injuring of a child, the endangering of the person or health of a child, and unlawful corporal punishment or injury resulting in a traumatic condition.¹¹ It includes instances where a person with care and custody of a child willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.¹² Therefore, a person may physically abuse a child without actually touching him or her.

For purposes of CANRA, the term "traumatic condition" is not limited to extreme injuries, and includes wounds or other bodily conditions resulting from the application of external force.¹³ A cut and swollen lip and a scratched neck from choking have been held to be a "traumatic condition."¹⁴

The term "unlawful corporal punishment" does not include reasonable force by a peace officer.¹⁵ Nor does unlawful corporal punishment include the use of reasonable force by public school employees.¹⁶ They are permitted to exercise physical control over a student that is "reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning."¹⁷

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The corporal punishment exemption is expressly limited to public K-12 schools. However, given that the purpose of the CANRA is to protect children from actual abuse and neglect, it is possible that other public agencies may use reasonable force to prevent injury to persons or property, to remove a weapon, or to maintain a safe and appropriate environment for minors.

It is not uncommon for children to sustain cuts, scratches and other physical wounds as a result of a physical altercation with another child. These kinds of “mutual affray” situations do not constitute child abuse and do not trigger a mandated report.¹⁸ However, a mandated report may be triggered in instances of non-mutual physical assault by one or more children.

2. RED FLAGS: PHYSICAL ABUSE

Because children often naturally sustain bumps and bruises in the normal course of childhood activities and play, it is important not to overreact. Ask yourself: Is this an unusual injury for a child of this age (e.g. fracture in a toddler)? Is this an injury that needs medical attention? Is this an injury that is a result of a medical condition that is not being addressed? Is this an injury without an explanation, or with an inconsistent explanation, or an explanation that does not comport with a diagnosis?

Finally, consider a child’s demeanor. As someone with frequent contact with children, a mandated reporter may be in the best position to observe changes in behavior. Watch for drastic changes in mood or behavior. Watch for excessively aggressive behavior, violent tendencies, cruelty to other children or animals, visible depression, and expressed suicidal or homicidal ideations. Be aware, however, that there can be many reasons a child’s behavior changes, such as divorce, an argument with a friend, or a death in the family. Not every change in behavior is a sign of abuse or neglect.¹⁹

B. SEXUAL ABUSE AND/OR EXPLOITATION

1. WHAT IS SEXUAL ABUSE?

Sexual abuse includes sexual assault and sexual exploitation.²⁰ Sexual assault is generally defined as forcible rape, sodomy or incest, child molestation, and lewd and lascivious conduct.²¹ It includes any oral, anal, or genital intercourse, exposing oneself to a child, or exposing a child to a sex act. Intentional touching of “intimate parts,” or the clothing covering them, for the purpose of sexual arousal or gratification, is also sexual abuse.²² It does not include normal caretaker responsibilities, such as bathing a child, demonstrations of affection, or valid medical procedures.²³

Sexual exploitation of a child includes depicting a minor engaged in obscene acts (e.g., the making, selling or distributing of child pornography) or knowing involvement in child prostitution (e.g., sex trafficking).²⁴

2. DUTY TO REPORT SEXUAL ABUSE BY A MINOR AND/OR PEER

Under certain circumstances, mandated reporters are required to make mandated reports based on sexual conduct between minors. The following chart explains the reporting obligations involving only minors. It also sets out the specific age delineations established by the legislature.

Age of Victim	Age of Perpetrator	Report Required?
13 or younger	13 or younger	No, unless there is a disparity in ages or cognitive ability (e.g. if one child is developmentally disabled). ²⁵
13 or younger	14 or older	Yes. ²⁶
14 or 15	10+ years (24+ or 25+) older than victim	Yes. ²⁷
15 or younger	21 or older	Yes. ²⁸

A mandated reporter has a duty to report child abuse when he or she has a reasonable suspicion that a child 13 or younger is engaged in sexual activities with a person of “disparate age” or a person older than 14, regardless of whether the sexual activity is consensual.²⁹ There is no duty to report voluntary sexual conduct between minors under age 14 when both are of a similar age and cognitive level.

School districts and other agencies that supervise children should also be aware that they may have reporting duties that go beyond the mandated reporter obligations that are the focus of this workbook. Where an agency stands “*in loco parentis*” (i.e. in place of the parent) that agency may also have a duty to notify the parents of the alleged victim.

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In *Phyllis P. v. Claremont Unified School District*, a 13-year old student sexually assaulted an eight-year-old. The District did not initially notify the victim’s parents. The Court determined that the District had a duty to notify the parents because of a “special relationship.” The Court held that the District stood *in loco parentis* (in place of the parent) and as such owed a duty of care both to the child and the parent. Similarly, a day camp program or a child day care center could be considered *in loco parentis* and thus may owe a duty of care to advise parents where they reasonably suspect their child was the victim of abuse.

3. RED FLAGS: SEXUAL ABUSE

As with physical abuse, an actual report by or of a child suffering from sexual abuse may trigger reasonable suspicion and the duty to report.

Some physical red flags to consider are pregnancy (which, in and of itself is not reasonable suspicion, but must be considered in context with the age of the child),³⁰ sexually transmitted diseases, or complaints of pain, swelling or itching in the genital area. These examples are offered as red flags that may be observed in the course and

scope of a mandated reporter's job duties, as a result of a child's verbal complaint of discomfort.³¹

C. CHILD NEGLECT

1. WHAT IS CHILD NEGLECT?

"Neglect" refers to the negligent treatment or maltreatment of a child, by a person responsible for the child's welfare, which results in harm or threatened harm to the child.³² "Severe Neglect" means the willful causing or permitting a child's health to be endangered. It includes the intentional failure by a child's custodian to provide adequate food, clothing, shelter, medical care, or supervision, and must be reported even though no physical injury has occurred.³³

Neglect does not include sporadic occasions where a child appears very dirty or seems to be without food. Neither is a parent or guardian neglectful simply because they do not have the means to provide a child with adequate food and medical care, i.e. live in poverty.

2. RED FLAGS: CHILD NEGLECT³⁴

Child neglect relates to a child's needs. Consistent hunger, fatigue or uncleanliness raise a red flag that a child's needs are not being met. Unattended medical problems can also raise a red flag of child neglect. However, if a child is not receiving medical care for religious reasons, that reason alone shall not constitute neglect.³⁵

D. WHAT ABOUT MENTAL SUFFERING?

Child abuse includes psychological injuries that rise to the level of "unjustifiable mental suffering" and must be reported.³⁶ The Legislature mandates the reporting of "unjustifiable mental suffering" inflicted under conditions where great physical harm or death is likely.³⁷ Therefore, if a mandated reporter knows or suspects that a child is being subjected to psychological or emotional suffering and that the child is likely to harm him or herself, it must be reported. Reportable mental suffering may also cover situations where another student is bullying a child (not necessarily physically) to such a degree that the mandated reporter fears for the physical well-being of the child.

"Mental suffering" that does not rise to the level of "unjustifiable mental suffering" may, rather than must, be reported.³⁸ Thus, when a mandated reporter knows or suspects that mental suffering has been inflicted on a child, or that the child's emotional well-being has been significantly endangered, the mandated reporter may, rather than must make a report. A mandated reporter may also report any suspicion that the child is suffering from serious emotional damage, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward his or her self or others.³⁹

Children may also suffer emotional abuse when witnessing abuse. However, when a child witnesses or is present during an act of domestic violence committed by a member of the household or relative of the victim or minor, or if the defendant or victim is a parent or foster parent of a minor, it is not a separate act of child abuse or neglect. Instead, it will be considered a circumstance in aggravation for sentencing.⁴⁰ These situations may result in civil and criminal liability, including jail time for the abuser.⁴¹

SECTION 5 **NUTS AND BOLTS: PROCEDURAL REQUIREMENTS**

A. PREPARING YOUR MANDATED REPORTERS TO REPORT

Employers must inform mandated reporters of their reporting obligations, including: when they must report, how to report and to whom, what forms to use, the timeline for both telephone and written reports, and how to respond if there is an emergency situation or the alleged abuser is on site.⁴² Actual training is not required but is strongly encouraged, and all mandated reporters must sign a form acknowledging that they understand their responsibilities.⁴³

Mandated reporters are not required to inform their employers of suspected abuse or of their decision to make a mandated report.⁴⁴ However, making a mandated report can be a very difficult decision for an employee for a number of reasons. The mandated reporter may know the suspected abuser or may have a close relationship with the child. The mandated reporter may not know if he or she has “reasonable suspicion.” The mandated reporter could be scared of the repercussions of making a report.

CANRA allows employers to establish internal procedures to facilitate reporting and apprise supervisors and administrators of reports, but should not require any reporter to disclose his or her identity.⁴⁵ Accordingly, employers should create policies which not only inform mandated reporters of their duties, but which encourage (but do not require) mandated reporters to consult their supervisors, administrators or appropriate health personnel (e.g. nurses or psychologists) in cases of suspected abuse.

B. REPORTS ARE AN INDIVIDUAL DUTY

The reporting duties under the CANRA are individual.⁴⁶ Making a report of suspected child abuse or neglect to an employer, supervisor, or administrator does not satisfy the duty of a mandated reporter.⁴⁷ Furthermore, no supervisor or administrator may impede or inhibit a report, or penalize a person for making a report.⁴⁸ However, internal procedures designed to facilitate reporting and apprise supervisors and administrators of mandated reports may be established provided they are not inconsistent with the CANRA requirements.

When two or more mandated reporters agree as to a suspected instance of child abuse or neglect only one member of the team selected by mutual agreement must make a report by telephone and in writing. However, any member of the team who learns that the selected reporter failed to make the report must do so immediately.⁴⁹

C. TELEPHONE REPORT

Those with an affirmative duty to report child abuse must make a telephone report of known or suspected child abuse immediately or as soon as possible to a child protective agency stating his/her (1) name; (2) name of the child; (3) present location of the child; (4) nature and extent of the injury; and (5) any other information requested by the child protective agency⁵⁰ under Penal Code section 11167, subdivision (a).⁵¹

D. WRITTEN REPORT

Within 36 hours of making the telephone report, those with an affirmative duty to report must file a written report with the appropriate child protective agency.⁵² The written report must be made on a Department of Justice Form DOJ SS 8572 (see sample reporting form at Appendix B).

E. CONFIDENTIALITY OF IDENTITY OF REPORTER

Child abuse reports are confidential and should be disclosed only to personnel who are a part of the reporting procedure stated above.⁵³ Child abuse reports should be kept in a separate, confidential file either by the reporter or an administrator.

The confidentiality provisions under CANRA apply to the police and child protection workers in their capacity as the agencies in charge of investigating the known or reasonably suspected case of child abuse.⁵⁴ Police and investigators must keep the identity of all persons who report confidential, and they may not disclose the identity of the reporter to the reporter's employer unless the employee consents or the court orders the disclosure.⁵⁵

It is a misdemeanor for anyone – including a police officer – to disclose child abuse reports, except in very limited circumstances.⁵⁶ For example, disclosure may be made to:

- An investigator from an agency or the agency investigating a report of child abuse, though the identity of the person who reports shall be kept confidential, disclosed only among the agencies receiving or investigating the mandated reports, or county counsel as applicable, and shall not be disclosed to the reporter's employer except with the employee's consent or a court order;⁵⁷
- Department of Justice disclosures to agencies authorized to receive the information;

- Persons or agencies responsible for the licensing of facilities which care for children;
- The State Department of Social Services or any county licensing agency which has contracted with the state, when an individual has applied for a community care license or child day care license, or for employment in an out-of-home care facility, or when a complaint alleges child abuse or neglect by an operator or employee of an out-of-home care facility;
- Coroners and medical examiners;
- Personnel from an agency responsible for making a placement of a child;
- Out-of-state law enforcement agencies conducting an investigation of child abuse or neglect under certain circumstances;
- Each chairperson of a county child death review team.

SECTION 6 **MANDATED REPORTING IN COMMUNITY COLLEGE DISTRICTS**

A. THE CLERY ACT AND MANDATED REPORTING

The Federal Clery Act requires that postsecondary institutions that receive Title IV funds (federal financial aid): disclose the institution’s campus security policies; issue, post, and distribute an annual security report, which provides statistics of particular crimes that have occurred on or immediately adjacent to the college campus; and provide “timely warnings” of certain specified crimes that may represent ongoing threats and “emergency warnings” for immediate threats to the health and safety of students or employees. Note that for districts with multiple campuses, each separate campus requires separate Clery Act compliance.⁵⁸ The Clery Act can intersect with Mandated Reporting requirements because minors may be subject to abuse while on a district campus.

While it is true that most people on District campuses are students over the age of 18, there are many ways by which minors come to have a presence on a college campus. Activities like educational or sports camps for youth, whether in the summer or during the year, are common on many District campuses and bring area youth to the campus. Sometimes the minors even stay in campus dorms as part of these programs. There are also school field trips to campus facilities, community service trips, or sometimes daycare facilities. Employees may bring their children on campus, or visitors may bring minors to museums, libraries, health clubs or public events. It is important to note the myriad ways that minors can come to be on campus regularly, and to be aware that incidents may occur involving these minors while they are on your campus. District employees must be aware of their status as mandated reporters, and the District should be aware of its

obligations under the Clery Act to ensure that proper reporting and collecting of statistics is occurring.

1. POLICY DISCLOSURES

Districts subject to the Act must provide the campus community and the public with accurate statements of its current policies and practices regarding security on campus. This is most often done in the annual security report that each district is required to produce, which can be distributed either on the district website, or in a directory or separate directories to students and employees. The following topics must be disclosed:

1. Procedures for students and others to report criminal actions or other emergencies occurring on campus;⁵⁹
2. Policies for preparing the annual disclosure of crime statistics;⁶⁰
3. Current policies concerning security of, and access to, campus facilities;⁶¹
4. Current policies concerning campus law enforcement that: address the law enforcement authority, if any, of security personnel; describe campus security's working relationship with local law enforcement and whether any written agreements exist between the agencies for investigation of criminal offenses; encourage accurate and prompt reporting of all crimes to campus police and the appropriate police agencies; and describe procedures that encourage counselors, when appropriate, to inform persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.⁶²
5. A statement that describes the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage them to be responsible for their own security and the security of others;⁶³
6. A description of programs designed to inform students and employees about the prevention of crimes;⁶⁴
7. A statement of policy concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at off-campus locations of officially recognized student organizations;⁶⁵
8. A statement of policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws;⁶⁶
9. A statement of policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws;⁶⁷
10. A description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of the Higher Education Act. The HEA requires all higher education institutions to have programs to prevent the use of illicit drugs and the abuse of alcohol by students and employees;⁶⁸

11. A statement of policy regarding the institution's campus programs to prevent sex offenses, procedures to follow when a sex offense occurs, information on a student's option to notify appropriate law enforcement authorities, notification to students of counseling, mental health or other student services for victims of sex offenses, notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and the options reasonably available, procedures for campus disciplinary action in cases of an alleged sex offense, and sanctions the institution may impose following a final determination of a disciplinary proceeding;⁶⁹
12. A statement advising the campus community where registered sex offender information may be obtained;⁷⁰
13. A description of the institution's emergency response and evacuation procedures including:
 - (a) the procedures the institution will use to immediately notify the campus upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus;
 - (b) a description of the process the institution will use to: confirm that there is a significant emergency or dangerous situation, determine the segment(s) of the campus community to receive a notification, determine the content of the notification, and initiate the notification system;
 - (c) a statement that the institution will, without delay, determine the content of the notification and initiate a notification system, unless issuing the notification will compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency;
 - (d) a list of the titles of the person(s) responsible for carrying out the actions of confirming the emergency, determining the appropriate notification and initiating the notification;
 - (e) the procedures for disseminating emergency information to the larger community; and
 - (f) the procedures to test the emergency response and evacuation procedures on at least an annual basis including both announced and unannounced tests, publicizing emergency response and evacuation procedures in conjunction with at least one test per calendar year, and documenting for each test a description of the exercise, date, time and whether it was announced or unannounced;⁷¹ and
14. A description of the institution's missing student notification policies and procedures (for institutions that provide on-campus student housing).⁷²

2. RECORDS COLLECTION AND RETENTION

Districts are required to keep certain campus records and to request records from law enforcement agencies regarding crimes on campus and the surrounding areas.

Specifically, districts must:

1. Keep records of certain crimes reported to campus police/security authorities;
2. Make a reasonable and good-faith effort to obtain certain crime statistics from appropriate law enforcement agencies to include in an annual security report as well as a web-based report to the U.S. Department of Education; and
3. If the district maintains a campus police department or security office, a daily crime log and be open to public inspection.

The Act also requires institutions to disclose three general categories of crime statistics:

1. **Types of Offenses:** Criminal Homicide (including Murder and Non-Negligent Manslaughter and Negligent Manslaughter); **Sex Offenses (including forcible and non-forcible)**; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
2. **Hate Crimes:** Disclose whether any of the abovementioned offenses, or any other crimes involving bodily injury, were hate crimes (pursuant to regulations that took effect on July 1, 2010, institutions must also report Larceny-Theft, Simple Assault, Intimidation and Damage/Vandalism of Property, but only if they are committed in the context of a hate crime); and
3. **Arrests and Referrals for Disciplinary Action** for illegal weapons possession and violation of drug and liquor laws.

The Clery Act requires that institutions disclose statistics for offenses committed in certain geographic locations associated with the institution. For example, if a burglary is reported to the campus police, it should be included in the annual security report only if it occurred on campus, in or on a non-campus building or property (owned or controlled by the institution or an officially recognized student organization), or on public property within or immediately adjacent to and accessible from the campus.⁷³

3. INFORMATION DISSEMINATION

In order to provide campus community members with information necessary to make informed decisions about their safety, districts must disseminate certain types of information. Specifically, districts must:

1. Provide access to the district's crime log during normal business hours;
2. Publish the annual security report and distribute it to all current students and employees, and inform prospective students and employees about the content and availability of the report. The notification to prospective employees can

be achieved by providing written notice regarding the exact URL where the report is available, a brief description of the report, and that the college will provide a written version upon request. This notice can be published on materials given to prospective employees in interview materials. It cannot simply be posted online generally; and

3. Submit the district’s crime statistics to the U.S. Department of Education via its web-based data collection system.

Previously, institutions were only required to provide “timely warnings” for threats of an ongoing nature. Under the July 2010 regulations, if there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. However, if an institution follows its emergency notification procedures, it is not required to issue a “timely warning” based on the same circumstances. Institutions must still provide adequate follow-up information to the community as needed.⁷⁴ While the Regulations are not clear about what exactly qualifies as “adequate” information, this could be measures such as how to report future incidents, or where to seek assistance or information, or information that the threat has passed.

COMPLIANCE WITH THE CLERY ACT		
What?	When?	To Whom?
Development, disclosure and implementation of all campus security policies.	Routinely on an ongoing basis.	All members of the campus community, meaning both students and all employees.
Timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety.	Whenever there is a threat that a crime is ongoing or may be repeated (i.e., as soon as the information becomes available).	All members of the campus community.
Emergency notifications to alert the campus community of an <u>immediate</u> threat to the health or safety of students or employees.	Upon confirmation of a significant or dangerous situation involving an immediate threat to the health or safety of students or employees.	All members of the campus community.
A daily crime log [*] that lists by date reported all crimes reported to the campus police or security department.	Updated daily as crimes are reported.	Must be made available for public inspection without exception.
Annual security report	Must be published and	Current students and

COMPLIANCE WITH THE CLERY ACT		
What?	When?	To Whom?
containing campus security policy disclosures and crime statistics for the previous three years.	distributed annually by October 1. There is no grace period. ⁷⁵	employees individually. Prospective students and employees notified of availability of report.
Fire log ^{**} that lists fire incidents occurring at on-campus housing facilities during the prior 60 days.	Must be updated within two days of receipt of information regarding a reportable fire incident.	Must be made available for inspection during regular business hours. Institutions must make portions of the log older than 60 days available for inspection within two business days of a request for inspection.
Report to the Department of Education of statistics for Clery Act crimes via designated website.	Each fall, on the dates provided by the Department of Education in a letter provided to the district.	Made available for public inspection.
*Only required for institutions that maintain a police or security department. **Only required for institutions that have on-campus housing facilities.		

4. PENALTIES FOR NONCOMPLIANCE

The U.S. Department of Education is responsible for monitoring compliance with the Clery Act. The Department can issue civil fines up to \$27,500 *per violation* for a substantial misrepresentation of the number, location or nature of the crimes required to be reported.⁷⁶

Education Code section 67382 requires the California State Auditor to report to the Legislature every three years on its audit of at least six postsecondary institutions that receive federal student aid. The audit includes checking for Clery Act compliance. In the most recent audit, from January 2010, the Auditor visited six institutions, including two community colleges. The Auditor also visited another 10 institutions, six of which were community colleges, which reported no criminal offenses during the final year of the audit period.

The Auditor found, among other things, that many of the institutions did not properly notify students and employees of the availability of their crime statistics or security policies by using direct mail or e-mail, or distributing them to everyone required. Some institutions either did not disclose or had not addressed all 19 security policies required by the Clery Act. Most of the institutions reported inaccurate crime statistics to varying degrees, although most of the errors resulted in reporting more crimes than are required.

However, some institutions did not disclose all required crimes. Some institutions failed to obtain crime statistics from local law enforcement in order to report crimes occurring immediately adjacent and accessible to the campuses. Other institutions either overreported or risked overreporting crimes because they obtained crime statistics from local law enforcement for areas that are not required under the Clery Act. The Auditor's full report is available on the web at <http://www.bsa.ca.gov/reports/summary/2009-032>.

Given the ease with which errors in reporting may be made, and the prospect of significant monetary penalties, districts should utilize the many resources that are available to ensure compliance with the Act. This workbook merely provides a broad overview of a district's obligations. For more comprehensive guidance, the Department of Education, Office of Postsecondary Education, publishes a 200-page "Handbook for Campus Crime Reporting," to assist educational institutions in complying with the Act's requirements. The handbook is available for download online at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>.

B. CLERY ACT AND MANDATED REPORTING

The Clery Act includes sexual offenses as crimes that must be reported. This includes non-forcible sex offenses such as statutory rape, which is non-forcible sexual intercourse with a person who is under the age of consent.⁷⁷ If any force was used or threatened, or the victim is incapable of consent due to youth, the incident should be reported as forcible rape, not statutory rape.

Any District employees who are Campus Security Authorities (CSAs) under the Clery Act must report any reported incident that may be one of the enumerated crimes if the CSA believes it was made in good faith.⁷⁸ A CSA can include a campus police or security officer, an official of an institution who has significant responsibility for student and campus activities, the dean of students overseeing student housing, a director of athletics or team coach, a student resident advisor, a physician in a campus health center, or a coordinator of fraternity or sorority affairs.⁷⁹ Therefore, if a minor is abused on campus and a report is made to a CSA which the CSA believes was made in good faith, that should be reported to the District office responsible for Clery Act reporting. It is irrelevant who is involved as victim or perpetrator, even incidents involving non-affiliates of the District must be reported so long as the incident occurred on campus, on public property within or immediately adjacent to campus, or in or on non-campus buildings or property that the district owns or controls and are used to support the district's educational purpose.⁸⁰ Additionally, community college district employees are mandated reporters subject to Penal Code section 11166.

SECTION 7 POLICE INVESTIGATIONS OF REPORTS OF CHILD ABUSE AND NEGLECT

A. INVESTIGATORY INTERVIEWS

A mandated report of child abuse or neglect must be investigated by local law enforcement or another appropriate agency.⁸¹ As a result of a mandated report, law enforcement or child protective workers may visit the workplace in order to interview the child or other witnesses. Until recently, very little guidance was provided regarding what a school, day camp or other entity should do in response to law enforcement investigations and requests for interviews.

In *Greene v. Camreta*, the Ninth Circuit analyzed what a school district's responsibility is in the wake of a request from law enforcement or another investigative agency for an interview with a child in the district's care and custody.⁸² An Oregon Deputy Sheriff accompanied a Department of Human Services case worker to a minor student's school and sat through a two-hour interview of the minor. The case worker conducted the interview but the Deputy Sheriff who did not have a warrant, court order, exigent circumstances or parental consent to question or be present while the student was questioned sat through the interview.⁸³ The Deputy Sheriff did not ask any questions during the interview.

The Court held that the in-school seizure of a suspected child abuse victim is not permissible without a court order or parental consent because of the Fourth Amendment.⁸⁴ The case worker's decision to have the Deputy Sheriff accompany him to interview the potential child abuse victim "constituted sufficient entanglement with law enforcement to trigger the traditional Fourth Amendment prerequisites to seizure of a person."⁸⁵

In reaching its conclusion, the Court relied on reasoning from an earlier decision where it held the warrantless, non-emergency search and seizure of an alleged victim of child sexual abuse at her home violated the Fourth Amendment.⁸⁶ The Court opined there was no evidence in the record to suggest that the "silent presence of a uniformed, armed police officer at an interview of a child in a grade school is helpful in any legitimate way to determining whether the child needs child protective services."⁸⁷ It reject an across-the-board exception for government officials who may believe there is a "special need" that would automatically justify dispensing of traditional Fourth Amendment protections.⁸⁸

The United States Supreme Court vacated the Ninth Circuit's opinion.⁸⁹ It found the issue moot and therefore did not sustain or overturn the decision. Though the Ninth Circuit's reasoning may provide insight as to how it would rule on a similar case, for now there is uncertainty as to what is required for law enforcement investigations.

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The *Greene* case involved a public K-12 school district, but its reasoning does not appear to be limited to the public school context. It may apply whenever law enforcement is interviewing a minor. Similarly, in cases where a minor has been taken into custody as a victim of suspected child abuse a school district must provide the police officer with the address and telephone number of the minor's parent or guardian. It is then the police officer's duty to immediately notify the minor's parent or guardian.⁹⁰ Though this applies specifically to public schools, other employers may want to follow the same procedure.

B. A CHILD'S RIGHT TO A "TRUSTED ADULT"

In cases of suspected child abuse or neglect, the Penal Code specifically states that a suspected victim may be interviewed at school during the school day.⁹¹ The child shall be given the option of being interviewed in private or may select any school employee, or volunteer to be present during the interview.⁹² It is the obligation of the agency investigating the child abuse or neglect to inform the child of this right prior to the interview.⁹³

The purpose of the selected adult is to lend support to the child but not to participate in the interview or discuss the facts or circumstances of the case with the child. The selected adult must maintain confidentiality. The staff member may decline to participate. If he or she agrees, the interview shall take place when it is not an expense to the school.⁹⁴

School officials do not have the right to be present during an interview except as discussed above regarding child abuse; however, an officer may at his or her discretion permit a school official to be present. In cases of suspected child abuse by the parent, schools should permit the police to determine whether a parent shall be notified of the interview.⁹⁵

C. ARREST OF A MINOR PERPETRATOR

With regard to interviews of students who are not suspected victims of child abuse, a school will not be liable for releasing students for interviews with law enforcement officials so long as the school officials act within the proper standard of care; namely the degree of care which a person of ordinary prudence, charged with his or her duties, would exercise under the same circumstances.⁹⁶ In this situation, "ordinary care would consist of ascertaining the identity and the official capacity of the peace officer, the authority under which he acts, and in the case of the release of the child, the reason for such action."⁹⁷

Police officers are empowered to arrest or question students.⁹⁸ A minor's parents need not be notified before the police can question a minor who has been temporarily detained but not taken into custody for the purpose of identifying the minor as a suspect, obtaining his or her full name and date of birth.⁹⁹ Employers should inform the minor's parents if the minor has been removed from campus by law enforcement.

APPENDIX A

REASONABLE SUSPICION IN PRACTICE

Fact Pattern:

You are a teacher's aide. During recess, a seven-year old, first grade girl, falls on the playground and cuts her leg. In tending to the cut, you observe severe bruising on her inner thighs that appears to you to be unusual.

Do I immediately file a report?

Probably not. While the bruising itself raises a concern, it does not rise to the level of reasonable suspicion of child abuse. A seven-year old could easily sustain such bruising while biking, climbing a rope or falling while playing on a playground structure.

Should I ask her how she got the bruises?

Yes. While you should not investigate, it is reasonable to ask the student how she sustained the bruises in order to assess your own suspicions and concerns.

What if the student appears evasive in her answer, i.e. says that she doesn't know how she got the bruises? Should I keep questioning her?

Continued casual conversation is appropriate in this case. It is also appropriate to watch her body language and behavior, listen for changes in her account, i.e. at first says she cannot remember but then says that she fell down.

Is it ok to get a second opinion and have someone else take a look at her bruises and observe her answers?

Probably. However, at no time should you or your colleagues remove clothing, expose genitalia or underclothing or do any sort of exam. It is appropriate for you to go to a colleague as a "sounding board" and describe your discussion, observations and impressions. Speaking to a colleague or a supervisor does not relieve a mandated reporter of the obligation to report reasonably suspected child abuse or neglect.

What sort of responses might create a reasonable suspicion of abuse?

Specific claims of abuse, explanations that are not believable ("A monster pushed me down"), answers that suggest more was happening ("Uncle G. was just tickling me"), changing stories, body language (fearful, no eye contact, crying), statements not directly related to the event that cause concern ("Mommy will be mad if I talk to you" "I don't want to go home" "Can I stay at school?")

I don't know what to do! Should I talk to my colleagues or supervisors about my concerns?

Yes. You may speak to colleagues or supervisors. Your employer may also have a policy as to how these matters may be dealt with internally.

I don't know what to do! Should I talk to the parent or guardian and ask how she got the bruises?

No. First, this crosses the line into investigation of possible abuse. You should not engage in factual investigation or questioning of others such as parents, guardians and siblings. Second, if the parent is responsible for the bruising, your investigation could place the child in greater danger.

What other information or knowledge can I consider?

You may take into consideration any other information you know about the child.

APPENDIX B

SUSPECTED CHILD ABUSE REPORT

See Attached

SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE			MANDATED REPORTER CATEGORY																														
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS					Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO																											
	REPORTER'S TELEPHONE (DAYTIME) ()		SIGNATURE			TODAY'S DATE																														
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY																																	
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)																																			
	ADDRESS					Street	City	Zip	DATE/TIME OF PHONE CALL																											
OFFICIAL CONTACTED - TITLE							TELEPHONE ()																													
C. VICTIM One Report Per Victim	NAME (LAST, FIRST, MIDDLE)					BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY																											
	ADDRESS					Street	City	Zip	TELEPHONE ()																											
	PRESENT LOCATION OF VICTIM				SCHOOL		CLASS		GRADE																											
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME																												
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME					TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)																												
	RELATIONSHIP TO SUSPECT					PHOTO'S TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK																												
D. INVOLVED PARTIES	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">VICTIM'S SIBLINGS</td> <td style="width: 15%;">NAME</td> <td style="width: 15%;">BIRTHDATE</td> <td style="width: 10%;">SEX</td> <td style="width: 15%;">ETHNICITY</td> <td style="width: 15%;">NAME</td> <td style="width: 15%;">BIRTHDATE</td> <td style="width: 10%;">SEX</td> <td style="width: 10%;">ETHNICITY</td> </tr> <tr> <td>1.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>3.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>4.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>									VICTIM'S SIBLINGS	NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY	1.	_____	_____	_____	_____	3.	_____	_____	_____	2.	_____	_____	_____	_____	4.	_____	_____	_____
	VICTIM'S SIBLINGS	NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY																											
	1.	_____	_____	_____	_____	3.	_____	_____	_____																											
	2.	_____	_____	_____	_____	4.	_____	_____	_____																											
VICTIM'S PARENTS/GUARDIANS					NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY																										
ADDRESS					Street	City	Zip	HOME PHONE ()	BUSINESS PHONE ()																											
SUSPECT					NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY																										
ADDRESS					Street	City	Zip	HOME PHONE ()	BUSINESS PHONE ()																											
OTHER RELEVANT INFORMATION																																				
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____																																			
	DATE / TIME OF INCIDENT				PLACE OF INCIDENT																															
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)																																			

SS 8572 (Rev. 12/02)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- **SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (Continued)

- **SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- **SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- **SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- **SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

- **Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- **Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

APPENDIX C

GUIDELINES FOR MANDATED REPORTING

Who is a “mandated reporter”?

There are a broad range of people who fall under the statutorily defined term “mandated reporter,” including teachers, counselors, administrators, instructional aides, rabbis who work with children, social workers, probation workers, etc.

What are you mandated to report?

A mandated reporter is required to make a report whenever he or she either has actual knowledge, or “reasonably suspects” that a child is the victim of child abuse or neglect.

What does “reasonably suspect” mean?

“Reasonably Suspect” means that you have a reasonable suspicion that a child is the victim of child abuse. A reasonable suspicion is one that is objectively reasonable and is based upon facts that would lead a reasonable person, with similar training and experience, to suspect child abuse.

What is child abuse?

Child abuse includes any physical injury resulting from either an intentional act or the neglect of a child. Child abuse includes omissions to act that result in injury, as well as psychological injuries under circumstances where serious harm or death is likely to occur. Child abuse includes sexual crimes against a child.

To whom do you report?

You report the suspected child abuse or neglect to the local child protective agency.

Can employees be required to inform their administrator/supervisor of a child abuse report that they have completed?

Yes. California Penal Code section 11166(i)(1) states that the employer may establish “internal procedures to facilitate reporting and apprise supervisors and administrators of reports.” (Pen. Code § 11166(i)(1).) The only qualification is that the internal procedures may not be “inconsistent with this article [Article 2.5/the Child Abuse and Neglect Reporting Act].” (Pen. Code § 11166(g)(1).)

One of the requirements of the Child Abuse and Neglect Reporting Act is that an employer “shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.” (Pen. Code § 11166(g)(2).) Thus, while the school can require its employees to let their administrator or supervisor know that a child abuse report has been made, it cannot compel its employees to disclose their names.

If it is placed in the policy, can an employee refuse to provide this information anyway?

No. Employees cannot legally refuse to inform their supervisor or administrator that a child abuse report was made, as long as they are not required to disclose their names (Pen. Code, §§ 11166(i)(1) & 11166(i)(2)).

When do you report?

The reporter must make a telephone report to the agency immediately after observing the child abuse, or immediately after reasonably suspecting it. Within 36 hours of observing the abuse, or reasonably suspecting it, the reporter must make a written report to the appropriate agency.

What do you include in the report?

The report should include the name, address, and telephone number of the reporter, and as much of the following information as is available: the child’s name and address, present location, school, grade, and class; the name, address, and telephone number of the child’s parents or guardians; details about the abusive incident or the information that gave rise to the suspicion of child abuse or neglect; information about who else might have witnessed or suspected the abuse; and all known information about the person who is suspected of abusing the child.

What happens if you do not report?

As a mandated reporter, you are under a legal obligation to report child abuse or neglect. If you do not report such instances, you may be held criminally liable, and be subject to jail time.

Is your report confidential?

Your report is confidential, however it will be released to those agencies or individuals who require access to the report. These agencies or individuals may include: the agency or individual investigating the report, the school attorney if charges are brought, any court ordered disclosure, or if you waive confidentiality.

Do you have immunity?

As a mandated reporter you generally have immunity from being sued for your report.

APPENDIX D

ACKNOWLEDGMENT OF MANDATED REPORTING REQUIREMENTS, RECEIPT OF TRAINING, AND RECEIPT OF PENAL CODE STATUTES

A mandated reporter is an individual who is obligated by law to report suspected cases of child abuse and neglect. In general, any individual who, in the ordinary course of their employment, has contact with children is a mandated reporter. Mandated reporters include child care workers, teachers and coaches. (California Penal Code § 11165.7.)

If your job duties as an employee or an independent contractor of _____ include contact with children, you are a Mandated Reporter. Prior to commencing employment and as a prerequisite of that employment, California law requires that you sign a statement to the effect that you have knowledge of the provisions of the Mandated Reporter Law, and will comply with those provisions. (California Penal Code § 11166.5.)

The following are your Mandated Reporter responsibilities under California law. You are also being provided with a separate informational document which includes the text of the California Mandated Reporter Law and contact information for Child Abuse and Neglect Reporting for the County of _____. Please review this information carefully and acknowledge your receipt and understanding where indicated. If you have questions or concerns about this form or your Mandated Reporter responsibilities, please contact Human Resources [HR] at: _____.

I understand that:

- By virtue of my employment or independent contractor status with _____, and because my employment requires me to have contact with children, I am a Mandated Reporter as defined by California Penal Code § 11165.7.
- The following situations trigger mandatory reports: a) Physical Abuse (willful harming of a child); b) Sexual Abuse including sexual assault, child exploitation, pornography, and trafficking; c) Severe or General Neglect; and d) Extreme Corporal Punishment (resulting in injury). (Cal. Pen. Code § 11165 et seq.) I further understand that I may, but am not required to, report suspected Emotional Abuse. (Cal. Pen. Code § 11165.05.)

- If I reasonably suspect that a child is being abused, I must immediately make a telephone report. I must follow up with a written report within 36 hours. This report may be made to local law enforcement, or County Sheriff's Department, Probation Department or Child Welfare Agency. (Cal. Pen. Code § 11166(a).)
- If I reasonably suspect that a child is being abused, I may consult with my supervisor or management. My supervisor and I may agree to file a joint report, but I understand that even if my supervisor disagrees with me, if I reasonably suspect that a child is being abused, I must make a report. (Cal. Pen. Code § 11166(h).)
- I am not required to, but I may, share information about suspected abuse with my supervisor or management or the parents of the alleged victim.
- When I make a mandated report, I will be required to give my name. However, my identity will be kept confidential unless I either consent to disclosure or if disclosure is made pursuant to a court order. Further, agencies investigating the mandated report may disclose my identity to one another. (Cal. Pen. Code § 11167(d).)
- The following agencies and individuals receiving or investigating mandated reports may disclose my identity to one another:
 - Prosecutors in a criminal prosecution or in an action initiated under section 602 of the Welfare and Institutions Code arising from alleged child abuse;
 - Counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code;
 - The county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code;
 - A licensing agency when abuse or neglect in out-of-home care is reasonably suspected. (Cal. Pen. Code § 11167.5.)
- I may not be disciplined, dismissed, retaliated against, discriminated against or harassed for making a mandated report of reasonably suspected child abuse.
- As a Mandated Reporter, I have civil and criminal immunity when making a report. (Cal. Pen. Code § 11172.)
- As a Mandated Reporter, **it is a misdemeanor to fail to comply with Mandated Reporting laws and I can be held criminally liable for failing to report**

suspected abuse. The penalty for this is up to six months in County jail, a fine of not more than \$1000, or both. I further understand I could be civilly liable for failure to report. (Cal. Pen. Code § 11166(c).)

I have been provided with a copy of California Penal Code sections 11164-11174.3 (Mandated Reporter Law).

I understand that I am a legally Mandated Reporter. I am aware of and understand my responsibilities under the Mandated Reporter laws of this state and am willing and able to comply. I understand that a copy of this Acknowledgement will be kept in my personnel file.

Name (Signature)

Date

Name (Print)

**Mandated Reporter Information and
California Penal Code Sections 11164, 11165.7, 11166, 11167**

Mandated Reporting: _____ County

- Reasonably suspected child abuse must be immediately reported to local law enforcement, the County Sheriff's Department, or the Children and Family Services Department of the _____ County's Human Services Agency.
- Children Services Division 24-Hour Reporting Hotline: _____
- A telephone report must be followed up with a written report **within 36 hours**.
- You may request a copy of the Mandated Reporter form from the Administration Office or download one, free of charge, online from the California Attorney General at <http://ag.ca.gov/childabuse/forms.php>
- If you have questions, you may contact HR at:

California Penal Code Sections 11164-11174.3

11164. (a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act; (b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following: (1) A teacher. (2) An instructional aide. (3) A teacher's aide or teacher's assistant employed by any public or private school. (4) A classified employee of any public school. (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school. (6) An administrator of a public or private day camp. (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization. (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children. (9) Any employee of a county office of education or the State Department of Education, whose duties bring the employee into contact with children on a regular basis. (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility. (11) A Head Start program teacher. (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11. (13) A public assistance worker. (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities. (15) A social worker, probation officer, or parole officer. (16) An employee of a school district police or security department. (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school. (18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant

to Section 317 of the Welfare and Institutions Code to represent a minor. (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section. (20) A firefighter, except for volunteer firefighters. (21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code. (22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code. (23) A psychological assistant registered pursuant to Section 29130 of the Business and Professions Code. (24) A marriage, family, and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code. (25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code. (26) A state or county public health employee who treats a minor for venereal disease or any other condition. (27) A coroner. (28) A medical examiner, or any other person who performs autopsies. (29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency. (30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law. (31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings: (A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations. (B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code. (32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization. (33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166. (34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department. (35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the California Rules of Court. (36) A custodial officer as defined in Section 831.5. (37) Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code. (38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not in and of itself a sufficient basis for reporting child abuse or neglect. (b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to

an agency specified in Section 11165.9. (c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5. (d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided. (e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article. (f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non privileged documentary evidence the mandated reporter possesses relating to the incident. (1) For the purposes of this article, "reasonable suspicion" means that 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 his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy. (3) Any report made by a mandated reporter pursuant to this section shall be known as a mandated report. (b) If after reasonable efforts a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone follow up call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written follow up report. (1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written follow up report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS).

The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions. (2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision. (3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first. (4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report. (5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required. (c) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. 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 under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense. (d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret. (2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter. (3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph. (B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made. (C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority. (e) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practicably possible, by telephone and shall prepare and send, fax, or electronically transmit a written report of it with a

copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following: (1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals. (2) Penetration of the vagina or rectum by any object. (3) Masturbation for the purpose of sexual stimulation of the viewer. (4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer. (5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer. (f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a). (g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment. (h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. (2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer. (3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9. (j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision(b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision. (k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the

district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her. (b) Information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect. (c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect. (d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order. (2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order. (e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article. (f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

**COUNTY CHILD WELFARE SERVICE AGENCY MAILING ADDRESSES AND
EMERGENCY RESPONSE (CHILD ABUSE REPORTING) TELEPHONE NUMBERS**

ALAMEDA

Director, Alameda County
CWS Agency
P.O. Box 12941
Oakland, CA 94607
510-259-1800
www.acgov.org

ALPINE

Director, Alpine County
CWS Agency
75-A Diamond Valley Road
Markleeville, CA 96120
530-694-2235
866-900-0525 after hrs
www.co.alpine.ca.us

AMADOR

Director, Amador County
CWS Agency
1003 Broadway
Jackson, CA 95642
209-223-6550 days
209-223-1075 nights
www.co.amador.ca.us

BUTTE

Director, Butte County
CWS Agency
P.O. Box 1649
Oroville, CA 95965
530-538-7617 Oroville
800-400-0902 others
www.buttecounty.net

CALAVERAS

Director, Calaveras County
CWS Agency
891 Mountain Ranch Road
San Andreas, CA 95249-9709
209-754-6452 days
209-754-6500 nights
www.co.calaveras.ca.us

COLUSA

Director, Colusa County
CWS Agency
P.O. Box 370
Colusa, CA 95932
530-458-0280
www.co.colusacountyclerk.com

CONTRA COSTA

Director, Contra Costa County
CWS Agency
40 Douglas Drive
Martinez, CA 94553-4068
925-646-1680 central
925-374-3324 west
925-427-8811 east
www.colcontra-costa.ca.us

DEL NORTE

Director, Del Norte County CWS
Agency
880 Northcrest Drive
Crescent City, CA 95531
707-464-3191
www.co.del-norte.ca.us

EL DORADO

Director, El Dorado County CWS
Agency
3057 Briw Road
Placerville, CA 95667
530-544-7236 S. Tahoe
530-642-7100 Placerville
www.co.el-dorado.ca.us

FRESNO

Director, Fresno County CWS
Agency
2600 Ventura Street
Fresno, CA 93750
559-255-8320
www.co.fresno.ca.us

GLENN

Director, Glenn County CWS
Agency
P.O. Box 611
Willows, CA 95988
530-934-6520
www.countyofglenn.net

HUMBOLDT

Director, Humboldt County CWS
Agency
929 Koster Street
Eureka, CA 95501
707-445-6180
www.cohumboldt.ca.us

IMPERIAL

Director, Imperial County CWS
Agency
2995 South 4th Street, Suite 105
El Centro, CA 92243
760-337-7750
www.imperial.ca.us

INYO

Director, Inyo County CWS
Agency
Courthouse Annex, Drawer A
Independence, CA 93526-0601
760-872-1727
www.inyocounty.us

KERN

Director, Kern County CWS
Agency
PO Box 511
Bakersfield, CA 93302
661-631-6011 days
661-633-7227 voicemail for
mandatory reporting
www.co.kern.ca.us

KINGS

Director, Kings County CWS
Agency
1200 South Drive
Hanford, CA 93230
559-582-8776
www.countyofkings.com

LAKE

Director, Lake County CWS
Agency
P.O. Box 9000
Lower Lake, California 95457
707-262-0235
www.co.lake.ca.us

LASSEN

Director, Lassen County CWS
Agency
Post Office Box 1359
Susanville, CA 96130
530-251-8277 days
530-257-6121 Sheriff
www.co.lassen.ca.us

LOS ANGELES

Director, Los Angeles County
CWS Agency
425 Shatto Place
Los Angeles, CA 90020
800-540-4000 In-State
213-639-4500 Out of State
www.lacounty.info

MADERA

Director, Madera County CWS
Agency
700 East Yosemite Avenue
Madera, CA 93638
559-675-7829
800-801-3999
www.madera-county.com

MARIN

Director, Marin County CWS
Agency
20 North San Pedro Rd, Suite
2028
San Rafael, CA 94903
415-499-7153
415-479-1601 TDD
www.co.marin.ca.us

MARIPOSA

Director, Mariposa County CWS
Agency
5186 Highway 49 North
Mariposa, CA 95338
209-966-3030
www.mariposacounty.org

MENDOCINO

Director, Mendocino County
CWS Agency
P.O. Box 1060
Ukiah, CA 95482
866-236-0368
www.co.mendocino.ca.us

MERCED

Director, Merced County CWS
Agency
Post Office Box 112
Merced, CA 95341
209-385-3000 ext 5856 or 5858
www.co.merced.ca.us

MODOC

Director, Modoc County CWS
Agency
120 North Main Street
Alturas, CA 96101
530-233-6501 days
530-233-4416 nights
www.modoccounty.us

MONO

Director, Mono County CWS
Agency
Post Office Box 576
Bridgeport, CA 93517
760-932-7755 or 800-340-5411
www.monocounty.ca.gov

MONTEREY

Director, Monterey County CWS
Agency
1000 South Main Street, Suite
209-A
Salinas, CA 93901
831-755-4661
www.co.monterey.ca.us

NAPA

Director, Napa County CWS
Agency
2261 Elm Street
Napa, CA 94559
707-253-4261
www.co.napa.ca.us

NEVADA

Director, Nevada County CWS
Agency
P.O. Box 1210
Nevada City, CA 95959
530-273-4291
www.mynevadacounty.com

SANTA BARBARA

Director, Santa Barbara County
CWS
Agency
234 Camino Del Remedio
Santa Barbara, CA 93110
800-367-0166 days
805-737-7078 Lompoc
805-683-2724 nights
www.countyofsb.org

ORANGE

Director, Orange County CWS
Agency
888 North Main Street
Santa Ana, CA 92701
714-940-1000
800-207-4464
www.oc.ca.gov

PLACER

Director, Placer County CWS
Agency
11730 Enterprise Drive
Auburn, CA 95603
530-886-5450
www.placer.ca.gov

PLUMAS

Director, Plumas County CWS
Agency
270 County Hospital Road, Suite
207
Quincy, CA 95971
530-283-6350
www.countyofplumas.com

RIVERSIDE

Director, Riverside County CWS
Agency
4060 County Circle Drive
Riverside, CA 92503
800-442-4918
800-582-9893 Rancho Mirage
www.co.riverside.ca.us

SACRAMENTO

Director, Sacramento County
CWS Agency
7001 East Parkway, Suite A
Sacramento, CA 95823
916-875-5437
www.saccounty.net

SAN BENITO

Director, San Benito County
CWS Agency
1111 San Felipe Road, Suite 206
Hollister, CA 95023
831-636-4190 days
831-636-4330 nights
www.san-benito.ca.us

SAN BERNARDINO

Director, San Bernardino County
CWS Agency
385 North Arrowhead Avenue, 5th
Floor
San Bernardino, CA 92415
800-827-8724
909-350-4949
909-422-3266 nights
www.co.san-bernardino.ca.us

SAN DIEGO

Director, San Diego County CWS
Agency
1700 Pacific Highway, M.S. P501
San Diego, CA 92101
858-560-2191
www.co.san-diego.ca.us

SAN FRANCISCO

Director, San Francisco County
CWS Agency
P. O. Box 7988
San Francisco, CA 94120
415-558-2650
800-856-5553
www.ci.sf.ca.us

SAN JOAQUIN

Director, San Joaquin County
CWS Agency
P.O. Box 201056
Stockton, CA 95201-3006
209-468-1333
Revised April 6, 2006
www.sjgov.org

SAN LUIS OBISPO

Director, San Luis Obispo County
CWS
Agency
P. O. Box 8119
San Luis Obispo, CA 93403-8119
805-781-5437
800-834-5437
www.co.slo.ca.us

SAN MATEO

Director, San Mateo County CWS
Agency
400 Harbor Blvd.
Belmont, CA 94002
650-595-7922
800-632-4615
www.sanmateo.ca.us

SANTA CLARA

Director, Santa Clara County
CWS Agency
1725 Technology Drive
San Jose, CA 95110
408-299-2071 North
408-683-0601 South
www.sccgov.org

SANTA CRUZ

Director, Santa Cruz County
CWS Agency
1000 Emeline Avenue
Santa Cruz, CA 95060
831-454-4222
831-763-8850 Watsonville
www.co.santa-cruz.ca.us

SHASTA

Director, Shasta County CWS
Agency
P.O. Box 496005
Redding, CA 96049-6005
530-225-5144
www.co.shasta.ca.us

SIERRA

Director, Sierra County CWS
Agency
P. O. Box 1019
Loyalton, CA 90118
530-289-3720
530-993-6720
www.sierracounty.ws

SISKIYOU

Director, Siskiyou County CWS
Agency
818 South Main Street
Yreka, CA 96097
530-841-4200 days
530-842-7009 nights
www.co.siskiyou.ca.us

SOLANO

Director, Solano County CWS
Agency
P.O. Box 4090 MS 3-220
Fairfield, CA 94533
800-544-8696
www.co.solano.ca.us

SONOMA

Director, Sonoma County CWS
Agency
P. O. Box 1539
Santa Rosa, CA 95402-1539
707-565-4304
www.sonoma-county.org

STANISLAUS

Director, Stanislaus County CWS
Agency
P. O. Box 42
Modesto, CA 95353-0042
800-558-3665
www.co.stanislaus.ca.us

SUTTER

Director, Sutter County CWS
Agency
P. O. Box 1535
Yuba City, CA 95992-1535
530-822-7155
www.co.sutter.ca.us

TEHAMA

Director, Tehama County CWS
Agency
P.O. Box 1515
Red Bluff, CA 96080
800-323-7711
530-527-9416
www.tehemacountyadmin.org

TRINITY

Director, Trinity County CWS
Agency
P. O. Box 1470
Weaverville, CA 96093-1470
530-623-1314
www.trinitycounty.org

TULARE

Director, Tulare County CWS
Agency
5957 South. Mooney Blvd
Visalia, CA 93277
800-331-1585 co. only
559-730-2677
www.co.tulare.ca.us

TUOLUMNE

Director, Tuolumne County CWS
Agency
20075 Cedar Road North
Sonora, CA 95370
209-533-5717 days
209-533-4357 nights
www.tuolumnecounty.ca.gov

VENTURA

Director, Ventura County CWS
Agency
505 Poli Street
Ventura, CA 93001
805-654-3200
www.countyofventura.org

YOLO

Director, Yolo County CWS
Agency
25 North Cottenwood Street
Woodland, CA 95695
530-669-2345/46 days
530-666-8920 nights
888-400-0022
www.yolocounty.org

YUBA

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APPENDIX E

REPORTING CHECKLIST

- **Individual Duty to Report:** The reporter shall notify Child Protective Services (Child Protective Services includes the following agencies: any police department or sheriff's department, a county probation department, or a county welfare department. It does not include a school police or security department!) immediately by telephone and provide the following information:
 - Name of person making the report
 - Name of child
 - Present location of the child (at the moment, if known)
 - Nature and extent of the injury
 - Any other information that led the reporter to suspect child abuse
- **Joint Reports:** When two or more persons who are required to report jointly have written knowledge of a suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by any one of them, who is selected by mutual agreement, and a single report may be made and signed by the person selected. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.
- **Document the Call:** At the time the call is made, the reporter must note the name of the official contacted, the phone number, and the date and time contacted.
- **Employer Notification (Optional):** The mandated reporter may inform an administrator that a child abuse report has been made, the name of the student, and the information which led to the filing of the report. However, no mandated reporter filing a child abuse report shall be required to disclose his or her identity to the employer. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties.
- **Follow Up With Written Report:** Within 36-clock hours, the reporter must file with child protective services or the police a written report on a state child abuse reporting form. Detailed instructions for completion are on the back sheet of the suspected child abuse form. A copy should be retained by the reporter or the employer in a confidential file. The written report may be mailed or submitted by facsimile or electronic transmission. It is the responsibility of the child protective services office to distribute the copies.

ENDNOTES

- 1 Pen. Code, § 11164 et seq.
- 2 Pen. Code, § 11165.7.
- 3 Pen. Code, § 11165.7.
- 4 Pen. Code, § 11166(a).
- 5 Pen. Code, § 11166(a).
- 6 Pen. Code, § 11166(a).
- 7 Pen. Code, § 11166(g).
- 8 Pen. Code, § 11166(a)(1).
- 9 Pen. Code, § 11166 (a)(1).
- 10 Pen. Code, § 11165.6.
- 11 Pen. Code, §§ 11165.3, 11165.4, 11165.6.
- 12 Pen. Code, § 11165.3.
- 13 *See People v. Thomas* (1976) 65 Cal.App.3d 854 [135 Cal.Rptr. 644].
- 14 *See People v. Thomas* (1976) 65 Cal.App.3d 854 [135 Cal.Rptr. 644].
- 15 Pen. Code, § 11165.4.
- 16 Ed. Code, § 49001(a); Pen. Code, § 11165.4.
- 17 Ed. Code, § 49001 (a); Pen. Code, § 11165.4.
- 18 Pen. Code, § 11165.6.
- 19 This information is intended to provide examples only and is not intended to be an exhaustive or definitive list of potential warning signs. *See* Child Welfare Information Gateway (U.S. Department of Health and Human Services), *Recognizing Child Abuse and Neglect: Signs and Symptoms* (Fact Sheet Series, 2007) at <http://www.childwelfare.gov/pubs/factsheets/signs.cfm>.
- 20 Pen. Code, § 11165.1.
- 21 Pen. Code, § 11165.1(a).
- 22 Pen. Code, § 11165.1(b)(1)-(4).
- 23 Pen. Code, § 11165.1.
- 24 Pen. Code, § 11165.1(c).
- 25 *People v. Stockton Pregnancy Control Medical Clinic, Inc.* (1998) 203 Cal.App.3d 225, 233, 240 [249 Cal.Rptr. 762]; Pen. Code, §§ 288; 11165.1, 11166(a).
- 26 Pen. Code, §§ 288; 11165.1, 11166(a).
- 27 Pen. Code, §§ 288; 11165.1, 11166(a).
- 28 Pen. Code, §§ 288(a) and 261.5.
- 29 *See People ex rel. Eichenberg v. Stockton Pregnancy Control Medical Clinic, Inc.* (1998) 203 Cal.App.3d 225, 233, 240 [249 Cal.Rptr. 762].
- 30 Pen. Code, § 11166(a)(1).

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- 31 This information is intended to provide examples only and is not intended to be an exhaustive or definitive list of potential warning signs. *See* Child Welfare Information Gateway (U.S. Department of Health and Human Services), *Recognizing Child Abuse and Neglect: Signs and Symptoms* (Fact Sheet Series, 2007) at <http://www.childwelfare.gov/pubs/factsheets/signs.cfm>.
- 32 Pen. Code, § 11165.2.
- 33 Pen. Code, § 11165.2(a).
- 34 This information is intended to provide examples only and is not intended to be an exhaustive or definitive list of potential warning signs. *See* Child Welfare Information Gateway (U.S. Department of Health and Human Services), *Recognizing Child Abuse and Neglect: Signs and Symptoms* (Fact Sheet Series, 2007) at <http://www.childwelfare.gov/pubs/factsheets/signs.cfm>.
- 35 Pen. Code, § 11165.2.
- 36 Pen. Code, § 11165.3.
- 37 Pen. Code, §§ 273(a); 11165.3, 11165.6.
- 38 Pen. Code, § 11165.3.
- 39 Pen. Code, § 11166.05.
- 40 Pen. Code, § 1170.76.
- 41 Pen. Code, § 1170(b).
- 42 Pen. Code, § 11166.5(a).
- 43 Pen. Code, §§ 11165.7(c), 11166.5.
- 44 Pen. Code, § 11166(i)(1).
- 45 Pen. Code, § 11166(i)(1) -(2).
- 46 Pen. Code, § 11166(i)(1).
- 47 Pen. Code, § 11166(i)(3).
- 48 Pen. Code, § 11166(i)(1).
- 49 Pen. Code, § 11166(h).
- 50 Child Protective Services includes the following agencies: any police department or sheriff's department, a county probation department, or a county welfare department. It does not include a school police or security department. Pen. Code, §§ 11166(a) 11167(a).
- 51 Pen. Code, §§ 11166(a), 11167(a).
- 52 Pen. Code, § 11166(a).
- 53 Pen. Code, § 11167(d)(1).
- 54 Pen. Code, §§ 11167(b)-(c), 11167(d)(1)-(2).
- 55 Pen. Code, §§ 11167(d)(1)-(2).
- 56 Pen. Code, § 11167.5(a).
- 57 Pen. Code, §§ 11167.5(b)(1), 11167(b)-(c), 11167(d)(1)-(2).
- 58 34 C.F.R. § 668.46(d).
- 59 34 C.F.R. § 668.46(b)(2).
- 60 34 C.F.R. § 668.46(b)(2).
- 61 34 C.F.R. § 668.46(b)(3).

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- 62 34 C.F.R. § 668.46(b)(4).
- 63 34 C.F.R. § 668.46(b)(5).
- 64 34 C.F.R. § 668.46(b)(6).
- 65 34 C.F.R. § 668.46(b)(7).
- 66 34 C.F.R. § 668.46(b)(8).
- 67 34 C.F.R. § 668.46(b)(9).
- 68 34 C.F.R. § 668.46(b)(10).
- 69 34 C.F.R. § 668.46(b)(11).
- 70 34 C.F.R. § 668.46(b)(12).
- 71 34 C.F.R. § 668.46(g).
- 72 34 C.F.R. § 668.46(h).
- 73 34 C.F.R. § 668.46(c)(4).
- 74 34 C.F.R. § 668.46(e)(3).
- 75 34 C.F.R. § 668.41(e).
- 76 20 U.S.C. §§ 1092(f)(13) & 1094(c)(3)(B).
- 77 Penal Code § 261.5.
- 78 U.S. Department of Education, *The Handbook for Campus Safety and Security Reporting*, p. 73.
- 79 34 C.F.R. § 668.46(a); U.S. Department of Education, *The Handbook for Campus Safety and Security Reporting*, p. 75.
- 80 34 C.F.R. § 668.46(c)(4)(ii).
- 81 Pen. Code §§ 11165.14, 11166(d)(3)(C), 11165.9.
- 82 *Greene v. Camreta* (9th Cir. 2009) 588 F.3d 1011, cert. granted (2010) 131 S.Ct. 456, and vacated in part (2011) 131 S.Ct. 2010.
- 83 *Greene v. Camreta* (9th Cir. 2009) 588 F.3d 1011, cert. granted (2010) 131 S.Ct. 456, and vacated in part (2011) 131 S.Ct. 2010.
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- 89 *Camreta v. Greene* (2011) 131 S.Ct. 2020.
- 90 Ed. Code, § 48906.
- 91 Pen. Code, § 11174.3(a).
- 92 Pen. Code, § 11174.3(a).

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- ⁹³ Pen. Code, § 11174.3(a).
- ⁹⁴ Pen. Code, § 11174.3(a).
- ⁹⁵ *Greene v. Camreta* (9th Cir. 2009) 588 F.3d 1011, cert. granted (2010) 131 S.Ct. 456, and vacated in part (2011) 131 S.Ct. 2010.
- ⁹⁶ See *Dailey v. Los Angeles Unified School District* (1970) 2 Cal.3d 741, 747 [87 Cal.Rptr. 376].
- ⁹⁷ 34 Ops.Cal.Atty.Gen. 93, 95 (1959).
- ⁹⁸ 34 Ops.Cal.Atty.Gen. 93, 95 (1959).
- ⁹⁹ 34 Ops.Cal.Atty.Gen. 93, 95 (1959).

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