

California Joint Powers Risk Management Authority

Child Abuse and Neglect Reporting Act Sample Policy

California Penal Code Section(s) 11164 to 11174.4 are labeled “The Child Abuse and Neglect Reporting Act”. The purpose of this policy is to identify positions identified in the Penal Code as Mandated Reporters, create training requirements for each mandated reporter and to identify the procedures for employees to follow when reporting cases of suspected Child Abuse.

Section I. Mandated Reporters

California Penal Code Section 11165.7 identifies positions/functions within organizations that are mandated reporters. The following is a partial list of the positions named in the penal code as mandated reporters and that are likely to be found in organizations belonging to CJPRMA: (See Attachment A for the text of 11165.7.)

- (1) A teacher.*
- (2) An instructional aide.*
- (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.*
- (16) An employee of a school district police or security department.*
- (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.*
- (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.*
- (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.*

(34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

Organizations should utilize the above list to identify all positions/functions which are considered to be mandated reporters.

Employees that are mandated reporters must: a) be advised that their position/function has been identified as a mandated reporter, b) provided with the guidelines and instructions for the identification and reporting of child abuse and c) required to sign a "Receipt and Acknowledgement of Child Abuse Reporting Requirements. All new employees hired into positions that are determined by Penal Code or by City as a mandated reporter will be provided all of the above upon their employment. Cities will establish a list of resources and contacts for their employees within their geographical area for the purpose of filing a report of suspected child abuse.

The following is a child abuse reporting guideline:

1. All city employees that perform as "child care custodians" are mandated child abuse reporters. In addition to "child care custodians" additional employees are mandated child abuse reporters, these positions include but are not limited to: police officers, firefighters, paramedics, emt's, recreation directors, day care or drop in school program employees, animal control officers and all police department employees. The child care custodian/mandated reporter has individual responsibility to report when he/she receives first-hand information or has the initial contact with the child when a concern arises. The reporting responsibility should not be passed off to another employee, counselor, or supervisor.
2. The reporter is not the investigator. That is the responsibility of Child Protective Services (CPS) or your police department. If the child care custodian "suspects" child abuse, he/she must take action without delay.
3. The recommended reporting model in (City) is to first contact the police department. The officer assigned will act as a "clearinghouse" for taking the next steps and serves as the initial CPS contact. If no officer is available, the reporter has the option to call the local CPS in their area. However, if there is a child endangerment situation, Local Police should be involved from the outset. Don not rely on your Local CPS to quickly contact the Local Police Department in each case.
4. Within 36 hours of the oral report, a written "Suspected Child Abuse Report" must be completed and filed. The written report should include details and should not "candy coat" the facts. Thoroughness may have much to do with how the incident is interpreted by CPS.
5. All incidences of suspected child abuse are to be immediately reported to the Director of Human Resources or the individual Department Director.

**RECEIPT AND ACKNOWLEDGEMENT OF
CHILD ABUSE REPORTING REQUIREMENTS**

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a public agency that has been so identified as a 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 who he or she knows or reasonably suspect has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report within thirty-six (36) hours of receiving the information concerning the incident.

“Child care custodian” includes teacher, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; licensed day care workers; administrators of community care facilities licensed to care for children; headstart teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including but not limited to, foster parents, group home personnel, and personnel of residential care facilities; and social workers or probation officers.

“Medical practitioner” includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

“Non-medical practitioner” includes state or county public health employees who treat minors for venereal disease, or any other condition; coroners; paramedics; marriage, family or child counselors; and religious practitioners who diagnose, examine or treat children. (Penal Code, Section 11166.5).

Attached hereto is a copy of Penal Code Section 11166 and I agree to comply therewith.

Signature: _____ Date: _____

“Attachment A”

Penal Code Section 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 California 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 headstart 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 2913 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 (c) 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 (c) 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 Rules of Court.

(b) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.

(c) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.

(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) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.