



Best Practices for Mandated Reporters

Students have a right to a safe school environment.

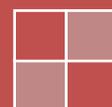


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BEST PRACTICES FOR MANDATED REPORTERS

NEW REQUIREMENTS FOR MANDATED REPORTING

AB 1432¹ requires districts, county offices of education and charter schools to provide **annual training** to all employees and others who are mandated to report known or suspected child abuse or neglect. In addition, any mandated reporter who is hired during the school year must complete training **within the first six weeks of his/her employment.**

Furthermore, all existing employees who are mandated reporters must provide proof of completing the training within the first six weeks of each school year. **Note: annual training of all mandated reporters is now required.** Since the law is effective January 1, 2015, the obligation for existing employees to complete training within the first six weeks of the school year will start with the 2015-16 school year.

Information about online training from the California Department of Social Services, including training that will satisfy the requirements of AB 1432, is available at www.mandatedreporterca.com

AB 1775² expands the definition of sexual exploitation. AB 2560³ requires applicants for a new or renewed credential to sign a statement that they understand their obligations as mandated reporters (see **Sample Acknowledgement of Understanding of Duties Form in the Appendix.**)

¹ An act to repeal Section 44690 of, and to repeal and add Section 44691 of, the Education Code, and to amend Section 11165.7 of the Penal Code, relating to child abuse reporting. Approved by Governor September 29, 2014. Filed with Secretary of State September 29, 2014.

² An act to amend Section 11165.1 of the Penal Code, relating to child abuse. Approved by Governor August 22, 2014. Filed with Secretary of State August 22, 2014.

³ An act to amend Section 44252 of the Education Code, relating to teacher credentialing. Approved by Governor July 09, 2014. Filed with Secretary of State July 09, 2014.

Finally, AB 2016⁴ authorizes districts to provide instruction in awareness and prevention of sexual abuse/ assault, and it requires California Department of Education (CDE) to consider including these topics in the next revision of the health content standards and framework.

WHAT IS SUSPECTED ABUSE OR NEGLECT?

Child abuse includes physical, emotional, and sexual abuse as well as the neglect of minors. Child abuse is defined as:

- A physical injury which is inflicted by other than accidental means on a child⁵ by another person.
- Sexual abuse of a child, including both sexual assault and sexual exploitation.
- Willful cruelty or unjustifiable punishment of a child.
- Unlawful corporal punishment or injury of a child.
- Negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision of a child where no physical injury to the child occurred.

Child sexual abuse can include unwanted and unnecessary touching or fondling of minors; voyeurism; exposing minors to sexual acts or pornography; requests for or offers of sex to or from a minor; sexual exploitation of minors; lewdness or exposing private body parts to a minor; taking nude photographs of minors without proper consent or for illegal purposes; online enticement of minors; and other sexual acts to minors such as intercourse, penetration, rape, incest, and sodomy.

Often, there is little that is typical or obvious signs of child abuse. Some signs that a child is experiencing violence or abuse are more obvious than others. See Table of Potential Signals Seen in Victims at the end of this document.

⁴ An act to add Section 51900.6 to the Education Code, relating to pupil instruction. Approved by Governor September 29, 2014. Filed with Secretary of State September 29, 2014.

⁵ In California, a child is a minor, any person under the age of eighteen years old (Penal Code Section 261.5).

CHILD ABUSE REPORTING

Who Must Report?⁶

The California Child Abuse Reporting Law defines “Mandated reporters” of child abuse as the following:

- A teacher.
- An instructional aide.
- A teacher’s aide or teacher’s assistant employed by any public or private school.
- A classified employee of any public school.
- A school nurse.
- A coach.
- Any other person as described in California Penal Code Section 11165.7.

Mandated Reporter Training Requirements

Mandated reporters are required to take the **Child Abuse Mandated Reporter Educators Training Module** within six weeks of hire and annually thereafter within the first six weeks of each school year and annually thereafter. This training is offered free by ASCIP at <http://ascip.org/training/online-training/> or free by the California Department of Social Services at <http://mandatedreporterca.com/training/generaltraining.htm>. Certificates of completion (which can be printed after completion) should be kept within each mandated reporter employee’s personnel file. In addition, Districts should require that each mandated reporter date and sign its District’s versions of **Sample Annual Employee Acknowledgement Form** and **Sample Suspected Child Abuse Reporting Acknowledgement Form**.

The Mandated Reporter Training covers the following topics:

- What the law requires of you as a mandated reporter
- How to spot indicators of possible child abuse or neglect
- How to talk to children about suspected abuse
- How to make a report
- What happens after a report is filed

⁶ Legal references: Education Code Sections 33308.1, 44690-44691, and 48906; Penal Code Sections 273a, 11164-11164.3, 11165-11165.5, 11166-11170, 11172, and 11174.3; Welfare and Institutions Code 600-601.2, 15630-15637.

- Special issues related to child abuse reporting in the school environment

Districts may choose to use alternative training methods other than the online training module offered through the California Department of Education (CDE). Such training must be approved by the CDE. District must use the following CDE form to report the alternate training method that will be used: [Reporting Form for LEAs Who Use Alternative Training For Mandatory Reporting](#). This form has been also included at the end of this document.

When and How Do You Report?

Child abuse must be reported when the mandated reporter has knowledge of, observes, or reasonably suspects that a minor has been the victim of child abuse, neglect, or exploitation.⁷

If an employee **reasonably suspects** that child abuse is occurring (by a parent, district employee or other district affiliated person (volunteer or contract employee) or that a minor is in danger⁸, they must immediately report the abuse by phone and follow-up in writing within 36 hours to the proper legal authorities/ Child Protective Services.⁹A list of emergency phone numbers for each county can be found at the end of this document. The observer must directly report the incident to legal authorities/ Child Protective Services and cannot pass on this obligation to their supervisor or other employee. They themselves must report.

⁷ Note that the **definition of child abuse** is broad. For example, in 2012, the United States Attorney's Office of Legal Counsel issued a legal opinion stating that when a mandated reporter learns that an adult has viewed child pornography, it gives reason to suspect a child has suffered an incident of child abuse (i.e., the subject of the photo) and that when a mandated reporter learns facts that give reason to suspect a child has suffered any incident of child abuse, the abuse must be reported (even though the mandated reporter does not know the identity of the victim.) [Source: U.S. Attorney Office of Legal Counsel Legal Opinion: "*Duty to Report Suspected Child Abuse Under 42 USC section 13031*" (2012).]

⁸ It is well-know that unsubstantiated rumors of sexual misconduct might curtail or destroy the careers of innocent teachers, counselors. or other school employees. Nevertheless, it is imperative to know that a mandated reporter should reasonably suspect child abuse or neglect whenever "it is objectively reasonable ... to entertain such 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." (Penal Code § 11166(a)). Facts upon which reasonable suspicion may arise do not have to have been witnessed by the employee, but rather can be learned from other sources. The employee may seek assistance from the District's Mandated Reporting Coordinator or equivalent. However, the employee is personally responsible for determining when reporting is called for and following the reporting procedures.

A written report must be forwarded within 36 hours of receiving the information regarding the incident. Written reports must be submitted on a Department of Justice (DOJ) SS 8572 form, which can be requested from your local police or sheriff's department or downloaded from the Internet. A sample form SS 8572 can be found at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf .

If the mandated reporter does not report a case of known or even suspected child abuse, he or she can be found guilty of a misdemeanor and be punished by six months in jail and/or a fine of up to \$1,000.

Reports are Confidential

When a mandated reporter suspects abuse, neglect, or exploitation, he or she must give his or her name. However, his or her identity must remain confidential, and authorities cannot reveal him or her as the source of the report. The identity of a person who reports known or suspected child abuse is confidential and may only be disclosed as follows:

- Between agencies receiving or investigating the report.
- To the district attorney in a criminal prosecution.
- To the district attorney in an action initiated under Welfare and Institutions Code Section 602 (minors violating laws defining crime, wards of court) arising from alleged child abuse.
- To the child's appointed counsel pursuant to Welfare and Institutions Code Section 371, subdivision (c).
- To the county counsel or district attorney in a proceeding under Family Code Section 7800 et seq. (termination of parental rights) or Welfare and Institutions Code Section 300 (dependent children).
- To a licensing agency when abuse in out-of-home care is reasonably suspected.
- By court order.

Victim Interviews

Occasionally, a mandated reporter may be asked to be present voluntarily during an interview with a victim upon the victim's request. Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim

during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

Such a mandated reporter (or a volunteer aide) selected by the child may decline to be present at the interview. In the event the selected person accepts, the principal or designee shall inform him or her, before the interview takes place, of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If the staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall **not** notify the parent/guardian as required in other instances of the removal of a child from school, **but rather** shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form. See **Sample Release of Minor to Peace Officer Form**.

Parent/Guardian Complaints

Parents and guardians can also be reporters of suspected child abuse. Upon request, the Superintendent or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English. (Education Code 48987)

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified in the **Child Protective Services Hotline Telephone Numbers** listing near the end of this chapter or with a local law enforcement agency.

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code 11166 to file a report himself or herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education (CDE) pursuant to 5 CCR 4650(a)(viii)(C). The CDE does not investigate allegations of child abuse but may investigate conditions that may involve immediate physical danger or threaten the health, safety or welfare of the child and which may result in denial of free appropriate public education.

Potential Signals of Child Abuse in Victims

General Abuse When the Victim is Any Age

- Poor nourishment or inadequate clothing.
- Consistent tiredness or sleepiness
- Repeated injuries such as bruises, welts, or burns, especially those where the shape of an object is visible (such as a cigarette burn or belt mark)
- Unexplained changes in personal hygiene or appearance
- Nightmares or other sleep problems
- Unexplained changes in school performance or attendance
- Unexplained fractures
- Unexplained extreme fears
- Sudden, unexplained behavior changes—*withdrawal, clinginess, swings in eating behaviors*
- Older child behaving like a younger child—*thumb-sucking, bedwetting*
- Specific fears of a person or place or a fear of going home
- Resistance to routines such as undressing, bathing, or toilet use
- Playing, writing, drawing, or acting out sexual or frightening imagery
- Refusal to talk about a secret that is kept with an adult or older child
- Unexplained, nonspecific ailments—*frequent stomach aches*
- New or adult words of a sexual nature
- Playing out sexual activities with toys, objects, or other children
- Special relationships with adults or older children that include gifts or secrets
- Self harmful activity—*drugs, alcohol, cutting, burning, promiscuity, running away*
- Death by means other than accident
- Unexplained physical symptoms—*bruises, especially in genital or oral areas, STDs, pregnancy*

Specific, Sexual-Abuse Related Signals by Victim's Age

Age-inappropriate sexual behaviors include, but are not limited to, the following:

Preschoolers:	<ul style="list-style-type: none">• Discussion of specific sex acts• Explicit sexual language• Adult-like sexual contact with other children
Elementary (Ages 6-12, pre-pubescent):	<ul style="list-style-type: none">• Discussion of specific sex acts• Explicit sexual language• Adult-like sexual contact• Public genital stimulation
Elementary (Ages 6-12, pubescent):	<ul style="list-style-type: none">• Oral/genital contact• Intercourse• Adult-like sexual contact• Public masturbation
Adolescents (Ages 13-17):	<ul style="list-style-type: none">• Public masturbation• Sexual interest in younger children

Common Factors of Perpetrators (PASS), Even When the Perpetrator is Another Child

- POWER:** The suspected perpetrator uses tricks, bribes, threats, or physical force against the victim.
- ABILITY:** The suspected perpetrator has greater mental, emotional, or physical ability than the victim (e.g., disabled or developmentally delayed victims, typical adult/child dynamic).
- SIZE:** The suspected perpetrator is much older or larger than the abused child.
- STATUS:** The suspected perpetrator has more power than the abused child (adult, minor/babysitter, minor/ club leader, minor/team captain, minor/bully).

SAMPLE

**ACKNOWLEDGEMENT OF UNDERSTANDING OF THE DUTIES IMPOSED
PURSUANT TO THE CHILD ABUSE AND NEGLECT REPORTING ACT**

As a document holder authorized to work with children, it is part of my professional and ethical duty to report every instance of child abuse or neglect known or suspected to have occurred to a child with whom I have professional contact.

I understand that I must report immediately, or as soon as practicably possible, by telephone to a law enforcement agency or a child protective agency, and will send a written report and any evidence relating to the incident within 36 hours of becoming aware of the abuse or neglect of the child.

I understand that reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person is not a substitute for making a mandated report to a law enforcement agency or a child protective agency.

I understand that the reporting duties are individual and no supervisor or administrator may impede or inhibit my reporting duties.

I understand that once I submit a report, I am not required to disclose that I submitted the report to my employer.

I understand that my failure to report an instance of suspected child abuse or neglect as required by the Child Abuse and Neglect Reporting Act under Section 11166 of the Penal Code is a misdemeanor punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine.

I acknowledge and certify that as a document holder, I will fulfill all the duties required of a mandated reporter.

Name: _____

Signature: _____

(please print)

Employee Number: _____

Position: _____

School/Office Location: _____

Date: _____

A COPY OF THIS ACKNOWLEDGEMENT WILL BE RETAINED BY YOUR SCHOOL OR OFFICE ADMINISTRATOR AND WILL BE PLACED IN YOUR PERSONNEL FILE.

SAMPLE

**ANNUAL EMPLOYEE ACKNOWLEDGEMENT OF LEGAL REQUIREMENTS
CONCERNING CHILD ABUSE REPORTING**

1. I have been fully informed of my obligation to report suspected child abuse as specified in the Child Abuse and Neglect Reporting Act (California Penal Code sections 11164 et seq.).
2. I have been provided with a copy of the Child Abuse Reporting Information Sheet which summarizes my child abuse reporting obligations as an employee of the district.
3. I have received annual training from ***(Insert Trainer Name)*** on child abuse laws, child abuse reporting procedures, and my duties as a mandated or non-mandated reporter. This training applies to the _____ school year.
4. I understand that reporting suspected child abuse is my individual obligation and that my failure to comply with child abuse reporting laws and/or child abuse reporting procedures may subject me to school district disciplinary action, professional, civil and/or criminal liability.

I hereby certify that I have knowledge of the child abuse reporting legal mandates and reporting procedures and that I will comply with them.

Name: _____ Signature: _____
(please print)

Employee Number: _____ Position: _____

School/Office Location: _____ Date: _____

A COPY OF THIS CERTIFICATION WILL BE RETAINED BY YOUR SCHOOL OR OFFICE ADMINISTRATOR AND WILL BE PLACED IN YOUR PERSONNEL FILE.

SAMPLE

SUSPECTED CHILD ABUSE REPORTING ACKNOWLEDGEMENT FORM

Penal Code Section 1.1166 requires any child care custodian, medical practitioner, or employee of a child protective agency who has knowledge of or observes a child who he or she knows or reasonably suspects 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 is practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

I realize that in the capacity in which I am employed, I fall within the definition of "Child Care Custodian." Therefore, I am mandated to comply with the child abuse reporting requirements as stated above.

I further acknowledge that if I do not report a case of known or even suspected child abuse, I can be found guilty of a misdemeanor and be punished by six months in jail and/or a fine of up to \$1,000.

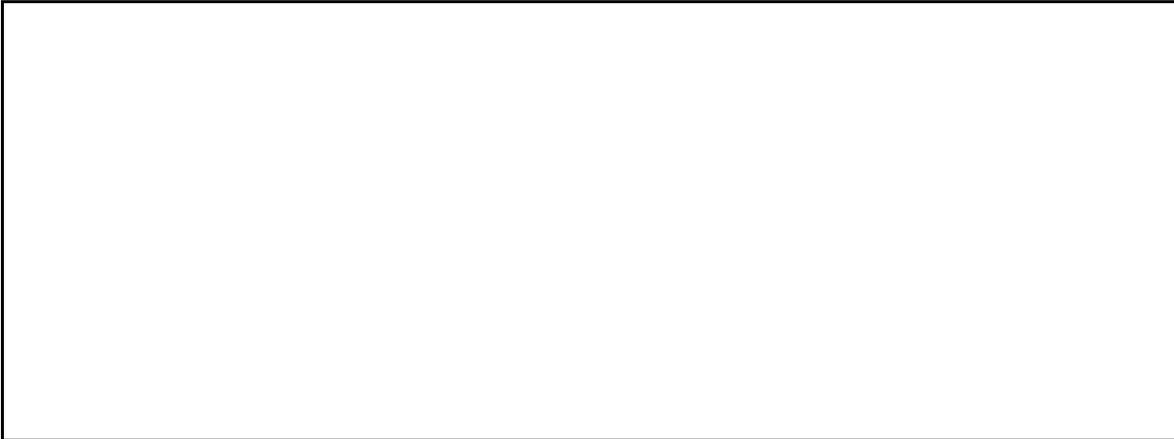
I, _____ have read and understand the requirements of PC Section 11166 as outlined above and will comply with those provisions.

Name: _____ Position: _____
(please print)

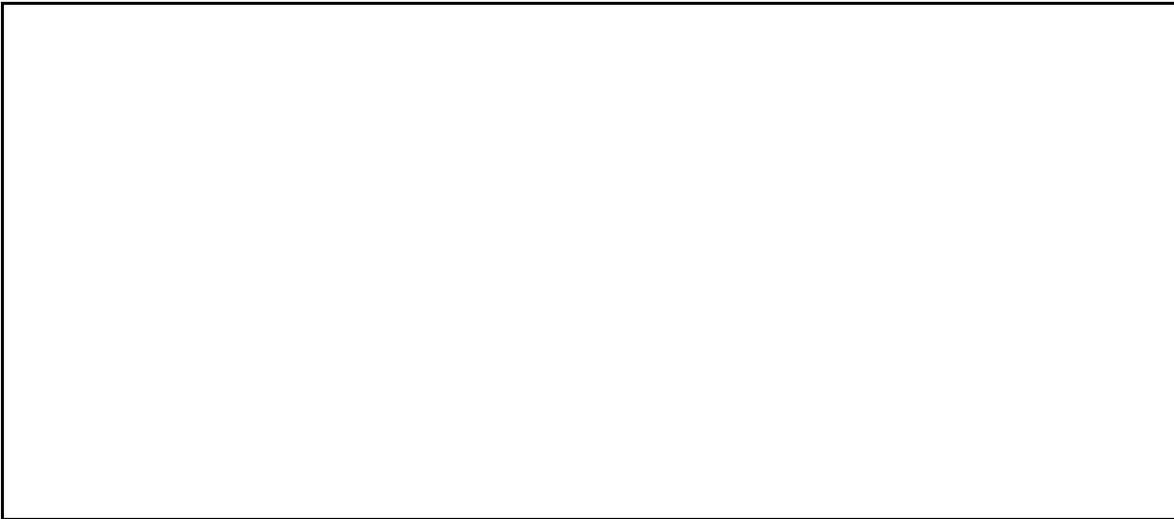
Signature: _____ Date: _____

A COPY OF THIS CERTIFICATION WILL BE RETAINED BY YOUR SCHOOL OR OFFICE ADMINISTRATOR AND WILL BE PLACED IN YOUR PERSONNEL FILE.

Provide a description of the training, including topics covered; you may also attach an outline from the training used.



Optional: The CDE is interested in learning why alternate training was used. In the space below, please explain the reasons why the district did not use the training in the duties of mandated reporters created by the CDSS.



SAMPLE

RELEASE OF MINOR WHO IS A VICTIM OF SUSPECTED CHILD ABUSE OR NEGLECT TO PEACE OFFICER FORM

Education Code Section 48906 states: "When a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, **except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165.6 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code.** In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing.

Name of minor: _____
Name of minor's parent(s) or guardian(s): _____
Address of parent(s) or guardian(s): _____
Telephone number(s) of parent(s) or guardian(s): _____

I certify that I am a sworn peace officer as indicated below and that I shall abide by the procedures of Education Code Section 48906 (EC 48906) and all other California laws and department procedure with respect to the release of the minor indicated above to my custody, including but not limited to, notification of the minor's parent(s) or guardian(s). This minor shall be monitored at all times while in police custody.

Parental Notification. Except as allowed under EC 48906, officer shall notify the minor's parent(s) or legal guardian(s) regarding:

- 1. the whereabouts of the minor,
- 2. the nature of the minor's custody, and
- 3. the police department's planned course of action.

Signature of peace officer name to whom minor is being released: _____
Name/Badge number: _____
Department name: _____
Telephone number of peace officer: _____

A COPY OF THIS FORM WILL BE RETAINED BY YOUR SCHOOL OR OFFICE ADMINISTRATOR. THE SCHOOL WILL FOLLOW-UP WITH THE POLICE DEPARTMENT IMMEDIATELY AFTER THE CHILD IS IN CUSTODY AND, AS APPROPRIATE, UNTIL THE MINOR'S PARENT(S) OR GUARDIAN(S) ARE NOTIFIED.

**Child Protective Services Hotline Telephone Numbers by California County
For Emergency Response Child Abuse Reporting (Revised 12/13/2013)**

Alameda	510-259-1800
Alpine	530-694-2235
Amador	209-223-6550 – Mon-Thurs.8-5 209-223-1075 – After hours
Butte	530-538-7882 800-400-0902 – 24 hours
Calaveras	209-754-6452 209-754-6500 – After hours
Colusa	530-458-0280
Contra Costa	925-646-1680 – Central 510-374-3324 – West 925-427-8811 – East 877-881-1116
Del Norte	707-464-3191
El Dorado	530-642-7100 – Placerville 530-573-3201 – S. Lake Tahoe
Fresno	559-255-8320
Glenn	530-934-6520 530-934-6519 530-934-1429 – Intake
Humboldt	707-445-6180
Imperial	760-337-7750
Inyo	760-872-1727
Kern	661-631-6011 760-375-6049
Kings	559-582-3241 8-5 559-582-8776 after hours 866-582-8776
Lake	707-262-0235 800-386-4090
Lassen	530-251-8277 530-257-6121 530-310-3682 – After hours
Los Angeles	800-540-4000 – Within CA 213-639-4500 – Outside CA 800-272-6699 - TDD
Madera	559-675-7829 800-801-3999
Marin	415-473-7153
Mariposa	209-966-7000 800-549-6741
Mendocino	707-463-7992 – Ukiah 707-962-1100 – Fort Bragg 866-263-0368 – Toll free
Merced	209-385-3104
Modoc	530-233-6602 866-233-4424
Mono	760-924-1770 – 24 hour 760-932-7549 – Sheriff's Office 800-340-5411 – Hot Line
Monterey	831-755-4661 800-606-6618
Napa	707-253-4262 707-253-4261 800-464-4216
Nevada	530-273-4291 – 24 hour

Orange	714-940-1000 800-207-4464
Placer	916-872-6549 866-293-1940
Plumas	530-283-6300 – Sheriff's Office 530-283-6350 800-242-3338 – Toll free
Riverside	800-442-4918 877-922-4453
Sacramento	916-875-5437
San Benito	831-636-4190 831-636-4330 – After hours Police
San Bernardino	909-384-9233 800-827-8724
San Diego	858-560-2191 800-344-6000
San Francisco	415-558-2650 800-856-5553
San Joaquin	209-468-1333
San Luis Obispo	805-781-5437 800-834-5437
San Mateo	650-595-7922 650-802-7922 800-632-4615
Santa Barbara	800-367-0166
Santa Clara	650-493-1186 – North 408-683-0601 – South 408-299-2071 - Central
Santa Cruz	831-454-2273 877-505-3299
Shasta	530-225-5144
Sierra	530-289-3720 530-993-6720
Siskiyou	530-841-4200 530-842-7009 – 24 hour Hot Line
Solano	800-544-8696
Sonoma	707-565-4304
Stanislaus	209-558-3665 800-558-3665
Sutter	530-822-7227
Tehama	530-527-1911 800-323-7711
Trinity	530-623-1314
Tulare	559-730-2677 800-331-1585
Tuolumne	209-533-5717 209-533-4357 – After hours
Ventura	805-654-3200
Yolo	530-669-2345 530-669-2346 888-400-0022 – After hours
Yuba	530-749-6288



Mandated Reporter Child Abuse Reporting Procedure Flowchart

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine. He or she may also be subject to a civil lawsuit, and found liable for damages. Educators who fail to report may risk loss of their license or credential.

