



California Child Abuse and Neglect Reporting Act (Long Version)



Melanie Bentley, Training and Development Specialist
Human Resources



Mandated Reporters

- The California Child Abuse and Neglect Reporting Act (*Penal Code sections 11164-11174.4*) requires certain professionals, known as ***Mandated Reporters***, to report known or suspected instances of child abuse or neglect to law enforcement.
- Mandated Reporters include:
 - ✓ Teachers / Faculty
 - ✓ Instructional aides, teacher's aides, or instructional assistants
 - ✓ Classified employees of any public school
 - ✓ Administrators or employees of organizations whose duties require direct contact and supervision of minors
 - ✓ Licensees, administrators, or employees of a licensed community care or child day care facility



Basic Reporting Provisions

- A Mandated Reporter must make a report whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.
- “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.

(PC 11166 a)



Reporting Obligation

- As a Mandated Reporter, your obligation to report becomes mandatory once you **know or reasonably suspect abuse or neglect is occurring or has occurred**
- A Mandated Reporter is only obligated to make the report. California authorities are responsible to conduct the investigation.



What to Report

1. Physical injury inflicted by other than accidental means upon a minor (PC 11165.6)
2. Sexual abuse of a minor, including both sexual assault and sexual exploitation (PC 11165.1)
3. Willful harming or injuring of a minor or the endangering of the person or health of a minor, including inflicting or permitting unjustifiable physical pain or mental suffering (PC 11165.3)



What to Report (con't)

4. Willful infliction of cruel or inhuman corporal punishment or injury resulting in a traumatic condition (PC 11165.4)

5. Neglect of a minor, whether “general” or “severe”, by a person responsible for the minor’s welfare. The term neglect includes both acts and omissions harming or threatening to harm the minor’s health or welfare (PC 11165.2)

Note: The perpetrator for all of the above is any person, including another minor



When and How to Report

- First, the Mandated Reporter must report by telephone immediately, or as soon as practically possible, to:
 - ✓ Ventura County Child Protective Services
(hotline number: 805-654-3200)



When and How to Report (con't)

- Second, the Mandated Reporter must file a written report within 36 hours regarding the incident, to the Department of Justice on Form SS 8572
- The form and instructions are available at:
http://ag.ca.gov/childabuse/pdf/ss_8572.pdf
http://ag.ca.gov/childabuse/pdf/8572_instruct.pdf



Confidentiality, Safeguards and Immunity

- Although Mandated Reporters must give their name when they make a report, their identity and the content of the report shall be confidential and only disclosed to those agencies who receive or investigate the report. Their identity will not be disclosed to their employer, except with their consent or by court order.
- Mandated Reporters are not required to report incidents or suspicions that occur in their personal life. However, if they choose to make a report outside their work capacity, they do not need to provide their name.
- No Mandated Reporter shall be civilly or criminally liable for submitting any required report, even if the suspicion turns out to be unsubstantiated



Liability

- Any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.
- A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to one year in jail or a \$5,000 fine or both.



Next Steps

- Within 30 days, go to the My VCCCD portal and review the penal code and condensed version of the law
- Print out and sign the Acknowledgement Form
- Return the form to Jay Wysard, Director of Human Resources Operations