



Mandated Reporter Responsibilities & Acknowledgement Form

On September 24, 2012, the Governor signed into law amendments to the California Child Abuse and Neglect Reporting Act (“CANRA”) (Penal Code §§ 11164-11174.3). The amendments, which took effect on January 1, 2013, expand the list of public and private officials who are required to report suspected cases of child abuse under California law to include all California community college employees.

Below are the legal requirements of the Act.

PERSONS WHO ARE REQUIRED TO REPORT

CANRA identifies more than 40 employment positions with specified responsibilities as mandated reporters, including teachers and, as of January 1, 2013, includes all district employees. Volunteers are not included in this program.

WHEN REPORTING IS REQUIRED

Whenever an employee, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a child (i.e., a person under the age of 18 years) whom the employee knows, or reasonably suspects, to have been the victim of child abuse or neglect, the employee must report the incident.

An employee 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 a reasonable suspicion may arise do not have to have been witnessed by the employee, but rather can be learned from other sources.

The employee is personally responsible for determining when reporting is called for and following the reporting procedures identified in this Program.

ABUSE THAT MUST BE REPORTED

Employees must report the following types of abuse or neglect:

- **Physical injury** inflicted by other than accidental means on a child
- **Sexual abuse** meaning sexual assault or sexual exploitation of a child
- **Neglect** meaning the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare
- **Willful harming or injuring or endangering a child** meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child’s health is endangered
- **Unlawful corporal punishment** or injury willfully inflicted upon a child and resulting in a traumatic condition

WHAT IS NOT CHILD ABUSE?

The following is **not** child abuse for reporting purposes:

- Corporal punishment that is not cruel or inhumane or does not result in a traumatic condition
- Injuries caused by two children fighting during a mutual altercation
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property
- Voluntary sexual conduct between minors
- Not receiving medical treatment for religious reasons
- An informed and appropriate medical decision made by a parent or guardian after consultation with a physician who has examined the child

PROCEDURE FOR REPORTING

Employees must report suspected child abuse or neglect:

1. ***Immediately, or as soon as practically possible call one of the following agencies:***
 - * Department of Social Services/Child Welfare Agency 24Hour Abuse Hotline: (714) 940-1000 or (800) 207-4464.
 - * The local city police department.
 - * The Orange County Sheriff's Department
2. ***Within 36 hours of receiving the information concerning the incident:***
Complete Form SS 8572 (<http://ssa.ocgov.com/abuse/child/mandated/forms>) and send, fax, or electronically transmit it to the Department of Social Services.

Note: In case of an emergency or if a crime is in progress, employees should always immediately call Campus Safety or 911.

At the time of the phone call the employee must provide the following information, if known:

- Name, business address, and telephone number of the employee
- Child's name, address, and present location
- Names, addresses, and telephone numbers of the child's parents or guardians
- Source of information that led to the suspicion of child abuse
- Name, address, telephone number, and other personal information of person(s) who might have abused the child

The employee is not excused from making a report where some of this information is not known or is uncertain.

The district encourages employees to also report suspected child abuse or neglect to their supervisors. If the individual confers with a superior and a decision is made that the superior will file the report, one report is sufficient. However, if the superior disagrees, the individual with the original suspicion/knowledge must report.

IMMUNITY AND CONFIDENTIALITY OF REPORTER

Mandated reporters are not civilly or criminally liable for their reports. (Penal Code § 11172(a)). The identity of the person who reports and the report are confidential and disclosed only among appropriate agencies. (Penal Code § 11167(d)).

PENALTY FOR FAILURE TO REPORT ABUSE OR IMPEDING REPORT

A mandated reporter who fails to make a required report, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both. Where the abuse results in death or great bodily injury, the mandated reporter or administrator or supervisor who impeded or inhibited the report shall be punished by up to one year in jail, a fine of \$5,000, or both.

WRITTEN ACKNOWLEDGMENT OF LEGAL RESPONSIBILITY TO REPORT ABUSE

All employees are required to sign a written statement, which states that the employee knows his/her legal reporting obligations and will comply with them. This form functions as a notification to each employee that he/she is a mandated reporter and an acknowledgment from that employee that he/she has been notified.

CERTIFICATION OF COMPLETED TRAINING

Online training will be developed and required for all employees. In the interim, until such training is developed, employees will be provided this written summary of topics related to mandated reporting.

For further information go to: <http://ssa.ocgov.com/abuse/child/mandated/>
Penal Codes relating to California Mandated Reporters: [http://rscdd.edu/Departments/Risk-Management/Documents/Risk%20Management/Penal Code%20Sections%2011165.7-11167.pdf](http://rscdd.edu/Departments/Risk-Management/Documents/Risk%20Management/Penal_Code%20Sections%2011165.7-11167.pdf)

ACKNOWLEDGEMENT OF RESPONSIBILITY

I have read the above statement and will comply with the applicable reporting requirements.

Employee's Name: _____ Dept.: _____

Signature: _____ Date: _____