# Child Abuse Reporting - Quick Reference Guide

## Legal Definitions of Abuse or Neglect

- **Physical Abuse** – PC 11165.6 - physical injury or death inflicted by other than accidental means upon on a child by another person.

- **Sexual Assault or Exploitation** – PC 11165.1 - Sexual assault includes rape, statutory rape, incest, sodomy, lewd and lascivious acts, oral copulation, sexual penetration, child molestation which includes annoying or molesting a child. Sexual Exploitation: Conduct involving matter depicting a minor engaged in obscene acts; permitting or encouraging a minor to engage in prostitution; photographing a child in obscene sexual conduct.

- **Neglect (General or Severe)** – PC 11165.2 - Negligent treatment or maltreatment of a child by person responsible for the child’s welfare, including placing a child in a position that endangers their health or the failure to provide adequate food, clothing, shelter, medical care or supervision. Severe neglect includes the failure to protect a child from malnutrition or failure to thrive. Willful Hurting – PC 11165.3 - Willful harming or injuring of a child or the endangering of the person or health of a child. Unlawful Corporal Punishment – PC 11165.4 - The willful infliction upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

- **Emotional Abuse** – PC 11166.05 - Serious emotional damage of a child as evidenced by states of behavior, including but not limited to, untoward aggressive behavior towards self or others, withdrawal, depression, or severe anxiety. Note: The report of emotional abuse is not mandatory but a mandated reporter "may" report if he or she suspects emotional abuse.

## Examples of Situations That Are Not Mandated Reports

- **Example:** Family is homeless and living under the bridge, absent other risk factors
  - **Not a Mandated Report:** As long as the parents are providing proper supervision and basic needs are being met.

- **Example:** Child not attending school or truant from school
  - **Not a Mandated Report:** A child not attending school in and of itself does not constitute neglect under California law and should be referred to the local Student Attendance Review Board.

- **Example:** Parent spanking an 8 year old child once (one swat) with an open hand which did not result in any injuries (bruises, welts, etc.), for playing with matches.
  - **Not a Mandated Report:** Spanking is legal in the State of California and is defined as “reasonable and age appropriate” spanking to the buttocks which does not result in physical injury. Welfare and Institutions Code Section 300(a). (emphasis added).

## Example of a Situation that May or May Not be a Mandated Report

- **Example:** Parent leaving a 15 year old child unsupervised for 6 hours while they are attending medical appointments.
  - **May or May Not a Mandated Report:** The age at which a child may be left unsupervised is not specified in the State of California. Factors to consider are the child’s age, developmental level, cognitive development, reason that the child is left unsupervised, for how long, whether there is a safety plan, whether the child knows what to do in an emergency, etc.

## Your Responsibility as a Mandated Reporter

Your responsibility as a Mandated Reporter is to report known or suspected child abuse or neglect, not to investigate or determine whether there actually was abuse or neglect. The duty and responsibility to investigate belongs to the child protection agency social worker.

While it is not your responsibility to investigate, it is important to ask the child a few general, open ended questions to ensure that reasonable suspicion exists so that unnecessary reports are not made. Asking a child “Tell me how you got your owie?” will usually provide a basis for determining whether an injury was accidental or inflicted upon a child.

Do not interview or interrogate the child regarding the circumstances and incident. The goal is to minimize the number of times that the child needs to recount the incident and to minimize the trauma to the child.

If you are unsure of whether a situation meets the criteria for a child abuse or neglect report, consult your supervisor. You can also contact your local child protection agency to consult with a social worker regarding the circumstances.

While a supervisor or employer can advise you that a child abuse report is not necessary, you can still choose to make a report. An employer cannot prohibit you from making a child abuse report.

If you make a child abuse report, the child protection agency cannot refuse to take the report, even if the child protection agency believes that the circumstances do not meet the legal criteria for abuse or neglect. (The child protection agency can choose not to respond to the report if it does not meet legal criteria).

At the time you make the report, you can request a summary report form from the child protection agency social worker once the investigation is complete.

It is usually better not to have the child sitting with you when you make the report so as to minimize the trauma associated with repeatedly retelling/relying the incident.

Use the Suspected Child Abuse Reporting Form (SS 8572) as a guide for the information that you will need to provide to either law enforcement or the child protection agency.

If the child is in immediate danger of physical or sexual abuse or immediate danger due to severe neglect, the first priority is to contact local law enforcement to secure the immediate safety of the child.

Do not wait until later in the day to make a report. Most abuse/neglect occurs in the home and interviewing a child at a neutral location, such as school, is less traumatic for a child.

Even if the child protection agency determines that abuse/neglect is occurring, the goal is to work with the parents to ensure the child’s safety and to keep the child at home while addressing the issues that led to the abuse or neglect. Only in the most severe cases is the child removed from the parent and the goal is still to return the child to the parent when it is safe to do so.
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## Purpose of Child Abuse Reporting Laws
1. To protect children and ensure their safety (any person under the age of 18 years)
2. To preserve the family
3. To prevent future abuse and/or neglect

## Child Abuse Reporting Laws
Child Abuse Reporting Requirements are specified in Penal Code (PC) Sections 11165-11169.

## Who Reports

**Mandated Reporters - PC 11166(a)**
- Whenever a mandated reporter in his or her professional capacity or in the scope of his or her employment has knowledge of or observes a child the reporter knows or reasonably suspects has been abused or neglected, the mandated reporter shall make a report.
- Must provide identifying information (name, job title, work address, telephone number).

**"Permissive" or "Voluntary" Reporters - PC 11166(g)**
- Any person who has knowledge of or observes a child whom he or she knows or reasonably suspects to be a victim of abuse or neglect may report - Not required to report, but may report. This includes mandated reporters who are acting in his or her private capacity.
- Can provide identifying information (name, address, telephone number) but is not required to do so and can choose to remain anonymous.
- Will not receive any information relating to the outcome of the investigation.

## Who are Mandated Reporters
Mandated Reporters are specified in Penal Code Section 11165.7. Mandated Reporters include, but are not limited to: doctors, nurses, medical personnel, teachers, school personnel - including athletic coach or assistant coach, social workers, social service agency employees, law enforcement officers (police, probation, parole officers), fire fighters, clergy, commercial photographic processors, therapists, psychiatrist, psychologist, public health employees, animal control officers, child visitation monitors, alcohol and drug counselors, Court Appointed Special Advocates, etc. Employees and volunteers working with these agencies are also mandated reporters.

## What to Report

<table>
<thead>
<tr>
<th>Known</th>
<th>Reasonable Suspicion - PC 11166(1)</th>
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<tbody>
<tr>
<td>When you witness or have indisputable evidence that a child has been abused or neglected</td>
<td>Information, which at face value, provides a reasonable belief that a child may be a victim of child abuse and/or neglect. It is objectively reasonable for a person to entertain a suspicion based on the facts - does not require certainty.</td>
</tr>
</tbody>
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## As a Mandated Reporter, How Can I Be Sure That Child Abuse/Neglect Has Occurred
While it is important not to make reports where there is no abuse or neglect occurring in order not to traumatize the child and family, it is NOT the responsibility of the Mandated Reporter to investigate or determine the truth as to whether child abuse or neglect has occurred. The Mandated Reporter's responsibility is to make a report when he/she knows or has reasonable suspicion that abuse or neglect has occurred in order to ensure that children are safe. It does not require certainty that child abuse or neglect occurred; any reasonable suspicion is sufficient. It is the responsibility of the child protection agency to determine what response will be and whether the abuse/neglect actually occurred.

## When to Call
Local child protective services agency (telephone numbers below) or local police jurisdiction (911 or non-emergency call number)
- Santa Clara County - (408) 299-2071
- San Mateo County - (650) 595-7922 or (650) 802-7922 or (800) 632-4615
- San Francisco City and County - (415) 558-2650 or (800) 866-5553
- Alameda County - (510) 259-1800
- Contra Costa County - (925) 848-1680 [Central] or (510) 734-3324 [West] or (925) 427-8811 [East]
- San Benito County - (831) 636-4190 [days] or (8310 4330 [nights]
- Santa Cruz County - (831) 454-4222 or (831) 763-8850 [Watsonville]

## Who to Call
Mandated Reporting is a two part process

## Logistics
Call to local child protective services agency or to local law enforcement agency
Complete the "Suspected Child Abuse Reporting Form" (SS 8572) within 36 hours and send to the agency that you made the child abuse report to (keep a copy of the SS 8572 for your records). (The Suspected Child Abuse Reporting Form is available on-line at the California Department of Social Services website.)

## What Happens if I Fail to Make a Mandated Report
Under Penal Code Section 11165, if a Mandated Reporter fails to make a report of known or suspected child abuse or neglect, the individual is guilty of a misdemeanor punishable by up to six months confinement in county jail or by a fine of $1,000 or both.
If a child is severely hurt or dies as a result of the failure to make a mandated report, the individual is guilty of a misdemeanor punishable by up to twelve months confinement in county jail or by a fine of $5,000 or both.