

# CHILD ABUSE REPORTING

## STUDENT AND INSTRUCTIONAL POLICY #3.24

**ADOPTED: 10/16/2017**

Vista Oaks Charter School has enacted the following procedures to maintain the safety for all students and staff. All VOCS staff are required to complete mandated reporter training annually within six weeks of employment. Annually staff participate in the mandated reporter training at the beginning of each school year. The following procedures have been made accessible to all staff.

### **When Do You Report?**

Child abuse must be reported when one who is a legally mandated reporter "...has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse or neglect..." (PC 11166[a]). "Reasonable suspicion" occurs when "it is objectively reasonable for a person 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" (PC 11166[a][1]). *Although wordy, the intent of this definition is clear: if you suspect, report.*

### **Who is Responsible for Reporting?**

The lists includes, but is not limited to, a teacher, an instructional aide, a teacher's aide or assistant, and a classified employee of a public school. An extensive list of whose profession qualifies them as "mandated reporters" of child abuse or neglect is found in California Penal Code Section 11165.7.

### **To Whom Do You Report?**

The report must be made to a county welfare department, probation department (if designated by the county to receive mandated reports), or to a police or sheriff's department, not including a school district police or security department (PC 11165.9). Reports by commercial print and photographic print processors are to be made to the law enforcement agency having jurisdiction over the case (PC 11166[e]). 7. Joint Knowledge – Who Reports? When two or more mandated reporters jointly have knowledge of suspected child abuse or neglect, a single report may be made by the selected member of the reporting team. Any member of the reporting team who has knowledge that the designated person has failed to report must do so him or herself (PC 11166[h]).

### **Site Specific Steps for Reporting**

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166) When the initial telephone report is made, the mandated reporter should note the name of the official contacted, the date and time contacted, and any instructions or advice received.

## 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter.
- b. The child's name and address, present location, and, where applicable, school, grade, and class.
- c. The names, addresses, and telephone numbers of the child's parents/guardians.
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child.
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information.

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167) The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

### **Notifications**

The Executive Director or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Executive Director or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637. The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)