



## **MANDATED REPORTER GUIDELINES VOLUNTEER OVERVIEW**

This volunteer overview will assist you with understanding the requirements and responsibilities of a Mandated Reporter in California. This guideline will provide an overview of the significant definitions, requirements and protections of the California Child Abuse & Neglect Reporting Act. The Volunteer Guidelines for Child Abuse Mandated Reporting - California includes three review sections – Types of Child Abuse and Neglect; Making a Report and the Events that Follow and Special Reporting Procedures. You will learn the following -

- How the law defines child abuse and neglect
- What the law requires of a Mandated Reporter
- What protections the law provides for a Mandated Reporter
- How to spot evidence of child abuse
- How to report child abuse
- What happens after a report is filed

Mandated Reporters are individuals who are mandated by law to report known or suspected child maltreatment. They are primarily people who have contact with children through their employment. Mandated Reporters are “required” by the state of California to report any known or suspected instances of child abuse or neglect to the county child welfare department or to a local law enforcement agency (local police/sheriff’s department). It is a good practice to provide a general overview should be provided to volunteers. While volunteers are not mandated to report under the CANRA, knowledge of the law is important if the volunteer work involves working with children (PC section 11165.7(b)).

The primary intent of the reporting law is to protect the child from abuse and neglect. However, a report of suspected child abuse or neglect may also present an opportunity to provide help for the family. Parents who are under stress may be unable to ask for help directly, and may not know where or how to access support/help. A report of suspected abuse or neglect may be the catalyst for bringing about change in the home environment, which in turn may help to lower the risk of abuse or neglect in the home.

### **TYPES OF CHILD ABUSE AND NEGLECT**

Child abuse is more than bruises or broken bones. While physical abuse often leaves visible scars, not all child abuse is as obvious, but can do just as much harm. It is important that individuals working with and around children be able to know what constitutes child abuse or child neglect and know how to identify potential signs. Child Abuse and/or Child Neglect can be any of the following:

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health of a child, any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.

One does not have to be physically present or witness the abuse to identify suspected cases of abuse, or even have definite proof that a child may be subject to child abuse or neglect. Rather, the law requires that a person have a "reasonable suspicion" that a child has been the subject of child abuse or neglect. Under the law, this means that it is reasonable for a person to entertain a suspicion of child abuse or neglect, 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.

Red flags for abuse and neglect are often identified by observing a child's behavior at the on-site location (i.e. park, program, sports field, etc.) where you are volunteering, recognizing physical signs, and observations of dynamics during routine interactions with certain adults. While the following signs are not proof that a child is the subject of abuse or neglect, they should prompt one to look further.

#### *Warning Signs of Emotional Abuse in Children*

- Excessively withdrawn, fearful, or anxious about doing something wrong.
- Shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive).
- Does not seem to be attached to the parent or caregiver.
- Acts either inappropriately adult-like (taking care of other children) or inappropriately infantile (rocking, thumb sucking, throwing tantrums).

#### *Warning Signs of Physical Abuse in Children*

- Frequent injuries or unexplained bruises, welts, or cuts.
- Is always watchful and "on alert" as if waiting for something bad to happen.
- Injuries appear to have a pattern such as marks from a hand or belt.
- Shies away from touch, flinches at sudden movements, or seems afraid to go home.
- Wears inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

#### *Warning Signs of Neglect in Children*

- Clothes are ill fitting, filthy, or inappropriate for the weather.
- Hygiene is consistently bad (unbathed, matted and unwashed hair, noticeable body odor).
- Untreated illnesses and physical injuries.
- Is frequently unsupervised or left alone or allowed to play in unsafe situations and environments.
- Is frequently late or missing from school

#### *Warning Signs of Sexual Abuse in Children*

- Trouble walking or sitting.

- Displays knowledge or interest in sexual acts inappropriate to his or her age, or even seductive behavior.
- Makes strong efforts to avoid a specific person, without an obvious reason.
- Does not want to change clothes in front of others or participate in physical activities.
- A sexually transmitted disease (STD) or pregnancy, especially under the age of fourteen.
- Runs away from home.

## MAKING A REPORT AND THE EVENTS THAT FOLLOW

### *Reporting Child Abuse or Neglect*

Community members have an important role in protecting children from abuse and neglect. While not mandated by law to do so, if child abuse or neglect is suspected, a report should be filed with qualified and experienced agencies that will investigate the situation. Examples of these agencies are listed below. Parents and guardians of pupils have the right to file a complaint against anyone they suspect has engaged in abuse or neglect of a child. **Community members do not need to provide their name when making a report of child abuse or neglect.** Telephone numbers for each county's emergency response for child abuse reporting are located at [California Emergency Response Child Abuse Reporting Telephone Numbers](#).

Volunteers, while not mandated reporters, should also be encouraged to report any suspected cases of abuse and neglect. Additionally, Volunteers are highly encouraged by the law to understand how to identify and report child abuse and neglect.

Mandated reporters must report to a county child welfare department or to local law enforcement (police or sheriff's department) immediately by phone. A written report must then be sent within 36 hours by fax, or it may be sent by electronic submission, if a secure system has been made available for that purpose in your county. Written reports must be submitted on the California Suspected Child Abuse Report Form 8572.

No proof of abuse or neglect is needed, only "reasonable suspicion" that child abuse or neglect may have occurred. If you are at all concerned about the possibility of abuse or neglect, you should report. Investigations will be conducted by law enforcement and/or the county child welfare department to determine if abuse or neglect has occurred. Delayed reporting while awaiting further information may hinder investigation by the appropriate agencies.

Mandated reporters must report to a county child welfare department or to local law enforcement (police or sheriff's department) immediately by phone. A written report must then be sent within 36 hours by fax, or it may be sent by electronic submission, if a secure system has been made available for that purpose in your county. Written reports must be submitted on the California Suspected Child Abuse Report Form 8572.

You are not legally required to notify the parents that you are making a report. However, it may be beneficial to let the parents know you are reporting for the benefit of a future relationship. Informing a Supervisor does not meet the mandated reporting requirement. The Supervisor is required to complete and submit the report to the county child welfare department or law enforcement agency.

After a report is filed, the county child welfare department or local law enforcement agency investigates the allegations. These agencies are also required to cross report suspected child abuse or neglect cases to each other. The county child welfare department or law enforcement agency investigation will result in one of three outcomes.

1. Unfounded report – the report is false, or does not involve abuse, such as an accidental injury
2. Substantiated report – it is determined that child abuse has occurred
3. Inconclusive report – there is insufficient evidence to determine whether or not abuse has occurred

Only substantiated reports of child abuse and severe neglect must be forwarded to the Department of Justice. The county child welfare department will determine if children need to be removed from the home or if services need to be offered to the parents or caregivers. Law enforcement agencies may also pursue criminal prosecution.

#### *Obligations of Mandated Reporters*

A list of persons whose profession qualifies them as “mandated reporters” of child abuse or neglect is found in California Penal Code Section 11165.7. The list is extensive and continues to grow. All persons hired into positions included on the list of mandated reporters are required, upon employment, to be provided with a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

All persons who are mandated reporters are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a person shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff’s Department (not including a school district police department or school security department).
- A County Probation Department, if designated by the county to receive child abuse reports.
- A County Welfare Department/County Child Protective Services.

The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax.

## SPECIAL REPORTING PROCEDURES

### *Rights to Confidentiality and Immunity*

Mandated reporters are required to give their names when making a report. However, the reporter's identity is kept confidential. Reports of suspected child abuse are also confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

### *Consequences of Failing to Report*

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 (California Penal Code Section 11166[c]).

### *After the Report is Made*

The local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

### *Child Protective Services*

The Child Protective Services (CPS) is the major organization to intervene in child abuse and neglect cases in California. Existing law provides for services to abused and neglected children and their families. More information can be found at Child Protective Services.