



# Sequoia Union High School District

## MANDATED REPORTING: WHAT YOU NEED TO KNOW

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# MANDATED REPORTING: *WHAT YOU NEED TO KNOW*

- Who needs to report?
- What's the purpose of mandatory reporting laws?
- What are you protecting children from?
- When do you need to report?
- How do you report?
- What happens if you report or fail to report?
- How do we make sure every District employee knows what, how and when to report?
- Recognizing Signs of Abuse



# Who Needs to Report?

- teacher;
- Instructional aide;
- teacher's aide or assistant employed by any public or private school;
- classified employee of any public school;
- administrative officer or supervisor of child welfare and attendance;
- certified pupil personnel employee of any public or private school;
- employee of a county office of education whose duties bring the employee into contact with children on a regular basis;
- employee of a school district police or security department;
- administrator of a public or private organization whose duties require direct contact and supervision of children;
- K-12 athletic personnel;
- Postsecondary personnel interacting with children;
- Postsecondary athletic personnel.



# The Purpose of Mandatory Reporting Laws



- Protect the identified child from abuse and neglect
- Protect other children in the home
- Protect other children at your school

# What are You Protecting Children From?

- **Recognizing Something that Needs to be Reported**
  - Physical abuse
  - Sexual abuse
  - Emotional abuse
  - Neglect



# Physical Abuse

- Physical injury or death inflicted by other than accidental means



# Physical Abuse

- Willful harming or injuring of a child
  - Willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering
  - Willfully causes or permits child or child's health to be endangered
- (Pen. Code §11165.3)



# What Is **NOT** Physical Abuse?

- Spanking
- Injuries caused by children fighting by mutual consent
  - Unless cruel or inhuman resulting in traumatic condition
  - (Pen. Code § 1165.4)
- Teenage pregnancy
  - By itself without any other evidence of abuse does not constitute physical or sexual abuse
- Injuries caused by children fighting by mutual consent
  - (Pen. Code § 1165.6)





# What Is **NOT** Physical Abuse?

- **Self Defense and Defense of Others**: Force that is reasonable and necessary for a District employee to:
  - quell a disturbance threatening physical injury to person or damage to property
  - obtain possession of weapons or other dangerous objects within the control of the pupil,



# Sexual Abuse

- Sexual assault
- Rape/statutory rape/”gang rape”
- Incest
- Sodomy
- Lewd or lascivious acts upon a child
- Oral copulation
- Sexual penetration
- Child molestation

- (Penal Code § 11165.1(a) & (b))



# Sexual Abuse



- Sexual exploitation
  - Child pornography
  - Child prostitution
  
- (Penal Code § 11165.1(c))

# Sexual Intercourse: Consent Matters

- Does NOT include:
  - Consensual sex between minors <14 of similar age and sophistication
  - Under the Act, based on age alone, intercourse between two individuals must be reported. However, depending the age of the participants in intercourse, reporting is not required absent other signs of abuse.
  - Refer to Age Matrix
- (Pen. Code §11165.1(c).)



# Age Matrix: When to Report Sexual Intercourse

		Age of Partner →										
		12	13	14	15	16	17	18	19	20	21	22
Age of Patient ↓	11	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	12	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	13	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	14	Y	Y	N	N	N	N	N	N	N	Y	Y
	15	Y	Y	N	N	N	N	N	N	N	Y	Y
	16	Y	Y	N	N	N	N	N	N	N	N	N
	17	Y	Y	N	N	N	N	N	N	N	N	N
	18	Y	Y	N	N	N	N	N	N	N	N	N
	19	Y	Y	N	N	N	N	N	N	N	N	N
	20	Y	Y	N	N	N	N	N	N	N	N	N

**KEY:** **Y** Yes, report required based solely on age difference between patient and partner  
**N** No, report not required unless other evidence of abuse



# Emotional Abuse

- Penal Code section 11166.05 states:
  - Any mandated reporter who has knowledge of or reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional wellbeing is endangered In any other way *may* report the known or suspected instance of child abuse or neglect to a law enforcement agency.
- In contrast, as noted previously, Penal Code section 11166 provides that mandated reporters "*shall*" report other forms of child abuse.



# What Constitutes Neglect?

- Neglect treatment or maltreatment of a child by a person responsible for child's welfare indicating harm or threatened harm to child's health or welfare.
  - Neglect can include acts and omissions by a District employee
- (Pen. Code § 11165.2)



# Neglect

- Severe neglect
  - Negligent failure of caregiver to protect child from severe malnutrition or medically diagnosed nonorganic failure to thrive
  - Caregiver willfully causes or permits child or child's health to be endangered, including intentional failure to provide adequate food, clothing, shelter or medical care
- (Pen. Code §11165.2(a))





# Neglect

- General neglect
  - Negligent failure of caregiver to provide adequate food, clothing, shelter, medical care or supervision
  - No physical injury to child has occurred
- (Pen. Code § 11165.2(b))



# What is Reasonable Suspicion

- Does not require certainty
  - Does not require specific medical indication
  - Does not require investigation
  - **When in doubt, report!**
- 
- (Pen. Code, § 11166, subd. (a) (1))



# What is Reasonable Suspicion

- '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.

– (Pen. Code, § 11166, subd. (a)(1))



# “Clarification” vs. “Investigation”

- “Clarification” is an attempt to glean sufficient information from the disclosing person or source to determine whether reportable child abuse has occurred. An example may be asking a child, “What is wrong?” and receiving a response that may trigger reasonable suspicion of suspected child abuse.
- “Investigation” is a formal process that consists of interviewing the victim(s), any witnesses, alleged perpetrator(s), and other individuals, as well as gathering information, in order to determine the truth of the allegation. School personnel ***may not conduct an “investigation” in response to an allegation of child abuse.***



# How to Report

- By phone
  - Immediately or as soon as practicably possible
- AND
- Written report
  - Within 36 hours of receiving the information concerning the suspected abuse/neglect
  - Send fax, or electronically transmit written follow up report
- (Pen. Code § 11166(a))



# Who Do You Report To?

- Agency (Police Dept. or Child Protective Services)
  - Police should be contacted first in most cases
  - CPS should be contacted second and only if suspected abuse is occurring at home



# Protect Yourself: Proof that You Reported

- Record information about your report
  - Officer's name,
  - Time of call,
  - Date of call,
  - Notes re: officer's instructions
- Protect yourself from individual liability



# To Whom Do You Report?

- YOU CAN, BUT DO NOT NEED TO REPORT TO YOUR SUPERVISORS OR DISTRICT
  - Probably best to report to District as well as law enforcement agency
  - District may be able to prevent further abuse to child, prevent the destruction of evidence,
- No administrator or supervisor may Impede or inhibit your reporting duties. (Pen. Code § 11166, subd. (g)(1))





# What Information Do You Report?

- Your name, business address, and telephone number;
- The work capacity that makes you a mandated reporter;
- The information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information.
  - (Pen. Code § 11167(a))



# What Information Do You Report?

- If known, also include the following:
- Child's name and address
- Child's present location
- School, grade and class
- Names, addresses and phone numbers of parents/guardians
- Names, address, phone number, and other relevant information about person(s) who might have abused/neglected child
- **Make report even if some of information is not known or is uncertain**
  
- (Pen. Code § 11167(a))



**SUSPECTED CHILD ABUSE REPORT**  
 To Be Completed by Mandated Child Abuse Reporters  
 Pursuant to Penal Code Section 11166

CASE NAME: \_\_\_\_\_

PLEASE PRINT OR TYPE

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY		
	REPORTERS BUSINESS/AGENCY NAME AND ADDRESS				Street	City	Zip
	REPORTERS TELEPHONE (DAYTIME)		SIGNATURE		DID MANDATED REPORTER WITNESS THE INCIDENT?		
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT		<input type="checkbox"/> COUNTY PROBATION		AGENCY		
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		ADDRESS		DATE/TIME OF PHONE CALL		
	OFFICIAL CONTACTED - TITLE				TELEPHONE		
<b>C. VICTIM</b> One report per victim	NAME (LAST, FIRST, MIDDLE)			BIRTH DATE OR APPROX. AGE	SEX	ETHNICITY	
	ADDRESS			Street	City	Zip	
	PRESENT LOCATION OF VICTIM			SCHOOL	CLASS	GRADE	
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME		
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)		
	RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THE VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK.		
	1. NAME		BIRTH DATE	SEX	ETHNICITY	3. NAME	
2. NAME		BIRTH DATE	SEX	ETHNICITY	4. NAME		
<b>D. INVOLVED PARTIES</b> VICTIMS PARENTS/GUARDIANS	NAME (LAST, FIRST, MIDDLE)			BIRTH DATE OR APPROX. AGE	SEX	ETHNICITY	
	ADDRESS			Street	City	Zip	
	HOME PHONE			BUSINESS PHONE			
	NAME (LAST, FIRST, MIDDLE)			BIRTH DATE OR APPROX. AGE	SEX	ETHNICITY	
	ADDRESS			Street	City	Zip	
	HOME PHONE			BUSINESS PHONE			
<b>SUSPECT</b>	SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTH DATE OR APPROX. AGE	SEX	ETHNICITY	
	ADDRESS			Street	City	Zip	
	TELEPHONE			OTHER RELEVANT INFORMATION			
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX: <input type="checkbox"/>			IF MULTIPLE VICTIMS, INDICATE NUMBER: _____			
	DATE / TIME OF INCIDENT		PLACE OF INCIDENT				
NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/other or past incidents involving the victim(s) or suspect)							

SS 8572 (Rev. 12/02)

**DEFINITIONS AND INSTRUCTIONS ON REVERSE**

**DO NOT** submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.  
 WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party



# Failure to Report: Supervisors

- Supervisors impeding/inhibiting reporting
  - Up to six month ins county jail, or fine of \$1,000, or both
  - (Pen. Code § 11166.01(a))



# Failure to Report: Supervisors

- If abuse/neglect results in death/great bodily injury, up to one year in county jail, or fine of \$5,000 or both
  - (Pen. Code § 11166.01(b))



# Failure to Report: Non-Supervisors

- Misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both
- Intentional concealment of failure to report is a continuing offense until an agency discovers the offense (statute of limitations extended)



# Consequences for Reporting

- NONE!!!



- Mandatory reporters have civil and criminal immunity for any report made under the Act, even if the knowledge obtained for the report was obtained outside of his/her employment. (Pen. Code, § 11172.)

# Confidentiality of Mandated Reporter's Identity

- Mandated reporters must disclose identity to agency when making report
  - Persons who are not mandated reporters may make anonymous reports
- A reporter's Identity shall remain confidential
  - Identity can be disclosed only to specified agencies and person receiving, investigating or prosecuting child abuse/neglect
  - Identity cannot be disclosed to your employer except with your consent or a court order

(Pen. Code § 11167)





# How to Ensure that District Employees Know Their Reporting Obligations

- School districts are required to provide employee training on child abuse identification and reporting requirements.
  - (Pen. Code, § 11165.7, subd. (a)-{c))



# Condition of Employment

- Mandated reporters must sign statement that he/she has knowledge of duties and will comply
- Statement must inform employees that he/she is mandated reporter, inform employee of his/her reporting duties and of his/her confidentiality rights



# Existing Employees: Training

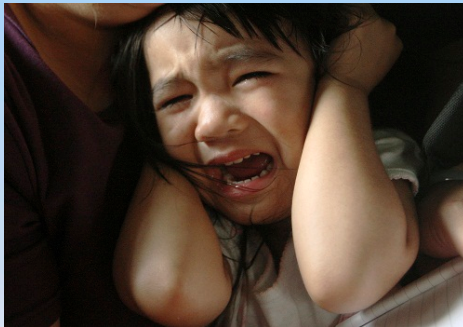
- Mandated reporting should be discussed at annual faculty meeting
- PowerPoint slides and/or handouts should be reviewed by all faculty
  - Don't forget about training coaches and athletic dept. personnel

# Volunteers

- School volunteers are not mandated reporters of suspected child abuse.
- However, the District should encourage volunteers to speak to an administrator promptly regarding any suspicions of child abuse or neglect (Pen. Code § 11165.7 (f))



# RECOGNIZING SIGNS OF ABUSE



# Signs of Potential Physical Abuse

- 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.



# Signs of Potential Neglect

- 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.



# Signs of Potential Sexual Abuse

- 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.
- Doesn't want to change clothes in front of others or participate in physical activities.
- An STD or pregnancy, especially under the age of 14.
- Runs away from home.





# Signs of Potential Emotional Abuse

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



# Other Signs of Abuse

- Fear of going home
- Extreme fatigue
- Drastic changes in academic performance or behavior
- High-risk taking behaviors
- Frequent absences from school or reluctance to ride the school bus
- Abuse of other children sexually



# Best Practices for Reporters

- Mandatory reporters should not conduct an investigation to further ascertain or determine if child abuse or neglect has in fact occurred.
- If a mandatory reporter is uncertain as to whether there is a 'reasonable suspicion' to suspect child abuse or neglect has occurred, they should still make the report in good faith and allow the proper agency to conduct the investigation and determine if it is true or not.
- Mandatory reporters should report emotional abuse if they have a reasonable suspicion that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered.



# Questions & Answers

For more information, feel free to contact your site or district administrators.

