



## LOS ANGELES COMMUNITY COLLEGES

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### **MANDATED REPORTER RESPONSIBILITIES UNDER THE CHILD ABUSE AND NEGLECT REPORTING ACT (PENAL CODE SECTION 11164 ET SEQ.)**

#### **Reportable Types of Abuse and Neglect**

The following conditions must be reported under CANRA: sexual abuse (including sexual assault, sexual exploitation, child pornography, and child prostitution); general or severe neglect; physical abuse (including willful cruelty or unjustifiable punishment, unlawful corporal punishment or injury, and non-accidental physical injury); mental suffering; and/or abuse or neglect in out-of-home care.

#### **Who Reports**

Mandated reporters include the following individuals: teachers; instructional aides; teacher's aides; instructional assistants; classified employees of any public school; administrators or employees of organizations whose duties require direct contact and supervision of children; licensees, administrators or employees of a licensed community care or child day care facility. A full list of mandated reporters is found in Penal Code section 11165.7.

#### **When to Report**

A telephone report must be made immediately when the mandated reporter observes a child in his/her professional capacity or within the scope of his/her employment and has knowledge of, or has reasonable suspicion that the child has been abused. A written report on Form SS 8572 (Mandated Child Abuse Report) must be sent within 36 hours after the telephone report has been made.

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

You may contact the local police or sheriff's department, the Los Angeles County Child Welfare Agency, or the Los Angeles County Probation Department. The child abuse hotline for the Los Angeles County Child Welfare Agency is 1-800-540-4000.

#### **Individual Responsibility**

Any individual who is named in the reporting law must report abuse. 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.

#### **Anonymous Reporting**

Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies and other individuals listed in Penal Code Section 11167.5 who have access to a reporter's identity are required to keep the mandated reporter's name confidential, unless a court orders the information disclosed or the reporter waives his/her confidentiality.

#### **Immunity**

Any mandated reporter has immunity when making a report. In the event a civil suit is filed against the reporter, he/she may file a claim with the State Board of Control for reimbursement of legal fees up to \$50,000. No individual can be dismissed, disciplined or harassed for making a report of suspected child abuse.

#### **Liability**

Mandated reporters can be held criminally liable for failing to report suspected abuse, or reporting in a timely manner. The penalty for this misdemeanor is up to six months in a county jail, a fine of not more than \$1,000 or both. Mandated reporters can also be held civilly liable for failure to report.



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### **CONFIDENTIALITY RIGHTS FOR MANDATED REPORTERS UNDER THE CHILD ABUSE AND NEGLECT REPORTING ACT (PENAL CODE SECTION 11164 ET SEQ.)**

All child abuse reports made under the Child Abuse and Neglect Reporting Act (“CANRA”) are confidential. Mandated reporters, which include teachers, counselors, administrators, and classified employees, must reveal their names when reporting; voluntary reporters need not. (A full list of mandated reporters can be found in Penal Code section 11165.7.) Any violation of the confidentiality of child abuse reports is a misdemeanor, punishable by up to six months in jail, a \$1,000 fine, or both.

Mandated reports under CANRA can only be disclosed among the agencies receiving or investigating the reports. These agencies include the following:

- Child protection agencies (e.g., police department, sheriff’s department, probation department, and/or welfare department) and their investigators and counsel;
- Licensing agencies for child care facilities;
- District attorney, if involved in criminal prosecution;
- County counsel, if involved in prosecution;
- Hospital scan teams designed to identify child abuse; and/or
- Coroners and medical examiners, for postmortem examination.

A court order is required for the disclosure of information contained in a child abuse report, which includes the reporter’s identity, to anyone not listed above, including the reporter’s employer. The identity of a reporter may also be disclosed in accordance with a reporter’s waiver of confidentiality.



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CONDITION OF EMPLOYMENT PURSUANT TO THE CHILD ABUSE AND NEGLECT REPORTING ACT (PENAL CODE SECTION 11164 ET SEQ.)

NAME \_\_\_\_\_ TITLE \_\_\_\_\_ LOCATION \_\_\_\_\_

Please review the following, sign the acknowledgment below, and send to District Employer-Employee Relations, Attention: CANRA.

Section 11165.7 of the California Penal Code defines a "mandated reporter" to include the following individuals: Teachers; instructional aides; teacher's aides or assistants; classified employees of any public school; administrators or employees of a public or private organization whose duties require direct contact and supervision of children; licensees, administrators, or employees of licensed community care or child day care facilities; Headstart teachers; and social workers.

Section 11166 of the California Penal Code states, in part:

A mandated reporter shall make a report to any police department or sheriff's department, county probation department, or the county welfare department, whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Section 11166.05 of the California Penal Code states, in part:

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way may report the known or suspected instance of child abuse or neglect to any police department or sheriff's department, county probation department, or the county welfare department.

Section 11166.5 of the California Penal Code states, in part:

On and after January 1, 1985, any mandated reporter as specified in Section 11165.7, with the exception of child visitation monitors, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions.

California Penal Code section 11172 provides that mandated reporters are IMMUNE FROM LIABILITY.

California Penal Code section 11166(b) provides penalties for FAILURE TO REPORT as follows:

Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a 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 that fine and punishment.

I have read and understand the provisions stated herein and will comply with the Penal Code requirements. I have also reviewed the LACCD's Guide to the Child Abuse and Neglect Reporting Act.

SIGNATURE

EMPLOYEE NO.

DATE