

West Contra Costa Unified School District

Statement of Mandated Reporter

Child Abuse and Neglect Reporting Law (Penal Code § 11166.5)

Definitions: The following situations are reportable child abuse and neglect conditions:

1. Physical abuse
2. Sexual abuse
3. Child exploitation, child pornography and child prostitution
4. Severe or general neglect
5. Extreme corporal punishment resulting in injury
6. Willful cruelty or unjustifiable punishment and/or
7. Abuse or neglect in out-of-home care

Who Must Report: Any employee whose duties bring them into contact with children on a regular basis or any supervisor of such an employee is a mandated reporter effective January 1, 2013. This includes all West Contra Costa Unified School District employees, including all Coaches and Assistant Coaches.

When to Report: Employees must make a telephone report immediately when the employee 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. The employee must submit a written report, on a standard form, within 36 hours after the telephone report has been made.

To Whom Do You Report: You have a choice of reporting to the Police or Sheriff's Department, Probation Department or Child Welfare Agency. Each County has preferred reporting procedures.

Individual Responsibility: Any individual whose occupation is named in the reporting law must report abuse. If the individual confers with a superior and a decision is made that the superior file the report, one report is sufficient. However, if the superior disagrees, the individual with the original suspicion must report.

Anonymous Reporting: Mandated reporters are required to give their names. Child protective agencies are required to keep the mandated reporter's name confidential unless a court orders the information disclosed.

Immunity: Any legally mandated reporter has immunity when making a report. In the event of a civil suit, the reporter will be reimbursed for fees incurred up to \$50,000 (Penal Code, §11172). No individual can be dismissed, disciplined or harassed for making a report of suspected child abuse.

Liability: Legally mandated reporters may be criminally liable for failing to report suspected abuse. The penalty for this misdemeanor is up to six months in county jail, a fine of not more than \$1,000 or both. Mandated reporters may also be civilly liable for failure to report.

Notification Regarding Abuse: You are not legally required to notify the parents that you are making a report.

I understand that I am a legally Mandated Reporter. I have reviewed the information above about my obligations to report Child Abuse and Neglect under Penal Code §11166 and will comply with those requirements.

Employee's Name (Print)

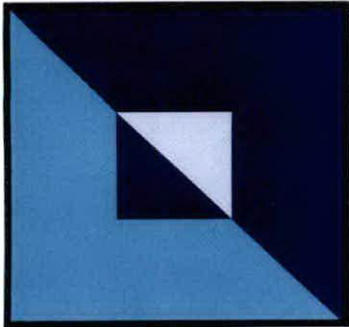
Signature

Date

Supervisor's (Witness) Name (Print)

Signature

Date



CALIFORNIA MANDATED REPORTING EASY STEPS...

WHAT MUST BE REPORTED and HOW TO REPORT!

What Must be Reported:

Any of the below acts involving anyone under the age of 18:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

The mandated reporter must only have *reasonable suspicion* that a child has been mistreated; no evidence or proof is required prior to making a report.

The case will be further investigated by law enforcement and/or child welfare services.

How to Report:

By Phone: Immediately, or as soon as possible, make a telephone report to child welfare services and/or to a Police or Sheriff's department.

1. Child Welfare Services phone # **1-877-881-1116 Fax 925-608-6894 or 6895**
2. Police Department phone # **510-233-1214**
3. Sheriff's Department phone # **925-335-1500**

In Writing: Within 36 hours, a written report must be sent, faxed or submitted electronically. The written report should be completed on a state form called the 8572, which can be downloaded at **http://ag.ca.gov/childabuse/pdf/ss_8572.pdf**

Other information:

- Safeguards for Mandated Reporters:
 - The Child Abuse and Neglect Reporting Act (CANRA) states that the name of the mandated reporter is strictly confidential, although it is provided to investigative parties working on the case.
 - Under state law, mandated reporters cannot be held liable in civil or criminal court when reporting as required; however, under federal law mandated reporters only have immunity for reports made in good faith.
- Failure to report:
 - Failure to report concerns of child abuse or neglect is considered a misdemeanor and is punishable in California by six months in jail and/or up to a \$1,000 fine.
- For the complete law and a list of mandated reporters refer to California Penal Codes 11164 -11174.3.

This document and Mandated Reporting information can be found at
www.mandatedreporterca.com

Print

SUSPECTED CHILD ABUSE REPORT

Reset Form

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

| | | | | | | | | | | | |
|-----------|---|--|--|-----------------------|----------------------------|---|---|--|------------------------|----------------------------|-----------|
| A. | REPORTING PARTY | NAME OF MANDATED REPORTER | | TITLE | | MANDATED REPORTER CATEGORY | | | | | |
| | | REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS | | Street | City | Zip | DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| | | REPORTER'S TELEPHONE (DAYTIME) () | | SIGNATURE | | TODAY'S DATE | | | | | |
| B. | REPORT NOTIFICATION | <input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION | | AGENCY | | | | | | | |
| | | <input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services) | | | | | | | | | |
| | | ADDRESS | | Street | City | Zip | DATE/TIME OF PHONE CALL | | | | |
| | | OFFICIAL CONTACTED - TITLE | | TELEPHONE () | | | | | | | |
| C. | VICTIM One report per victim | NAME (LAST, FIRST, MIDDLE) | | | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY | | |
| | | ADDRESS | | | | Street | City | Zip | TELEPHONE () | | |
| | | 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 THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK | | | |
| | | NAME | | BIRTHDATE | SEX | ETHNICITY | NAME | | BIRTHDATE | SEX | ETHNICITY |
| | | 1. _____ | | 3. _____ | | 2. _____ | | 4. _____ | | | |
| D. | INVOLVED PARTIES VICTIM'S SIBLINGS VICTIM'S PARENTS/GUARDIANS SUSPECT | NAME (LAST, FIRST, MIDDLE) | | | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY | | |
| | | ADDRESS | | | | Street | City | Zip | HOME PHONE () | BUSINESS PHONE () | |
| | | NAME (LAST, FIRST, MIDDLE) | | | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY | | |
| | | ADDRESS | | | | Street | City | Zip | HOME PHONE () | BUSINESS PHONE () | |
| | | SUSPECT'S NAME (LAST, FIRST, MIDDLE) | | | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY | | |
| | | ADDRESS | | | | Street | City | Zip | TELEPHONE () | | |
| | | OTHER RELEVANT INFORMATION | | | | | | | | | |
| | | 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/similar 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

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who 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 shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- **SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (Continued)

- **SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- **SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- **SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- **SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

- **Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- **Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

ETHNICITY CODES

| | | | | | |
|-------------------|--------------------|--------------|---------------------------|-------------------|---------------------------|
| 1 Alaskan Native | 6 Caribbean | 11 Guamanian | 16 Korean | 22 Polynesian | 27 White-Armenian |
| 2 American Indian | 7 Central American | 12 Hawaiian | 17 Laotian | 23 Samoan | 28 White-Central American |
| 3 Asian Indian | 8 Chinese | 13 Hispanic | 18 Mexican | 24 South American | 29 White-European |
| 4 Black | 9 Ethiopian | 14 Hmong | 19 Other Asian | 25 Vietnamese | 30 White-Middle Eastern |
| 5 Cambodian | 10 Filipino | 15 Japanese | 21 Other Pacific Islander | 26 White | 31 White-Romanian |

10 MANDATED REPORTER: THINGS YOU NEED TO KNOW



1. YOU are a Mandated Reporter

Anyone who works for the organization should keep their eyes and ears open to protect children!

Reporting suspected abuse is part of your job.

Not reporting suspected child abuse can create a liability for your organization and yourself, as the primary goal is to keep our children safe.



2. WHAT is Reportable?

If you reasonably suspect any of the following, **REPORT IT!**

- Child Abuse
- Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Activity between a Minor and Adult
- Unjustified Punishment
- Unlawful Corporal Punishment
- Willful Cruelty

Rumors: If unsure, err on the side of caution, report it and allow the agency to investigate and make the final conclusion.



3. WHEN AND WHERE Do I Report?

Immediately, or as soon as possible!

By Phone (Child Protective Services or Local Police) To be safe, you may want to report to both.

By Fax/Email within 36 hours.

Submit a written follow up report within 36 hours to the same agency you contacted by phone.

Remember: Telling your supervisor does **NOT** satisfy your obligation to report!

YOU ARE OBLIGATED TO REPORT.



4. WHERE Do I Find the Report?

Form 8572: SCAR/Suspected Child Abuse Report
http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

Or CPS Website.

You will need:

- Your name, child's name
- Location of child, school, grade
- Involved parties
- What happened? Why the concern?

Keep a record of date, time and who you spoke with when filing.



5. Can I Share the Report with Others?

The report can only be given to:

- The agency you called the report in to:
Police or Sheriff's Department (not school police), or Child Protective Services
- Report may also be given to designated personnel within your organization, such as:
Superintendent, Assistant Superintendent, Human Resources Administrator

DO NOT give the report to any others without consulting legal counsel as you may lose your immunity.



6. Your Protection

Confidentiality

- Your identity will be kept confidential. Know that if the case is criminally prosecuted, your identity most likely will be disclosed.

Immunity

- Mandated reporters have immunity under California law from civil and criminal liability for reporting suspected child abuse.



7. What if I Choose NOT to Report?

A mandated reporter who knowingly and willfully fails to report:

- Is **GUILTY** of a misdemeanor punishable by up to 6 months in jail, a fine of \$1,000 or both.
- Where the abuse results in death or great bodily injury, shall be punished by not more than one year in jail, a fine of \$5,000 or both.

Other possible implications:

- Loss of license or credential
- Civil Lawsuit
- Loss of Job



8. Remember, YOU Signed a Statement

Those working with and around children are required to sign a statement that they have knowledge of their mandated reporter requirements.

Your signed document is in your personnel file.

It states that **YOU KNOW** that reporting suspected child abuse is part of your job and it's your obligation to report any misconduct or child abuse.



9. Self - Protection

Here are a few tips to help you avoid situations that could lead to fraudulent allegations of inappropriate conduct.

- Avoid child contact that involves hugging, touching, grabbing, or rubbing/massaging.
- When privacy with children is necessary, leave the doors and windows open when possible.
- For teachers, classroom arrangement should not have sections for privacy.



10. Resources

California Department of Social Services (CDSS)

<http://www.cdss.ca.gov/cdssweb/Default.htm>

Child Abuse and Neglect Reporting Act (CANRA)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>

The CA Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters

www.mandatedreporterca.com/images/Pub132.pdf

Remember, it's **YOUR** obligation to **NOT** ignore child abuse and misconduct.

REPORT IT TO THE PROPER AUTHORITIES!



FOR MORE INFORMATION
PLEASE VISIT KEENAN'S
ABUSE PREVENTION CENTER

www.keenan.com/abusepreventioncenter