

General Institution

1 **AP 3518 CHILD ABUSE AND NEGLECT REPORTING**

2 **References:**

3 Penal Code, Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a,
4 and 11164-11174.3 ("Child Abuse and Neglect Reporting Act);
5 Welfare and Institutions Code, Sections 300, 305, 318, and 601;
6 Family Code, Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

7 The District recognizes the responsibility of its staff to report to the appropriate agency
8 when there is a reasonable suspicion that an abuse or neglect of a child (under the age
9 of 18 years) may have occurred.

10 "Reasonable suspicion" occurs when "it is objectively reasonable for a person to entertain
11 such a suspicion, based upon facts that could cause a reasonable person in a like
12 position, drawing, when appropriate, on his/her/their training and experience, to suspect
13 child abuse or neglect." (Penal Code, Section 11166(a)(1))

14 **Definition of Child Abuse or Neglect**

15 "Child abuse" is defined as physical abuse, sexual abuse, and/or serious emotional
16 maltreatment, as well as sexual assault, sexual exploitation, and/or the willful cruelty or
17 unjustifiable punishment of a child; incidents of unlawful corporal punishment or injury
18 against a child; or abuse in out-of-home care. (Penal Code, Section 11165)

19 "Neglect" means the negligent treatment or maltreatment of a child by a person
20 responsible for the child's welfare under circumstances indicating harm or threatened
21 harm to the child's health or welfare. It includes the negligent failure of a person having
22 the care or custody of a child to provide adequate food, clothing, shelter, medical care, or
23 supervision such that the child's health is endangered. (Penal Code, Section 11165.2)

24 **Mandated Reporters**

25 Mandated reporters include faculty members, educational administrators, and classified
26 staff. Volunteers are not mandated reporters but are encouraged to report suspected
27 abuse or neglect of a child. (Penal Code, Section 11165 (b))

28 **Reports of Child Abuse or Neglect**

29 If a mandated reporter suspects child abuse or neglect, he/she/they must first make a
30 verbal report to the Department of Children & Family Services Child Protection Hotline at
31 1-800-540-4000.

32 Mandated reporters must report immediately any reasonable suspicion of child abuse to
33 a local child protective agency such as the Hotline and follow up with a written report
34 within 36 hours. (Penal Code, Section 11166(a))

35 After a verbal report of abuse or neglect is made, the Hotline will provide mandated
36 reporters with a 19-digit referral number which will be needed to complete the mandatory
37 written report. This report of child abuse and/or neglect must be made on Form SS 8572;
38 copies of this form are available in the Human Resources Office, through the Child
39 Development Center and on the web at <https://mandreptla.org/onlineRep.htm>.

40 Once the written report of child abuse or neglect is completed, it should be mailed to the
41 following address:

42 Child Protection Hotline
43 3075 Wilshire Boulevard, Fifth Floor
44 Los Angeles, CA 90010

45 **Immunity and Failure to Report when Required**

46 No mandated reporter who reports a known or suspected instance of child abuse shall be
47 civilly or criminally liable for any report required or authorized by the Penal Code.

48 Any person other than a child care custodian reporting a known or suspected instance of
49 child abuse shall not incur any liability as a result of making any report of child abuse,
50 unless it can be proven that a false report was made and the person knew that the report
51 was false (Penal Code, Section 11172(a)).

52 Any person not mandated by law to report suspected child abuse has immunity unless
53 the report is proven to be false and the person reporting knows it is false, or the report is
54 made with reckless disregard of the truth or falsity of the incident (Penal Code, Section
55 11172(a)).

56 Reporting is an individual responsibility. An employee making a report cannot be required
57 to disclose his/her/their identity to the employer. (Penal Code, Section 11166(h)(2))
58 However, a person who fails to make a required report is guilty of a misdemeanor
59 punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code, Section
60 11166.5(b)).

61 **Obligation and Compliance Information Provided to Mandated Reporters**

62 The District shall provide each mandated reporter with a statement informing
63 him/her/them of the fact that he/she/they is a mandated reporter and of his/her/their
64 reporting obligations and confidentiality rights under Penal Code, Section 11166.5(a) and
65 of his/her/their confidentiality rights under subdivision Penal Code, Sections 11166.5(a)
66 and 11167(d)(1).

67 The District shall provide a copy of Penal Code, Sections 11165.7 (Mandated Reporter),
68 11166 (Report: Duty, Time & Method), and 11167 (Report: Confidentiality of persons
69 reporting) to each mandated reporter, along with the statement. Prior to commencing
70 his/her/their employment and as a prerequisite to that employment, the employee shall
71 sign and return the statement to the District. The signed statements shall be retained by
72 the District (Penal Code, Section 11166.5).

73 The District shall distribute this procedure to all mandated reporters.

74 Office of Primary Responsibility: Vice President, Business Services
75 Vice President, Human Resources

Date Approved: November 26, 2007
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