

# **East San Gabriel Valley ROP/TC**

## **Child Abuse Information Packet**

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# INTRODUCTION

- **For you, a mandated reporter, making a report of suspected child abuse can be difficult. Your concerns may include thoughts on how the person suspected of abusing a child will react, what the outcome will be, and whether or not the report will place the child at greater risk.**
- **The best way to minimize the difficulty of reporting is to be fully prepared for the experience. You, as a mandated reporter, should be knowledgeable about reporting requirements and the process that is triggered when a report is made. Responding to suspected child abuse requires a team effort.**
- **The information provided is offered as an aid to you, a mandated reporter, in reporting suspected child abuse. It is not meant to be all-inclusive or to cover all situations, nor should it be considered legal advice. When in doubt about what to do in a particular situation, contact your immediate supervisor, local child welfare agency and/or law enforcement agency.**

# NOTICE

**The following information discusses the types of reportable abuse and neglect and their typical indicators. The indicators only provide basic guidelines and are not intended to serve as an exhaustive list. Furthermore, some indicators may not constitute abuse.**

**Please exercise professional judgment accordingly. Your duty to report becomes mandatory, once you know or reasonably suspect, abuse or neglect is occurring or has occurred.**

# THE REPORTING LAW

- **In 1963, the first child abuse reporting law in California, pertained only to physicians. It mandated that they report evidence of physical abuse. Over time it became evident that other professionals might be in a position to identify maltreatment; this led to broadening of the concept of reportable maltreatment to include sexual abuse, emotional maltreatment, and neglect.**
- **The Child Abuse and Neglect Reporting Act (CANRA) was passed in 1974. In California, certain professionals are required to report known or suspected child abuse.**
- **The primarily intent of the reporting law is to protect the child, which in turn can provide an opportunity to protect other potential victims.**

# **CALIFORNIA CHILD ABUSE AND NEGLECT REPORTING ACT “CANRA”**

- **The California Child Abuse and Neglect Reporting Act (“CANRA”, Penal Code sections 11164-11174.4) requires certain professionals, known as mandated reporters, to report known or suspected instances of child abuse or neglect to law enforcement. This is a selected list of mandated reporters likely to be employed within a school district. The absence of training shall not excuse a mandated reporter from his or her duties.**

# **MANDATED REPORTERS INCLUDE:**

- **A teacher.**
- **A Head Start Program teacher.**
- **An instructional aide, teacher's aide, or assistant.**
- **A classified employee of any school.**
- **An administrative officer or supervisor of Child Welfare and Attendance, or a certified Pupil Personnel employee, of any public or private school.**
- **An administrator of a public or private day camp, youth center, youth recreation program or organization.**
- **A licensee, administrator, or employee of a licensed community care or child daycare facility.**
- **An employee of a school district, police, or security department.**
- **Any person who is an administrator, presenter or counselor, in a child abuse prevention program, in any public and/or private school.**
- **A physician, psychiatrist, psychologist, intern, clergy and clergy members, marriage, family and child counselor, intern or trainee.**

# WHAT IS CHILD ABUSE AND NEGLECT?

**CHILD ABUSE and Neglect, as defined in CANRA, includes:**

- **Physical Abuse – a physical injury that is inflicted by other than accidental means on a child- (a person under the age of 18), or intentionally injuring a child. (PC 11165.6)**
- **Child Sexual Abuse – includes sexual assault or sexual exploitation of anyone under the age of 18. Sexual assault includes sex acts with children, intentional masturbation in the presence of children, and child molestation. Sexual exploitation includes preparing, selling, or distributing pornographic materials involving children, performances involving obscene sexual conduct, and child prostitution. (PC 11165.1)**
- **Willful Cruelty or Unjustifiable Punishment – includes inflicting or permitting unjustifiable physical pain or mental suffering, or the endangerment of the child’s person or health. (PC 11165.3)**
- **Unlawful corporal punishment or injury – willfully inflicted, resulting in traumatic condition. (PC 11165.4)**
- **Neglect, - whether “severe” or “general” it includes both acts and omissions that harm or threaten to harm the child’s health or welfare. It also includes failure to provide food, shelter, or proper hygiene. (PC 11165.2 & PC 11165.5)**

**\*\*\**Child Abuse* can be caused by family members, acquaintances or strangers.**

## **UNDER CURRENT LAW, CHILD ABUSE DOES NOT INCLUDE:**

- **A mutual quarrel and/or altercation between minors.  
(PC 11165.6)**
- **An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (PC 11165.4)**
- **An “amount of force that is reasonable and necessary for a person employed by, or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil.” (PC 11164.5)**



# **PENALTIES FOR FAILURE TO REPORT**

- **Child Abuse neglect reporting is an individual duty.**
- **Failure to report is a crime!**
- **Any mandated reporter who fails to report a child abuse incident, is guilty of a misdemeanor punishable by up to six (6) months confinement in a county jail, by a fine of \$1,000, or by both a fine and punishment.**

# **CANRA's Basic Reporting Provisions**

- **A mandated reporter must make a report whenever, in his or her professional capacity, or within the scope of his or her employment, he or she has knowledge of, or observes a child (a person under 18), whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.**
- **“Reasonable suspicion” occurs when it is objectively reasonable for a person to suspect child abuse or neglect.**
- **If you are a mandated reporter and you reasonably suspect abuse has occurred, you must make two (2) reports. First, you must report by telephone immediately. Then, you must file a written report, or complete online, within 36 hours of receiving the information concerning the incident.**

# **WHAT IS REASONABLE SUSPICION?**

## **GENERAL CONSIDERATIONS**

- **Reporting is an individual responsibility and requires independent judgment. People may differ on what would make them “reasonably suspect” child abuse or neglect.**
- **Trust your instincts. When you feel that you have enough information, you should report.**
- **You may want to write down, for yourself, the factor or factors that make you suspect child abuse or neglect. Articulating your concerns on paper may help you determine whether you feel that you have enough information. This will also be helpful if and when you file a written report.**
- **Don’t worry about statutes of limitations or whether suspected abuse happened in the past. If you reasonably suspect that child abuse occurred any time, report it.**
- **DO NOT investigate the abuse yourself. Leave it to the professionals.**
- **Youth pregnancy alone does not necessarily constitute reasonable suspicion.**

# WHAT IS REASONABLE SUSPICION?

## PHYSICAL ABUSE

**Any number of factors may contribute to your individual determination regarding a reasonable suspicion of physical abuse. The following are examples of indicators, but this list is by no means definitive:**

- **The type and locations of an injury can help distinguish injuries from suspected physical abuse. Injuries to the elbows, knees, or forehead are typical locations of accidental injuries, like trips and falls. Typical locations of injuries resulting from abuse are the back surface of a child's body from the neck to the knee, or injuries to the face.**
- **A statement by the child that the injury was caused by abuse. Children rarely lie about abuse, so take their comments to heart.**
- **The child has a history of previous or recurrent injuries.**
- **The parent cannot explain the reason for an injury, or there are discrepancies in the explanation.**

# **BEHAVIORS OFTEN EXHIBITED BY ABUSED CHILDREN**

- **Fear of parents or caretakers.**
- **The child and/or parent or caretaker attempts to hide injuries.**
- **Child is frequently absent from school or misses physical education classes, if changing into gym clothes is required.**
- **The adolescent exhibits depression, self-mutilation, suicide attempts, substance abuse, or sleeping and eating disorders.**

# WHAT IS REASONABLE SUSPICION

## PHYSICAL NEGLECT

Neglect includes both acts and omissions by a parent or caretaker. California law defines two categories of neglect: *severe* neglect and *general* neglect.

*Severe Neglect* means the negligent failure of a parent or caretaker to protect the child from severe malnutrition or a medically diagnosed non-organic failure to thrive. It also includes situations where the parent or caretaker willfully causes or permits the body or health of a child to be endangered. This includes the intentional failure to provide adequate food, clothing, shelter or medical care.

*General Neglect* means the negligent failure of a parent or caretaker to provide adequate food, clothing, shelter, or medical care where no physical injury to the child has occurred.

# **SIGNS OF NEGLECT**

**May be suspected when one or more of the following exist:**

- The child is lacking adequate medical or dental care.**
- The child is often sleepy or hungry or malnourished.**
- The child is often dirty or demonstrates poor personal hygiene.**
- The child is depressed, withdrawn or apathetic, exhibits antisocial or destructive behavior, shows fearfulness, or suffers from substance abuse, speech, eating or habit disorders (biting, rocking, whining).**

# **WHAT IS REASONABLE SUSPICION?**

## **SEXUAL ABUSE**

- **The single most important indicator is a statement by the child to a friend, classmate, teacher, or other trusted adult. The statement may be hypothetical (“I know someone who...”) or direct.**
- **The disclosure may be delayed. This is rarely an indication that the story is fabricated, as children seldom invent allegations of sexual abuse.**
- **Pregnancy of a minor does not, in and of itself, constitute the basis of reasonable suspicion of sexual abuse. You may develop a reasonable suspicion, however, based on information inferring coercion, rape, or a large age gap between the child and the person she states is the father.**
- **Abused children sometimes display a detailed and age-inappropriate understanding of sexual behavior.**



# **HOW TO REPORT**

## **FIRST BY TELEPHONE**

- **Once you have determined that a reasonable suspicion exists, you must report it immediately to school authorities at your location. Also notify your ROP Supervisor as soon as possible.**
- **Report must be made to the police and/or sheriff's department, county welfare department, or county juvenile probation department.**
- **Reporting to the school district police or security department does not meet the reporting requirements.**

## **Be prepared to provide the following information:**

- **Your name, work location and/or classroom number, and telephone number.**
- **Your job title.**
- **The child's name and address, and present location.**
- **The child's school, grade and class.**
- **The names, addresses, and telephone numbers of the child's parents or guardians.**
- **The information that gave rise to the reasonable suspicion of child abuse or neglect, and the source(s) of that information.**
- **The name, address, telephone number, and other relevant personal information about the person(s) who might have abused and/or neglected the child.**

# **HOW TO REPORT IN WRITING**

- **Follow your district or school site procedures for reporting. Employees cannot be required to disclose their identity to their employer, but are encouraged to do so to ensure that the employee and the child receive the support needed.**
- **If two or more mandated reporters have a reasonable suspicion of child abuse, they may elect one person to make the report. Each person still has an individual duty to make sure that it is done. Follow up with the elected person and verify that the report was made. If in doubt, make the report yourself.**
- **A written report must be sent to Child Protective Services within 36 hours of your initial report.**
- **Keep the copy marked “Reporting Party” for your own records.**
- **If you determine on a Friday, or before a holiday, that reasonable suspicion exists, you should make the written report that day because the deadline may fall when school is not in session.**

# **CONFIDENTIALITY**

- **Mandated reports are confidential and may be disclosed only among agencies receiving, investigating and prosecuting.**
- **A violation of confidentiality is a misdemeanor punishable by imprisonment in a county jail not to exceed six months, by a fine of five hundred dollars (\$500), or by both imprisonment and fine.**
- **Do not discuss the details and information with your colleagues, except as suggested by District policy.**
- **A mandated reporter cannot be required to disclose his or her identity to their employer.**
- **Do not tell the parent about the report, even if you do not suspect that the parent is responsible.**
- **Deflect parental contact. Parents sometimes guess who was responsible for reporting. Tell the parent you cannot discuss it.**
- **If the police or a child protective worker discloses to anyone that you made a report, call their supervisor.**

# IMMUNITY

- **Mandated reporters are immune from both civil and criminal liability when making reports.**
- **Any person, who, pursuant to a request from a government agency investigating a report of suspected child abuse or neglect, provides the requesting agency with access to the victim of a known suspect instance of child abuse or neglect, shall not incur civil or criminal liability as a result of providing that access. (PC 11172a)**

# **ESGVROP/TC PROCEDURES**

**Penal Code 11166(a) states that “... any child care custodian, health practitioner or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective 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.”**

- **Procedures to be Followed:**

  - Immediately notify school authorities at your location.**

  - Notify your ROP Supervisor as soon as possible by telephone and/or in person.**

- **Reporting Procedures:**

  - 1. Department of Children & Family Services Hot Line: 1-800-540-4000**

  - 2. Police**

  - 3. Complete “Suspected Child Abuse Report” (Form SS 8572). It can be completed online or mailed within 36 hours to:**

    - Children’s Services**

    - 564 S. Mateo Street**

    - Los Angeles, CA 90013-3574**

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# RESOURCES

- **Statewide**

**Office of Child Abuse Prevention (OCAP)**

**California Department of Social services**

**744 P Street, MS 19-82**

**Sacramento, CA 95814**

**(916) 445-2771**

[http://www.dss.cahwnet.gov/cdssweb/OfficeofCh\\_1341.htm](http://www.dss.cahwnet.gov/cdssweb/OfficeofCh_1341.htm)

**Prevent Child Abuse California**

**926 J Street, Suite 717**

**Sacramento, CA 95814**

**(916) 498-8481 1-800-CHILDREN**

<http://www.pca-ca.org/>

- **National**

**National Clearinghouse on Child Abuse and Neglect (NCCAN)**

**330 C Street SW**

**Washington, D.D. 20447**

**(800) 394-3366**

<http://www.calib.com/nccanch>

**Prevent Child Abuse America**

**200 S. Michigan Avenue, 17<sup>th</sup> Floor**

**Chicago, Illinois 60604-2404**

**(312) 663-3520**

<http://www..childabuse.org>

# TEST YOUR KNOWLEDGE

**1. On a Saturday (one of your regular days off) you visit the college swap meet. While perusing the aisles, you observe a vendor striking a child with a broken broomstick handle; the child cries out hysterically in pain. Other witnesses stand by silently in shock. Acting swiftly, you call the Sheriff's Department and make a child abuse report. The vendor is arrested, but is never prosecuted because of gross procedural errors by the District Attorney. In the interim, the vendor misses the next few swap meets while dealing with his legal troubles. Months later, you are served with a civil lawsuit brought by the vendor, which alleges that your report caused him to lose out on profits at the swap meet. He is seeking \$10,000 in damages, which you do not have. Will immunity under CANRA work as a defense to this lawsuit?**

- A. No. You were acting outside the scope of your employment.**
- B. Maybe.**
- C. Definitely. You are a mandated reporter.**



# TEST YOUR KNOWLEDGE

2. In a class writing assignment, a 20 year-old student describes troubling past sexual abuse inflicted on her by her parents. She also expresses deep concerns that her 12 year-old sister is in danger. She notes that her younger sister demonstrates the same withdrawn demeanor and cutting behavior that she did at the same age. Do you have an obligation to make a report under CANRA?
  - A. No.
  - B. Yes.
  - C. Maybe.
  
3. A 15 year-old student in your class tells you that she would like to have as many children as possible and as soon as possible. Weeks later, you overhear her bragging to her friends in class that her 26 year-old “boyfriend” a local street performer, has successfully impregnated her. Do you have an obligation to make a report under CANRA?
  - A. No.
  - B. Yes.
  - C. Maybe.

# ANSWERS

- 1. Answer B. A child abuse report is required where you, in your professional capacity or within the scope of your employment, have knowledge or reasonable suspicion of abuse. Absolute immunity from civil and criminal liability only applies when you make a required report within the scope of your employment. In this example, you are not acting in your capacity as a District employee, but rather, as a patron at the swap meet. While this was not a required report, CANRA also offers immunity from civil and criminal liability when you make non-required reports, unless it is proved that you made a false report, or acted with reckless disregard.**
- 2. Answer B. Your obligation to make a child abuse report arises where you, during the course and scope of your employment, know or reasonably suspect a minor is being abused; the minor does not have to be a student in the District. The 20 year-old student's recounting of past abuse, by itself, does not create a duty to report because of the student's age. However, the implication that her sister, a minor, is currently being abused, does create a duty to report.**
- 3. Answer B. The basis for making the child abuse report is your reasonable suspicion of the sexual abuse (e.g., statutory rape) which has occurred.**