

Child Abuse Mandated Reporter Training California



A What is a mandated reporter?

Mandated reporters are individuals who are mandated by law to report known or suspected child maltreatment. They are primarily people who have contact with children through their employment. Mandated reporters are required by the state of California to report any known or suspected instances of child abuse or neglect to the county child welfare department or to a local law enforcement agency (local police/sheriff's department).

A Who are mandated reporters?

Though everyone should report child abuse, a number of professionals must report abuse or be held liable by law. The specific positions are listed in California Penal Code section 11165.7. Professions include **but are not limited to:**

- A teacher
- An instructional aide
- A teacher's aide or assistant at public or private school
- An employee of public school
- An administrative officer or supervisor of child welfare and attendance of any school
- An administrator of day camp, public or private
- An administrator or employee of a public or private youth center, youth recreation program, or youth organization **THIS INCLUDES ALL USA HOCKEY PROGRAM VOLUNTEERS AND PAID POSITIONS IN ANY MEMBER PROGRAM.**
- An administrator or employee of any organization whose duties require direct contact and supervision of children **THIS INCLUDES ALL USA HOCKEY PROGRAM VOLUNTEERS AND PAID POSITIONS IN ANY MEMBER PROGRAM.**
- Any employee of the state or county education system whose duties bring them into contact with children on a regular basis
- A licensee, administrator, or employee of a licensed community care or child day care facility
- A Head Start program teacher
- A licensing worker or licensing evaluator
- A public assistance worker
- An employee of a child care institution including foster parents, group home personnel, and personnel of residential care facilities
- A social worker, probation officer, or parole officer
- An employee of a school district police or security department
- Any person who works in a child abuse prevention program in any school
- A district attorney investigator, inspector, or local child support agency caseworker
- A peace officer
- A firefighter (except volunteers)

- A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker
- Any EMT, paramedic, or other certified person
- A psychological assistant
- A marriage, family, and child therapist trainee
- An unlicensed marriage, family, and child therapist intern
- A state or county public health employee
- A coroner
- A medical examiner or anyone who performs autopsies
- A commercial film and photo processor
- A child visitation monitor
- An animal control officer or humane society officer
- A clergy member or religious practitioner
- A custodian of records of a clergy member
- Any employee of any police department, county sheriff's department, county probation department, or county welfare department
- An employee or volunteer of a Court Appointed Special Advocate program
- An alcohol or drug counselor

NOTE: UNDER THE SAFESPORT ACT OF 2017 (NEW FEDERAL LAW), A COVERED INDIVIDUAL IS A MANDATORY REPORTER. A COVERED INDIVIDUAL IS ANY PERSON WHO INTERACTS WITH YOUTH ATHLETES AS MEMBERS OF AN ORGANIZATION.



What is CANRA?

CANRA stands for the Child Abuse and Neglect Reporting Act, and can be found in sections 11164-11174.3 of the California Penal Code. CANRA is a set of laws that was passed in 1980 to provide definitions and procedures for mandated reporting of child abuse. Over the years, numerous amendments have expanded the definition of child abuse and the persons required to report.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=11165.7



Why must you report?

The primary intent of the reporting law is **to protect the child from abuse and neglect**. However, a report of suspected child abuse or neglect may also present an opportunity to provide help for the family. Parents who are under stress may be unable to ask for help directly, and may not know where or how to access support/help. A report of suspected abuse or neglect may be the catalyst for bringing about change in the home environment, which in turn may help to lower the risk of abuse or neglect in the home.



How much proof do I need to provide that abuse or neglect has occurred?

No proof of abuse or neglect is needed, only “reasonable suspicion” that child abuse or neglect may have occurred. If you are at all concerned about the possibility of abuse or neglect, you should report. Investigations will be conducted by law enforcement and/or the county child welfare department to determine if abuse or neglect has occurred. Delayed reporting while awaiting further information may hinder investigation by the appropriate agencies. **IF YOU ARE GIVEN INFORMATION THAT MEETS THE CONDITIONS OF ABUSE, DO NOT INVESTIGATE YOURSELF – REPORT IT. ONCE YOU KNOW ABOUT IT, YOU MUST REPORT IT. THIS IS BOTH CALIFORNIA LAW, AND FEDERAL LAW.**



How do I report?

Mandated reporters must report to a county child welfare department or to local law enforcement (police or sheriff’s department) immediately by **phone**. A written report must then be sent within 36 hours by fax, or it may be sent by electronic submission, if a secure system has been made available for that purpose in your county. Written reports must be submitted on the California Suspected Child Abuse Report Form 8572. This form can be downloaded at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf. **NOTE: WITHIN USA HOCKEY, ANY REPORT OF PHYSICAL OR SEXUAL ABUSE MUST BE REPORTED TO BOTH CPS OR LAW ENFORCEMENT, AS WELL AS THE U.S. CENTER FOR SAFESPORT, WITHIN 24 HOURS OF HAVING THAT KNOWLEDGE.**



Can I report the abuse or neglect anonymously?

No. Mandated reporters must identify themselves to the county child welfare department when making child abuse or neglect reports. However, persons who are not legally mandated may make anonymous reports.



Who will know that I made the child abuse or neglect report?

The law enforcement officer and/or county child welfare worker investigating the case will have your name in order to contact you about the report. Other professionals involved in the case, such as detectives, and attorneys will have access to your name as well. However, your identity cannot be disclosed to the family or anyone else not directly involved in the investigation of the case. If your case results in a trial and you are required to testify, your identity may be revealed in court.



Do I need to tell the parents that I filed a report?

You are not legally required to notify the parents that you are making a report. However, it may be beneficial to let the parents know you are reporting for the benefit of a future relationship.

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If I tell my supervisor about my concerns of abuse or neglect, have I met the obligation for mandated reporting?

No. Telling a supervisor does not meet the mandated reporting requirement. If a decision is made that the supervisor will complete and submit the report to the county child welfare department or law enforcement agency, then one report is sufficient. **WHEN REPORTING SUSPECTED ABUSE UNDER SAFESPORT, REPORT IN THIS ORDER: (1) CALL CPS OR LAW ENFORCEMENT. (2) CONTACT THE U.S. CENTER FOR SAFESPORT. (3) NOTIFY YOUR CLUB/PROGRAM PRESIDENT/MANAGER. (4) NOTIFY THE CAHA SAFESPORT COORDINATOR.**

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What if my supervisor tells me not to report my concerns because they are not sufficient?

You must still make a report to the county child welfare department or local law enforcement. **REMEMBER – ONCE YOU KNOW ABOUT IT, YOU MUST REPORT. EVEN IF YOU ARE TOLD AS A THIRD PARTY, YOU MUST REPORT. THIS IS BOTH STATE LAW AND FEDERAL LAW.**

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If the incident I report turns out not to be the result of abuse or neglect, can I be sued?

For mandated reporters, Penal Code 11172(a) provides absolute immunity from state criminal or civil liability for reporting as required. This immunity applies even if the mandated reporter acquired the knowledge or reasonable suspicion of abuse or neglect outside of his or her professional capacity or scope of employment. However, mandated reporters will only have immunity under federal claims if the report was made in good faith. **UNDER THE SAFESPORT ACT OF 2017, THERE ARE CRIMINAL PENALTIES FOR FAILURE TO REPORT.**

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What happens if I am concerned about abuse or neglect and I do not make a report?

Legally mandated reporters can be criminally liable for failing to report suspected abuse or neglect. The penalty for this misdemeanor is up to six months in jail and/or up to a \$1,000 fine. Mandated reporters can also be subject to a civil lawsuit, and found liable for damages, especially if the child-victim or another child is further victimized because of the failure to report. **REMEMBER – ONCE YOU KNOW ABOUT IT, YOU MUST REPORT. EVEN IF YOU ARE TOLD AS A THIRD PARTY, YOU MUST REPORT. THIS IS NOT ONLY CALIFORNIA LAW, IT IS FEDERAL LAW IN THE SAFESPORT ACT OF 2017. THERE ARE ALSO CRIMINAL PENALTIES FOR FAILURE TO REPORT UNDER THE SAFESPORT ACT OF 2017.**

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What happens after the report is filed?

After a report is filed, the county child welfare department or local law enforcement agency investigates the allegations. These agencies are also required to cross report suspected child abuse or neglect cases to each other. The county child welfare department or law enforcement agency investigation will result in one of three outcomes. **NOTE THAT THE U.S. CENTER FOR SAFESPORT MAY ALSO INVESTIGATE A REPORT SEPARATELY FROM ANY LAW ENFORCEMENT INVESTIGATION.**

1. Unfounded report – the report is false, or does not involve abuse, such as an accidental injury
2. Substantiated report – it is determined that child abuse has occurred
3. Inconclusive report – there is insufficient evidence to determine whether or not abuse has occurred

Only substantiated reports of child abuse and severe neglect must be forwarded to the Department of Justice. The county child welfare department will determine if children need to be removed from the home or if services need to be offered to the parents or caregivers. Law enforcement agencies may also pursue criminal prosecution.