

CHILD ABUSE REPORTING

The District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Failure to report suspected child abuse is a misdemeanor and punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand (\$1,000) or by both (Penal Code Section 11172e).

A. Definitions:

1. Child: A person under the age of 18 years (Penal Code Section 11165).
2. Child Abuse or Neglect: Physical abuse, neglect, sexual abuse and/or emotional maltreatment. This procedure also addresses the sexual assault, sexual exploitation and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Section 11165).
3. Reasonable Suspicion: A person has a “reasonable suspicion” when it is objectively reasonable to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate, on his or her training and experience, to suspect child abuse or neglect (Penal Code Section 11166a).
4. Child Protective Agency: A police or sheriff’s department, a county probation department, or a county welfare department. (Penal Code Section 11165.9) Campus Police are expressly not included within the definition of a “child protective agency.”

B. District Responsibilities: The District has determined that child abuse reporting forms will be available from the following designated locations:

1. Campus Police
2. Child Development Center
3. Health Center
4. Vice President, Student Services
5. Vice President, Academic Services

The District shall provide a mandated reporter with a statement informing the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Penal Code Section 11166 and of his or her confidentiality rights under Penal Code Section 11167d. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his or her employment and as a prerequisite to that employment, employee shall sign and return the statement to the District. The signed statements shall be retained by the District’s

Human Resources Office (Penal Code Section 11166.5). Once a year, thereafter, Campus Police shall send an email reminder to staff regarding mandated reporting duties.

The District will provide a copy of AP3518 (Child Abuse Reporting) to all employees.

C. Mandated Reporters: The following employees of the District and other persons designated pursuant to Penal Code Section 11165.7 are designated as “mandated reporters” and are required to report instances of suspected child abuse where they have a reasonable suspicion of the abuse.

1. Administrators
2. Faculty
3. Classified employees
4. Physicians, psychiatrists, psychologists, licensed nurses employed by the District
5. Other employees whose duties involve: direct contact and supervision of children; service as instructional aides, teacher’s aides or teacher’s assistants; and/or service as an employee of Campus Police.

D. Other Reporters: Reporting by persons other than mandated reporters is permissive and not subject to the broad immunity for the making of false reports provided to mandated reporters by the Penal Code (Penal Code Sections 11165.7, 11166a, and 11172a). Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child.

E. Reporting Procedures: Reporting is an individual responsibility. However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six (6) months in jail and/or up to a \$1,000 fine (Penal Code Section 11172e).

Mandated reporters must report immediately any reasonable suspicion of child abuse to a local child protective agency or as soon as practically possible by telephone and follow up with a written report within 36 hours. The written report may be mailed or submitted by facsimile or electronic transmission. The person reporting may contact any of the following:

1. Health & Human Services Agency – Child Abuse Reporting – 800-331-1585
2. Visalia City Police Department – 734-8116 (Non-Emergency Police)
3. Tulare County Sheriff’s Office – 733-6241 (Office of Sheriff and Undersheriff)

An employee making a report cannot be required to disclose his or her identity to the employer (Penal Code Section 11166h). No supervisor or administrator may impede or inhibit an individual’s obligation to report, and no person making such a report may be subject to any sanction for making the report (Penal Code Section 11166f).

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

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

F. Law Enforcement Investigation: Investigation of suspicion of child abuse is a function for local law enforcement agencies or child protective agencies. Legal charges, if deemed warranted, are filed by law enforcement agencies. District personnel must keep in mind that investigation of suspected child abuse is the responsibility of the child protective agencies.

G. Notice and Release of Information: When the Chief, Campus Police, or designee, releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the District designee shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken (Education Code Section 87044). However, if a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code, the District designee shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act (Education Code Sections 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167b).

References: Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3. Welfare and Institutions Code Sections 300, 318, and 601. Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892. California Community Colleges Chancellor's Office Legal Opinion 02-03 – Child Abuse Reporting. May 12, 2009