

August 2013

## **CHILD ABUSE AND NEGLECT REPORTING**

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.

**Mandated reporters in schools are: administrators, teachers, counselors, instructional aides, teacher’s aides, classified employees, bus drivers, administrative officers and school district police or security.**

**A child is anyone under 18 years of age.**

Child abuse as defined by the CANRA is *:a physical injury by other than accidental means on a child by another person.* It includes sexual abuse, emotional abuse, neglect, unlawful corporal punishment or injury. Abuse can take place in and out of the home. Taken from an article by Bonnie R. Benitez (General Counsel).

**\*IF the Suspected abuse in which the perpetrator is NOT a member of the family is to be reported to the police department of the city in which the abuse occurred.** For example, if a San Mateo resident was physically assaulted by her friend’s brother in Foster City, call the Foster City Police Department. Consult with the specific Police Department to determine what report should be filed.

Child abuse reporters are required to include their names in the report. The identity of such a reporter is confidential and disclosed only between child protective agencies, to counsel representing a child protective agency, to the district attorney in a criminal prosecution arising from alleged child abuse, to a licensing agency when abuse in out-of-home care is reasonably suspected and by court order.

**The penalties for failure to report are:**

- 1 Up to six months in jail and /or a \$1000.00 fine
- 2 May be liable for damages in civil lawsuit
- 3 Educators risk loss of license or credential.

**\* Remember, the person who first hears of the suspected abuse is legally responsible either to make a report or make sure one was filed.**

## HOW TO RESPOND TO A CHILD DISCLOSING ABUSE

- 1 Listen.
- 2 Do not ask leading questions. It is not your job to investigate.
- 3 Avoid expressing shock or outrage.
- 4 Do not threaten alleged perpetrator.
- 5 Tell the victim he/she was right and brave to tell.
- 6 Assure the child the abuse was not his/her fault.
- 7 Get as many details the child is comfortable disclosing.
- 8 Explain the procedure and possible follow up with the police and/or CPS, usually within 10 days. Do NOT make promises or assurances of exactly what will happen ~ once a referral is made, the receiving agency determines the follow up.

Even though you are not an investigator, there are certain questions you need to ask when a student reveals an incident of abuse (current or historical).

- When did the incident occur?
- Where?
- Who inflicted the abuse?
- What did he or she use? Body part, object, other?
- Was it an open hand or a closed fist?
- Are there any marks on the body? If so, what kind? Is the mark still visible? Where?  
\*Please do not take photos or ask to see the mark if it is in an area that is covered by clothing.
- Is this the first time the abuse has occurred? if not, how many times?
- Is father or mother protective of the child?
- Is there substance abuse or weapons in the home?
- How old are the parents?
- Are there any minor children in the home? If so, what school do they attend? How old or what are their birth dates?
- Does the child feel safe at home?

At the time of your call, you will be required to provide the following information:

- Your name, business address and telephone number
- Child's name, DOB, address and present location, and other relevant personal information
- Names, addresses and telephone number of the child's parents or caregivers
- Source of the information that lead to the allegation
- Names, address, and personal information of the person who may have abused the child

**As a mandated reporter, you must make a telephone report to CPS ASAP within 24 hours followed by a written report within 36 hours.**

Helpful tips:

- CPS may not take the report right away but will call you back within the hour.
- Document the name of the worker that takes the report on the *official contacted line* in the report.
- CPS will want to know the present location of the child, in class, at home etc.
- It is vitally important to keep a copy of this report and give it to the student's counselor to keep in a confidential record. **Do not place Suspected Child Abuse Reports in a cum file.**

**REMEMBER THE FOLLOWING ACRONYM**

**A** – Assess for current safety. A historical report of abuse does not have the same immediacy as a current situation.

**C** – Consult/refer to the School Safety Advocate, Diana de Guzman ext **2376**, Counselors or Administrators. Consult with a co-worker if the information is given to you and you are unable to refer immediately.

**T** – Telephone **650-595-7922** and make a report if needed. Report forms are available in front office or in Student Services.

Make a copy and give it to student's counselor.

**S** – Send a written report within 36 hours to:

**CHILD PROTECTIVE SERVICES**

**1 Davis Dr.**

**BELMONT, CA**

**94002**

or fax to **650-592-2289**.