



REPORTING LAW: CHILDREN AND YOUTH

--- to protect a child ---

California Reporting Law

“. . . 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 or within the scope of his or her employment when 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. . . . For the purposes of this article, ‘*reasonable suspicion*’ means that it is objectively *reasonable* for a person to entertain such 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. .” (Penal Code, §11166)

WHO reports? Teachers and therapists are mandated, yet anyone may report suspected abuse to protect a child.

WHO to? Report to Child Protective Service or police department.

WHAT is the risk?

The reporter’s name is held confidential.

Reporters are provided immunity from civil or criminal liability (unless the report was made maliciously).

But failure for a mandated reporter to report = misdemeanor + possible civil liability.

WHAT then? Report goes to District Attorney and Dept. of Justice.

Child is contacted (family *may* be).

Report is determined to be “unfounded,” “inconclusive,” or “substantiated.”

Criminal investigation *may* begin.

Licensing Agency *may* begin investigation.

Dependency action *may* begin.

The reporting duties of a mandated reporter are individual, and cannot be delegated to another individual. However, it is permissible to establish internal procedures to facilitate reporting and apprise supervisors and administrators of reports so long as:

- these procedures are consistent with the reporting act
- supervisors or administrators cannot impede or inhibit reporting
- supervisors or administrators may not take any actions against the reporter for making a report
- procedures not require any employee making a report to disclose his or her identity to the employer.

Free on-line training at <http://mandatedreporterca.com/training/generaltraining.htm>.

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