

CHILD ABUSE REPORTING PROCEDURES FOR EMPLOYEES

(California Penal Code – Sections 11165 and following)

Child abuse includes child abuse, sexual abuse, sexual assault, sexual exploitation, neglect, severe neglect, willful cruelty, unjustifiable punishment, unlawful corporal punishment or injury, or abuse in out-of-home care. Generally, child abuse means physical injury inflicted by other than accidental means on a child by another person, and includes sexual abuse, willful cruelty or unjustifiable punishment, or unlawful corporal punishment or injury as well as neglect. Child abuse does not include a mutual affray or fight between minors.

Who Must Report

All child care custodians and health practitioners must report child abuse. Such persons include, but are not limited to the following:

- (a) teachers;
- (b) instructional and teachers aides;
- (c) classified employees trained in child abuse identification and reporting;
- (d) certificated pupil personnel employees;
- (e) administrators;
- (f) an administrator or employee of a licensed community care or child day facility;
- (g) Head Start teachers;
- (h) group home personnel; and
- (i) physicians, psychologists and nurses.

The obligation to report child abuse is not satisfied by making a report to your supervisor or principal. The obligation to report child abuse must be satisfied by making telephone and written reports.

Telephonic and Written Reports

Any employee child care custodian who has knowledge of or observes a child whom he or she knows or reasonable 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 thereafter prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident. The written report shall be sent to a child protective agency. "Reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion drawing upon his or her training and experience to suspect child abuse.

<u>Children and Family Services</u> 1313 Yuba Street Redding, CA 96001 225-5144 (day or night)	<u>Sheriff's Department</u> 300 Park Marina Circle Redding, CA 96001 245-6000
<u>Redding Police Department</u> 777 Cypress Avenue Redding, CA 96001 225-4200	<u>Anderson Police Department</u> 2220 North Street Anderson, CA 96007 378-6600

If you need assistance filing a report, you may contact your department manager.

It will assist this office if you inform your department manager when filing a report. This, however, is not required.

To provide confidentiality and to protect employees required to file a report, it would be desirable to have a copy of the report on file in the office of the Associate Superintendent. This, however, is not required.

Contents of Reports

The telephonic report shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury and any other information, including information that led such person to suspect child abuse. You may obtain forms, should you so desire, for the written report, from a child protective agency.

Conclusion

When in doubt remember that it is better to err on the side of reporting.

Definitions

The following definitions are provided for your review. If you have any questions regarding these definitions, you should telephone a child protective agency:

"Child" means a person under the age of 18 years. (Penal Code Section 11165)

"Sexual abuse" means sexual assault or sexual exploitation including rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object and child molestation. (Penal Code Section 11165.1)

"Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person. (Penal Code Section 11165.2)

"Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed in Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (Penal Code Section 11165.2)

"General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. (Penal Code Section 11165.2)

"Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered. (Penal Code Section 11165.3)

"Unlawful corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include 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, as authorized by Section 49001 of the Education Code. It also does not include an amount of force that is reasonable and necessary for a peace officer to quell a disturbance threatening physical injury to person or damage to property to prevent physical injury to person or damage to property, for purposes of self-defense, to obtain possession of weapons or other dangerous objects within the control of the child, or to apprehend an escapee. (Penal Code Section 11165.4)

"Abuse in out-of-home care" means a situation of physical injury on a child which is inflicted by other than accidental means, or of sexual abuse or neglect or unlawful corporal punishment or injury, or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. "Abuse in out-of-home care" does not include an injury caused by reasonable and necessary force used by a peace officer to quell a disturbance threatening physical injury to a person or damage to property, to prevent physical injury to person or damage to property, for purposes of self-defense, to obtain possession of weapons or other dangerous objects within the control of a child, or to apprehend an escapee. (Penal Code Section 11165.5)