

## **CHILD ABUSE REPORTING PROCEDURES**

The Governing Board recognizes that the District has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The Director, Child Welfare and Attendance, shall ensure that parents/guardians have access to procedures whereby they can report suspected child abuse by a school employee or others at a school site to appropriate child protective agencies.

*(cf: 1312.1 - Complaints Concerning School Personnel)*  
*(cf: 5171.1 - Child Abuse Prevention)*

The Superintendent or designee shall establish regulations for use by employees in identifying and reporting child abuse.

District employees shall report known or suspected incidences of child abuse in accordance with District regulations and state law. Employees shall fully cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

*(cf. 4112.9 - Signed Statements)*

The Executive Director, Pupil Services, and/or the Director, Child Welfare and Attendance, shall provide training in child abuse identification and reporting for all certificated personnel.

### **Duty to Report**

Certificated employees and classified employees shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166.

### **Definitions**

1. "*Child Abuse*" includes the following:
  - a. A physical injury, including murder, inflicted by other than accidental means on a child by another person.
  - b. Sexual abuse of a child, including rape and lewd or lascivious acts against a child under age 18.

**CHILD ABUSE REPORTING PROCEDURES** (continued)

- c. Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.
  - d. Unlawful corporal punishment or injury resulting in a traumatic condition.
  - e. Neglect of a child or abuse in out-of-home care.
2. "*Mandated Reporters*" are those people defined by law as "*child care custodians*," "*health practitioners*," "*child visitation monitors*" and "*employees of a child protective agency*." The following school personnel are required to report:
- Teachers, administrators, health technicians, supervisors of child welfare and attendance, other certificated employees, preschool teachers, school psychologists, licensed nurses, counselors, academic advisors, instructional aides and other classified employees trained in child abuse reporting.
3. "*Child Protective Agencies*" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff's department, county welfare or juvenile probation department and child protective services.
4. "*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/her training and experience, to suspect child abuse. (Penal Code 11166)

## Reporting Procedures

1. To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency.
- The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include;
- a. The name of the person making the report.
  - b. The name of the child and siblings.
  - c. The present location of the child.

- d. The nature and extent of any injury.
- e. The name, address, phone numbers of parent(s)/ guardian(s).
- f. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

When the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Within 36 hours of making the telephone report, the mandated reporter shall complete and mail to the local child protective agency a written report which includes a completed Department of Justice form (DOJ SS 8572).

Mandated reporters may obtain copies of the above form either from the District, school site, or the local child protective agency.

Instructions are included on the form, and reporters may ask the site administrator for help in completing and mailing it; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing these forms.

### **Legal Responsibility and Liability**

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. If a mandated reporter fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000 or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.

3. When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.
4. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.

### **Victim Interviews**

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

**Release of Child to Peace Officer or Child Protective Services Agent**

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Superintendent or designee and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent, who has the address and telephone number, to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers and child protective services agents will be asked to sign an appropriate release or acceptance of responsibility form.

*(cf. 5153 - Questioning and Apprehension)*

**When School Employees are Accused of Child Abuse**

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to: 1) identify incidents of suspected child abuse, and 2) comply with laws requiring the reporting of suspected abuse to the proper authorities. determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, the employee may be subject to reassignment or a paid leave of absence.

Upon filing formal charges or upon conviction, the District may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements. The Superintendent or designee shall seek legal counsel in connection with either the suspension or dismissal of the employee.

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action (Certificated)*

*(cf. 4218 - Suspension/Disciplinary Action (Classified)*

*Legal References (see next page)*

*Legal Reference:*

EDUCATION CODE

33308.1 *Guidelines on procedure for filing child*

44690-44691 *Staff development in the detection of child abuse and neglect*

48906 *Notification when student released to peace officer*

48987 *Dissemination of reporting guidelines to parents*

PENAL CODE

152.3 *Duty to report murder, rape or lascivious acts*

273a *Willful cruelty or unjustifiable punishment of child; endangering life or health*

288 *Definition of lewd or lascivious act requiring reporting*

11164-11174.3 *Child abuse and neglect Reporting Act, especially,*

11165-11165.15 *Definitions relating to child abuse*

11166-11170 *Reporting known or suspected cases of child abuse*

11172 *Immunity from liability*

11174.3 *Interviewing victim at school*

WELFARE AND INSTITUTIONS CODE

600-601.2 *Referral to school attendance review board; minors habitually disobedient or truant*

15630-15637 *Dependent adult abuse reporting*

CODE OF REGULATIONS, TITLE 5

4650 *Filing complaints with CED, special education students*

STATUTES OTHER THAN CODE

*Chapter 1102, Statutes of 1991, Section 6*

*Management Resources:*

CDE LEGAL ADVISORIES

0514.93 *Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site.*

Policy

adopted: August 18, 1997

revised: September 15, 2000

revised: August 13, 2001

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California