

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	1 of 7
	<i>Approved by:</i>	City Manager

I. PURPOSE

To comply with the California Child Abuse and Neglect Report Act, (CANRA) (California Penal Code Sections 11164 to 11174.4), this Policy identifies certain groups of employees as “Mandated Reporters” of child abuse or neglect, in their professional capacity or within the scope of their employment. Business and Professions Code section 18975 requires administrators, employees, or regular volunteers of a youth service organization to undergo a background check and complete training in child abuse and neglect identification and training in child abuse and neglect reporting.

II. DEFINITIONS

“Child” means a person under the age of 18 years.

“Child Abuse or Neglect” refers to physical injury or death inflicted by other than accidental means on a child, sexual assault or sexual exploitation of a child including sexual intercourse between a child under 16 years of age and a person 21 years of age or older, lewd or lascivious acts, and child molestation, 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; willful harming, injuring, or endangering a child; or unlawful corporal punishment.

“Child Abuse and Neglect Reporting Act” or “CANRA” refers to California Penal Code Section 11164-11174.3, which identify certain employment positions as Mandated Reporters with specified reporting obligations for suspected child abuse and neglect.

“Mandated Reporters” means City of Coronado employees who have direct contact or supervisory control over children and children programs and must make a report whenever, in their professional capacity or within the scope of their employment, they have knowledge of, or observes a child the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

“Reasonable Suspicion” as defined under Penal Code § 11166(a) means that “it is objectively reasonable...[for a Mandated Reporter] to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on their training and experience, to suspect child abuse or neglect.” Facts upon which a reasonable suspicion may arise do not have to have been witnessed by the Mandated Reporter but can be learned from other sources.

“Regular Volunteer” a City volunteer that is 18 years of age or older and who has direct contact with, or supervision of, children for more than 16 hours per month or 32 hours per year.

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	2 of 7
	<i>Approved by:</i>	City Manager

III. CANRA REPORTING REQUIREMENTS

A) Identification of Mandated Reporters

CANRA identifies employment positions as Mandated Reporters with specific mandated reporting responsibilities including those whose duties involve regular contact with children or who supervise such employees.

Below is a list of City of Coronado job classifications by Department designated as a Mandated Reporter.

Administrative Services

Director of Administrative Services
Human Resources Management Analyst
Human Resources Manager

Fire Services

Director of Fire Services
Beach Lifeguard Captain
Beach Lifeguard Sergeant
Beach Lifeguard*
Fire Captain
Fire Division Chief
Fire Engineer
Firefighter
Firefighter/Paramedic

Police Services – All positions within the department

Director of Police Services
Administrative Secretary
Evidence & Property Technician
Management Assistant
Office Specialist
Police Captain
Police Community Relations Coordinator
Police Corporal
Police Dispatcher
Police Dispatcher Supervisor
Police Lieutenant
Police Officer
Police Sergeant
Police Services Officer I/II

* Employees marked with an asterisk are also delineated as employees of a youth service organization and subject to the requirements of Business and Professions Code section 18975.

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	3 of 7
	<i>Approved by:</i>	City Manager

Police Support Services Manager

Library

Director of Library Services*

Librarian*

Librarian Assistant I*

Library Assistant II*

Library Assistant III*

Librarian Monitor

Librarian Page

Library Technician

Principal Librarian*

Senior Librarian*

Recreation and Golf Services

Director of Recreation & Golf Services

Aquatics Coordinator

Aquatics Instructor

Aquatics Supervisor

Management Analyst

Recreation Coordinator*

Recreation Assistant*

Recreation Services Supervisor*

Recreation Specialist*

Golf Course Supervisor

Recreation Leader

Pool Lifeguard

Office Specialist

Office Assistant II

This Policy requires, to the greatest extent possible, the presence of at least two Mandated Reporters, whenever administrators, employees, or volunteers are in contact with, or supervising, children.

B) Abuse and Neglect That Must Be Reported

Mandated Reporters must report the following types of abuse or neglect:

Physical abuse, meaning physical injury other than by accidental means inflicted on a child. (Penal Code § 11165.6)

Sexual assault, including sex acts with a child, intentional masturbation in the presence of a child, child molestation, and lewd or lascivious acts with a child under 14 years of age or with a child under 16 years of age if the other person is at least ten years older than the child. (Penal Code § 11165.1(a)(b))

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	4 of 7
	<i>Approved by:</i>	City Manager

Sexual exploitation, including acts relating to child pornography, child prostitution, or performances involving obscene sexual conduct by a child. (Penal Code § 11165.1(c))

Statutory rape involving sexual intercourse between a child under 16 years of age and a person 21 years of age or older, which is also a form of “sexual assault”. (Penal Code §§ 261.5(d) and 11165.1(a))

Neglect meaning the negligent treatment or maltreatment of a child by a parent, guardian or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare. (Penal Code § 11165.2)

Willful harming or injuring or endangering a child, meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child's health is endangered. (Penal Code § 11165.3)

Unlawful corporal punishment, meaning a situation in which any person willfully inflicts upon a child cruel or inhuman corporal punishment or a physical injury. (Penal Code § 11165.4)

C) What is Not Child Abuse or Neglect

The following are examples of what is **not** child abuse or neglect for reporting purposes:

Injuries caused by two children fighting during a mutual altercation. (Penal Code § 11165.6)

An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of their employment. (Penal Code § 11165.6)

Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property, for self-defense, or to obtain possession of weapons or other dangerous objects under a child's control. (Penal Code § 11165.4)

Corporal punishment, unless it is cruel or inhuman or willfully inflicts a physical injury. (Penal Code § 11165.4)

Not receiving medical treatment for religious reasons. (Penal Code § 11165.2(b))

Acts performed for a valid medical purpose. (Penal Code § 11165.1(b)(3))

An informed and appropriate medical decision made by a parent, guardian or caretaker after consultation with a physician who has examined the child. (Penal Code § 11165.2(b))

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	5 of 7
	<i>Approved by:</i>	City Manager

D) Procedure for Reporting

1. Immediately, or as soon as practically possible, contact by phone one of the police or sheriff's departments **or** the county welfare department. (Child Protected Services or CPS).

Coronado Police Department: <https://www.coronado.ca.us/166/Police>

Child Protective Services (by county):

http://www.hwcws.cahwnet.gov/countyinfo/county_contacts/hotline_numbers.asp

Sheriffs' Departments (by county):

<http://www.calsheriffs.org/sheriffs-offices.html>

2. Within 36 hours of receiving the information concerning the incident:

Complete Form SS 8572 (Appendix A) available at

- https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf; and
- send, fax, or electronically transmit it to the agency that was contacted by phone.

(Penal Code § 11166(a))

Note: In case of an emergency or if a crime is in progress, employees should always immediately call 911.

3. At the time of the phone call, the Mandated Reporter must provide the following information, if known:

- Name, business address, and telephone number of the Mandated Reporter
- Child's name, address, and present location
- Names, addresses, and telephone numbers of the child's parents, guardian, or caretaker
- Source of information that led to the suspicion of child abuse
- Name, address, telephone number, and other personal information of person(s) who might have abused the child

The Mandated Reporter is not excused from making a report where some of this information is not known or is uncertain.

For suspected abuse or neglect occurring on City of Coronado premises or at an official activity of, or program conducted by the City of Coronado, Mandated Reporters are encouraged to also notify their supervisors and Human Resources. However, reporting to a supervisor, a coworker, or any other person is not a substitute for making a mandated report to one of the agencies listed above.

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	6 of 7
	<i>Approved by:</i>	City Manager

E) Immunity and Confidentiality of Reporter

Mandated Reporters cannot be held civilly or criminally liable for their reports. Instead, they receive immunity from prosecution for their reporting of suspected child abuse. (Penal Code § 11172(a)) Both the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies. (Penal Code § 11167(d))

F) Penalty for Failure to Report Abuse or Impeding Report

A Mandated Reporter who fails to make a required report, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both. (Penal Code §§ 11166(c) and 11166.01(a))

Where the abuse results in death or great bodily injury, the Mandated Reporter who fails to make a required report or administrator or supervisor who impeded or inhibited the report is subject to punishment of up to one year in jail, a fine of \$5,000, or both. (Penal Code § 11166.01(b))

G) Written Acknowledgment of Legal Responsibility to Report Abuse

i. New Employees

New employees who are identified as Mandated Reporters will be notified and required, as a precondition of employment, to sign a statement that acknowledges their status as a Mandated Reporter and their agreement to comply with the reporting obligations under CANRA. New employees who are designated as Mandated Reporters, but who refuse to sign the statement presented to them cannot be hired, *without exception*.

ii. Existing Employees

Existing employees who are identified as Mandated Reporters will be notified and required, as a condition of continuing employment, to sign a statement that acknowledges they will comply with their reporting obligations under CANRA. Human Resources will follow up with employees who fail to submit the required statements. Existing employees designated as Mandated Reporters who refuse to sign the statement within a reasonable period of time, despite being reminded by Human Resources, will be subject to disciplinary action up to and including dismissal. Employees hired prior to January 1, 1985 are not required to be designated as Mandated Reporters but are strongly encouraged to report suspected child abuse or neglect.

H) Position Announcement/Position Description Requirements

The position announcements for all City of Coronado positions designated as Mandated Reporters shall state that compliance with CANRA and this policy are a condition of

City of Coronado
ADMINISTRATIVE PROCEDURES

Subject: CHILD ABUSE AND NEGLECT TRAINING AND REPORTING POLICY	<i>Number:</i>	522
	<i>Date:</i>	November 2022
	<i>Page:</i>	7 of 7
	<i>Approved by:</i>	City Manager

employment, in language similar to the following: "The person holding this position is considered a 'mandated reporter' under the California Child Abuse and Neglect Reporting Act and is required to comply with the requirements set forth in this policy as a condition of employment."

Existing position announcements for all positions shall be revised to include this language at the time a recruitment to fill the position is open.

**IV. CANRA AND BUSINESS AND PROFESSIONS CODE SECTION 18975
TRAINING REQUIREMENTS**

Mandated Reporters and Regular Volunteers must complete training on the identification and reporting of child abuse and neglect. Training is provided by the Office of Child Abuse Prevention in the State Department of Social Services. Mandated Reporters and Regular Volunteers must provide a copy of the certificate of completion of the course to the Human Resources Department.

All other City volunteers are also encouraged to take this training and provide the certificate of completion to the Human Resources Department.

Website: <https://www.mandatedreporterca.com/>

**V. BUSINESS AND PROFESSIONS CODE SECTION 18975 BACKGROUND
INVESTIGATIONS**

All City employees, and volunteers who are in contact with or supervise children shall undergo a background check pursuant to Section 11105.3 of the Penal Code so that the City may identify and exclude any persons with a history of child abuse.

VI. APPENDIX

- A- BCIA 8572 Suspected Child Abuse Report
- B- Statement Acknowledging Requirement to Report Child Abuse and Neglect – General Reporter
- C- Penal Code Sections 11165.7, 11166, 11166.01, and 11167



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

To Be Completed by Mandated Child Abuse Reporters

PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY					
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT?			
	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE			TODAY'S DATE				
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION <input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		AGENCY							
	ADDRESS	Street	City	Zip	DATE/TIME OF PHONE CALL					
	OFFICIAL CONTACTED - NAME AND TITLE					TELEPHONE				
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
	ADDRESS	Street	City	Zip	TELEPHONE					
	PRESENT LOCATION OF VICTIM			SCHOOL		CLASS		GRADE		
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME			
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE): <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY) _____			
	RELATIONSHIP TO SUSPECT				PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
	D. INVOLVED PARTIES	NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX
1.		2.				3.	4.			
VICTIM'S PARENTS/GUARDIANS	NAME (LAST, FIRST. MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS	Street	City	Zip	HOME PHONE		BUSINESS PHONE			
SUSPECT	NAME (LAST, FIRST. MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS	Street	City	Zip	HOME PHONE		BUSINESS PHONE			
E. INCIDENT INFORMATION										
IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____										
DATE/TIME OF INCIDENT		PLACE OF INCIDENT								
NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)										



SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM BCIA 8572

All Penal Code (PC) references are located in Article 2.5 of the California PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://leginfo.legislature.ca.gov/faces/codes.xhtml> (specify "Penal Code" and search for sections 11164-11174.3). A mandated reporter must complete and submit form BCIA 8572 even if some of the requested information is not known. (PC section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

Mandated child abuse reporters include all those individuals and entities listed in PC section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC section 11165.9.)

III. REPORTING RESPONSIBILITIES

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated 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. (PC section 11166(a).)

No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC section 11172(a).)

IV. INSTRUCTIONS

SECTION A – REPORTING PARTY: Enter the mandated reporter's name, title, category (from PC section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes/no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (continued)

SECTION B – REPORT NOTIFICATION: Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.

SECTION C – VICTIM (One Report per Victim): Enter the victim's name, birthdate or approximate age, sex, ethnicity, address, telephone number, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes/no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes/no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes/no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.

SECTION D – INVOLVED PARTIES: Enter the requested information for Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).

SECTION E – INCIDENT INFORMATION: If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

Reporting Party: After completing form BCIA 8572, retain a copy for your records and submit copies to the designated agency.

Designated Agency: **Within 36 hours** of receipt of form BCIA 8572, the initial designated agency will send a copy of the completed form to the district attorney and any additional designated agencies in compliance with PC sections 11166(j) and 11166(k).

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian



**The City of
CORONADO**

GENERAL REPORTER

STATEMENT ACKNOWLEDGING REQUIREMENT TO REPORT CHILD ABUSE AND NEGLECT

California law requires certain people, known as “Mandated Reporters,” to report known or suspected child abuse or neglect. You have been identified as a Mandated Reporter (**General Reporter**). As a General Reporter, you are required by the law to sign this statement acknowledging your legal reporting obligations.

The relevant provisions of the law explaining the definition of “Mandated Reporter” ([Penal Code § 11165.7](#)), the reporting obligations ([Penal Code § 11166](#)), penalty for failure to report abuse or impeding report ([Penal Code § 11166.01](#)), the contents of the reports, and the confidentiality of the Mandated Reporter’s identity ([Penal Code § 11167](#)) are available for review.

Online training is required. Visit <https://mandatedreporterca.com/> to complete the online training. Upon completion, you are required to provide Human Resources with a copy of your training certificate.

WHEN REPORTING ABUSE IS REQUIRED

As a Mandated Reporter (General Reporter), whenever in your professional capacity or within the scope of your employment you have knowledge of or observe a person under the age of 18 years whom you know or reasonably suspect has been the victim of child abuse or neglect, you must report the suspected incident, **no matter where it occurred**. ([Penal Code §§ 11166\(a\)](#))

PROCEDURE FOR REPORTING

To make a report, you must do the following:

- Immediately, or as soon as practically possible, contact by phone one of the following: police or sheriff’s department; a county probation department (if designated by the county to receive mandated reports); or the county welfare department (Child Protective Services or CPS).
- Within 36 hours of receiving the information concerning the incident: complete Form SS 8572 (available online at https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf) per the instructions; and send, fax or electronically transmit it to the agency that was contacted by phone. ([Penal Code § 11166\(a\)](#))

Names and contact information for agencies that can accept reports are available online at the following websites:

Coronado Police Department: <https://www.coronado.ca.us/166/Police>

Child Protective Services (by county):

http://www.hwcws.cahwnet.gov/countyinfo/county_contacts/hotline_numbers.asp

For Sheriffs’ Departments (by county): <http://www.calsheriffs.org/sheriffs-offices.html>

Note: Reporting to a supervisor, a coworker, or other person is not a substitute for making a mandated report to one of the agencies listed above.

ABUSE AND NEGLECT THAT MUST BE REPORTED

Physical abuse, meaning physical injury other than by accidental means inflicted on a child. ([Penal Code § 11165.6](#))

Sexual assault, including sex acts with a child, intentional masturbation in the presence of a child, child molestation, and lewd or lascivious acts with a child under 14 years of age or with a child under 16 years of age if the other person is at least ten years older than the child. ([Penal Code § 11165.1\(a\)\(b\)](#))

Sexual exploitation, including acts relating to child pornography, child prostitution, or performances involving obscene sexual conduct by a child. ([Penal Code § 11165.1\(c\)](#))

Statutory rape involving sexual intercourse between a child under 16 years of age and a person 21 years of age or older, which is also a form of "sexual assault." ([Penal Code § 11165.1\(a\)](#))

Neglect, meaning the negligent treatment or maltreatment of a child by a parent, guardian or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare. ([Penal Code § 11165.2](#))

Willful harming or injuring or endangering a child meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child's health is endangered. ([Penal Code § 11165.3](#))

Unlawful corporal punishment, meaning a situation in which any person willfully inflicts upon a child cruel and inhuman corporal punishment or a physical injury. ([Penal Code § 11165.4](#))

WHAT IS NOT CHILD ABUSE OR NEGLECT?

The law does not consider the following child abuse or neglect for reporting purposes:

- Injuries caused by two children fighting during a mutual altercation. ([Penal Code § 11165.6](#))
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment. ([Penal Code § 11165.6](#))
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property, for self-defense, or to obtain possession of weapons or other dangerous objects under a child's control. ([Penal Code § 11165.4](#))
- Corporal punishment, unless it is cruel or inhumane or willfully inflicts a physical injury. ([Penal Code § 11165.4](#))
- Not receiving medical treatment for religious reasons. ([Penal Code § 11165.2\(b\)](#))
- Acts performed for a valid medical purpose. ([Penal Code § 11165.1\(b\)\(3\)](#))
- An informed and appropriate medical decision made by a parent or parent, guardian or caretaker after consultation with a physician who has examined the child. ([Penal Code § 11165.2\(b\)](#))

IMMUNITY AND CONFIDENTIALITY OF REPORTER

Mandated Reporters cannot be held civilly or criminally liable for their reports. Instead, they enjoy immunity from prosecution for their reporting of suspected child abuse. ([Penal Code § 11172\(a\)](#)) Both the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies. ([Penal Code § 11167\(d\)](#))

PENALTY FOR FAILURE TO REPORT ABUSE OR IMPEDING REPORT

A Mandated Reporter who fails to make a required report of abuse, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both. (Penal Code [Section 11166\(c\)](#) and [Section 11166.01\(a\)](#)) Where the abuse results in death or great bodily injury, the Mandated Reporter who fails to make a required report or administrator or supervisor who impeded or inhibited the report is subject to punishment of up to one year in jail, a fine of \$5,000, or both. ([Penal Code Section 11166.01\(b\)](#))

ACKNOWLEDGMENT

I acknowledge being provided with copies of Penal Code Sections 11165.7, 11166, 11166.01, and 11167. I acknowledge and understand my responsibility and legal obligation to report known or suspected child abuse or neglect in compliance with Penal Code Section 11166.

Employee's Name: _____

Department: _____

Signature: _____

Date: _____



PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11482] (Title 1 added by Stats. 1953, Ch. 1385.)

CHAPTER 2. Control of Crimes and Criminals [11150 - 11199.5] (Chapter 2 added by Stats. 1953, Ch. 70.)

ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3] (Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1.)

(a) As used in this article, “mandated reporter” is defined as any of the following:

11165.7. (1) A teacher.

(2) An instructional aide.

(3) A teacher’s aide or teacher’s assistant employed by a public or private school.

(4) A classified employee of a public school.

(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.

(6) An administrator of a public or private day camp.

(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.

(8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.

(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.

(10) A licensee, an administrator, or an employee of a licensed community care or child daycare facility.

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.

(13) A public assistance worker.

(14) An employee of a childcare institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(16) An employee of a school district police or security department.

(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.

(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print or image processor” means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) “Animal control officer” means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(47) A qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional, as defined in Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(48) A human resource employee of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code that employs minors. For purposes of this section, a “human resource employee” is the employee or employees designated by the employer to accept any complaints of misconduct as required by Chapter 6 (commencing with Section 12940) of Part 2.8 of Division 3 of Title 2 of the Government Code.

(49) An adult person whose duties require direct contact with and supervision of minors in the performance of the minors’ duties in the workplace of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code is a mandated reporter of sexual abuse, as defined in Section 11165.1. Nothing in this paragraph shall be construed to modify or limit the person’s duty to report known or suspected child abuse or neglect when the person is acting in some other capacity that would otherwise make the person a mandated reporter.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) (1) Except as provided in subdivision (d) and paragraph (2), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(2) Employers subject to paragraphs (48) and (49) of subdivision (a) shall provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. The training requirement may be met by completing the general online training for mandated reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a childcare licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a childcare administrator or an employee of a licensed child daycare facility shall take training in the duties of mandated reporters during the first 90 days when that administrator or employee is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child daycare facility shall take renewal mandated reporter training every two years following the date on which that person completed the initial

mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

(Amended by Stats. 2020, Ch. 243, Sec. 1. (AB 1963) Effective January 1, 2021.)



PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11482] (Title 1 added by Stats. 1953, Ch. 1385.)

CHAPTER 2. Control of Crimes and Criminals [11150 - 11199.5] (Chapter 2 added by Stats. 1953, Ch. 70.)

ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3] (Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1.)

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the statewide child welfare information system. The department shall work with stakeholders to modify reporting forms and the statewide child welfare information system as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the statewide child welfare information system is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals the mandated reporter's failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member's church, denomination, or organization, has a duty to keep those communications secret.

(2) This subdivision does not modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in the clergy member's professional capacity or within the scope of the clergy member's employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of that person's professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of the technician's professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or

organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, “commercial computer technician” includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, “electronic medium” includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, “sexual conduct” means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, “any other person” includes a mandated reporter who acts in the person’s private capacity and not in the person’s professional capacity or within the scope of the person’s employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow the employee’s supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose the employee’s identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) (1) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it that is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(Amended by Stats. 2022, Ch. 50, Sec. 10. (SB 187) Effective June 30, 2022.)

**PENAL CODE - PEN****PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (*Part 4 added by Stats. 1953, Ch. 1385.*)****TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11482] (*Title 1 added by Stats. 1953, Ch. 1385.*)****CHAPTER 2. Control of Crimes and Criminals [11150 - 11199.5] (*Chapter 2 added by Stats. 1953, Ch. 70.*)****ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3] (*Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1.*)**

(a) Except as provided in subdivision (b), any supervisor or administrator who violates paragraph (1) of subdivision (i) of Section 11166 shall be punished by not more than six months in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) Notwithstanding Section 11162 or subdivision (c) of Section 11166, any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, in violation of this article, where that abuse or neglect results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(Amended by Stats. 2006, Ch. 901, Sec. 10. Effective January 1, 2007.)



PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11482] (Title 1 added by Stats. 1953, Ch. 1385.)

CHAPTER 2. Control of Crimes and Criminals [11150 - 11199.5] (Chapter 2 added by Stats. 1953, Ch. 70.)

ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3] (Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1.)

(a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

(Amended by Stats. 2010, Ch. 95, Sec. 1. (AB 2339) Effective January 1, 2011.)