

Chapter 3 - General Institution

AP 3518 Child Abuse Reporting

References:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3; Welfare and Institutions Code Sections 300, 318, and 601; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892.

Mt. San Antonio College recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. A child protective agency is a police or sheriff's department, a county probation department, or a county welfare department (Penal Code Section 11165.9). Mt. SAC's Public Safety Department is not a child protective agency. Mandated reporters include faculty members, educational managers, and classified staff. Volunteers are not mandated reporters but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Section 11165).

"Reasonable suspicion" occurs when "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 Section 11166(a)).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false or the report is made with reckless disregard of the truth or falsity of the incident. Reporting is an individual responsibility. An employee making a report cannot be required to disclose his or her identity to the employer (Penal Code Section 1116(f)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code Section 11172(e)).

Conditions of Employment

As a prerequisite to employment of any "child care custodian" on or after January 1, 1985, such persons must sign a statement that they have been informed of the California Penal Code Section 11166, which requires the reporting of child abuse.

Procedures for Informing Employees of Obligation to Report Child Abuse

Persons to be employed in "child care custodian" positions will be provided the following items:

- form: "Condition of Employment Pursuant to California Penal Code Section 11166.5; Child Abuse Reporting." Signed and dated copy to be placed into employee's personnel file;
- copies of the following Penal Code Sections:

1. Penal Code Section 11166(a), Obligation to Report
2. Penal Code Section 11166.5, Requirements
3. Penal Code Section 11165.7, Mandated Reporters
4. Penal Code Section 11172(a), Limits

Mandated reporters must report immediately any reasonable suspicion of child abuse to a local child protective agency and follow up with a written report within 36 hours. The written report may be mailed or submitted by facsimile or electronic transmission. Reports will be made to the local Child Abuse Reporting Hotline at 1-800-540-4000.

Child abuse reporting forms are available at the Child Development Faculty Office and at the Child Development Center.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false (Penal Code Section 11172(a)).

When the Child Development Center Director, the Child Development Specialist II, the Dean of Business and Economic Development, the Associate Dean of Business and Economic Development, or the Mt. SAC Public Safety officer releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the College official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act (Ed Code Section 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167(b)).

Mt. San Antonio College shall provide a mandated reporter with a statement informing the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Penal Code Section 11166 and of his or her confidentiality rights under subdivision (d) of Penal Code Section 11167. Mt. San Antonio College shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his or her employment and as a prerequisite to that employment, the employee shall sign and return the statement to Mt. San Antonio College. The signed statements shall be retained by Mt. San Antonio College (Penal Code Section 11166.5).

The College will distribute this procedure to all "child care custodian" employees and volunteers.

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