



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, 7820-7827, 7890, and 7892

Mandated Reporters

The District recognizes the responsibility of its employees to report to the appropriate agency when there is a reasonable suspicion that abuse or neglect of a child may have occurred. A child is defined as an individual less than 18 years of age. Mandated reporters include faculty, educational administrators, and classified staff. Short-term employees, consultants, and professional volunteers are not mandated reporters, but are encouraged and expected to report suspected abuse or neglect of a child.

Child Abuse

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment. Child abuse includes 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

“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/her training and experience, to suspect child abuse” (Penal Code Section 11166 subdivision (a)).

Immunity of Reporter

Any person, mandated or not 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 (Penal Code Section 11172 subdivision (a)). Reporting is an individual responsibility. Employee making reports cannot be required to disclose their identities to the employer (Penal Code Section 11166 subdivision (h)). 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 subdivision (e)).

Appropriate Agency

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. This written report is the Department of Justice form (Suspected Child Abuse Report Form SS8572, available online).

Locally, child protective agencies include:

- Santa Barbara Police Department (805-965-5151)
- Santa Barbara County Sheriff's Department (805-681-4100)
- Santa Barbara County Probation Department (805-882-3700)
- Santa Barbara County Child Abuse/Neglect Hotline (800-367-0166)

The child abuse reporting forms are available online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf. Instructions for completing this form is available at http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/8572_instruct.pdf. This written form must be completed and submitted within 36 hours of the verbal report.

Campus Security is not officially designated as an appropriate agency to report suspicion of child abuse or neglect, but it may provide assistance to employees in completing the process. (Penal Code Section 11165.9)

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 subdivision (a))

When the Chief Student Services Officer or designee releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the District 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 Penal Code Section 11165 or pursuant



to Welfare and Institutions Code Section 305. 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 (Education Code Sections 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 subdivision (b)).

At the time of initial employment, the District shall provide mandated reporters with a statement informing them that they are mandated reporters and inform them of reporting obligations under Penal Code Section 11166 and of confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code Section 11166.5).

The District will distribute this procedure to all employees on an annual basis.

Date Approved: April 23, 2015

Legal Update #32: April 2018

Date Approved: April 13, 2018