

California Child Abuse & Neglect Reporting Act

Mandated Reporter Training
AB 1432

Child Abuse & Neglect Reporting Act

- + Purpose (AB 1432)
 - + To provide training in child abuse and neglect detection
 - + To provide training in child abuse and neglect reporting requirements and procedures
 - + To provide notice of the consequences for failure to report

Child Abuse & Neglect Reporting Act

- + The primary intent of the Child Abuse and Reporting Act ("CANRA") is to protect the child.
- + The General Rule:
 - + A mandated reporter must make a child abuse report "whenever the mandated reporter, in his or her professional capacity or within the scope of his or her 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..." (Penal Code 11166(a)(1)).

Child Abuse & Neglect Reporting Act

- + What is "reasonable suspicion" or "reasonably suspects"?
 - + For purposes of this article, "reasonable suspicion" means 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 his or her 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.

Child Abuse & Neglect Reporting Act

- + What is Child Abuse?
 - + Physical abuse
 - + Willful cruelty or unjustified punishment
 - + Unlawful corporal punishment or injury
 - + Sexual abuse (including both sexual assault and sexual exploitation)
 - + Neglect (including both acts and omissions)

Child Abuse & Neglect Reporting Act

- + Child abuse is not:
 - + A mutual affray between minors (PC 11165.6)
 - + Reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer (PC 11165.4)
 - + 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(s) 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 (PC 11164.5)

Child Abuse & Neglect Reporting Act

- + Child abuse is not:
 - + Voluntary sexual conduct between children who are both under the age of 14 years and who are of similar age and sophistication.
 - + Pregnancy of a minor, regardless of her age, does not, in and of itself, constitute the basis of reasonable suspicion of sexual abuse. (Penal Code 11166(a)(1))
 - + Past abuse of a child who is an adult at the time of disclosure.
 - + Minor spanking on the buttocks with an open hand, which does not result in bruising
 - + Age appropriate restrictions on activities (i.e. time outs, grounding, etc.)
 - + Non-demeaning scolding

Child Abuse & Neglect Reporting Act

- + What to Report:
 - + When the victim is a child and the perpetrator is any person, the following types of abuse must be reported by all legally mandated reporters:
 - + Physical abuse
 - + Physical injury inflicted by other than accidental means on a child, or intentionally injuring a child.

Child Abuse & Neglect Reporting Act

- + What to Report (con't):
 - + Willful cruelty or unjustified punishment (PC 11165.3) including:
 - + Inflicting or permitting unjustifiable physical pain or
 - + Mental suffering/emotional abuse or
 - + The endangerment of the child's person or health.

Child Abuse & Neglect Reporting Act

- + What to Report (con't):
 - + Unlawful corporal punishment or injury willfully inflicted, resulting in a traumatic condition. (PC 11165.4)

Child Abuse & Neglect Reporting Act

+ What to Report (con't):

- + CDE Guidance: Interpreting Education Code 49000 et seq. Prohibition of Corporal Punishment
 - + Examples of PERMITTED actions:
 - + Stopping a student from fighting with another student
 - + Preventing a pupil from committing an act of vandalism
 - + Defending yourself from physical injury or assault by a student
 - + Forcing a pupil to give up a weapon or dangerous object
 - + Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition
 - + Engaging in group calisthenics, team drills, physical education or voluntary recreational activities.

Child Abuse & Neglect Reporting Act

+ What to Report (con't):

- + CDE Guidance: Interpreting Education Code 49000 et seq. Prohibition of Corporal Punishment
 - + Examples of PROHIBITED actions:
 - + Hitting, shoving, pushing or physically restraining a student as a means of control (except by actions allowed by EC 49001(a))
 - + Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort
 - + Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

Child Abuse & Neglect Reporting Act

- + Physical Abuse Indicators:
 - + Clusters or unusual patterns of bruises
 - + Bruises on infants
 - + Multiple bruises in various stages of healing
 - + Marks that resemble objects, such as belt buckles, handprints, hairbrushes, wooden spoons, or looped cords
 - + Cigarette, rope or immersion burns or burns caused by an iron
 - + Missing or loose teeth
 - + Absence of hair
 - + Cuts on lips, near the eye, or on the face of infants
 - + Bite marks
 - + Bleeding beneath the scalp from hair pulling
 - + Fractures of long bones caused by twisting and pulling

Child Abuse & Neglect Reporting Act

- + Physical Abuse Behavioral Indicators:
 - + Any injury with an improbable explanation
 - + Excessive, passive, compliant or fearful behaviors
 - + Anxiety
 - + Avoids being touched (particularly by adults)
 - + Little emotion of any kind
 - + Seeks attention/clingy
 - + Frightened to go home
 - + Constantly complaining of physical aches and pains
 - + Withdrawn

Child Abuse & Neglect Reporting Act

- + What to Report (con't):
 - + Willful cruelty or unjustified punishment (PC 11165.3) including:
 - + Mental suffering/emotional abuse
 - + "Mental Suffering": Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her wellbeing is endangered in any other way may report the known or suspected instances of child abuse or neglect to the appropriate agency. (PC 11165.9)

Child Abuse & Neglect Reporting Act

- + Mental Suffering/Emotional Abuse
 - + Repetitive, verbally assaultive behavior towards a child. This can include belittling, screaming, threats, blaming and sarcasm and also include constant family discord, witnessed spousal abuse, and unpredictable reactions. The abuse may scar and incapacitate a child emotionally, behaviorally, and intellectually.
- + Mental Suffering/Emotional Abuse Physical Indicators:
 - + Failure to thrive
 - + Uncontrolled urination or bowel movements
 - + Disturbances in sleeping/eating patterns

Child Abuse & Neglect Reporting Act

- + Mental Suffering or Emotional Abuse Behavioral Indicators
 - + Withdrawn, depressed and apathetic
 - + Is clingy and forms indiscriminate attachments
 - + Acts out and is considered a behavior problem
 - + Exhibits exaggerated fearfulness
 - + Is overly rigid in conforming to instructions
 - + Suffers from sleep, speech, or eating disorders
 - + Displays other signs of emotional turmoil
 - + Suffers from enuresis
 - + Pays inordinate attention to detail, or exhibits little or no verbal or physical communication with others
 - + Experiences substances abuse problems

Child Abuse & Neglect Reporting Act

- + What to Report (con't):
 - + Child sexual abuse
 - + Sexual assault or sexual exploitation of anyone under the age of 18.
 - + Assault: sex acts with children, child molestation...
 - + "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

Child Abuse & Neglect Reporting Act

- + What to Report (con't):
 - + Child sexual abuse
 - + Sexual assault or sexual exploitation of anyone under the age of 18
 - + Exploitation: Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

Child Abuse & Neglect Reporting Act

- + Sexual Abuse Physical Indicators:
 - + Wariness of physical contact
 - + Pain, swelling, or itching of the genital area
 - + Torn, stained, or bloody underclothing
 - + Chronic fatigue
 - + Difficulty walking or sitting
 - + Physical aches and pains
 - + Difficulty with bowel movements
 - + Blood in the toilet
 - + Frequent, unexplained sore throats, yeast, or urinary tract infections
 - + Sores in and around the mouth
 - + Sexually transmitted diseases/infections
 - + Tension, stomach aches, skin disorders
 - + Pregnancy

Child Abuse & Neglect Reporting Act

- + Sexual Abuse Behavioral Indicators:
 - + Victim's disclosure of sexual abuse
 - + Compulsive masturbation
 - + Promiscuity in behavior and language
 - + Aggressive sexual behavior
 - + Sexually acting out with peers
 - + Sexual inference in artwork
 - + Bizarre, sophisticated or unusual sexual behavior
 - + Advanced knowledge of sexual terminology beyond age appropriateness
 - + Wears extra layers of clothing
 - + Poor self esteem
 - + Inability to concentrate
 - + Drastic changes in behavior
 - + Engages in animal cruelty
 - + Ashamed, self-conscious of body
 - + Fear of being alone with a previously liked person or activity

Child Abuse & Neglect Reporting Act

- + Consensual Sexual Activity Involving Minors
 - + What to report:
 - + Sexual activity that occurs between two minors when both minors are under age of 14 if the minors are of a **disparate age**
 - + Sexual activity (deemed lewd and lascivious conduct) which occurs between a minor who is under age 14 and any person age 14 and older
 - + Sexual activity between minors 14 and older if the minors are siblings

Child Abuse & Neglect Reporting Act

+ What to Report (con't):

- + Neglect of a child, whether "severe" or "general," must be reported if the perpetrator is a person responsible for the child's welfare. (PC 11165.2)
- + "Severe": the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care where injury has occurred or is likely to occur or 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.
- + "General": intentional failure of a caregiver to provide adequate food, clothing, shelter, or supervision, where no physical injury to the child has occurred.

Child Abuse & Neglect Reporting Act

+ Neglect Physical Indicators:

- + Consistently hungry, dirty, and/or sleepy
- + Inappropriately dressed
- + Poor personal hygiene
- + Unattended medical/dental problems
- + Constant lice problems
- + Signs of prolonged exposure to the elements such as sunburn, insect bites

Child Abuse & Neglect Reporting Act

- + Neglect Behavioral Indicators:
 - + Antisocial, disruptive behavior
 - + Infrequent school attendance
 - + Lies and steals
 - + Depressed/withdrawn
 - + Developmentally delayed
 - + Chronic hunger, tiredness, or lethargy
 - + Assuming adult responsibilities
 - + Reporting no caretaker at home

Child Abuse & Neglect Reporting Act

- + Who Reports?
 - + WE ALL DO!

Child Abuse & Neglect Reporting Act

- + When to Report?
 - + Child abuse must be reported when a mandated reporter 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. (PC 11166(a))
 - + "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. (PC 11166(a)(1))

Child Abuse & Neglect Reporting Act

- + When to Report (con't)?
 - + Reports must be made immediately, or as soon as practicable, by phone.
 - + A written report must be forwarded within 36 hours of receiving the information regarding the incident. (PC 11166(a))
 - + www.ag.ca.gov/childabuse/pdf/ss_8572.pdf
- + To whom to Report?
 - + CPS or Ventura Police or Ventura County Sheriff.

Child Abuse & Neglect Reporting Act

- + Joint Knowledge – Who Reports?
 - + When two or more mandated reporters jointly have knowledge of suspected child abuse or neglect, a single report may be made by the selected member of the reporting team. Any member of the reporting team who has knowledge that the designated person has failed to report must do so immediately. (PC 11166(h))

Child Abuse & Neglect Reporting Act

- + Safeguards for Mandated Reporters
 - + Mandated reporters who report have immunity from criminal or civil liability for reporting as required.
 - + 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.
- + Photographs
 - + Mandated reporters and others acting at their direction are not liable civilly or criminally for photographing the victim and disseminating the photograph with the report only. (PC 11172(a))

Child Abuse & Neglect Reporting Act

- + Safeguards for Mandated Reporters (con't)
 - + No supervisor or administrator may impede or inhibit a report or subject the reporting person to any sanction (PC11166(f))
 - + The identity of the reporting party and content of the report are confidential and may only be disclosed to specified persons and agencies. (PC11167(d)(1); PC 11167)

Child Abuse & Neglect Reporting Act

- + Penalties for Failure to Report
 - + A reporter who fails to report is guilty of a misdemeanor punishable by up to 6 months in county jail and/or up to a \$1000 fine. (PC 11166(c))
 - + Any reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect 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, or by both that fine and imprisonment. (PC 11166.01(b))

Child Abuse & Neglect Reporting Act

- + Feedback to Reporter
 - + After the investigation has been completed or the matter reaches a final disposition, the investigating agency shall inform the mandated reporter of the results of the investigation and any action the agency is taking. (PC 11170(b)(2))

- + After the Report is Made
 - + CPS and/or police may contact the reporter to gather further information to assist in their investigation.
 - + The reporter may also be a witness in any legal proceeding such as criminal court, family court, juvenile court, etc.

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- + Questions?

- + Child Protective Services
 - + 805.654.3200
 - + <http://www.ventura.org/human-services-agency/child-protective-services>

