

Mandatory Reporting Requirements: Children California

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Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Teachers; • Instructional aides; • Teacher's aides or teacher's assistants employed by any public or private school; • Classified employees of any public school; • Administrative officers or supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; • Administrators of a public or private day camp; • Administrators or employees of a public or private youth center, youth recreation program, or youth organization; • Administrators, board members, or employees of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency; • Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis; • Licensees, administrators, or employees of a licensed community care or child day care facility; • Head Start program teachers; • Licensing workers or licensing evaluators employed by a licensing agency; • Public assistance workers; • Employees of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; • Social workers, probation officers, or parole officers; • Employees of a school district police or security department; • Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school; • District attorney investigators, inspectors, or local child support agency caseworkers (except in certain limited circumstances); • Peace officers; • Firefighters, except for volunteer firefighters; • Physicians, surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, marriage and family therapists, clinical social workers, professional clinical counselors, and any other persons who are currently licensed under Division 2 of the Business and Professions Code; • Any emergency medical technicians I or II, paramedics, or others certified under Division 2.5 of the Health and Safety Code; • Psychological assistants registered under Section 2913 of the Business and Professions Code;

- Marriage and family therapist trainees;
- Marriage and family therapist interns registered under Section 4980.44 of the Business and Professions Code;
- State or county public health employees who treats a minor for venereal disease or any other condition;
- Coroners;
- Medical examiners, or any other persons who performs autopsies;
- Commercial film and photographic print processors (i.e., any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation, including any employee of such a person (but excluding a person who develops film or makes prints for a public agency) subject to the carve-out described under “Anything else I should know?”);
- Child visitation monitors (i.e., any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law);
- Animal control officers or humane society officers (i.e., any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations or any person appointed or employed by a public or private entity as a humane officer under applicable regulations);
- Clergy members, including priests, rabbis, ministers, religious practitioners or similar functionaries of a church, temple or recognized denomination or organization (except when knowledge or reasonable suspicion is acquired during a penitential communication);
- Any custodian of records of a clergy member;
- Any employee of any police department, county sheriff’s department, county probation department, or county welfare department;
- Employees or volunteers of a Court Appointed Special Advocate program;
- Custodial officers;
- Any person providing services to a minor child;
- Alcohol or drug counselors (i.e., persons providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program (except that 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))
- Clinical counselor trainees registered under the business and professions code;
- A clinical counselor intern registered under the business and professions code;
- 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;
- 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;
- A commercial computer technician as specified in subdivision (e) of Section 11166. “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

	<p>be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code (subject to the carve-out described under “Anything else I should know?”);</p> <ul style="list-style-type: none"> • 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; • An individual certified by a licensed foster family agency as a certified family home; and • An individual approved as a resource family. • A qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional. • 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. • 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. Nothing 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.
<p>When is a report required and where does it go?</p>	<p>When is a report required?</p> <ul style="list-style-type: none"> • A mandated reporter who, 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. <p>Where does it go?</p> <ul style="list-style-type: none"> • Reports must be made to any police department or sheriff's department (not including a school district police or security department), or the county probation department (if designated by the county to receive mandated reports), or the county welfare department. • The telephone numbers for the applicable hotlines in each county can be found at https://www.cdss.ca.gov/reporting/report-abuse/child-protective-services/report-child-abuse#main-content.
<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> • “CANRA” means the Child Abuse and Neglect Reporting Act. (Cal. Penal Code §§ 11164 <i>et seq</i>). • “Child” means a person under the age of 18. • “Child Abuse or Neglect” includes physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child, and unlawful corporal punishment or injury. “Child abuse or neglect” does not include a mutual affray between minors nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. • “Commercial sexual exploitation” refers to either: <ul style="list-style-type: none"> • The sexual trafficking of a child, or • The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act. • “Neglect” means the 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. The term

includes both acts and omissions on the part of the responsible person.

- **“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 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.
- **“Sexual Assault”** means conduct in violation of one or more of the following sections of the California Penal Code:
 - 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).
 - Sexual Assault does not include voluntary conduct in violation of [Section 286](#) (sodomy), [287](#), or [289](#) (Sexual penetration), or former Section 288a (oral copulation), if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.
- Conduct described as **“sexual assault”** includes, but is not limited to, the following:
 - Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen;
 - Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person;
 - Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that it does not include acts performed for a valid medical purpose;
 - The intentional touching of the genitals or intimate parts of the child or the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may be reasonably construed to be (i) normal caretaker responsibilities, (ii) interactions with, or demonstrations of affection for, the child, or (iii) acts performed for a valid medical purpose; and
 - The intentional masturbation of the perpetrator’s genitals in the presence of a child.
- **“Sexual Exploitation”** means any of the following:
 - 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);
 - A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, “person responsible for a child’s welfare” means a parent, guardian, foster

	<p>parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution; or</p> <ul style="list-style-type: none"> • A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3 of the California Penal Code. • “The willful harming or injuring of a child or the endangering of the person or health of a child” means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • An initial report must be made immediately or as soon as is practicably possible by telephone. The mandated reporter must also prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident. • 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, he or she makes a report of the abuse or neglect. • 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 where 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.
<p>What information must a report include?</p>	<p>Reports must include the following:</p> <ul style="list-style-type: none"> • 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. <p>The following information, if known, shall also be included in the report:</p> <ul style="list-style-type: none"> • The child’s name, 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. <p>The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident. However, law enforcement agencies must accept reports event if some of this information is unknown or uncertain to the person making the report.</p> <p>A mandated reporter must complete and submit the suspected child abuse report form (BCIA 8572), even if some of the requested information is not known. Cal. Penal Code §§ 11167 (a). The form, its definitions and general</p>

instructions for completion can be found on the website of the Office of the Attorney General of the State of California at https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

Anything else I should know?

- The Agencies outlined above must accept reports of child abuse or neglect even if they lack subject matter or geographical jurisdiction to investigate the reported case. After taking the report, the agency lacking jurisdiction must immediately refer the case (by telephone, fax, or electronic transmission) to an agency with proper jurisdiction). An agency is only exempt from its obligation to accept a report when it can immediately transfer the call electronically to an agency with proper jurisdiction.
- 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
- Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of \$1,000 or both.
- 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 \$5,000, or by both that fine and imprisonment.
- Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principals, school counselor, coworker, or other person will not be a substitute for making a mandated report to the police department, sheriff's department, county probation department or county welfare department.
- The pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.
- A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her 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 follow-up report of the incident with a copy of the image or material attached.
- A commercial computer technician who has knowledge of or observes, within the scope of his or her 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 material 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 follow-up report of the incident with a brief description of the images or materials.

- An employer of a commercial computer technician may implement internal procedures for facilitating reporting. 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.
- Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, evidenced by states of being or behavior, including, but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, ***may make a report***.
- The Child Abuse and Neglect Reporting Act (CANRA) definitions of what constitutes “willful harming or injuring of a child” and “unlawful corporal punishment or injury” incorporate the parental privilege to impose reasonable physical discipline, such as of a mother's conduct in hitting child with wooden spoon, which is not reportable as child abuse if it constituted the reasonable imposition of discipline.

Statutory
citation(s):

- Child Abuse and Neglect Reporting Act, Cal. Penal Code §§ 11164 *et seq.*