



9.

The 4 P's of the California Child Abuse and Neglect Reporting Act
(Penal Code Sections 11164-11174.3)

Procedures for Reporting Suspected Child Abuse and Neglect:

- Reasonable Suspicion of Sexual Abuse (PC11165.1), Neglect (PC11165.2), and Physical Abuse (11165.4) must be reported
- While sexual abuse, physical abuse, and neglect **must** be reported, emotional abuse **may** be reported if the abuse is extreme and there is a noticeable change in a child's behavior (P.C.11166.05)
- Mandated Reporters with reasonable suspicion should call local police at 911, or Children and Family Services, (CFS,) at 877-881-1116 immediately or as soon as possible (PC 11166 (a)). Call 911 in an emergency
- Mandated Reporters do not investigate suspected child abuse. Reasonable suspicion is all that is required (PC 11166 (a) (1))
- Follow-up with the required written report within 36 hours (PC 11166 (a))
- Fax or mail (PC 11166 (a)) to whomever you called, get their full name, mailing address, phone and fax numbers at the time of making your verbal report
- Mandated Reporters must give their name when reporting (PC 11167 (a))
- Reporting is an individual responsibility (PC 11166 (i) (1))
- An individual in a group that suspects or observes child abuse can report for the whole group (PC 11166 (h)), but each individual has the responsibility to make sure the report is made. Reporting to a superior or administrator does not relieve the mandated reporter of their obligation (PC11166 (i) (3))

Protections for Reporting as Required:

- A Mandated Reporter's identity is confidential, there is a \$500 fine and/or 6 months in county jail penalty for violation by revealing the name of the reporting party (11167.5 (a))
- It is at the Mandated Reporter's discretion whether or not to inform their employer a report has been made. (PC11166 (i) (2))
- Mandated Reporters cannot be sanctioned in any way at their job for making a report as required by law (PC 11166 (i) (1))
- Mandated Reporters have immunity from civil or criminal liability for reporting in good faith (PC 11172 (a))
- In a nuisance lawsuit, the California Victim Compensation and Government Claims Board may reimburse Mandated Reporters up to \$50,000 in legal fees (PC 11172 (d) (1))

Privileges Extended to Mandated Reporters:

- After an investigation, Mandated Reporters are entitled by law to receive feedback as to the status of their report by the investigating agency, (PC 11170 (b) (2)), this can come in the form of a phone call or letter
- If a Mandated Reporter does not hear back from the reporting agency after several weeks, he/she can call the reporting agency and ask about the status of the report (PC 11170 (b) (2))
- When a child is being interviewed at a school site, any school employee, or school volunteer, requested by the child, can sit with the child during a CFS or Police interview. The individual may provide support only and cannot participate in the interview (PC 11174.3 (a))
- Mandated Reporters can take photos of the child to accompany their report (PC 11172 (a))
- A Mandated Reporter's report must be taken by CFS or local police (PC 11165.9), the agencies will cross report as necessary (PC 11166 (j) (k))

Penalties for Failure to Report as Required:

- Up to \$1000 in fines and/or 6 months in county jail (PC 11166 (c))
- Up to \$5000 in fines and/or 1 year in county jail if child suffers great bodily injury or dies (PC 11166.01 (b))
- The same penalties apply to anyone impeding the child abuse report of a Mandated Reporter (PC 11166.01 (b))
- Mandated Reporters could lose their professional license by their licensing agency
- Mandated Reporters could lose immunity from civil and criminal liability (PC 11172 (a))
- Mandated Reporters may lose the legal reimbursement protection
- A person who makes a report of child abuse known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused (PC11172 (a))

Answers to Frequently Asked Questions:

- Volunteers, except Court Appointed Special Advocates, are not Mandated Reporters (PC11165.7 (44)(B))
- Mandated Reporters are only required to report child abuse and neglect by law while working or volunteering within the scope of their profession (PC 11166 (A))
- If someone over the age of 18 tells a Mandated Reporter he/she has been abused while under 18, the abuse should be reported to CFS or the Police if there is reason to believe the alleged perpetrator has access to children
- In most cases, CFS and the police cross report to each other (PC 11166.3 (a))
- To help determine "reasonable suspicion," a Mandated Reporter should document their observations, or consult peers, or consult the CFS Screening Unit
- Third party reporting is required if the third party has "reasonable suspicion," abuse has occurred (PC 11166 (a))
- The Mandated Reporter does not have to know for sure abuse has occurred. **Reasonable suspicion is all that is required** (PC 11166(a)(1))